

P.L. 2005, CHAPTER 334, *approved January 12, 2006*
Senate, No. 2167 (*First Reprint*)

1 **AN ACT** concerning health benefits for certain dependents of certain
2 employees and amending P.L.1979, c.391 and N.J.S.40A:10-16.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1979, c.391 (C.18A:16-12) is amended to read
8 as follows:

9 1. As used in this act:

10 a. "Dependents" means an employee's spouse and the employee's
11 unmarried children, including stepchildren, legally adopted children,
12 and, at the option of the local board of education and the carrier,
13 children placed by the Department of Human Services with a resource
14 family, under the age of 19 who live with the employee in a regular
15 parent-child relationship, and may also include, at the option of the
16 local board of education and the carrier, other unmarried children of
17 the employee under the age of 23 who are dependent upon the
18 employee for support and maintenance, but shall not include a spouse
19 or child while serving in the military service. At the option of the local
20 board of education, "dependent" may include an employee's domestic
21 partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3);

22 b. "Employees" may, at the option of the local board of education,
23 include elected officials, but shall not include persons employed on a
24 short-term, seasonal, intermittent or emergency basis, persons
25 compensated on a fee basis, or persons whose compensation from the
26 local board of education is limited to reimbursement of necessary
27 expenses actually incurred in the discharge of their duties;

28 c. "Federal Medicare Program" means the coverage provided under
29 Title XVIII of the Social Security Act as amended in 1965, or its
30 successor plan or plans.

31 (cf: P.L.2004, c.130, s.41)

32

33 2. N.J.S.40A:10-16 is amended to read as follows:

34 40A:10-16. As used in this subarticle:

35 a. "Dependents" means an employee's spouse and the employee's
36 unmarried children, including stepchildren, legally adopted children,
37 and, at the option of the employer and the carrier, children placed by
38 the Division of Youth and Family Services, under the age of 19 who
39 live with the employee in a regular parent-child relationship, and may

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted March 14, 2005.

1 also include, at the option of the employer and the carrier, other
2 unmarried children of the employee under the age of 23 who are
3 dependent upon the employee for support and maintenance, but shall
4 not include a spouse or child while serving in the military service. At
5 the option of the employer, "dependent" may include an employee's
6 domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-
7 3);

8 b. "Employees" may, at the option of the employer, include elected
9 officials, but shall not include persons employed on a short-term,
10 seasonal, intermittent or emergency basis, persons compensated on a
11 fee basis, or persons whose compensation from the employer is limited
12 to reimbursement of necessary expenses actually incurred in the
13 discharge of their duties;

14 c. "Federal Medicare Program" means the coverage provided
15 under Title XVIII of the Social Security Act as amended in 1965, or
16 its successor plan or plans.
17 (cf: P.L.2004, c.130, s.114)

18
19 ¹3. (New section) In cases where entities choose to provide
20 dependent health benefits coverage to employees' domestic partners
21 pursuant to section 1 of P.L.1979, c.391 (C.18A:16-12) or
22 N.J.S.40A:10-16, such coverage shall continue during the employees'
23 retirement under the provisions of sections 7 and 8 of P.L.1979, c.391
24 (C.18A:16-18 and C.18A:16-19), N.J.S. 40A:10-22 and N.J.S.
25 40A:10-23. Nothing in this section shall be construed to limit an
26 entity's right to extend benefits to, or withdraw benefits from, an
27 employee or dependents of an employee.¹

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29 ¹[3.] 4.¹ This act shall take effect on the 60th day after enactment.

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33

34 Permits local public entities to provide health benefits to domestic
35 partners of non-SHBP participating employees.

SENATE, No. 2167

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED DECEMBER 13, 2004

Sponsored by:

Senator JOHN H. ADLER

District 6 (Camden)

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Permits local public entities to provide health benefits to domestic partners of non-SHBP participating employees.

CURRENT VERSION OF TEXT

As introduced.



S2167 ADLER, GILL

2

1 AN ACT concerning health benefits for certain dependents of certain
2 employees and amending P.L.1979, c.391 and N.J.S.40A:10-16.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1979, c.391 (C.18A:16-12) is amended to read
8 as follows:

9 1. As used in this act:

10 a. "Dependents" means an employee's spouse and the employee's
11 unmarried children, including stepchildren, legally adopted children,
12 and, at the option of the local board of education and the carrier,
13 children placed by the Department of Human Services with a resource
14 family, under the age of 19 who live with the employee in a regular
15 parent-child relationship, and may also include, at the option of the
16 local board of education and the carrier, other unmarried children of
17 the employee under the age of 23 who are dependent upon the
18 employee for support and maintenance, but shall not include a spouse
19 or child while serving in the military service. At the option of the local
20 board of education, "dependent" may include an employee's domestic
21 partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3);

22 b. "Employees" may, at the option of the local board of education,
23 include elected officials, but shall not include persons employed on a
24 short-term, seasonal, intermittent or emergency basis, persons
25 compensated on a fee basis, or persons whose compensation from the
26 local board of education is limited to reimbursement of necessary
27 expenses actually incurred in the discharge of their duties;

28 c. "Federal Medicare Program" means the coverage provided under
29 Title XVIII of the Social Security Act as amended in 1965, or its
30 successor plan or plans.

