

# RULE ADOPTIONS

## ADMINISTRATIVE LAW

### (a)

#### OFFICE OF ADMINISTRATIVE LAW

##### Notice of Readoption Special Hearing Rules Special Education Program Readoption: N.J.A.C. 1:6A

Authority: N.J.S.A. 52:14F-5(e), (f), and (g).

Authorized By: Laura Sanders, Acting Director, Office of Administrative Law.

Effective: August 24, 2017.

New Expiration Date: August 24, 2024.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the special rules for Special Education cases at N.J.A.C. 1:6A were scheduled to expire on October 29, 2017.

A summary of the readopted subchapters and sections follows:

Subchapter 1 establishes the applicability of these rules, which govern hearings arising out of the Special Education Program of the Department of Education, and are in implementation of Federal law, 20 U.S.C. §§ 1400 et seq., and 34 CFR Part 300.

N.J.A.C. 1:6A-3.1 specifies that the Office of Special Education Programs shall immediately transmit cases upon conclusion of the resolution process or mediation. This continues the process that has been utilized by both agencies.

N.J.A.C. 1:6A-4.1 addresses ongoing settlement efforts.

N.J.A.C. 1:6A-5.1 permits representation by legal counsel, or permits a non-lawyer representative with special training or knowledge regarding handicapped children to represent a parent or child.

N.J.A.C. 1:6A-9.1 permits adjournments at the request of a party, requires adjournments to be for a specific period of time, and provides that such an adjournment extends the deadline for decision.

N.J.A.C. 1:6A-10.1 sets forth discovery provisions.

N.J.A.C. 1:6A-12.1 continues the process for requesting and granting emergency relief.

N.J.A.C. 1:6A-14.1 establishes special procedures regarding the hearing.

N.J.A.C. 1:6A-14.2 sets forth the procedures for an expedited hearing.

N.J.A.C. 1:6A-14.3 provides that the judge may require the Department of Education to provide an interpreter at no cost when necessary.

N.J.A.C. 1:6A-14.4 establishes the procedures for obtaining independent educational evaluations.

N.J.A.C. 1:6A-14.5 concerns transcripts and provides for obtaining transcripts by contacting the Department of Special Education Programs or the Office of Administrative Law.

N.J.A.C. 1:6A-18.1 concerns deadlines for decisions.

N.J.A.C. 1:6A-18.2 requires the protection of confidentiality of the child and parent or guardian through use of initials and other appropriate steps.

N.J.A.C. 1:6A-18.3 concerns appeals.

N.J.A.C. 1:6A-18.4 prohibits a change in the educational placement of the pupil prior to the issuance of a decision.

Generally, the hearing process provided by these rules has proven to be effective and efficient. The OAL has reviewed these rules and determined them to be necessary, reasonable, and adequate for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

## BANKING

### (b)

#### DEPARTMENT OF BANKING AND INSURANCE

##### DIVISION OF BANKING

##### Savings Account Promotions

##### Adopted New Rules: N.J.A.C. 3:37

Proposed: March 20, 2017, at 49 N.J.R 490(a).

Adopted: August 31, 2017, by Richard J. Badolato, Commissioner, Department of Banking and Insurance.

Filed: August 31, 2017, as R.2017 d.179, **without change**.

Authority: N.J.S.A. 17:1-15.e and P.L. 2015, c. 236.

Effective Date: October 2, 2017.

Expiration Date: October 2, 2024.

##### Summary of Public Comments and Agency Responses:

The Department of Banking and Insurance received comments from: Nicola L. Foggie, Vice President, Compliance and Regulatory Affairs, on behalf of the New Jersey Credit Union League (NJCUL), and Timothy Flacke, Executive Director, on behalf of Commonwealth (formerly known as the “D2D Fund”), a Boston-based non-profit corporation whose stated mission is to “discover ideas, pilot solutions, and drive innovations to scale so wealth can become possible for everyone.”

