

The change implemented effective August 5, 2024 means that the OAL no longer requires parties requesting an interpreter pursuant to N.J.A.C. 1:1-14.3(a) through (c) to pay for their own interpreter; instead, parties must notify the OAL if they have a limited ability to speak or understand English so the OAL can provide interpreters at the hearings and the cost of the interpreters is charged back to the transmitting agency.

The OAL indicated, in that public notice, that it would prepare a rulemaking to repeal or amend N.J.A.C. 1:1-14.3 in due course, but because the rulemaking process takes time, the OAL was notifying the public of its current policy not to enforce N.J.A.C. 1:1-14.3(a) through (c). Through this rulemaking, the OAL proposes to delete N.J.A.C. 1:1-14.3(a), (b), and (c). In the public notice indicating that the OAL will not enforce N.J.A.C. 1:1-14.3(a), (b), and (c), the OAL directed the public to its website for instructions if an interpreter is needed. Proposed new subsection (a) codifies the new process and states that a party that needs an interpreter because he or she has a limited ability to speak or understand English should contact OAL as far in advance of the hearing as possible. The new subsection also adds a cross-reference to the OAL website page referred to in the public notice regarding interpreters, www.nj.gov/oal/hearings/interpret/ and states the policy of OAL to charge the transmitting agency for the interpreter's services.

As the OAL is providing a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The OAL anticipates a positive social impact as the proposed amendment will make the process for getting an interpreter easier for the public.

Economic Impact

The OAL anticipates a positive economic impact as the proposed amendment will remove any costs to the public related to the requirement for getting an interpreter for a hearing at OAL.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendment is not subject to any Federal standards.

Jobs Impact

The proposed amendment will have no impact on the number of jobs generated or lost in New Jersey.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendment does not impose reporting, recordkeeping, or compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment pertains to the process for requesting an interpreter at OAL hearings.

Housing Affordability Impact Analysis

The proposed amendment will have no impact on the affordability of housing in New Jersey, and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing, because the proposed amendment concerns the process for requesting an interpreter at OAL hearings.

Smart Growth Development Impact Analysis

The proposed amendment will have an insignificant impact on smart growth, and there is an extreme unlikelihood that the amendment would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey, because the proposed amendment concerns the process for requesting an interpreter at OAL hearings.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The proposed amendment will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 14. CONDUCT OF CASES

1:1-14.3 Interpreters; payment

[(a) Except as provided in (d) below, any party at his or her own cost may obtain an interpreter if the judge determines that interpretation is necessary.

(b) Taking into consideration the complexity of the issues and communications involved, the judge may require that an interpreter be taken from an official registry of interpreters or otherwise be assured that the proposed interpreter can adequately aid and enable the witness in conveying information to the judge.

(c) The judge may accept as an interpreter a friend or relative of a party or witness, any employee of a State or local agency, or other person who can provide acceptable interpreter assistance.]

(a) If an interpreter is required for a matter at the OAL because of a limited ability to speak or understand English, the party making the request should contact the OAL as far in advance of the hearing as possible. Parties are directed to www.nj.gov/oal/hearings/interpret/. The transmitting agency of the underlying matter shall be required to reimburse the OAL for the cost of an interpreter pursuant to this section.

[(d)] (b) (No change in text.)

(a)

OFFICE OF ADMINISTRATIVE LAW

Records Designated Confidential

Proposed New Rule: N.J.A.C. 1:31-1.4

Authorized By: Barry E. Moscowitz, Acting Director, Office of Administrative Law.

Authority: N.J.S.A. 47:1A-1 and 52:14F-5; and Executive Order No. 9 (1963).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2025-077.

Submit written comments by September 5, 2025, to:

Thomas E. Harris, Jr., Manager
Administrative Practice Officer
Office of Administrative Law
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oal.comments@oal.nj.gov

The agency proposal follows:

Summary

On January 8, 2002, the Legislature passed, and the Acting Governor approved, P.L. 2001, c. 404, which enacted changes in the law concerning public access to government records. The law became effective July 7, 2002. This law expanded the public's right of access to government records and facilitates the way in which that access is provided by the custodian of those records. The act provides that all government records shall be subject to public access unless exempt from such access pursuant to: P.L. 1963, c. 73, as amended and supplemented; any other statute; resolution of either or both houses of the Legislature; regulation promulgated pursuant to the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; Rules of Court; or any Federal law, Federal regulation, or Federal order. The law also provides that personnel records of any individual in the possession of a public agency shall not be considered a government record and shall not be made available for public access, except under certain circumstances. The law exempts from public access any emergency or security information or procedures for any facility that would, if disclosed, jeopardize security of the facility or persons therein.

