

**DEPARTMENT OF BANKING AND INSURANCE**

**OVERVIEW**

The mission of the Department of Banking and Insurance is to regulate the banking, insurance, and real estate industries in a professional and timely manner that protects and educates consumers and promotes the growth, financial stability and efficiency of those industries.

The Department’s goals are to ensure the solvency of the financial institutions through regular financial examinations and analysis; to protect the public from unlawful or unfair practices by insurers, financial institutions, and real estate licensees, and by promptly investigating complaints filed by consumers and aggressively prosecuting violators; to issue licenses to qualified individuals and companies to provide Banking, Insurance, and Real Estate services to New Jersey citizens; improve the efficient and effective review of insurance rates and forms; and to apply technology, where appropriate, to more effectively interact with the public and regulated industries.

**Budget Highlights**

The fiscal 2006 Budget for the Department of Banking and Insurance totals \$67.8 million, a decrease of \$1 million or 1.5% from the fiscal 2005 adjusted appropriation of \$68.8 million. This reduction represents the elimination of one-time costs incurred by the Office of Insurance Fraud Prosecutor within the Department of Law & Public Safety. In addition to its central mission of regulating the banking, insurance and real estate industries, \$29.9 million of the Department’s budget is used to fund the activities of the Office of the Insurance Fraud Prosecutor in the Department of Law & Public Safety.

**Consumer Protection**

Both the Enforcement Unit and the Ombudsman’s Office answer and investigate complaints about insurance issues from consumers and take action against companies that have behaved improperly. During the first five months of fiscal 2005, these units have garnered over

\$4.1 million in recoveries for consumers and collected \$450,000 in fines. In this same period, the Office of Consumer Finance in the Banking Division was responsible for borrowers receiving refunds of over \$1 million in impermissible fees from New Jersey licensed lenders, and collected \$311,000 in fines. Similarly, the Real Estate Commission collected over \$119,000 through sanctions and monetary fines on violators.

**Department Accomplishments**

As a result of the auto insurance reform initiative codified in P.L.2003, c.89, GEICO, the fifth largest private passenger auto insurer, has begun writing auto insurance in New Jersey. As the country’s largest direct marketer, GEICO becomes the first insurer in New Jersey to provide immediate binding policies sold electronically over the Internet.

Improvements in the insurance marketplace prompted State Farm Indemnity to re-enter the New Jersey auto market and grant voluntary rate reductions during 2004. This will save New Jersey drivers over \$85 million for the period October 2003 through January 2005. Due to the changing marketplace, this decision was made one year ahead of schedule.

The Department has launched a consumer protection and financial education initiative entitled the Consumer Credit Bill of Rights. This program advocates fair and equal treatment to those applying for credit and strengthens protections with regards to a consumer’s credit information. New Jersey, with a long history of providing consumers with the best safeguards in the nation, is the first state to issue this type of additional protection. The Department also launched the New Jersey Financial Literacy Awareness Network (NJFLAN), an initiative to help consumers of all ages better understand and manage their finances. NJFLAN will distribute financial education materials, in both English and Spanish, to community organizations, schools, financial institutions and corporations throughout the state.

**DEPARTMENT OF BANKING AND INSURANCE**

**SUMMARY OF APPROPRIATIONS BY FUND**

(thousands of dollars)

Year Ending June 30, 2004						Year Ending June 30, 2006		
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2005 Adjusted Approp.	Requested	Recom- mended
68,018	8,646	-2,500	74,164	66,696	Direct State Services	68,837	67,837	67,837
68,018	8,646	-2,500	74,164	66,696	Total General Fund	68,837	67,837	67,837
<b>68,018</b>	<b>8,646</b>	<b>-2,500</b>	<b>74,164</b>	<b>66,696</b>	<b>GRAND TOTAL</b>	<b>68,837</b>	<b>67,837</b>	<b>67,837</b>

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## SUMMARY OF APPROPRIATIONS BY PROGRAM (thousands of dollars)

