

RULE ADOPTIONS

BANKING

(a)

DEPARTMENT OF BANKING AND INSURANCE

DIVISION OF BANKING

Governmental Unit Deposit Protection

Readoption with Amendments: N.J.A.C. 3:34

Proposed: October 16, 2017, at 49 N.J.R. 3386(a).

Adopted: April 18, 2018, by Marlene Caride, Acting Commissioner,
Department of Banking and Insurance.

Filed: April 18, 2018, as R.2018 d.110, **without change**.

Authority: N.J.S.A. 17:1-8, 8.1, and 15 and 17:9-41 et seq.

Effective Date: April 18, 2018, Readoption;
May 21, 2018, Amendments.

Expiration Date: April 18, 2025.

Summary of Public Comment and Agency Response:

The Department of Banking and Insurance received no public comments.

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with amendments are consistent with, but do not exceed, Federal standards. Federal standards applicable to, but not exceeded, by the rules readopted with amendments are subsection (b) of section 38 of the "Federal Deposit Insurance Act," Pub. L. 81- 797 (12 U.S.C. § 1831o(b)) and subsections (q) and (r) of section 3 of the "Federal Deposit Insurance Act," Pub. L. 81- 797 (12 U.S.C. § 1813(q) and (r)).

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 3:34.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GOVERNMENTAL UNIT DEPOSIT PROTECTION

3:34-1.4 Required reports

(a) A public depository shall file electronically with the Department a report as set out on the Department's website at <http://www.nj.gov/dobi/index.html>. The report is due on a quarterly basis and is to be filed on or before the due date for the filing of a call report. The report shall include the following information:

1.-16. (No change.)

(b) (No change.)

(c) Each public depository must also certify that the information filed in connection with the report is complete and accurate and that all public funds on deposit have been reported and sufficient eligible collateral is in place and that its valuation meets the requirement of the Act. The certification must be signed by a member of the public depository's audit committee, its Chief Financial Officer, or an equivalent officer and is due upon the filing of the report required by subsection (a) above.

(d) (No change in text.)

3:34-1.5 Fees

(a)-(b) (No change.)

(c) Payment shall be made by electronic means as directed by the Commissioner on the Department's website at <http://www.nj.gov/dobi/index.html> at the time of the filing in accordance with (a) above and (d) and (e) below.

(d)-(g) (No change.)

3:34-1.8 Notice of approval of an eligible public depository

The Department will maintain a listing on its website at <http://www.nj.gov/dobi/index.html> of all depositories it has approved as public depositories.

3:34-1.14 Records maintained by Commissioner; eligibility

The Commissioner shall maintain such records as he or she shall deem necessary in order to determine which public depositories have complied with the Act. After receipt of each quarterly report, the Commissioner shall post a listing of public depositories eligible to act as a depository for public funds on the Department's website at <http://www.nj.gov/dobi/index.html>.

3:34-1.15 Requirements for first time public depositories

(a) Before initially accepting public funds, a depository shall submit a complete application to the Department for approval as a public depository on a form found on the Department's website at <http://www.nj.gov/dobi/index.html>. The information to be provided on the form shall include the depository's identifying information, chartering agency, a certified copy of board resolution(s) authorizing participation in GUDPA and designating the depository's GUDPA custodian, total capital funds, and the name of the approved custodian. Upon receipt of a complete application, the Commissioner shall publish notice of the submission of the application on the Department's website at <http://www.nj.gov/dobi/index.html>. After review of the application, the Commissioner shall approve the application within 30 days of the Department's acceptance of all required materials and confirmation of compliance with all requirements set forth in this chapter and shall prescribe the amount of eligible collateral required to be maintained.

(b) Upon the Commissioner approving the application and prescribing the required collateral amount and the collateral being properly pledged with the custodian and proof of that being provided by the custodian to the Department, the approved status of the public depository will be published on the Department's website at <http://www.nj.gov/dobi/index.html>. After approval by the Department of the first valuation report filed by the public depository in accordance with N.J.A.C. 3:34-1.4, the public depository will be added to the electronic list of approved public depositories referenced in N.J.A.C. 3:34-1.8.

(c) (No change.)

COMMUNITY AFFAIRS

(b)

THE COMMISSIONER

Standards of Conduct

Readoption with Amendments: N.J.A.C. 5:1

Proposed: November 20, 2017, at 49 N.J.R. 3573(a).

Adopted: April 18, 2018, by Lt. Governor Sheila Oliver,
Commissioner, Department of Community Affairs.

Filed: April 18, 2018, as R.2018 d.109, **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. 52:27D-3.

Effective Dates: April 18, 2018, Readoption;
May 21, 2018, Amendments.

Expiration Date: April 18, 2025.

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

Summary of Agency-Initiated Change:

The Department no longer has its own Code of Ethics but rather is governed by the Uniform Code of Ethics promulgated by the State Ethics Commission. Accordingly, the Department has made a non-substantial change to the rule proposal to delete reference to the Department of Community of Affairs Code of Ethics and replaced it with the Uniform Code of Ethics.