

SUBCHAPTER 4. ELIGIBILITY CRITERIA FOR REDUCED CUSTODY CONSIDERATION

10A:9-4.7 Eligibility limitations for reduced custody status

(a)-(c) (No change.)

(d) An inmate who has two or more convictions, either present, prior, or a combination of present and prior for arson, or criminal mischief involving arson, or attempts or conspiracies to commit arson under the laws of this State, or any comparable offenses from any other state or the United States, may not be considered for reduced custody.

(e)-(f) (No change.)

SUBCHAPTER 5. COMMUTATION AND WORK TIME

10A:9-5.1 Authority

(a) Commutation credit is awarded to inmates pursuant to N.J.S.A. 30:4-140, which provides:

1. (No change.)

2. Commutation credit will not reduce the statutory mandatory minimum term.

3.-5. (No change.)

(b) (No change.)

(c) Public Health Emergency Credits are awarded to inmates pursuant to P.L. 2020, c. 111, provided:

1. The Governor has declared a public health emergency, which arises as a result of a communicable or infectious disease, and results in substantial modifications to Department-wide facility operations;

2. An inmate is serving a sentence and is scheduled to be released from custody within 365 days;

3. Public health emergency credits shall provide further remission from both the minimum and maximum term of the inmate's sentence, including the statutory mandatory minimum term, at the rate of 122 days for each month, or portion thereof, served during the declared emergency;

4. An inmate shall not be awarded public health emergency credits in excess of 244 days of remission for any declared emergency;

5. Public health emergency credits shall not be awarded to an inmate serving a sentence for murder pursuant to N.J.S.A. 2C:11-3, aggravated sexual assault pursuant to N.J.S.A. 2C:14-2.a, or any offense enumerated at N.J.S.A. 2C:47-1, and whose conduct was characterized by a pattern of repetitive, compulsive behavior;

6. Public health emergency credits shall not be awarded to mandatory parole supervision terms or parole supervision for life violation terms, if the sentence that imposed the supervision is an exclusionary offense; and

7. An inmate being released as a result of the application of public health emergency credits shall be notified, in writing, against making contact with any victim of the crime for which the inmate was convicted and shall acknowledge receipt of the written notifications regarding victim contact prohibition.

(d) "Special Credits" may be awarded at the discretion of the Commissioner.

1. Special Credits provide further remission from time of sentence for achievements in education or workforce training pursuant to N.J.S.A. 30:4-92a.

2. An inmate who completes an approved program on or after January 20, 2020, and the inmate's current aggregate maximum release date is greater than 210 days may earn special credits that may reduce the maximum release date.

10A:9-5.2 Exceptions; time in custody; failure to work

(a) (No change.)

(b) In all cases where the sentence includes a mandatory minimum term of imprisonment, commutation credits, work credits, gap time, special credits, and minimum credits shall not be applied to the mandatory minimum term, but shall only reduce the maximum term.

(c) Commutation credits, work credits, gap time, special credits, and minimum credits shall not be used to reduce a maximum sentence to a period of incarceration that is less than the judicial or statutory mandatory minimum term.

(d)-(e) (No change.)

(f) Work credits shall not be awarded to inmates in a Restorative Housing Unit, unless the inmate is enrolled in a formal school program approved by the I.C.C. (not independent study).

10A:9-5.5 Restoration of forfeited commutation credits

(a)-(i) (No change.)

(j) Any inmate serving a State prison sentence in an adult county correctional facility must submit an application for restoration of commutation credits to the Administrator of the Garden State Youth Correctional Facility (GYCF). The classification officer of that facility shall review the application. A review of the inmate's eligibility on restoration of credits by the classification officer shall be made in accordance with this subchapter and forwarded to the Administrator, who shall make the restoration determination.

SUBCHAPTER 6. INSTITUTIONAL CLASSIFICATION RECEPTION COMMITTEE (I.C.R.C.)

10A:9-6.2 Composition of the Institutional Classification Reception Committee (I.C.R.C.)

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

(c) A representative from the Office of Substance Abuse Programming and Addiction Services will serve as an optional member of the I.C.R.C.