Year Ending June 30, 2004					Year Ending June 30, 2006			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2005 Adjusted Approp.	Requested	Recom- mended
					<b>DIRECT STATE SERVICES – GENERAL FUND</b>			
					<b>Economic Regulation</b>			
15,723	193	8	15,924	15,717	Consumer Protection Services and Solvency Regulation	16,547	16,547	16,547
5,656	4	-5	5,655	5,251	Actuarial Services	6,035	6,035	6,035
3,100	18	—	3,118	3,041	Regulation of the Real Estate Industry	3,151	3,151	3,151
1,810	—	—	1,810	1,800	Public Affairs, Legislative and Regulatory Services	1,923	1,923	1,923
1,958	3	—	1,961	1,017	Unsatisfied Claims	—	—	—
31,976	33	—	32,009	31,701	Insurance Fraud Prevention	32,976	31,976	31,976
3,549	7,214	-2,707	8,056	3,559	Supervision and Examination of Financial Institutions	3,747	3,747	3,747
—	1,113	—	1,113	126	Pinelands Development Credit Bank	—	—	—
4,246	68	204	4,518	4,484	Administration and Support Services	4,458	4,458	4,458
<i>68,018</i>	<i>8,646</i>	<i>-2,500</i>	<i>74,164</i>	<i>66,696</i>	<i>Subtotal</i>	<i>68,837</i>	<i>67,837</i>	<i>67,837</i>
<i>68,018</i>	<i>8,646</i>	<i>-2,500</i>	<i>74,164</i>	<i>66,696</i>	<i>Subtotal Direct State Services – General Fund</i>	<i>68,837</i>	<i>67,837</i>	<i>67,837</i>
<i>68,018</i>	<i>8,646</i>	<i>-2,500</i>	<i>74,164</i>	<i>66,696</i>	<b>TOTAL DIRECT STATE SERVICES</b>	<b>68,837</b>	<b>67,837</b>	<b>67,837</b>
<i>68,018</i>	<i>8,646</i>	<i>-2,500</i>	<i>74,164</i>	<i>66,696</i>	<b>TOTAL APPROPRIATION</b>	<b>68,837</b>	<b>67,837</b>	<b>67,837</b>

## 50. ECONOMIC PLANNING, DEVELOPMENT AND SECURITY

### 52. ECONOMIC REGULATION

#### OBJECTIVES

1. To assure the public of fair and equitable treatment by financial institutions.
2. To inform and educate the public concerning financial matters.
3. To protect the public from financial loss resulting from the failure of financial and consumer credit institutions.
4. To ensure that fair and equitable insurance markets exist to provide full availability of reliable insurance coverage.
5. To improve the efficiency and responsiveness of the prior approval rate making process.
6. To protect the public from unlawful or unfair practices by insurance or real estate agents, brokers, solicitors and salespersons.
7. To provide research and legislative support for new or revised legislation and regulations which will insure equitable pricing and reasonable underwriting standards.
8. To examine, monitor and investigate the affairs of insurance companies, banks and consumer finance companies authorized to do business in New Jersey.
9. To aggressively combat insurance fraud through prevention, investigations and prosecution.

#### PROGRAM CLASSIFICATIONS

01. **Consumer Protection Services and Solvency Regulation.** Insurance companies, brokers, and agents are licensed to engage in the business of insurance in the State. Companies are examined periodically for solvency and compliance with statutes and regulations and market conduct with regard to treatment of consumers. In instances of serious financial problems or insolvency, domiciled firms may be placed under the Department's jurisdiction as the rehabilitator or liquidator. The Office of the Ombudsman investigates direct property-casualty claims settlements to determine the appropriate disposition of claims. As a result of complaints and investigations, the Department may fine licensees and suspend or revoke licenses.

Responsible for the chartering of commercial banks, savings banks, credit unions and savings and loan associations which operate in New Jersey. Responsible for investigating complaints against these institutions and/or licensees. Responsible for the licensing of all consumer credit lenders and vendors of credit as well as mortgage bankers and brokers. Processes applications of licensees and financial institutions with recommendations for their determination and performs the necessary statistical, economic and demographic research to determine the merits of these applications. Responsible for review and development of regulations.