COMMENT: One commenter stated they support the proposed new rules at N.J.A.C. 3:37 along with any efforts to provide credit unions with additional opportunities to encourage their members to engage in savings programs and develop habits for regular savings, with the intention to lead to the creation of new wealth.

RESPONSE: The Department thanks the commenter for their support of the rulemaking.

COMMENT: One commenter stated they support the Department’s Savings Account Promotions proposed new rules at N.J.A.C. 3:37 and New Jersey’s efforts to increase savings opportunities at its financial institutions.

RESPONSE: The Department thanks the commenter for their support.

COMMENT: One commenter stated the proposed rules refer to financial institutions only in the singular and also that they use the word “conduct” rather than “participate.” The commenter recommends that the term “conduct” be removed and replaced with the word “participate.” Although the rules as proposed do not expressly permit multiple credit unions to join together to provide these programs, they do not prohibit it either. The commenter cited the regulations generally applicable to credit unions and their long history of collaboration as an industry as reasons to recommend that the Department insert language in the Savings Account Promotions proposed new rules indicating that a multi-state program is not prohibited.

RESPONSE: The Department believes the word “conduct” should be broadly interpreted to effectuate the statute’s purposes. Thus, the Department does not believe the statute prohibits participation in multi-state programs designed to effectuate such purposes in a manner otherwise in compliance with the proposed new rules. Consequently, the Department declines to make the suggested change.

COMMENT: One commenter stated the proposed rules currently do not expressly permit financial institutions to utilize existing multi-state and multi-institutions platforms through shared service organizations to provide a prize-linked savings program, but do not prohibit it either. Given the language used in the rules, and the multitude of collaborative prize-linked savings products currently in the market across the country, such as *Save to Win* and *WINcentive* Savings, it is the commenter’s recommendation that the Department insert language in the proposed rule that clearly indicates that participation in a multi-state program is

not prohibited. The commenter recommended that the word “participate” be added in addition to the word “conduct” in the rules.

RESPONSE: The Department believes the word “conduct” should be broadly interpreted to effectuate the statute’s purposes. Thus, the Department does not believe the statute prohibits participation in multi-state and multi-institution programs designed to effectuate such purposes in a manner otherwise in compliance with the proposed new rules. Consequently, the Department declines to make the suggested change.

#### Federal Standards Statement

A Federal standards analysis is not required because the adopted new rules are consistent with, but do not exceed, Federal standards. The Federal standards applicable to, but not exceeded, by the adopted new rules are established in the Federal Credit Union Act, Pub. L. 73 - 467, in particular 12 U.S.C. §§ 1757(5) and 1790d(c).

Full text of the adopted new rules follows:

### CHAPTER 37 SAVINGS ACCOUNT PROMOTIONS

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 3:37-1.1 Purpose and scope

(a) This subchapter implements P.L. 2015, c. 236, which permits financial institutions to conduct savings account promotions.

(b) This subchapter shall apply to all financial institutions that opt to conduct savings account promotions.

##### 3:37-1.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Commissioner” means the Commissioner of the New Jersey Department of Banking and Insurance.

“Department” means the New Jersey Department of Banking and Insurance.

“Eligible individual” means a natural person who:

1. Is at least 18 years of age; and

2. Is an account holder who holds a qualified account with the financial institution conducting the savings account promotion.

“Financial institution” means a New Jersey chartered bank, savings bank, savings and loan association, or credit union as defined in N.J.S.A. 17:13-80.c.

“Qualified account” means a savings account, time deposit, share account, share certificate, or other savings program held at a financial institution and bearing interest at a rate comparable to the rate on other such accounts at the financial institution. “Qualified account” includes an account in which the eligible individual has an interest individually or jointly with another natural person. “Qualified account” does not include a tax deferred account, trust account, or any account where the named account holder is not a natural person.

“Savings account promotion” means a raffle conducted by a financial institution in compliance with this chapter.