SUBCHAPTER 7. INTER-INSTITUTIONAL TRANSFER

10A:9-7.2 Procedure for reviewing nonemergency transfer requests

(a)-(d) (No change.)

(e) If approved by the Administrator of the receiving facility, the Administrator at the correctional facility where the inmate is housed shall forward the Agreement of Transfer form to the intake coordinator who shall make the necessary arrangements to effectuate the transfer.

INSURANCE

(a)

DEPARTMENT OF BANKING AND INSURANCE
OFFICE OF SOLVENCY REGULATION

Notice of Redoption

Financial Examinations Monitoring System

Redoption with Technical Changes: N.J.A.C. 11:19

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e; 17B:17-1 et seq., 17:22-6.40 et seq., 17:22-6.70, 17:22A-40, and 17:23-1 and 2; and 17:23B-1 et seq.

Authorized By: Marlene Caride, Commissioner, Department of Banking and Insurance.

Effective Dates: July 18, 2022, Redoption;
August 15, 2022, Technical Changes.

Expiration Date: July 18, 2029.

Take notice that pursuant to the provisions at N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:19 were scheduled to expire on August 20, 2022. The rules in this chapter set forth requirements for the filing of annual and quarterly financial statement data with the National Association of Insurance Commissioners (NAIC) and the Department of Banking and Insurance (Department). The rules implement the Financial Examination Monitoring System (FEMS), which was designed to improve the Department's ability to identify and react to financially troubled insurers in a timely manner. The rules in this chapter were also intended to improve the overall quality and effectiveness of the Department's regulatory procedures; to provide up-to-date financial data for company analysis as soon as it is available; and to reduce or eliminate rote number-crunching and cross-checking activities to enable Department examiners to devote more time to solvency analysis and less time to compliance testing. The Department has reviewed the rules and has determined that they continue to be necessary, reasonable, and proper for the purposes 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 with technical changes to correct cross-references, as set forth below.

The rules set forth at N.J.A.C. 11:19-1 provide requirements and procedures for the filing of annual and quarterly financial statement data with the National Association of Insurance Commissioners and the Department.

N.J.A.C. 11:19-2.1, 2.2, 2.3, 2.9, and 11:19 Appendices A and B set forth requirements and procedures for the submission of financial data to the Department by domestic insurers using the various FEMS subsystems. N.J.A.C. 11:19-2.4 through 2.8 are reserved.

The rules set forth at N.J.A.C. 11:19-3 provide filing and reporting requirements for licensed insurance producers with surplus lines authority and insurers eligible to transact surplus lines insurance in New Jersey. The rules outline procedures for utilizing the Surplus Lines Automation Suite (SLAS), which is a web-based software developed to assist the Department in monitoring the activities of licensees that sell surplus lines insurance to New Jersey residents and matches agent tax data to company policy data. The Department is correcting two references to the SLAS website at N.J.A.C. 11:19-3.5 from www.njsslasuite.com to www.njlasuite.com. N.J.A.C. 11:19-3.6 and the Subchapter 3 Appendix are reserved.

N.J.A.C. 11:19-4.1 through 4.4 and 11:19-4 Appendices A and B are reserved.

Full text of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 3. DATA SUBMISSION REQUIREMENTS FOR ALL LICENSED PRODUCERS WITH SURPLUS LINES AUTHORITY AND ELIGIBLE SURPLUS LINES INSURERS

11:19-3.5 SLAS filing requirements for all licensed producers with surplus lines authority

(a) (No change.)

(b) All licensed surplus lines producers shall file with the Department or other authority, as required, a quarterly tax return in the form set forth on the Department's website: www.njsslasuite.com www.njlasuite.com.

(c) The instructions and forms for completing the New Jersey surplus lines producer quarterly tax return may be found on the Department's website: www.njsslasuite.com www.njlasuite.com.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

All Utilities

Readoption with Amendments: N.J.A.C. 14:3

Adopted Repeal: N.J.A.C. 14:3-8.14

Proposed: February 22, 2022, at 54 N.J.R. 341(a).

Adopted: July 13, 2022, by the New Jersey Board of Public Utilities, Joseph L. Fiordaliso, President, Mary-Anna Holden, Dianne Solomon, Upendra Chivukula, and Robert M. Gordon, Commissioners.