02. **Actuarial Services.** Reviews insurance policies and other insurance forms relating to individual and group accident health, life, property and liability insurance; regulates compliance with the rating law for property and liability insurance; verifies and analyzes liability calculations of domestic life and health insurers and participates with the Department of Health and Senior Services in regulating the financial aspects of health care facilities; and determines reasonableness of benefits provided in relation to premium charged.

03. **Regulation of the Real Estate Industry.** Ensures that members of the industry comply with existing statutes and regulations; investigates and resolves complaints, conducts hearings involving violations and improper practices; registers and regulates out-of-State land sales through New Jersey brokers; inspects brokers' offices; examines and licenses brokers and salespersons; and maintains a directory of licensees and publishes bulletins.

04. **Public Affairs, Legislative and Regulatory Services.** Promulgates regulations and monitors proposed legislation and legal issues affecting the regulation of the banking, insurance and real estate industries for the Department; publishes a quarterly newsletter and consumer booklets and provides consumer educational outreach programs; researches policy questions and investigates consumer issues.

05. **Unsatisfied Claims.** Pays eligible persons for hit-and-run injuries and for injuries and property damage caused by uninsured motorists. The Unsatisfied Claim and Judgment Fund Board processes claims against the Fund; makes justified payments; processes installment repayments required by settlement agreements and court orders; and secures debtor repayments to the Fund. Pursuant to P.L.2003, c.89, all balances and interest earnings in the Unsatisfied Claims and Judgment Fund were transferred to the New Jersey Property Liability Insurance Guaranty Association in fiscal 2004.

06. **Insurance Fraud Prevention.** The Office of the Insurance Fraud Prosecutor thoroughly and aggressively investigates allegations of insurance fraud in order to fully develop the facts and evidence of each case so the State can make a reasoned decision how best to address each case of insurance fraud whether by criminal prosecution, civil fraud enforcement, or administrative professional licensing enforcement. Activities of State and local law enforcement and regulatory agencies are coordinated to develop a statewide enforcement strategy addressing insurance fraud in its many forms; and serve as a liaison among state and local government and law enforcement agencies. Information is collected and analyzed about persons and entities engaging in insurance fraud related conduct in order to assist the prosecution in criminal, civil, or administrative forums. Fines are assessed with restitution made to insurance carriers. Within the Department of Banking and Insurance, activities related to Fraud Prevention are handled as part of a company's market conduct exam and consist of audits of fraud prevention and detection plans. Collection of all civil penalties related to insurance fraud and training for industry groups and law enforcement groups on various aspects of insurance fraud are also handled by the Department.

07. **Supervision and Examination of Financial Institutions.** Responsible for the supervision and examination of State chartered commercial banks, savings banks, credit unions and savings and loan associations which operate in New Jersey. Responsible for the supervision and examination of consumer credit associations such as check cashers, check sellers, insurance premium finance companies, pawnbrokers, secondary mortgage loan companies and foreign money remitters. Ensures compliance with the mortgage loan discrimination statute (C17:16F et seq.). Regulates, supervises and examines mortgage bankers and brokers operating (C17:11B-1 et seq.). Determines financial and legal compliance with all applicable statutes and regulations and

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takes appropriate legal and regulatory action to ensure compliance with existing statutes and regulations. Responsible for the examination of bank holding companies (C17:9A-1 et seq.) and savings and loan holding companies (C17:12B-281 et seq.).

08. **Pinelands Development Credit Bank.** Empowered to purchase and sell Pinelands development credits, in accordance with a program included in the Comprehensive Management Plan for the Pinelands. Provides a mechanism to facilitate both the preservation of the resources of this area

and the accommodation of regional growth influences in an orderly fashion.

99. **Administration and Support Services.** Directs the activities of the Department and provides administrative and support services to all of the Department's program classifications and project activities. The Office of the Commissioner disseminates legislative and policy guidance to programs and project activities within the Department and coordinates all regulatory and legislative initiatives with the Legislature, Executive Branch and the financial community.

