

SENATE CONCURRENT RESOLUTION No. 124

STATE OF NEW JERSEY

INTRODUCED MAY 8, 1997

By Senators McGREEVEY and LESNIAK

1 A CONCURRENT RESOLUTION proposing to amend Articles II, IV and V of
2 the Constitution of the State of New Jersey to provide for the election of
3 the Commissioner of Insurance.

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5 BE IT RESOLVED by the Senate of the State of New Jersey (the General
6 Assembly concurring):

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8 1. The following proposed amendments to the Constitution are agreed to:

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PROPOSED AMENDMENTS

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a. Amend Article II, paragraph 1, to read as follows:

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13 1. General elections shall be held annually on the first Tuesday after the
14 first Monday in November; but the time of holding such elections may be
15 altered by law. The Governor, Commissioner of Insurance and members of
16 the Legislature shall be chosen at general elections. Local elective officers
17 shall be chosen at general elections or at such other times as shall be provided
18 by law.

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(cf: Article II, paragraph 1)

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b. Amend Article IV, Section V, paragraph 1, to read as follows:

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21 1. No member of the Senate or General Assembly, during the term for
22 which [he] that member shall have been elected, shall be nominated, elected
23 or appointed to any State civil office or position, of profit, which shall have
24 been created by law, or the emoluments whereof shall have been increased by
25 law, during such term. The provisions of this paragraph shall not prohibit the
26 election of any person as Governor, as Commissioner of Insurance or as a
27 member of the Senate or General Assembly.

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(cf: Article IV, Section V, paragraph 1)

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c. Amend Article V by the addition of a new Section V to read as follows:

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30 1. The Commissioner of Insurance shall not be less than 30 years of age,
31 and shall have been for at least 20 years a citizen of the United States and a
32 resident of this State seven years next before election to office, unless absent
during that time on the public business of the United States or of this State.

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

Matter underlined thus is new matter.

- 1 2. No member of Congress or person holding any office or position of
2 profit under this State or the United States shall be Commissioner of
3 Insurance. If the Commissioner of Insurance, or person administering the
4 office of Commissioner of Insurance, shall accept any other office or position
5 of profit under this State or the United States, the office of Commissioner of
6 Insurance shall thereby be vacated. No Commissioner of Insurance shall be
7 elected by the Legislature to any office during the term for which that officer
8 shall have been elected Commissioner of Insurance.
- 9 3. The Commissioner of Insurance shall be elected by the legally qualified
10 voters of this State. The person receiving the greatest number of votes shall
11 be Commissioner of Insurance; but if two or more persons shall receive an
12 equal number of votes, one of them shall be elected to that office by the vote
13 of a majority of all the members of both houses in joint meeting at the regular
14 legislative session next following the election for Commissioner of Insurance
15 by the people. Contested elections for the office of Commissioner of
16 Insurance shall be determined in such manner as may be provided by law.
- 17 4. The term of office of the Commissioner of Insurance shall be four years
18 to run concurrently with the term of office of the Governor, beginning at noon
19 of the third Tuesday in January next following the election for that office, and
20 ending at noon of the third Tuesday in January four years thereafter. No
21 person who has been elected Commissioner of Insurance for two successive
22 terms, including an unexpired term, shall again be eligible for that office until
23 the third Tuesday in January of the fourth year following the expiration of the
24 second such successive term.
- 25 5. In the event of a vacancy in the office of Commissioner of Insurance
26 resulting from the death, resignation or removal of a Commissioner of
27 Insurance in office, or the death of a Commissioner of Insurance-elect, or from
28 any other cause, the functions, powers, duties and emoluments of the office
29 shall devolve as shall be provided by law, until a new Commissioner of
30 Insurance shall be elected and qualify.
- 31 6. In the event of the failure of the Commissioner of Insurance-elect to
32 qualify, or of the absence from the State of a Commissioner of Insurance in
33 office, or the inability of the Commissioner of Insurance to discharge the duties
34 of that office, or the impeachment of the Commissioner of Insurance, the
35 functions, powers, duties and emoluments of the office shall devolve as shall
36 be provided by law until the Commissioner of Insurance-elect shall qualify, or
37 the Commissioner of Insurance in office shall return to the State, or shall no
38 longer be unable to discharge the duties of the office, or shall be acquitted, as
39 the case may be, or until a new Commissioner of Insurance shall be elected
40 and qualify.
- 41 7. Whenever a Commissioner of Insurance-elect shall have failed to qualify
42 within six months after the beginning of a term of office, or whenever for a
43 period of six months a Commissioner of Insurance in office, or person

1 administering the office, shall have remained continuously absent from the
2 State, or shall have been continuously unable to discharge the duties of the
3 office by reason of mental or physical disability, the office shall be deemed
4 vacant. Such vacancy shall be determined by the Supreme Court upon
5 presentment to it of a concurrent resolution declaring the ground of the
6 vacancy, adopted by a vote of two-thirds of all the members of each house of
7 the Legislature, and upon notice, hearing before the Court and proof of the
8 existence of the vacancy.

9 8. In the event of a vacancy in the office of Commissioner of Insurance, a
10 person shall be elected to fill the unexpired term at the general election next
11 succeeding the vacancy, unless the vacancy shall occur within 60 days
12 immediately preceding a general election, in which case the vacancy shall be
13 filled at the second succeeding general election; but no election to fill an
14 unexpired term shall be held in any year in which an election for a full term is
15 to be held. A Commissioner of Insurance elected for an unexpired term shall
16 assume office immediately upon election.

