

(a)

DIVISION OF CODES AND STANDARDS
Notice of Administrative Correction
Uniform Construction Code
Enforcing Agencies; Duties; Powers; Procedures
Plan Review by the Department of Community
Affairs

N.J.A.C. 5:23-4.24

Effective Date: January 12, 2021.

Take notice that the Department of Community Affairs (Department) discovered an error in the text at N.J.A.C. 5:23-4.24. Effective April 15, 2013, the Department adopted amendments to Subchapter 4A, recodifying N.J.A.C. 5:23-4A.10 as 4A.7 (see 45 N.J.R. 6(a); 891(a)). N.J.A.C. 5:23-4.24(b)3 contains a cross-reference to N.J.A.C. 5:23-4A.10; upon the recodification of 4A.10 as 4A.7, the extant cross-reference was inadvertently made to indicate a “(Reserved)” section. Thus, the cross-reference at N.J.A.C. 5:23-4.24(b)3 should be corrected to N.J.A.C. 5:23-4A.7 from 4A.10.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

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

SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS;
 PROCEDURES

5:23-4.24 Plan review by the Department of Community Affairs

(a) (No change.)

(b) Plan review:

1.-2. (No change.)

3. Premanufactured construction: Department plan review and release shall be required for all modular construction other than those authorized to be approved by an inplant inspection agency as provided [in] **at** N.J.A.C. 5:23-[4A.10]4A.7.

(c)-(h) (No change.)

ENVIRONMENTAL PROTECTION

(b)

NATURAL AND HISTORIC RESOURCES
DIVISION OF PARKS AND FORESTRY

Notice of Readoption
State Park Service Code

Readoption: N.J.A.C. 7:2

Authority: N.J.S.A. 13:1B-1 et seq., 13:1B-15.100 et seq., and 13:1L-1 et seq.

Authorized By: Shawn LaTourette, Acting Commissioner,
 Department of Environmental Protection.

Effective Date: January 23, 2021.

New Expiration Date: January 23, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the State Park Service Code at N.J.A.C. 7:2 is readopted and shall continue in effect for a seven-year period. The rules were scheduled to expire on March 10, 2021. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The State Park Service Code governs the administration, operation, management, and use of State parks, forests, recreation areas, historic sites, natural areas, marinas, botanical gardens, and other land, waters, and facilities under the jurisdiction of the Department and assigned to the State Park Service in the Division of Parks and Forestry.

CORRECTIONS

(c)

STATE PAROLE BOARD

Parole Release Hearings
Factors Considered at Parole Hearings; Adult
Inmates

Adopted Amendment: N.J.A.C. 10A:71-3.11

Proposed: June 1, 2020, at 52 N.J.R. 1159(a).

Adopted: August 26, 2020, by the New Jersey State Parole Board,
 Samuel J. Plumeri, Jr., Chairman.

Filed: January 22, 2021, as R.2021 d.016, **without change**.

Authority: N.J.S.A. 30:4-123.48.d.

Effective Date: February 16, 2021.

Expiration Date: March 19, 2025.

Summary of Public Comment and Agency Response:

The official comment period ended on July 31, 2020. In response to the notice of proposal, the State Parole Board (Board) received comments from William J. Anderson, Warden, Essex County Correctional Facility, Tess Borden, American Civil Liberties Union, Joseph J. Russo, Assistant Public Defender, and Alison Perrone, First Assistant Deputy Public Defender, Office of the Public Defender, and Jennifer B. Condon and Lori Outzs Borgen, Seton Hall University School of Law-Center for Social Justice.

COMMENT: Warden Anderson advised that he fully supports the Board’s consideration of underage offenders’ maturity and growth during the course of the incarceration as a factor to be taken into consideration during the parole decision making process.

RESPONSE: The Board appreciates Warden Anderson’s review of the notice of proposal and his advisement that he is in support of the rulemaking.

COMMENT: Tess Borden, American Civil Liberties Union, Joseph J. Russo, Assistant Public Defender, and Alison Perrone, First Assistant Deputy Public Defender, Office of the Public Defender, and Jennifer B. Condon and Lori Outzs Borgen, Seton Hall University School of Law-Center for Social Justice, all expressed support of the Board’s consideration of the factor of “subsequent growth and increased maturity of the inmate during incarceration.”

Ms. Borden requested that the Board add language that clarifies that “subsequent growth and increased maturity” will either be applicable (that is, mitigating) or inapplicable (that is, no effect). Ms. Condon and Ms. Borgen also recommended that the Board clarify that “growth and increased maturity” may be considered in mitigation in parole considerations, but not as an aggravating factor. Ms. Condon and Ms. Borgen, therefore, offered the same suggestion as Ms. Borden that the Board add language clarifying that “subsequent growth and increased maturity” will either be applicable (that is, mitigating) or inapplicable (that is, no effect) because a person still possesses the capacity for change.

RESPONSE: The Board appreciates that the parties reviewed the notice of proposal and notes the positions expressed by the respective parties. In regard to the suggested rule change, the Board is of the opinion that the subsequent growth and increased maturity of the inmate during incarceration is a legitimate factor to be taken into consideration in assessing whether an inmate is a suitable candidate for parole release and that such factor not be limited to considering the factor as only a mitigating factor. Parole decisions shall be based on the aggregate of all pertinent factors, including material supplied by the inmate and reports and material which may be submitted by any persons or agencies which have knowledge of the inmate. See N.J.A.C. 10A:71-3.11(a). The Board

conducts a thorough analysis of the factors deemed relevant for parole consideration. Whether a factor is a mitigating or aggravating factor is a determination to be made by the Board panel in the assessment of the inmate's case. The Board, therefore, determined that the amendment not be changed and determined to adopt the amendment as proposed.

