

- 14. **Overseeing and administering Disability Health & Wellness (DH&W) Initiatives to conduct research, administer grants, develop and implement interventions that promote healthy living for people with disabilities, and address preventable chronic diseases; and**
- 15. **Promoting enrollment in the New Jersey Achieving a Better Life Experience (NJ ABLE) Program.**

SUBCHAPTER 2. PUBLIC INFORMATION

10:139-2.1 Public information, submissions, or requests
 (a) Members of the public may access information regarding the Division on its website at [<http://www.state.nj.us/humanservices/dds>] <https://www.nj.gov/humanservices/dds/home/index.shtml>. **In addition, the Division regularly distributes updates electronically about its operations to its stakeholders. Information about how to request to be added to the distribution list is available on the website.**
 (b) The Division’s website also contains information about how members of the public may contact the Division by telephone at 1-888-285-3036 or through regular mail at Division of Disability Services, PO Box 705, Trenton, NJ 08625-0705.

CORRECTIONS

(a)

THE COMMISSIONER

Records

Readoption with Amendments: N.J.A.C. 10A:22

Proposed: October 2, 2023, at 55 N.J.R. 2046(a).
 Adopted: March 25, 2024, by Victoria L. Kuhn, Esq.,
 Commissioner, Department of Corrections.
 Filed: March 26, 2024, as R.2024 d.038, **without change**.
 Authority: N.J.S.A. 30:1B-6 and 30:1B-10.
 Effective Dates: March 26, 2024, Readoption;
 May 6, 2024, Amendments.
 Expiration Date: March 26, 2031.

Summary of Public Comment and Agency Response:
No comments were received.

Federal Standards Statement

The rules readopted with amendments are promulgated pursuant to the authority of the rulemaking requirements of the Department of Corrections, as established at N.J.S.A. 30:1B-6 and 10. The majority of rules readopted with amendments are not subject to any Federal statutes, requirements, or standards. Portions of these rules related to the Prison Rape Elimination Act (PREA) (P.L. 108-79) are in compliance with all PREA standards and requirements as demonstrated in annual inspection reports; therefore, a Federal standards analysis is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10A:22.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

10A:22-1.1 Purpose
 (a) The purpose of this chapter is to set forth provisions for:
 1.-3. (No change.)

SUBCHAPTER 2. GOVERNMENT RECORDS

10A:22-2.3 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 shall not be considered

government records subject to public access pursuant to N.J.S.A. 47:1A-1 et seq.:
 1.-12. (No change.)
 13. Log books;
 14. Video camera footage of areas located within a correctional facility’s secured perimeter; and
 15. Records related to the Prison Rape Elimination Act (PREA), P.L. 108-79, complaints and investigations with the exception of those records releasable to the victim.
 (b) (No change.)

SUBCHAPTER 4. EXPUNGEMENT OR SEALING OF RECORDS

10A:22-4.1 Procedures for expungement of records and information
 (a) Pursuant to N.J.S.A. 2C:52-1 et seq., whenever the Administrator of a correctional facility, administrative supervisor, or staff member receives an Order from the Courts directing the expungement of inmate records, all records and information that are subject to said Order of Expungement shall be removed from the files and forwarded to the requesting supervising Classification Officer.
 (b)-(d) (No change.)
 (e) Any future court orders concerning the expunged records shall be forwarded immediately to the requesting supervising Classification Officer.
 (f) When an Order of Expungement is received and the individual named in such Order cannot be identified from the files, or if it is determined that the records have been transferred to another location or holding area, the Order shall be forwarded immediately to the requesting supervising Classification Officer.
 (g)-(h) (No change.)

10A:22-4.3 Procedures for sealing records
 (a) Whenever the Administrator of a correctional facility, an administrative supervisor, or staff member receives an order from the Courts or from a supervising Classification Officer directing the sealing of records, all records concerning the inmate set forth in the court order shall be forwarded to the requesting supervising Classification Officer for placement in the established sealed records file.
 (b) (No change.)
 (c) Any future court orders concerning sealed records shall be forwarded to the requesting supervising Classification Officer.
 (d) (No change.)

INSURANCE

(b)

**DEPARTMENT OF BANKING AND INSURANCE
 OFFICE OF SOLVENCY REGULATION**

**Insurance Holding Company Systems
 Adopted Amendment: N.J.A.C. 11:1-35.13
 Adopted New Rule: N.J.A.C. 11:1-35.14**

Proposed: June 5, 2023, at 55 N.J.R. 1132(a).
 Filed: April 11, 2024, as R.2024 d.044, **without change**.
 Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, and 17:27A-3.k.
 Effective Date: May 6, 2024.
 Expiration Date: April 22, 2026.

Summary of Public Comment and Agency Response:
No comments were received.

Federal Standards Statement

The adopted amendments and new rule conform New Jersey rules to the requirement for a “worldwide group capital calculation” required pursuant to the Covered Agreements, which were executed by the U.S. government pursuant to 31 U.S.C. § 314. The adopted amendments and new rule do not exceed any minimum standards of the Federal government.

Full text of the adoption follows:

SUBCHAPTER 35. INSURANCE COMPANY HOLDING SYSTEM

11:1-35.13 Enterprise risk report

The ultimate controlling person of an insurer required to file an enterprise risk report pursuant to N.J.S.A. 17:27A-3.k(1) shall furnish the required information on Exhibit F in the Appendix, incorporated herein by reference and made a part hereof, annually on April 1st of each year.