31 (cf: P.L.2004, c.130, s.41)

32

33 2. N.J.S.40A:10-16 is amended to read as follows:

34 40A:10-16. As used in this subarticle:

35 a. "Dependents" means an employee's spouse and the employee's
36 unmarried children, including stepchildren, legally adopted children,
37 and, at the option of the employer and the carrier, children placed by
38 the Division of Youth and Family Services, under the age of 19 who
39 live with the employee in a regular parent-child relationship, and may
40 also include, at the option of the employer and the carrier, other
41 unmarried children of the employee under the age of 23 who are
42 dependent upon the employee for support and maintenance, but shall
43 not include a spouse or child while serving in the military service. At

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the option of the employer, "dependent" may include an employee's
2 domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-
3 3);

4 b. "Employees" may, at the option of the employer, include elected
5 officials, but shall not include persons employed on a short-term,
6 seasonal, intermittent or emergency basis, persons compensated on a
7 fee basis, or persons whose compensation from the employer is limited
8 to reimbursement of necessary expenses actually incurred in the
9 discharge of their duties;

10 c. "Federal Medicare Program" means the coverage provided
11 under Title XVIII of the Social Security Act as amended in 1965, or
12 its successor plan or plans.
13 (cf: P.L.2004, c.130, s.114)

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15 3. This act shall take effect on the 60th day after enactment.

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STATEMENT

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20 This bill permits certain public entities that are not participating in
21 the State Health Benefits Program (SHBP) to provide, at their option,
22 dependent health benefits coverage to a person who is a domestic
23 partner of an employee pursuant to the "Domestic Partnership Act"
24 (N.J.S.A.26:8A-1 et seq.).

25 The entities to which this bill would apply include: municipal and
26 county governments, local boards of education and county colleges
27 whose employees are not enrolled in SHBP. The provisions of the bill
28 would allow these entities to voluntarily provide dependent health
29 benefits coverage to an employee's domestic partner on the same basis
30 as a municipal or county governmental entity whose employees are
31 enrolled in SHBP is already permitted to do under the "Domestic
32 Partnership Act."

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2167

STATE OF NEW JERSEY

DATED: JANUARY 5, 2006

The Assembly State Government Committee reports favorably Senate, No. 2167 (1R).

This bill permits certain public entities that are not participating in the State Health Benefits Program (SHBP) to provide, at their option, dependent health benefits coverage to a person who is the domestic partner of an employee, pursuant to the "Domestic Partnership Act," N.J.S.A. 26:8A-1 et seq.

The bill would apply to entities such as municipalities, counties, local boards of education and county colleges whose employees are not enrolled in SHBP. The provisions of the bill would allow these entities to voluntarily provide dependent health benefits coverage to an employee's domestic partner on the same basis as local public entities whose employees are enrolled in SHBP are already permitted to do under the "Domestic Partnership Act."

Under the bill, when entities choose to provide health benefits to domestic partners of employees, the coverage will continue during the employees' retirement pursuant to certain provisions of current law. The bill, however, also states this requirement will not be construed to limit an entity's right to extend benefits to, or withdraw benefits from, an employee or dependents of an employee.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2167

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2005

The Senate Judiciary Committee reports favorably Senate Bill No. 2167.

This bill permits certain public entities that are not participating in the State Health Benefits Program (SHBP) to provide, at their option, dependent health benefits coverage to a person who is a domestic partner of an employee pursuant to the "Domestic Partnership Act" (N.J.S.A.26:8A-1 et seq.).

The entities to which this bill would apply include: municipal and county governments, local boards of education and county colleges whose employees are not enrolled in SHBP. The provisions of the bill would allow these entities to voluntarily provide dependent health benefits coverage to an employee's domestic partner on the same basis as a municipal or county governmental entity whose employees are enrolled in SHBP is already permitted to do under the "Domestic Partnership Act."

It is the committee's understanding that, in cases where entities choose to provide dependent health benefits coverage to employees' domestic partners under the bill, such coverage would continue during the employees' retirement under the terms of N.J.S.A.40A:10-22 and 40A:10-23, concerning coverage of dependents of retired employees.

STATEMENT TO
SENATE, No. 2167

with Senate Floor Amendments
(Proposed By Senators ADLER and GILL)

ADOPTED: MARCH 14, 2005

This bill permits certain public entities that are not participating in the State Health Benefits Program to provide, at their option, dependent health benefits coverage to a person who is a domestic partner of an employee pursuant to the "Domestic Partnership Act" (N.J.S.A.26:8A-1 et seq.).

These floor amendments would add a new section 3 to the bill to clarify that in cases where entities choose to provide health benefits to domestic partners of employees, the coverage would continue during the employees' retirement under the provisions of current law, set out in N.J.S.A.18A:16-18, N.J.S.A.18A:16-19, N.J.S.A.40A:10-22 and N.J.S.A.40A:10-23. The amendments also specify that the bill shall not be construed to limit an entity's right to extend benefits to, or withdraw benefits from, an employee or dependents of an employee.