## EVALUATION DATA

	Actual FY 2003	Actual FY 2004	Revised FY 2005	Budget Estimate FY 2006
<b>PROGRAM DATA</b>				
<b>Consumer Protection Services and Solvency Regulation</b>				
Consumer Credit Associations – Banking				
Licenses issued	6,640	6,732	6,500	6,500
Associations subject to examination	1,689	2,262	2,200	2,200
Examinations conducted	348	384	385	385
Consumer Complaints				
Received	4,159	4,337	4,400	4,400
Completed	2,081	2,430	2,500	2,500
Inquiries and Referrals	752	732	750	750
Insurance Licensing				
Licenses issued	30,628	37,778	34,200	35,000
Candidates examined	13,333	18,480	17,000	17,500
Phone inquiries handled	41,201	38,111	39,000	39,000
Number of Insurance Companies and Regulated Entities	1,869	1,827	1,830	1,840
Field financial exams	20	27	28	30
Office analysis of companies – exams	520	554	554	554
Insurance Consumer Complaints				
Received	10,348	12,035	12,000	12,500
Resolved	9,484	10,714	11,000	11,500
Phone inquiries handled	50,760	58,760	60,000	63,000
Inquiries handled	4,115	4,220	4,250	4,500
Funds recovered on behalf of complainants	\$4,214,448	\$5,486,152	\$5,000,000	\$5,250,000
<b>Actuarial Services</b>				
Property and Casualty				
Commercial lines filings	2,438	1,871	2,000	2,200
Personal lines filings	620	857	900	1,100
Individual risk filings	5	14	15	20
Consent-to-rate filings	39	12	30	35
Authorization filings	82	115	120	125
Excess profits filings	48	49	49	49
Statistical filings	175	175	175	175
Surveys	598	598	598	588
Record requests	251	360	325	400
Life and Health				
Policyforms – new	16,751	12,976	14,000	15,000
Policyforms – processed	16,751	12,976	14,000	15,000
<b>Regulation of the Real Estate Industry</b>				
Licensed brokers	16,007	15,300	15,800	16,000
Licensed salespersons	71,537	70,959	71,250	71,500
Candidates examined	16,876	20,297	20,500	20,775
Broker offices	637	660	675	690
Inspected	261	280	290	300
Complaints investigated	3,102	2,935	3,000	3,100
Licensed schools	57	56	58	60
Licensed satellite sites of school	57	65	65	65
Licensed instructors	197	220	235	250

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	Actual FY 2003	Actual FY 2004	Revised FY 2005	Budget Estimate FY 2006
<b>Public Affairs, Legislative and Regulatory Services</b>				
OAL submissions .....	94	119	150	175
Bulletins and orders issued .....	131	127	150	175
Written inquiries handled .....	902	926	1,000	1,100
Services of process handled .....	820	953	1,100	1,250
Booklets published .....	22	26	29	30
Newsletters published .....	19	22	25	26
<b>Insurance Fraud Prevention</b>				
Market Conduct Examinations .....	9	15	15	15
Civil penalties collected .....	\$1,898,421	\$2,133,250	\$4,000,000	\$4,000,000
Education programs .....	299	253	250	250
Restitution of fraudulently obtained dollars .....	\$20,922	\$88,071	\$50,000	\$50,000
Type of cases investigated (%)				
Auto .....	80%	77%	78%	78%
Health .....	7%	8%	8%	8%
Workers' compensation .....	2%	3%	3%	3%
Homeowners .....	3%	2%	3%	3%
All other .....	8%	10%	8%	8%
New investigations referred .....	10,350	8,821	9,500	10,000
Pending investigations .....	7,650	6,536	7,125	7,500
Total investigations .....	18,000	15,357	16,625	17,500
<b>Supervision and Examination of Financial Institutions</b>				
State Chartered Institutions				
Banks and Savings and Loans .....	102	98	105	112
Examinations conducted .....	37	39	32	38
Bank Holding Companies .....	10	15	12	17
Specialty examinations .....	39	56	33	28
<b>Office of Insurance Ombudsman</b>				
Insurance consumer complaints .....				
Received .....	1,939	1,475	650	700
Resolved .....	1,323	1,221	700	700
Inquiries handled .....	12,277	11,601	2,000	2,100
Funds recovered on behalf of consumers .....	\$6,517,158	\$2,592,036	\$2,000,000	\$2,100,000
<b>PERSONNEL DATA</b>				
Affirmative Action Data				
Male Minority .....	48	48	48	48
Male Minority % .....	10.0	9.6	9.6	9.4
Female Minority .....	94	97	98	98
Female Minority % .....	19.6	19.4	19.4	19.2
Total Minority .....	142	145	146	146
Total Minority % .....	29.6	29.0	29.0	28.6
<b>Position Data</b>				
Filled Positions by Funding Source				
State Supported .....	476	478	486	506
All Other .....	3	4	4	4
Total Positions .....	479	482	490	510
Filled Positions by Program Class				
Consumer Protection Services and Solvency Regulation .....	201	206	218	226
Actuarial Services .....	68	69	72	71
Regulation of the Real Estate Industry .....	44	44	46	45
Public Affairs, Legislative and Regulatory Services .....	24	26	27	25
Unsatisfied Claims .....	21	14	—	—
Insurance Fraud Prevention .....	27	27	27	27
Supervision and Examination of Financial Institutions .....	40	41	41	54
Administration and Support Services .....	54	55	59	62
Total Positions .....	479	482	490	510