11:1-35.14 Group capital calculation

(a) Where an insurance holding company system has previously filed the annual group capital calculation at least once, the lead state commissioner has the discretion to exempt the ultimate controlling person from filing the annual group capital calculation, if the lead state commissioner makes a determination, based upon that filing, that the insurance holding company system meets all of the following criteria:

1. Has annual direct written and unaffiliated assumed premium (including international direct and assumed premium), but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$1,000,000,000;

2. Has no insurers within its holding company structure that are domiciled outside of the United States or one of its territories;

3. Has no banking, depository, or other financial entity that is subject to an identified regulatory capital framework within its holding company structure;

4. The holding company system attests that there are no material changes in the transactions between insurers and non-insurers in the group that have occurred since the last filing of the annual group capital; and

5. The non-insurers within the holding company system do not pose a material financial risk to the insurer's ability to honor policyholder obligations.

(b) Where an insurance holding company system has previously filed the annual group capital calculation at least once, the lead state commissioner has the discretion to accept in lieu of the group capital calculation, a limited group capital filing, if:

1. The insurance holding company system has annual direct written and unaffiliated assumed premium (including international direct and assumed premium), but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$1,000,000,000; and all of the following additional criteria are met:

i. Has no insurers within its holding company structure that are domiciled outside of the United States or one of its territories;

ii. Does not include a banking, depository, or other financial entity that is subject to an identified regulatory capital framework; and

iii. The holding company system attests that there are no material changes in transactions between insurers and non-insurers in the group that have occurred since the last filing of the report to the lead state commissioner and the non-insurers within the holding company system do not pose a material financial risk to the insurers' ability to honor policyholder obligations.

(c) For an insurance holding company that has previously met an exemption with respect to the group capital calculation, pursuant to (a) or (b) above, the lead state commissioner may require at any time the ultimate controlling person to file an annual group capital calculation, completed in accordance with the NAIC Group Capital Calculation Instructions, if any of the following criteria are met:

1. Any insurer within the insurance holding company system is in a Risk-Based Capital action level event, as set forth at N.J.A.C. 11:2-39 or 39A, or a similar standard for a non-U.S. insurer;

2. Any insurer within the insurance holding company system meets one or more of the standards of an insurer deemed to be in hazardous financial condition, as defined at N.J.A.C. 11:2-27.3; or

3. Any insurer within the insurance holding company system otherwise exhibits qualities of a troubled insurer, as determined by the lead state commissioner based on unique circumstances including, but not limited to, the type and volume of business written, ownership, and organizational structure, Federal agency requests, and international supervisor requests.

(d) A non-U.S. jurisdiction is considered to "recognize and accept" the group capital calculation if it satisfies the following criteria:

1. With respect to the criteria set forth at N.J.S.A. 17:27A-3.k(2)(d):

i. The non-U.S. jurisdiction recognizes the U.S. state regulatory approach to group supervision and group capital, by providing confirmation by a competent regulatory authority, in such jurisdiction, that insurers and insurance groups whose lead state is accredited by the NAIC pursuant to the NAIC Accreditation Program shall be subject only to worldwide prudential insurance group supervision, including worldwide group governance, solvency and capital, and reporting, as applicable, by the lead state and will not be subject to group supervision, including worldwide group governance, solvency and capital, and reporting, at the level of the worldwide parent undertaking of the insurance or reinsurance group by the non-U.S. jurisdiction; or

ii. Where no U.S. insurance groups operate in the non-U.S. jurisdiction, that non-U.S. jurisdiction indicates formally, in writing, to the lead state with a copy to the International Association of Insurance Supervisors that the group capital calculation is an acceptable international capital standard. This will serve as the documentation otherwise required at (d)1i above; and

2. The non-U.S. jurisdiction provides confirmation by a competent regulatory authority in such jurisdiction that information regarding insurers and their parent, subsidiary, or affiliated entities, if applicable, shall be provided to the lead state commissioner in accordance with a memorandum of understanding or similar document between the commissioner and such jurisdiction, including, but not limited to, the International Association of Insurance Supervisors Multilateral Memorandum of Understanding or other multilateral memoranda of understanding coordinated by the NAIC. The commissioner shall determine, in consultation with the NAIC Committee Process, if the requirements of the information sharing agreements are in force.

(e) A list of non-U.S. jurisdictions that "recognize and accept" the group capital calculation will be published through the NAIC Committee Process.

1. A list of jurisdictions that "recognize and accept" the group capital calculation, pursuant to N.J.S.A. 17:27A-3.k(2)(d), is published through the NAIC Committee Process to assist the lead state commissioner in determining which insurers shall file an annual group capital calculation. The list will clarify those situations in which a jurisdiction is exempted from filing pursuant to N.J.S.A. 17:27A-3.k(2)(d). To assist with a determination at N.J.S.A. 17:27A-3.k(2)(e), the list will also identify whether a jurisdiction that is exempted pursuant to either N.J.S.A. 17:27A-3.k(2)(c) or (d) requires a group capital filing for any U.S. based insurance group's operations in that non-U.S. jurisdiction.

2. For a non-U.S. jurisdiction where no U.S. insurance groups operate, the confirmation provided to meet the requirement at (d)1ii, above, will serve as support for, a recommendation to be published as a jurisdiction that "recognizes and accepts" the group capital calculation through the NAIC Committee Process.

3. If the lead state commissioner makes a determination, pursuant to N.J.S.A. 17:27A-3.k(2)(d), that differs from the NAIC List, the lead state commissioner shall provide thoroughly documented justification to the NAIC and other states.

4. Upon determination by the lead state commissioner that a non-U.S. jurisdiction no longer meets one or more of the requirements to "recognize and accept" the group capital calculation, the lead state commissioner may provide a recommendation to the NAIC that the non-U.S. jurisdiction be removed from the list of jurisdictions that "recognize and accept" the group capital calculation.

11:1-35.15 (No change in text.)