

RULE ADOPTIONS

AGRICULTURE

(a)

DIVISION OF AGRICULTURE AND NATURAL RESOURCES

STATE SOIL CONSERVATION COMMITTEE

Notice of Readoption

State Soil Conservation Committee

Readoption: N.J.A.C. 2:90

Authority: N.J.S.A. 4:1C-24, 4:24-3, and 4:24-42.

Authorized By: The State Soil Conservation Committee, and Douglas H. Fisher, Secretary, Department of Agriculture, and Chairman, State Soil Conservation Committee.

Effective Date: November 3, 2017.

New Expiration Date: November 3, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 2:90 was scheduled to expire on December 8, 2017. These rules provide the technical and administrative standards for control of Statewide implementation of soil erosion and sediment control. Additionally, the rules provide the Statewide Soil and Water Cost Share Program practices and administrative procedures.

N.J.A.C. 2:90-1 sets forth general provisions regarding soil erosion and sediment control on land disturbance activities.

N.J.A.C. 2:90-2 sets forth projects eligible for soil and water conservation project cost sharing.

N.J.A.C. 2:90-3 sets forth the procedural rules for soil and water conservation project cost sharing.

N.J.A.C. 2:90-4 sets forth the details of the agricultural conservation cost share program.

The State Soil Conservation Committee has reviewed the rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

BANKING

(b)

DEPARTMENT OF BANKING AND INSURANCE

DIVISION OF BANKING

Notice of Readoption

Advertising

Readoption: N.J.A.C. 3:2

Authority: N.J.S.A. 17:1-15.e and 17:16H-1.1 et seq.

Authorized By: Richard J. Badolato, Commissioner, Department of Banking and Insurance.

Effective Date: November 6, 2017.

New Expiration Date: November 6, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 3:2 were scheduled to expire on May 10, 2018. N.J.A.C. 3:2 implements N.J.S.A. 17:16H-1 et seq. (the Act), which governs advertising by financial institutions subject to supervision, regulation, or licensing by the Department.

N.J.A.C. 3:2-1.1 sets forth the authority, scope, and enforcement of the chapter. N.J.A.C. 3:2-1.2 contains definitions and terms used in the chapter. N.J.A.C. 3:2-1.3 provides required disclosures in the advertising of maximum interest rates and yield on time and savings deposits, as

well as advertisements of loan products. N.J.A.C. 3:2-1.4 sets forth the prohibition of advertising that is misleading, deceptive, inaccurate, false, or that negatively affects public confidence in a financial institution or financial institutions in general in accordance with the Act. It also provides conduct that is deemed deceptive or misleading. N.J.A.C. 3:2-1.5 provides the procedures for notifications of financial institutions by the Commissioner by way of an Order to Show Cause regarding possible violations of the Act or the chapter. N.J.A.C. 3:2-1.6 sets forth a financial institution's right to request an administrative hearing in response to the Commissioner's issuance of an Order to Show Cause. N.J.A.C. 3:2-1.7 sets forth penalties for continued violations of the Act or the chapter. Finally, N.J.A.C. 3:2-1.9 sets forth that the procedures followed by the Commissioner pursuant to the Act or the chapter shall conform to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

The Department has reviewed these rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

CHILDREN AND FAMILIES

(c)

DIVISION OF CHILD PROTECTION AND PERMANENCY

Adoptions

Adopted Amendments: N.J.A.C. 3A:23-1.1, 1.2, and 1.3

Adopted Repeal: N.J.A.C. 3A:23-2 and 3

Proposed: August 7, 2017, at 49 N.J.R. 2316(a).

Adopted: October 17, 2017, by Allison Blake, Ph.D., L.S.W., Commissioner, Department of Children and Families.

Filed: October 27, 2017, as R.2017 d.207, **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. 9:3-54.1, 9:3A-7.f, 30:4C-4(h), and 30:4C-49.

Effective Date: December 4, 2017.

Expiration Date: December 7, 2018.

Summary of Public Comments and Agency Responses:

Comments were received from Thomas Baffuto, Executive Director, The Arc of New Jersey.

COMMENT: We object to the term 'special needs child' and we recommend using person-first language: "a child with special needs."

RESPONSE: The Division agrees that "child with special needs" is the preferable term. Therefore, the Division is making this technical amendment throughout the chapter. This standardizes the terminology used in the chapter with that used in Title IV-E of the Social Security Act at 42 U.S.C. §§ 671(a)21, 673(a) and (c), and 673b(b)(3).

COMMENT: N.J.A.C. 3A:23-1.2(a)2 contains the terms "handicap," "physical defect," and "deformity." These are unacceptable terms and should be replaced with more appropriate terminology.

RESPONSE: The Division agrees that these terms are outdated. As this chapter expires on December 7, 2018, the Division will propose new terminology at the time of that rulemaking.

Federal Standards Analysis

N.J.A.C. 3A:23-1 is consistent with Title IV-E of the Social Security Act, 42 U.S.C. §§ 673 et seq., Adoption and Guardianship Assistance Program, and the definition of "adoption assistance agreement" at 42 U.S.C. § 675(3).

The adopted changes to N.J.A.C. 3A:23-1.2(b) bring the Department into greater compliance with the provisions of 42 U.S.C. § 673(c) by