The Office of Administrative Law (OAL) Acting Director, pursuant to the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., and the Administrative Procedures Act (APA), N.J.S.A. 52:14F-5, and Executive Order No. 9 (1963), proposes to classify as exempt from public access certain records, documents, and materials of the OAL. Proposed new N.J.A.C. 1:31-1.4 is designed to serve the legislative policies of OPRA and the statutes governing the OAL by facilitating public access to government records, while balancing the integrity, independence, and effectiveness of the OAL's quasi-judicial operations.

The proposed new rule would exempt standard operating procedures, manuals, and training materials approved by the Director/Chief Administrative Law Judge for use by an administrative law judge in the course of performing official duties. Administrative law judges are responsible for presiding over all aspects of contested cases and for issuing initial and/or final decisions, as appropriate, pursuant to N.J.S.A. 52:14B-9 and 10 and N.J.A.C. 1:31. The Director/Chief Administrative Law Judge of the OAL is responsible for developing and maintaining continuing education programs for administrative law judges pursuant to N.J.S.A. 52:14F-5.r. By ensuring that these internal records remain confidential, this rule would allow for effective supervision and training, while preserving the integrity and independence of the decision-making process. This rulemaking is consistent with New Jersey Court Rule 1:38-3 and 5.

The proposed new rule also would exempt communications between an administrative law judge and another administrative law judge or any OAL employee related to a contested case or the decision-making process. The rule would ensure that administrative law judges fully consider matters independently and to the best of their ability without concern that any communications connected to the decision-making process may be subject to public access. This aspect of the rule is consistent with OPRA's existing privilege for intra-agency advisory, consultative, and deliberative materials. N.J.S.A. 47:1A-1.1 and New Jersey Court Rule 1:38-3.

Additionally, the proposed new rule would ensure that materials related to OAL's judicial evaluations, referenced at N.J.S.A. 52:14F-5.s, remain confidential and exempt from OPRA's disclosure requirements.

The proposed new rule also would memorialize OPRA's exemption for personnel records as applied to the OAL by explaining that records relating to, or that form the basis of, an employee's discipline, discharge, promotion, transfer, employee performance, employee evaluation, or other related activities, whether open, closed, or inactive, are not government records. The rule would incorporate OPRA's requirement that certain personnel information remains available to the public pursuant to N.J.S.A. 47:1A-10.

The proposed new rule also would exempt from the definition of government record the portion of any inventory of State resources compiled and any policies or plans compiled by the OAL pertaining to emergency response purposes, including employee emergency contact information, which, if disclosed, would substantially interfere with the State's ability to protect the employees of the OAL. The OAL is recommending this change in furtherance of OPRA's existing exemption for security information, and in light of heightened concerns regarding judicial safety given recent events. In 2021, Daniel's Law, N.J.S.A. 47:1B-1 et seq., was enacted to allow active and retired judicial officers, including administrative law judges, to submit a request for the redaction or nondisclosure of their, or a family member's, home address. The proposed new rule furthers the purpose of Daniel's Law and OPRA by keeping personal information of administrative law judges and their family members confidential.

Finally, the proposed new rule would exempt records pertaining to the collective negotiations process or the filing of a grievance from public access. This rulemaking is consistent with OPRA's exemption for "information generated by or on behalf of public employers or public employees in connection with ... any grievance filed by or against an individual or in connection with collective negotiations, including documents and statements of strategy or negotiating position." N.J.S.A. 47:1A-1.1.