Federal Standards Statement

The adopted amendment does not pertain to the implementation of, compliance with, or participation in, any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements. An analysis of the adopted amendment pursuant to Executive Order No. 27 (1994), P.L. 1995, c. 65 is, therefore, not required.

Full text of the adoption follows:

SUBCHAPTER 3. PAROLE RELEASE HEARINGS

10A:71-3.11 Factors considered at parole hearings; adult inmates

(a) (No change.)

(b) The hearing officer, Board panel, or Board shall consider the following factors and, in addition, may consider any other factors deemed relevant:

1.-23. (No change.)

24. Subsequent growth and increased maturity of the inmate during incarceration.

(c) (No change.)

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Licensing Service

Driver Licenses

Requirements for Standard Driver Licenses and Non-Driver Identification Cards

Adopted Amendments: N.J.A.C. 13:21-6.2, 7.2, 8.1, 8.2, 16.1, and 16.2

Proposed: July 20, 2020, at 52 N.J.R. 1393(a).

Adopted: January 18, 2021, by the Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Filed: January 21, 2021, as R.2021 d.014, **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. 39:2A-28, 39:2-3.4(a), 39:3-10, 39:3-10o, 39:3-13, 39:3-13.1, 39:3-13.4, and 39:3-29.3.

Effective Date: February 16, 2021.

Expiration Date: September 9, 2027.

Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission (Commission) regarding its July 20, 2020, notice of proposal at 52 N.J.R. 1393(a), are available for inspection at the Office of the Chief Administrator, Legal and Regulatory Affairs, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey.

The comments received and the Commission's responses are summarized below. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Maneesha Kelkar and Katherine Sastre, New Jersey Alliance for Immigrant Justice-on behalf of Let's Drive New Jersey
2. Lorena Terreros
3. Carlos Batz
4. Itzel Lucero
5. Maria Lopez
6. Lorraine Goodman, Interim Executive Director-on behalf of the Latin American Legal Defense and Education Fund
7. Dave Herrick, United States veteran

8. Kevin Vega, Master of Holocaust and Genocide Student, Nathan Weiss Graduate College at Kean University
9. Rosalie Cardinale, Concerned citizen of New Jersey
10. Glenn Cole, RN
11. Mark Diionno
12. Eliud Gautier
13. Leopoldine M. Binder
14. Michael Siebert
15. Barbara White
16. Robert Tarte
17. Ruth Furbee
18. Alicia Sandi
19. Sally Cascio
20. Ed Walz
21. Abire Sabbagh- on behalf of the Palestinian American Community Center
22. Dina Giacomo, President-on behalf of the Driving School Association of New Jersey, Inc.
23. Alice Volovar
24. Gerardo Roldan
25. Veda Berry
26. Amanda Dominguez- on behalf of New Labor
27. Sandra Garcia
28. Linda Pittari
29. Michael Harrison
30. Judith Weiss
31. Bill Treloar
32. Jeff Headley
33. Arleen Silver
34. Candace O'Malley
35. Blanca Ruby Soto, Board Member-on behalf of Wind of the Spirit Immigrant Resource Center
36. Frank McGorry
37. Madelyn Arevalo
38. Javier Rodas
39. Mohan Swaminathan
40. Margareth Jimenez
41. Ellen Whitt-on behalf of the Central Jersey Coalition Against Endless War
42. Patricio Murillo
43. Farrin R. Anello, Senior Staff Attorney-on behalf of the American Civil Liberties Union of New Jersey (ACLU)
44. Rabbi Ethan Prosnit and Liz Cohen, Co-chairs-on behalf of the Reform Jewish Voice of New Jersey
45. Rabbi Marc Katz-on behalf of Temple Ner Tamid
46. Kevin Brown, Vice President & New Jersey District Director-on behalf of the Service Employees International Union, Local 32BJ (SEIU Local 32BJ)
47. Sara Cullinane, Esq., Director-on behalf of Make the Road New Jersey
48. Judy McCabe-representing the Immigration Committee of the Greater Red Bank Women's Initiative
49. D. Brian Zimmer, President-on behalf of Keeping IDentities Safe
50. Jon Tew, Senior Manager, Policy and Advocacy-on behalf of the Camden Coalition of Healthcare Providers
51. Charlene D. Walker, Executive Director-on behalf of Faith in New Jersey
52. Byron Agustin
53. Trish Perlmutter, Esq., Policy Counsel-on behalf of Partners for Women and Justice
54. Loida Eunice Maquin Orantes
55. Katie Ingersoll, Vice President-on behalf of the South Jersey Progressive Democrats
56. Jake Rutkowski - on behalf of South Jersey Mutual Aid Network
57. Concerned resident
58. Rev. Rob Gregson, Executive Director-on behalf of Unitarian Universalist FaithAction NJ
59. Meghan Curley, Policy Advisor and Advocacy Organizer - on behalf of CATA-The Farmworker Support Committee