**Notes:**

Actual payroll counts are reported for fiscal years 2003 and 2004 as of December and revised fiscal year 2005 as of September. The Budget Estimate for fiscal year 2006 reflects the number of positions funded.

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## APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2004					Year Ending June 30, 2006				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recommended	
<b>DIRECT STATE SERVICES</b>									
<b>Distribution by Fund and Program</b>									
15,723	193	8	15,924	15,717					
5,656	4	-5	5,655	5,251	01	16,547	16,547	16,547	
3,100	18	—	3,118	3,041	02	6,035	6,035	6,035	
1,810	—	—	1,810	1,800	03	3,151	3,151	3,151	
1,958	3	—	1,961	1,017	04	1,923	1,923	1,923	
31,976	33	—	32,009	31,701	05	—	—	—	
3,549	7,214	-2,707	8,056	3,559	06	32,976	31,976	31,976	
—	1,113	—	1,113	126	07	3,747	3,747	3,747	
4,246	68	204	4,518	4,484	08	—	—	—	
					99	4,458	4,458	4,458	
<b>68,018</b>	<b>8,646</b>	<b>-2,500</b>	<b>74,164</b>	<b>66,696</b>		<b>68,837<sup>(a)</sup></b>	<b>67,837</b>	<b>67,837</b>	
<b>Distribution by Fund and Object</b>									
28,333	—	139	28,472	28,128					
						30,666	30,666	30,666	
28,333	—	139	28,472	28,128		30,666	30,666	30,666	
342	—	-11	331	280		317	330	330	
7,484	—	22	7,506	6,675		5,433	5,412	5,412	
208	—	19	227	206		203	211	211	
	136	—	181	2					
	45 <sup>R</sup>	—	700	700	01	—	—	—	
700	—	—	700	700	01	711	711	711	
600	—	—	600	244	02	600	600	600	
29,877	—	—	29,877	29,816	06	29,877	29,877	29,877	
						1,000 <sup>S</sup>			
—	250	-2,750	4,464	—	07	—	—	—	
—	6,964 <sup>R</sup>	—	1,113	126	08	—	—	—	
30	—	—	30	23	99	30	30	30	
444	138	81	663	496		—	—	—	
<b>68,018</b>	<b>8,646</b>	<b>-2,500</b>	<b>74,164</b>	<b>66,696</b>		<b>68,837</b>	<b>67,837</b>	<b>67,837</b>	
<b>OTHER RELATED APPROPRIATIONS</b>									
<b>All Other Funds</b>									
—	1,580	-912	2,180	2,021	01	7,945	7,045	7,045	
—	1,512 <sup>R</sup>	—	200	32	03	51	51	51	
—	148	—	—	—	07	400	400	400	
—	52 <sup>R</sup>	—	—	—		—	—	—	
<b>—</b>	<b>3,292</b>	<b>-912</b>	<b>2,380</b>	<b>2,053</b>		<b>8,396</b>	<b>7,496</b>	<b>7,496</b>	

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Year Ending June 30, 2004					Year Ending June 30, 2006			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recom- mended
68,018	11,938	-3,412	76,544	68,749	<b>OTHER RELATED APPROPRIATIONS</b>			
<b>GRAND TOTAL ALL FUNDS</b>						77,233	75,333	75,333

**Notes — Direct State Services – General Fund**

(a) The fiscal year 2005 appropriation has been adjusted for the allocation of salary program.