##### 3:37-1.3 Required disclosures and minimum standards

(a) A financial institution may conduct a savings account promotion provided that the sole consideration required for a chance to win a designated prize is the deposit of a minimum specified amount of money in a qualified account.

(b) A financial institution shall provide that each entry must have an equal chance of being drawn.

(c) A financial institution may limit the number of entries that may be submitted by an eligible individual.

(d) A financial institution may not conduct a savings account promotion in a way that jeopardizes the financial institution’s financial condition, unfairly discriminates, or misleads an eligible individual or the public.

(e) A financial institution conducting a savings account promotion shall:

1. Post the terms and conditions of the savings account promotion in any location where entries may be submitted and shall include such

terms and conditions in any printed materials or electronic media advertising the savings promotion; and

2. Include the following terms and conditions for a savings account promotion in all raffle information:

i. No other action, purchase, or other consideration is necessary to enter the savings account promotion;

ii. Each entry has the same chance of winning the savings account promotion;

iii. The chance of winning the savings account promotion will be determined based on the number of entries received;

iv. Any limitations on the number of entries that an eligible individual may submit;

v. Any specific requirement on the length of time that the money must remain on deposit in a qualified account in order to participate in a savings promotion; and

vi. The winner is solely responsible for all applicable Federal and State taxes.

##### 3:37-1.4 Maintenance of books and records

A financial institution that conducts a savings account promotion under this subchapter shall maintain books and records, including, but not limited to, copies of all advertisements relating to the conduct of the savings account promotion sufficient to facilitate an independent audit or an examination by the Department of the savings account promotion.

## COMMUNITY AFFAIRS

### (a)

#### DIVISION OF FIRE SAFETY

##### Uniform Fire Code

##### Adopted Amendment: N.J.A.C. 5:70-2.9

Proposed: June 5, 2017, at 49 N.J.R. 1282(a).

Adopted: September 5, 2017, by Charles A. Richman,

Commissioner, Department of Community Affairs.

Filed: September 7, 2017, as R.2017 d.183, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 52:27D-198, 52:27D-198.2, and 52:27D-201.

Effective Date: October 2, 2017.

Expiration Date: March 14, 2018.

##### Summary of Public Comments and Agency Responses:

Comments were received from Kevin C. Batzel, Bureau Chief/Fire Marshal, Brick Bureau of Fire Safety; Kevin E. Krushinski; Bruce S. Shapiro, Local Government and Regulatory Affairs Manager, New Jersey Realtors; Vincent M. Knott, Fire Marshal, Westampton Township Emergency Services Bureau of Fire Prevention; Robert Steel, Clerk, Cinnaminson Fire District #1; Craig Babcock, Bureau Chief/Fire Marshal; Joseph A. Giordano, Fire Official, Denville Township; Lieutenant John Redstone, Fire Prevention Inspector, Nutley Township; Joseph P. Serrecchia, Fire Official, Montville Fire Prevention Bureau District #1; Captain John Petroccia; Jeffrey D. Hester, Fire Official, East Orange; William Paterson, Fire Official, Frankford Township Fire Prevention Department; John Medina, Fire Official, Township of West Caldwell; Dennis Monks, Fire Marshal, East Rutherford; Vinny Corsaro, Fire Marshal, Township of Jefferson; Walter Bauer, Delran Fire Department, Fire Prevention Bureau; Daniel Dunn, President, Cape May County Fire Prevention and Protection Association; and William Gee, Retired Deputy Ocean County Fire Marshal/Supervisor of Inspections and President of Ocean County Fire Prevention and Protection Association.

COMMENT: Mr. Batzel is in support of the proposed fee increase. The commenter believes that the local agencies should be rebated 75 percent of the fee instead of the current 65 percent. He feels that “the agencies actually conducting the inspections, registering businesses and performing follow ups on behalf of the division should be compensated