

SENATE, No. 3591

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 25, 2021

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Requires published decisions of Appeal Tribunal or Board of Review of Division of Unemployment Insurance to redact names of parties.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning public records and amending P.L.1968, c.410.

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3 **BE IT ENACTED** *by the Senate and General Assembly of the State*
4 *of New Jersey:*

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6 1. Section 3 of P.L.1968, c.410 (C.52:14B-3) is amended to
7 read as follows:

8 3. In addition to other rule-making requirements imposed by
9 law, each agency shall:

10 (1) adopt as a rule a description of its organization, stating the
11 general course and method of its operations and the methods
12 whereby the public may obtain information or make submissions or
13 requests;

14 (2) adopt rules of practice setting forth the nature and
15 requirements of all formal and informal procedures available,
16 including a description of all forms and instructions used by the
17 agency, and if not otherwise set forth in an agency's rules, a table of
18 all permits and their fees, violations and penalties, deadlines,
19 processing times and appeals procedures. A complete list of the
20 agency's permits, fees, violations, penalties, deadlines, processing
21 times, and appeals procedures shall also be made available for
22 public viewing through publication on the agency's Internet
23 website;

24 (3) make available for public viewing, through publication on
25 the agency's Internet website, and through any other means, all final
26 agency orders, decisions, and opinions, in accordance with the
27 provisions of chapter 73 of the laws of 1963 as amended and
28 supplemented (C.47:1A-1 et seq.), except that decisions of the
29 Appeal Tribunal or the Board of Review of the Division of
30 Unemployment Insurance shall have the names of both parties
31 redacted ;

32 (4) make available for public viewing, through publication on
33 the agency's Internet website, all of the agency's rule-making and
34 public hearing notices, publicity documents, press releases, final
35 and non-confidential agency reports, and rule-making petitions
36 received by the agency pursuant to subsection (f) of section 4 of
37 P.L.1968, c.410 (C.52:14B-4); and

38 (5) publish in the New Jersey Register a quarterly calendar
39 setting forth a schedule of the agency's anticipated rule-making
40 activities for the next six months. The calendar shall include the
41 name of the agency and agency head, a citation to the legal
42 authority authorizing the rule-making action and a synopsis of the
43 subject matter and the objective or purpose of the agency's proposed
44 rules.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 In a manner prescribed by the Director of the Office of
2 Administrative Law, each agency shall appropriately publicize that
3 copies of its calendar are available to interested persons for a
4 reasonable fee. The amount of the fee shall be set by the director.

5 An agency shall notify the Director of the Office of
6 Administrative Law when it wishes to amend its calendar of rule-
7 making activities. Any amendment which involves the addition of
8 any rule-making activity to an agency's calendar shall provide that
9 the agency shall take no action on that matter until at least 45 days
10 following the first publication of the amended calendar in which the
11 announcement of that proposed rule-making activity first appears.

12 The provisions of this paragraph shall not apply to rule-making:

13 (a) required or authorized by federal law when failure to adopt
14 rules in a timely manner will prejudice the State;

15 (b) subject to a specific statutory authorization requiring
16 promulgation in a lesser time period;

17 (c) involving an imminent peril subject to provisions of
18 subsection (c) of section 4 of P.L.1968, c.410 (C.52:14B-4);

19 (d) for which the agency has published a notice of pre-proposal
20 of a rule in accordance with rules adopted by the Director of the
21 Office of Administrative Law; or

22 (e) for which a comment period of at least 60 days is provided.

23 A proposed rule falling within any of the exceptions to the
24 provisions of this subsection shall so indicate in the notice of
25 proposal.

26 (cf: P.L.2013, c.259, s.3.)

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28 2. This act shall take effect 90 days after the date of enactment.
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31 STATEMENT

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33 This bill requires the Division of Unemployment Insurance to
34 redact the names of both parties in publications of decisions of the
35 Appeal Tribunal or the Board of Review.

36 These decisions are made available for public viewing, including
37 through publication on the agency's Internet website, in accordance
38 with the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).
39 Redaction of names on these publications will serve to protect the
40 privacy of parties involved.