

...
 “DOH” means the **New Jersey** Department of Health.
 ...
 [“OOL” means the Office of Licensing within the Department of Human Services.]
 ...

“Special psychiatric hospital” means a public or private hospital licensed by the Department of Health to provide voluntary and involuntary mental health services, including assessment, care, supervision, treatment, and rehabilitation services to persons [who are mentally ill] **with mental illness**.
 ...

“Wellness” means [an] a conscious, deliberate, active, and ongoing process of becoming aware of, and making choices toward, a more successful existence. It includes physical, emotional, intellectual, social, environmental, occupational-leisure, and spiritual dimensions, and incorporates disease prevention and health promotion approaches. A wellness lifestyle leads to positive outcomes that can be measured in terms of improved health status, greater productivity, enhanced social relationships, and participation in purposeful activity — all of which provide meaningful opportunities for healing, personal growth, and an improved quality of life.
 ...

SUBCHAPTER 2. OPERATIONAL STANDARDS

10:37G-2.1 Admission

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

(e) All the affiliation agreements shall be approved by the Division’s Assistant Director [responsible for the geographical area served by the STCF], or his or her designee, biannually during the re-designation process. Affiliation agreements between STCFs and State or county hospitals shall comply with the requirements set forth at N.J.A.C. 10:37G-2.4(d) and (e).

(f)-(i) (No change.)

10:37G-2.7 Designation and redesignation

(a) A candidate for STCF designation shall submit a certificate of need application to the [New Jersey Department of Health] **DOH** and respond to whatever follow-up application questions DOH and the Division may have. DOH and the Division shall review all statements and responses by the applicant. Pursuant to the certificate of need rules and subsequent to consultation with the Division, DOH shall approve or disapprove the application and shall so notify the applicant.

(b)-(e) (No change.)

(f) On behalf of the Commissioner of the Department [of Human Services], the Assistant Commissioner for Mental Health and Addiction Services, in consultation with the Division Assistant Director [responsible for the geographical area served by the STCF], shall make the determination for designation or redesignation and shall notify the STCF of the determination.

(g)-(k) (No change.)

10:37G-2.9 Waiver

(a) The Division may grant a time-limited waiver of staff requirements described [under] **in** this section, provided that the following conditions are satisfied:

1. The provider agency shall submit a written request for a waiver of staffing requirements to the Assistant Commissioner for Mental Health and Addiction Services, or his or her designee, at the following address:

Assistant Commissioner
 Division of Mental Health and Addiction Services
 [PO Box 700]
5 Commerce Way, Suite 100, PO Box 362
 Trenton, New Jersey [08625-700] **08625**;

2. - 3. (No change.)

4. Waivers of specific staffing standards shall be granted at the discretion of the Assistant Commissioner for Mental Health and Addiction Services[, in consultation with the DHS Office of Licensing,] provided that the waiver does not adversely affect the health, safety, welfare, or rights of patients;

5. All waiver requests must be reviewed and approved by the Assistant Commissioner for Mental Health and Addiction Services[, in consultation with the DHS Office of Licensing];

6.-7. (No change.)

INSURANCE

(a)

DEPARTMENT OF BANKING AND INSURANCE

OFFICE OF PROPERTY CASUALTY

Notice of Readoption

Commercial Lines Insurance

Readoption with a Technical Change: **N.J.A.C. 11:13**

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, and 17:29AA-1 et seq.

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

Effective Dates: April 12, 2022, Readoption;
 May 16, 2022, Technical Change.

New Expiration Date: April 12, 2029.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:13 were scheduled to expire on July 21, 2022. The rules in this chapter were promulgated to implement and interpret the Commercial Insurance Deregulation Act of 1982, N.J.S.A. 17:29AA-1 et seq. (the Act). The Act establishes requirements for rates and forms for commercial lines insurance separate from the provisions of the existing property/liability rating law, N.J.S.A. 17:29A-1 et seq., except as specifically provided in the Act. By establishing a separate law for commercial lines insurance, the Act affords insurers greater flexibility in the underwriting and rating of commercial risks while maintaining appropriate regulatory oversight by the Department of Banking and Insurance (Department). Pursuant to the Act, at N.J.S.A. 17:29AA-29, the Commissioner of Banking and Insurance (Commissioner) is required to promulgate rules and regulations in order to implement and enforce its provisions. This chapter includes rules related to commercial lines insurance. The Department has established rules concerning the following subjects codified in this chapter, listed by subchapter.

Subchapter 1, General Provisions, including the purpose, scope, and definitions for this chapter, and its rate and policy form requirements.

Subchapter 2, Commercial Lines Filings, which provides requirements for rate, rule, and policy form submissions.

Subchapter 3 is reserved.

Subchapter 4, Special Risks, which interprets the statutory definition of “special risks” and provides statistical reporting requirements.

Subchapter 5, Procedure for the Regulation of Consent to Higher Rate Filings, which incorporates into this chapter by reference N.J.A.C. 11:4-7, Procedure for the Regulation of Consent to Higher Rate Filings.

Subchapter 6, Commercial Insurance Rating Plans, provides for commercial insurance rating plans and establishes standards for rating plans that modify rates for specific risks.

Subchapter 7, Commercial Lines Insurance: Policy Form Standards, provides standards for the acceptance or disapproval of policy forms.

Subchapter 8, Commercial Lines Insurance: Prospective Loss Costs Filing Procedures, provides requirements for prospective loss cost filings.

These rules implement essential provisions at N.J.S.A. 17:29AA-1 et seq., related to the regulation of commercial lines insurance. The Department has undertaken a review of the rules to determine their current effectiveness and viability. The Department examined the continuing relevance of the rules and considered whether they require unnecessary time and expense.