Filed: July 15, 2022, as R.2022 d.102, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3), **and with proposed N.J.A.C. 14:3-3A.1 not adopted but still pending**.

Authority: N.J.S.A. 48:2-13; 48:2-16, 16.1, 16.2, 16.3, 16.4, 17, 20, 23, 24, 25, and 27; 48:3-2.3, 3, 4, and 7.8; and 48:19-17.

BPU Docket Number: AX21070998.

Effective Dates: July 15, 2022, Readoption;

August 15, 2022, Amendments and Repeal.

Expiration Date: July 15, 2029.

Summary of Public Comments and Agency Responses:

Written comments were received by: Atlantic City Electric Company (ACE); Jersey Central Power & Light Company (JCP&L); Legal Services of New Jersey (LSNJ); the United Telephone Company of New Jersey, Inc. d/b/a CenturyLink, Broadwing Communications, LLC, Global Crossing Local Services, Inc., Global Crossing Telecommunications, Inc., Level 3 Communications, LLC, Level 3 Telecom of New Jersey, LLC, TelCove Operations, LLC, and WilTel Communications (Lumen); Natural Resources Defense Council (NRDC); New Jersey American Water Company (NJAWC); New Jersey Division of Rate Counsel (NJRC); New Jersey Utilities Association (NJUA); and the regulated wholly owned subsidiaries of Verizon Communications, Inc., operating in New Jersey, including Verizon New Jersey, Inc. and MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services and MCI Communications Services, LLC d/b/a Verizon Business Services (Verizon).

General Comments

1. COMMENT: The commenter appreciates the opportunity to comment on these important regulations. To the extent that there are substantial modifications required at this phase, the commenter respectfully submits that the Board of Public Utilities ("Board" or "BPU") should repropose the rules. (ACE)

2. COMMENT: The commenter thanks the Board for the opportunity to provide these comments and appreciates the difficult task that the Board must undertake to balance the need for transparency, safety, and security with the practical implications of implementing the proposed regulations. (JCP&L)

RESPONSE TO COMMENTS 1 AND 2: The Board thanks the commenters for their comments.

3. COMMENT: The Board should delay implementation of the rule changes until January 2023, to permit utilities sufficient time to modify information technology (IT) systems and business processes. Substantial time and investment will be needed to update IT systems and business processes to ensure compliance with the modifications that are adopted. To help mitigate the costs associated with these changes, ease the administrative burden associated with "manual fixes" during the interim, while IT systems are updated, and reduce the potential need for numerous waiver requests from the utilities, the commenter encourages the Board to consider preemptively delaying implementation of these amendments. (JCP&L)

RESPONSE: The Board's rules, at N.J.A.C. 14:3, help ensure that New Jersey utility customers receive safe, adequate, and proper service at reasonable rates. The Board believes that the proposed rule modifications will enhance these rules and, therefore, they should be implemented in a timely fashion. The commenter is not requesting a delay of specific rule modifications that it believes it may have difficulty implementing on a timely basis, but rather requests a blanket delay of all the rule modifications. The Board does not believe that this would be appropriate. Should the commenter experience significant difficulties in implementing specific aspects of the proposed rules, the commenter may file a waiver request for the Board's consideration.

4. COMMENT: The commenter states that the notice of proposal notes that "[t]he primary thrust of most of the proposed amendments is to ensure adequate customer service and consumer protection" and commends the Board for reexamining the consumer protections included at N.J.A.C. 14:3, rather than simply readopting them without amendment. The commenter further states that especially notable in the draft is the expansion of certain critical protections to water and wastewater customers. This step will substantially improve access to these essential utility services for low-income households. (NRDC)

RESPONSE: The Board thanks the commenter for its comment.

5. COMMENT: The Board should codify, at N.J.A.C. 14:3, that certain customer protections will apply automatically in the event of a declared State of Emergency or Public Health Emergency. The protections should include those in Governor Murphy's utility disconnection executive order, those at P.L. 2021, c. 97 (regarding customer notifications during and after the state of emergency), P.L. 2021, c. 317 (regarding protections from