**Language Recommendations — Direct State Services – General Fund**

Receipts derived from extraordinary financial condition examinations or actuarial certifications of loss reserves are appropriated for the conduct of such examinations or certifications, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Public Adjusters’ Licensing account, together with receipts derived from the “Public Adjusters’ Licensing Act, “ P.L. 1993, c. 66 (C.17:22B-1 et seq.), are appropriated for the administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of those investigations.

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

There are appropriated from the assessments imposed by the New Jersey Individual Health Coverage Program Board, created pursuant to the “Individual Health Insurance Reform Act,” P.L. 1992, c. 161 (C.17B:27A-2 et seq.), and by the New Jersey Small Employer Health Benefits Program Board, created pursuant to P.L. 1992, c. 162 (C.17B:27A-17 et seq.), such sums as may be necessary to carry out the provisions of those acts, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of anticipated revenues from examination and licensing fees, bank assessments, fines and penalties, and the unexpended balances at the end of the preceding fiscal year, not to exceed \$400,000, are appropriated to the Division of Banking, subject to the approval of the Director of the Division of Budget and Accounting.

Proceeds from the sale of credits by the Pineland Development Credit Bank pursuant to P.L.1985, c.310 (C.13:18A-30 et. seq.) shall be appropriated to the Pineland Development Credit Bank for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Pinelands Development Credit Bank account is appropriated for the same purpose.

In addition to the sum hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine, are appropriated from the assessments of the insurance industry pursuant to P.L. 1995, c. 156 (C.17:1C-19 et seq.).

The amount hereinabove appropriated for the Division of Insurance accounts is payable from receipts received from the Special Purpose Assessment of insurance companies pursuant to section 2 of P.L.1995, c.156 (C.17:1C-20). If the Special Purpose Assessment cap calculation is less than the amount herein appropriated for this purpose for the Division of Insurance, the appropriation shall be reduced to the level of funding supported by the Special Purpose Assessment cap calculation.

All monies deposited in the Division of Motor Vehicles Surcharge Fund are appropriated to the Market Transition Facility Revenue Fund in accordance with the provisions of P.L. 1994, c. 57 (C.34:1B-21.1 et seq.).

The amount appropriated hereinabove for FAIR Act Administration shall be funded from the additional taxes on the taxable premiums of insurers for the payment of Department of Banking and Insurance administrative costs related to its statutory duties, pursuant to P.L. 1990, c. 8 (C.17:33B-1 et al.).

There is appropriated such sums as are necessary to fund the administrative costs of the New Jersey Hospital Care Payment Commission pursuant to P.L.2003, c. 112, (C.17B:30-41 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision of any other law to the contrary, such sums as the Director of the Division of Budget and Accounting determines are necessary for the administrative costs associated with the “New Jersey Medical Care Access and Responsibility and Patients First Act,” P.L. 2004, c.17 are appropriated from the Medical Malpractice Liability Insurance Premium Assistance Fund. Such other sums as the Director of the Division of Budget and Accounting shall determine as necessary on behalf of State employees are appropriated to the Inter-Departmental Accounts, Unemployment Insurance Liability account for deposit in the Medical Malpractice Liability Insurance Premium Assistance Fund. If annual receipts deposited in the Medical Malpractice Liability Insurance Premium Assistance Fund are higher or lower than the amounts projected for specific spending categories in the “New Jersey Medical Care Access and Responsibility and Patients First Act,” the difference shall be pro-rated among those categories in the same proportion as established in P.L.2004, c.17.