The Department finds that the rules at Chapter 13 continue to provide the insurance industry, other regulated entities, business enterprises, and consumers with appropriate and useful regulatory standards concerning many aspects of commercial lines insurance. The Department has reviewed N.J.A.C. 11:13 and has determined the existing rules continue to be necessary, reasonable, and proper for the purpose for which they

were originally promulgated. Accordingly, pursuant to N.J.S.A. 52:14B-5.1.c(1), the rules are readopted and shall continue in effect for a seven-year period, with the following technical changes to correct a typographical error and to delete a cross-reference to a statute that has been repealed. Specifically, the following technical change is made:

At N.J.A.C. 11:13-8.4(b)1 the change deletes the cross-reference to N.J.S.A. 17:30A-8a(9), which was deleted by legislation.

Full text of the technical change follows (deletion indicated in brackets [thus]):

SUBCHAPTER 8. COMMERCIAL LINES INSURANCE:
PROSPECTIVE LOSS COSTS FILING
PROCEDURES

11:13-8.4 Prospective loss costs filing requirements for insurers

(a) (No change.)

(b) Insurers may vary expense loads by individual lines, sublines or classifications of insurance. Insurers may use variable or fixed expense loads or a combination of these to establish their expense loadings.

1. An insurer's loss cost multiplier based on its expenses plus any profit provision shall not include the surtax or the Property-Liability Insurance Guaranty Association's assessments on private passenger automobiles pursuant to N.J.S.A. [17:30A-8a(9) and] 17:33B-49.

(c)-(e) (No change.)

TRANSPORTATION

(a)

DIVISION OF MULTIMODAL SERVICES

Notice of Readoption Transportation Utilities

Readoption: N.J.A.C. 16:65

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 48:2-12, 48:2-13, 48:12-35.1, 48:12-125.1, and 52:14B-3; and the October 5, 1978 Executive Reorganization Plan.

Authorized By: Diane Gutierrez-Scaccetti, Commissioner,
Department of Transportation.

Effective Date: April 12, 2022.

New Expiration Date: April 12, 2029.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1.c, the rules found at N.J.A.C. 16:65 were scheduled to expire on July 2, 2022. Pursuant to N.J.S.A. 52:14B-5.1.c(1), the Department of Transportation readopts these provisions without change.

The rules provide a regulatory scheme for uniformly safe, proper, and adequate service by transportation utilities throughout the State. These utilities include railroads, street railways, traction railways, and subways, and are identified collectively as "transportation utilities."

The rules are necessary, reasonable, adequate, and responsive for the purpose for which they were originally promulgated. The Department of Transportation has reviewed the rules and determined that they should be readopted without change. 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.

OTHER AGENCIES

(b)

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

Authority Assistance Programs Emerge Program Rules

Adopted Repeal and New Rule: N.J.A.C. 19:31-22.16

Adopted Amendments: N.J.A.C. 19:31-22.1 through 22.8, 22.10, 22.11, and 22.14

Proposed: January 18, 2022, at 54 N.J.R. 124(a).

Adopted: March 24, 2022, by the New Jersey Economic

Development Authority, Tim Sullivan, Chief Executive Officer.

Filed: April 13, 2022, as R.2022 d.058, **without change, but with the proposed amendments at N.J.A.C. 19:31-22.9 and 22.15 not adopted, but still pending.**

Authority: P.L. 2021, c. 160.

Effective Date: May 16, 2022.

Expiration Date: May 8, 2025.

Take notice that the New Jersey Economic Development Authority ("NJEDA" or "Authority") proposed amendments to the rules implementing the EmERGE program pursuant to recently enacted statutory revisions at P.L. 2021, c. 160 (approved July 2, 2021), at 54 N.J.R. 124(a). The public comment period ended March 19, 2022.

The NJEDA, as noted in the "Filed:" line above, is not adopting sections from the original proposal at N.J.A.C. 19:31-22.9 and 22.15, but is proposing to make substantial changes to those sections to be adopted, as published elsewhere in this issue of the New Jersey Register.

Summary of Public Comment and Agency Response:

No public comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments and new rule are not subject to any Federal requirements or standards.

Full text of the adopted amendments and new rule follows:

SUBCHAPTER 22. EMERGE

19:31-22.1 Applicability and scope

The rules in this subchapter are promulgated by the New Jersey Economic Development Authority to implement the provisions of the New Jersey Economic Recovery Act of 2020, establishing the EmERGE Program Act (Act), sections 68 through 81 of P.L. 2020, c. 156, as amended by P.L. 2021, c. 160. The Act authorizes the Authority to administer the program to encourage economic development, job creation, and the retention of significant numbers of jobs in imminent danger of leaving the State. The Authority Board may approve the award of tax credits to a business upon application of the business demonstrating its eligibility under the Act and this subchapter and following the execution of a letter of intent and the payment of fees, subject to the limitations set forth in this subchapter. The value of all tax credits approved by the Authority for businesses eligible pursuant to section 71 of P.L. 2020, c. 156 shall be subject to the limitations set forth at section 98 of P.L. 2020, c. 156.

19:31-22.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

...

"Business" means an applicant proposing to own or lease premises in a qualified business facility that is: a corporation that is subject to the tax imposed pursuant to section 5 of P.L. 1945, c. 162 (N.J.S.A. 54:10A-5); sections 2 and 3 of P.L. 1945, c. 132 (N.J.S.A. 54:18A-2 and 54:18A-3); section 1 of P.L. 1950, c. 231 (N.J.S.A. 17:32-15); or N.J.S.A. 17B:23-5, or is a partnership, S corporation, limited liability company, or non-profit