17 9. The Commissioner of Insurance shall receive for service in office a
18 salary, which shall be neither increased nor diminished during the period for
19 which the Commissioner of Insurance shall have been elected.

20 10. No diminution in the functions, powers, and duties of the
21 Commissioner of Insurance, whether by law or by executive order or
22 proclamation, enacted, adopted or issued after the election of any person to
23 that office shall take effect until another person has been elected to succeed
24 that person and has qualified for office.

25 11. No candidate for the position of Commissioner of Insurance shall
26 accept any campaign contribution for this position from any insurance
27 company or from any individual that is employed by an insurance company.

28 12. The Commissioner of Insurance, nor any member of the immediate
29 family of the Commissioner of Insurance, nor any partnership, firm or
30 corporation with which the commissioner or any member of the
31 commissioner's family is associated or in which the commissioner has an
32 interest, nor any partner, officer, director or employee thereof while the
33 commissioner is associated with that partnership, firm, or corporation, shall
34 hold, directly or indirectly, an interest in, or hold employment with, or
35 represent, appear for, or negotiate on behalf of, any holder of, or applicant for,
36 a license issued by the Department of Insurance, or any holding or
37 intermediary company with respect thereto, in connection with any cause,
38 application, or matter, before the Department of Insurance.

39 13. No person or any member of the person's immediate family, nor any
40 partnership, firm or corporation with which that person is associated or in
41 which the person has an interest, nor any partner, officer, director or employee
42 thereof, while that person is associated with that partnership, firm or
43 corporation, shall, within two years next subsequent to the termination of that

1 person's office as Commissioner of Insurance, hold, directly or indirectly, an
2 interest in, or hold employment with, or represent, appear for or negotiate on
3 behalf of, any holder of, or applicant for, a license from the Department of
4 Insurance in connection with any cause, application or matter, or any holding
5 or intermediary company with respect to such holder of, or applicant for, such
6 a license in connection with any licensure or any other matter whatsoever
7 related to the business of insurance.

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9 2. When this proposed amendment to the Constitution is finally agreed to
10 pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted
11 to the people at the next general election occurring more than three months
12 after the final agreement and shall be published at least once in at least one
13 newspaper of each county designated by the President of the Senate, the
14 Speaker of the General Assembly and the Secretary of State, not less than
15 three months prior to the general election.

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17 3. This proposed amendment to the Constitution shall be submitted to the
18 people at that election in the following manner and form:

19 There shall be printed on each official ballot to be used at the general
20 election, the following:

21 a. In every municipality in which voting machines are not used, a legend
22 which shall immediately precede the question, as follows:

23 If you favor the proposition printed below make a cross (X), plus (+), or
24 check (T) in the square opposite the word "Yes." If you are opposed thereto
25 make a cross (X), plus (+) or check (T) in the square opposite the word
26 "No."

27 b. In every municipality the following question:

1		<p style="text-align: center;">CONSTITUTIONAL AMENDMENT</p> <p style="text-align: center;">PROVIDING THAT COMMISSIONER OF</p> <p style="text-align: center;">INSURANCE BE ELECTED</p> <p>Shall the proposed amendment of Articles II, IV and V of the State Constitution, providing that the office of Commissioner of Insurance shall be elective and that the functions, powers and duties of the Commissioner of Insurance shall not be diminished during the incumbency of any person elected to that office, be approved?</p>
2	YES	
3		<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>If approved, this Constitutional amendment would make the office of the Commissioner of Insurance elective. A Commissioner of Banking and Insurance is now appointed by the Governor with the advice and consent of the State Senate. Under this amendment, a Commissioner of Insurance would be elected to a four-year term at the general election at which the Governor is elected. The amendment also provides that neither the Governor nor the Legislature can diminish the functions, powers and duties of the Commissioner of Insurance during the incumbency of any person elected to that office. The amendment prohibits candidates for that office from accepting campaign contributions from an insurance company or from any individual employed by an insurance company. It also prohibits the Commissioner of Insurance, and members of the commissioner's family from having any interest in an insurance company or other firm doing business with the Department of Insurance. This also applies for two years after the commissioner leaves office.</p>
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SCHEDULE

The first election of any Commissioner of Insurance shall be for a full term of four years and shall be held at the general election at which the Governor is elected next following the date on which these amendments become a part of the Constitution.

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STATEMENT

This proposed constitutional amendment makes the office of Commissioner of Insurance elective. Under the amendment, the Commissioner of Insurance is to be elected to a four-year term at the general election at which the Governor is next elected. The Commissioner of Insurance is to be barred from serving more than two successive terms. A vacancy in the office is to be filled by election for the unexpired term in the same manner as is now provided for filling a vacancy in the office of Governor; pending such an election, the vacancy would be filled on an interim basis in such manner as may be provided by law. The proposed amendment also provides that neither the Governor nor the Legislature, by decree or statute, can diminish the functions, powers and duties of the Commissioner of Insurance during the incumbency of any person elected to that office. The proposed amendment prohibits candidates for that office from accepting campaign contributions from an insurance company or from any individual employed by an insurance company. It also prohibits the Commissioner of Insurance, and members of the commissioner's family from having any interest in an insurance company or other firm doing business with the Department of Insurance and places a similar restriction on the commissioner and members of the commissioner's family for two years after the commissioner leaves office.

Proposes amendment to State Constitution making the office of Commissioner of Insurance elective.