

BANKING  
DEPARTMENT OF BANKING AND INSURANCE  
DIVISION OF BANKING

Department Organization

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

Authorized By: Holly C. Bakke, Commissioner, Department of Banking and Insurance

Authority: N.J.S.A. 17:1-8.1 and 47:1A-2.

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

Proposal Number: PRN 2005-108

Submit comments by June 3, 2005 to:

Douglas Wheeler, Assistant Commissioner  
Office of Legislative and Regulatory Affairs  
New Jersey Department of Banking and Insurance  
20 West Street  
P.O. Box 325  
Trenton, NJ 08625-0325  
Fax: (609) 292-0896  
E-mail: [legsregs@dobi.state.nj.us](mailto:legsregs@dobi.state.nj.us)

The agency proposal follows:

**Summary**

The Department of Banking and Insurance (Department) proposes to readopt N.J.A.C. 3:3 which is scheduled to expire on July 27, 2005, pursuant to N.J.S.A. 52:14B-5.1c. 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.

N.J.A.C. 3:3-1, Mission and Organization, sets forth the mission statement and organizational structure of the Department.

N.J.A.C. 3:3-2, Nonpublic Records, identifies those documents maintained by the Department which are not subject to public disclosure or copying pursuant to N.J.S.A. 47:1A-1 et seq., the “Right to Know Law.”

N.J.A.C. 3:3-3, 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) and the regulations promulgated pursuant thereto, 28 C.F.R. 35.107.

N.J.A.C. 3:3-4, Petitions For Rules; Rulemaking Notice, sets forth rules and procedures for petitions made for the promulgation, amendment or repeal of any rule by the Department of Banking and Insurance pursuant to N.J.S.A. 52:14B-4(f). These rules set forth the requirements for a public comment period extension or a public hearing when sufficient public interest is established, and set forth the rulemaking notice the Department will provide.

Pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1-15e, the Department amended N.J.A.C. 3:3-1.2 to update the organizational chart of the Department depicted at N.J.A.C. 3:3-1.2, effective December 14, 2004. Notice of the adoption of that amendment was published in the New Jersey Register on January 18, 2005 at 37 N.J.R. 225(a)

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

### **Social Impact**

The rules proposed for readoption will continue to inform the general public of the mission and organization of the Department, and whether documents maintained by the

Department are public or nonpublic. In addition, the rules proposed for readoption will continue to provide internal grievance procedures adopted by the Department in satisfaction of the requirements of the ADA, and rules and procedures applicable to petitions for the promulgation, amendment or repeal of any rule by the Department of Banking and Insurance. The rules proposed for readoption will continue to provide the public with guidelines for participating in the rulemaking process and provide an accurate description of the organization and the workings of the Department. Their readoption will have a beneficial social impact in that they will enhance the public's understanding of how the Department is organized and operates. This will foster greater public input into the Department's regulatory actions.

### **Economic Impact**

The readoption of N.J.A.C. 3:3-1 will have no substantial economic impact on the general public, the banking industry or the Department since N.J.A.C. 3:3-1 primarily serves an informational purpose. N.J.A.C. 3:3-2 will have no negative economic impact on the public as this section will continue to delineate which documents filed with or maintained by the Department, and specifically the Division of Banking, are not subject to public inspection. By recognizing legitimate privacy interests of regulated individuals and entities, those individuals and entities may be encouraged to engage in banking and other financial activities in this State. N.J.A.C. 3:3-3 has a positive economic impact as it enables persons with disabilities to resolve disputes that may result in enhanced employment opportunities with, or access to, the Department. There is no negative economic impact from this subchapter on the general public or the Department. The readoption of N.J.A.C. 3:3-4 will not impose any negative economic impact

upon the public or the Department, but will continue to facilitate public notice and the opportunity for public participation in the rulemaking process.

### **Federal Standards Statement**

A Federal standards analysis is not required for Subchapters 1 and 2 of the rules proposed for re adoption because those subchapters are not subject to any Federal requirements or standards as they concern the organizational structure of the Department and delineate records of the Department that are nonpublic. Subchapter 3 of the rules proposed for re adoption implements the Americans with Disabilities Act, 42 U.S.C. §§12101 et seq. and the regulations promulgated thereunder, 28 C.F.R. 35.107. These requirements are identical to, and therefore do not exceed, Federal standards. Subchapter 4 of the rules proposed for re adoption does not contain requirements that exceed any Federal requirements or standards. Those rules represent policies of the State of New Jersey regarding matters of State law that are independent of Federal requirements or standards.

### **Jobs Impact**

The Department does not anticipate that any jobs will be lost or generated as a result of the rules proposed for re adoption at N.J.A.C. 3:3.

### **Agriculture Industry Impact**

The Department does not expect that any agriculture industry impact will result from the rules proposed for re adoption at N.J.A.C. 3:3.

### **Regulatory Flexibility Analysis**

Subchapters 1, 2 and 3 proposed for re adoption do not result in any costs to small businesses within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., because there are no recordkeeping, compliance or reporting requirements imposed on small businesses. However, subchapter 4 imposes compliance requirements on small businesses licensed or otherwise authorized by the Department and administered by the Division of Banking, as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., by specifying requirements applicable to petitions for rulemaking and applications demonstrating sufficient public interest for a public hearing on a rulemaking proposal. Small businesses affected by these requirements will incur only insignificant administrative costs in submitting such a petition or application. No professional services are required for compliance so these small businesses should be able to comply with the re proposed rules utilizing existing staff and resources. As the petition and application information is necessary to properly evaluate the requests, no lesser requirements or exceptions are provided for small businesses.

### **Smart Growth Impact**

The rules proposed for re adoption will have no impact on the achievement of growth and implementation of the State Development and Redevelopment Plan

**Full text** of the rules proposed for re adoption may be found in the New Jersey Administrative Code at N.J.A.C. 3:3.