A summary of the proposed new rule follows:

Proposed new N.J.A.C. 1:31-1.4 sets forth a list of records deemed by the OAL to be confidential and not subject to public access pursuant to the provisions at N.J.S.A. 47:1A-1 et seq. The proposed new section sets

forth the records of the OAL that shall not be considered government records for the purposes of N.J.S.A. 47:1A-1 et seq. Paragraph (a)1 exempts from the definition of government record, all standard operating procedures, manuals, and training materials that are approved by the Director/Chief Administrative Law Judge by or for the use of an administrative law judge in the course of performing their official duties or by OAL staff in assisting an administrative law judge in performing their official duties. Paragraph (a)2 exempts communications between an administrative law judge and another administrative law judge or any other OAL employee related to a contested case or the decision-making process. Paragraph (a)3 exempts documents related to judicial evaluations as described at N.J.S.A. 52:14F-5.s, including litigant feedback forms and other documents used for the evaluation of administrative law judges. Paragraph (a)4 exempts personnel records in connection with discipline, discharge, employee performance, evaluation, or other related activities, whether open, closed, or inactive. Paragraph (a)5 exempts any inventory of State office emergency resources compiled by the State and any plans or policies compiled by the OAL for emergency response purposes, including employee contact information, which if disclosed, would substantially interfere with the State's ability to protect the employees of the OAL. Paragraph (a)6 exempts records pertaining to the collective negotiations process, as well as the filing of grievances by or against an OAL employee.

As a 60-day comment period has been provided on this notice of proposal, this notice is excepted from the rulemaking calendar requirement at N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed new rule implements the requirements at N.J.S.A. 47:1A-1 et seq., as amended and supplemented. The proposed new rule will have a positive social impact by balancing the competing policies in the statute and to exempt records where it would not be in the public interest to permit unqualified access to certain records. The proposed new rule provides safeguards to protect the continuing training and education of OAL administrative law judges and staff, along with the free exchange of case-related information at trainings to protect the integrity of the decision-making process.

Economic Impact

The proposed new rule will have no economic impact on the public more than that provided by the statute. The proposed new rule does not impose any costs.

Federal Standards Statement

A Federal standards analysis is not required because the proposed new rule is not subject to any Federal standards. The Federal Freedom of Information Act, 5 U.S.C. § 552 does not apply to records of State government and does not constitute a Federal standard.

Jobs Impact

The proposed new rule will have no impact on the number of jobs generated or lost in New Jersey.

Agriculture Industry Impact

The proposed new rule will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed new rule does not impose reporting, recordkeeping, or compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rule provides for the confidentiality of certain government records.

Housing Affordability Impact Analysis

The proposed new rule will have no impact on the affordability of housing in New Jersey, and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing, because the proposed new rule concerns access to government records.

Smart Growth Development Impact Analysis

The proposed new rule will have an insignificant impact on smart growth, and there is an extreme unlikelihood that the proposed new rule would evoke a change in housing production in Planning Areas 1 or 2, or

within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed new rule concerns access to government records.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The proposed new rule will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

Full text of the proposed new rule follows:

SUBCHAPTER 1. OPERATION AND PROCEDURES OF THE OFFICE OF ADMINISTRATIVE LAW

1:31-1.4 Records designated confidential

(a) In addition to records designated as confidential pursuant to the provisions at N.J.S.A. 47:1A-1 et seq., any other law, rule promulgated pursuant to the authority of any statute or Executive Order of the Governor, resolution of both houses of the Legislature, Executive Order of the Governor, Rules of Court, or any Federal law, Federal regulation, or Federal order, the following records of the Office of Administrative Law (OAL) shall not be considered government records subject to public access:

1. Standard operating procedures, manuals, and training materials, maintained in any form, that are approved by the Director/Chief Administrative Law Judge by or for the use of an administrative law judge in the course of performing their official duties or by OAL staff in assisting an administrative law judge in performing their official duties;
2. Intra-agency communications between an administrative law judge and another administrative law judge or any other OAL employee, related to a contested case or the decision-making process, including communications that are advisory, consultative, or deliberative;
3. Records concerning judicial evaluations for reappointment to the OAL, including litigant feedback forms and other documents used in forming the basis for any such evaluations, whether open, closed, or inactive;
4. Records specific to an individual employee or employees (other than those records enumerated at N.J.S.A. 47:1A-10 as records available for public access) relating to or that form the basis of discipline, discharge, promotion, transfer, employee performance, employee evaluation, or other related activities, whether open, closed, or inactive;
5. That portion of any inventory of State resources compiled by the State and any policies or plans compiled by the OAL pertaining to emergency response purposes, including employee emergency contact information, which, if disclosed, would substantially interfere with the State's ability to protect the employees of the OAL; and
6. Records pertaining to the collective negotiations process or the filing, contesting, processing, settling, or resolving of a grievance filed by or against an OAL employee, whether open, closed, or inactive.

