

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  
PO Box 325  
Trenton, NJ 08625-0325  
Fax: (609) 292-0896  
Email: [RuleComments@dobi.nj.gov](mailto: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

will continue to provide the public with guidelines for participating in the rulemaking process and provide a description of the organization and the workings of the Department. The rules proposed for readoption with amendments will continue to have a beneficial social impact in that they 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 rules proposed for readoption with amendments will have no economic impact on the public, the banking industry, or the Department as the rules proposed for readoption with amendments 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, copying, or examination pursuant to OPRA; will continue to set forth rules related to persons with disabilities to resolve disputes; and will continue to facilitate public notice and the opportunity for public participation in the rulemaking process. In addition, the proposed amendment at N.J.A.C. 3:3-1.1 will have no economic impact as N.J.A.C. 3:3-1.1 sets forth the Department's mission statement and serves an informational purpose.

#### Federal Standards Statement

A Federal standards analysis is not required for Subchapter 1 of the rules proposed for readoption with amendments because that subchapter is not subject to any Federal requirements or standards as they concern the organizational structure of the Department. Subchapter 2 of the rules proposed for readoption delineate records of the Department that are government records pursuant to OPRA and does not set forth requirements that exceed any Federal requirements or standards. Subchapter 3 of the rules proposed for readoption continues to implement the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq., and the regulations promulgated thereunder. These requirements are identical to, and, therefore, do not exceed, Federal standards. Subchapter 4 of the rules proposed for readoption with amendments does not include requirements that exceed any Federal requirements or standards. The rules proposed for readoption with amendments 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 readoption with amendments.

#### Agriculture Industry Impact

The Department does not expect that any agricultural industry impact will result from the rules proposed for readoption with amendments.

#### Regulatory Flexibility Statement

The rules proposed for readoption with amendments apply to "small businesses," as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. N.J.S.A. 52:14B-17 defines small businesses as any business that is resident in this State, independently owned and operated, and not dominant in its field, and that employs fewer than 100 full-time employees. The rules proposed for readoption with amendments 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.

#### Housing Affordability Impact Analysis

The rules proposed for readoption with amendments will not have an impact on housing affordability or on the average cost of housing because the rules proposed for readoption with amendments inform the general public of the mission and organization of the Department, addresses public records, discrimination grievance procedures, and handling petitions for rules.

#### Smart Growth Development Impact Analysis

The Department believes that there is an extreme unlikelihood that the rules proposed for readoption with amendments would evoke a change in housing production in Planning Areas 1 and 2, or within the designated

centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the rules proposed for readoption with amendments inform the general public of the mission and organization of the Department, addresses public records, sets forth the disability discrimination grievance procedures, and address petitions for rulemaking and rulemaking notices.

#### Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

**Full text** of the proposed amendment follows (additions indicated in boldface **thus**):

#### SUBCHAPTER 1. MISSION AND ORGANIZATION

##### 3:3-1.1 Mission statement of the Department

The mission of the Department of Banking and Insurance is to regulate the banking, insurance, and real estate industries in a professional and timely manner that protects and educates consumers and promotes the growth, financial stability, and efficiency of those industries. **Additionally, the Department's mission is 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.**

## EDUCATION

### (a)

#### COMMISSIONER OF EDUCATION

#### School Facility Bond Issuance Without Voter Approval Rules

#### Proposed New Rules: N.J.A.C. 6A:26B

Authorized By: Kevin Dehmer, Commissioner, Department of Education.

Authority: P.L. 2023, c. 311 and P.L. 2024, c. 79.

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

Proposal Number: PRN 2025-078.

Submit written comments by September 5, 2025, to:

David Corso  
Assistant Commissioner, Division of Finance and Business Services  
New Jersey Department of Education  
PO Box 500  
Trenton, New Jersey 08625-0500  
Email: [chapter26B@doe.nj.gov](mailto:chapter26B@doe.nj.gov)

The agency proposal follows:

#### Summary

The Department of Education (Department) proposes new N.J.A.C. 6A:26B, School Facility Bond Issuance Without Voter Approval, to provide a process to govern the agreements between municipalities and district boards of education pursuant to P.L. 2023, c. 311 and P.L. 2024, c. 79 (N.J.S.A. 18A:7G-15.1a).

The laws allow district boards of education to issue bonds without voter approval, as long as the district board of education has entered into a contract with a municipality to support the bond payments through the receipt of a portion of a municipality's payments in lieu of taxes (PILOTs) specified for this purpose. In certain circumstances, a municipality has the