BANKING

(a)

DEPARTMENT OF BANKING AND INSURANCE

DIVISION OF BANKING

Department Organization

Proposed Readoption with Amendments: N.J.A.C. 3:3

Authorized By: Justin Zimmerman, Commissioner, Department of Banking and Insurance.

Authority: N.J.S.A. 17:1-8.1, 17:1-14, and 17:1-15.e.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2025-073.

Submit comments by September 5, 2025, to:

Denise Illes, Chief
Office of Regulatory Affairs
New Jersey Department of Banking and Insurance
20 West Street
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Trenton, NJ 08625-0325
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Email: RuleComments@dobi.nj.gov

The agency proposal follows:

Summary

The Department of Banking and Insurance (Department) proposes to readopt N.J.A.C. 3:3, which was scheduled to expire on May 29, 2025, pursuant to N.J.S.A. 52:14B-5.1.c. In accordance with N.J.S.A. 52:14B-5.1.c(2), the filing of this notice of proposal to readopt with amendments with the Office of Administrative Law extends the expiration date by 180 days to November 25, 2025.

The Department has reviewed N.J.A.C. 3:3 and determined it to be necessary, reasonable, and proper for the purpose for which it was originally promulgated.

N.J.A.C. 3:3 consists of four subchapters. The Department's proposed amendments include changes to the Department's mission statement to reflect its full operations. Get Covered New Jersey is the State's official health insurance marketplace, operated by the Department of Banking and Insurance, where New Jerseyans can find quality affordable insurance from private health insurance companies. Get Covered New Jersey was established by law by Governor Phil Murphy on June 28, 2019. The law is part of the State's work to improve access to health coverage and care for New Jersey residents and builds on the progress made through the Affordable Care Act. Get Covered New Jersey is the only place where individuals who qualify can get financial help to reduce premium costs.

Subchapter 1, Mission and Organization, sets forth the mission statement and organizational structure of the Division of Banking in the Department of Banking and Insurance. The Department is amending the mission statement at N.J.A.C. 3:3-1.1 to include the Department's mission related to Get Covered New Jersey. Specifically, the mission statement is proposed to be amended to include the Department's mission to increase the number of insured New Jerseyans by connecting them to quality, affordable health insurance through the innovative, professional, and effective operation of Get Covered New Jersey, the State's official health insurance marketplace. N.J.A.C. 3:3-1.2 sets forth the organizational structure of the Division of Banking.

Subchapter 2, Confidential Records, addresses confidential and non-government records/nonpublic records maintained by the Department, definitions, and includes requirements concerning the release of bank examination reports to an independent auditor.

Subchapter 3, Disability Discrimination Grievance Procedure, sets forth the rules and internal grievance procedures adopted by the Department in satisfaction of the requirements of the Americans with Disabilities Act (ADA), including definitions, purpose, required ADA notice, designated ADA coordinator, complaint procedure, complaint contents, complaint form, and investigation.

Subchapter 4, Petitions for Rules; Rulemaking Notice, sets forth rules and procedures for petitions made for the promulgation, amendment, or repeal of Department rules pursuant to N.J.S.A. 52:14B-4(f).

The comment period for this notice of proposal shall be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

Social Impact

The rules proposed for readoption with amendments will continue to inform the general public of the mission and the organization of the Department, and whether certain documents maintained by the Department are government records pursuant to the Open Public Records Act (OPRA). In addition, the rules proposed for readoption with amendments will continue to provide internal grievance procedures adopted by the Department in satisfaction of the requirements of the Americans with Disabilities Act (ADA), and rules and procedures applicable to petitions for the promulgation, amendment, or repeal of Department rules. The rules proposed for readoption with amendments