

9A:13-1.5 Application review and approval process

(a) The Secretary shall conduct a review of the **grant** applications. Such applications will be reviewed based on:

1. The completed application [bearing the earliest submission date] **being from an eligible institution.**

2. A competitive application process whereby all applications will be submitted by a [date] certain **date** and will be evaluated to determine which applications are the most qualified to receive funding.

(b) In determining whether an application shall be approved for a grant, the Secretary shall consider the degree to which the proposed [technology infrastructure purchase] **project** supports the following objectives:

[1. Advancement of student education in the State of New Jersey;]

Recodify existing 2.-3. as **1.-2.** (No change in text.)

[4. Promotion of innovation and improvement in the delivery of higher education;

5. Advancement of study at all levels in science, technology, engineering, and mathematics education;]

Recodify existing 6.-7. as **3.-4.** (No change in text.)

[8.] **5.** The cost-effectiveness of the proposed [infrastructure] project;

[9. Consistency of the proposed infrastructure project with the State's goals and priorities for development and redevelopment, including the promotion of industry clusters, job and business opportunities in areas designated by the State for growth, transportation choice and efficient mobility of goods and people, and promotion of access to opportunity for all New Jersey residents; and

10. Whether it serves the best interests of higher education in the State as a whole.]

6. Demonstrated commitment over the past 10 years to appropriate maintenance of facilities previously funded by State grant programs;

7. Increased capacity for industry-valued credentialing programs, stackable credential pathways, and experiential learning opportunities; and

8. Enrichment of existing material and course-work in support of current academic curricula.

9A:13-1.6 Authorization process

(a) The Secretary shall establish a review committee comprised of representation from the Office of the Secretary of Higher Education, the [New Jersey Educational Facilities] Authority, the New Jersey Schools Development Authority, the New Jersey Economic Development Authority, and an external advisor with technical expertise to evaluate project grant applications and make recommendations on funding.

(b) The Secretary shall examine the recommendations of the review committee and shall, via a written certification, provide preliminary approval or disapproval [of the grant], pursuant to N.J.A.C. 9A:13-1.5(b), **of the grant** and [the amount of] the **grant amount.**

(c) The Secretary shall forward to the Authority a copy of the institution's application and a copy of the written certification of such approval, including the amount of the grant. The Authority shall submit a copy of the proposed **grant** agreement in connection with the [purchase of technology infrastructure] **project** approved by the Secretary, to the Legislature Joint Budget Oversight Committee for review. The Legislature Joint Budget Oversight Committee shall approve or disapprove each [lease] **grant** agreement within 10 working days of receipt, or the **grant** agreement shall be deemed approved by the Legislature Joint Budget Oversight Committee and by the Secretary.

(d) Each grant awarded shall be contingent upon the recipient's governing board[s] entering into a contract or contracts [to acquire technology infrastructure] **with respect to the project**, within one year of the date on which the grant funds are made available. The **grant** funds shall be considered available on the date of the [Authority's issuance] **Legislature Joint Budget Oversight Committee's approval** of the corresponding [bond] **list of projects** or on the date of the Secretary's written certification of the grant **approval pursuant to (c) above**, whichever is later.

(e) The Authority shall not enter into [an] **a grant** agreement with an institution of higher education without the review and approval of the Legislature Joint Budget Oversight Committee.

(f) (No change.)

(g) Each recipient of a grant shall provide such information as the Secretary may request regarding the use of [the] grant [and the] **funds and/or** progress of the project.

9A:13-1.7 Cancellation or reduction in grants

(a) The Secretary may reduce or cancel entirely the amount of a grant if the amounts are not committed within 18 months of the allocations made by the Secretary. Funds will be considered committed when [an] **a grant** agreement has been entered into between an institution and the Authority.

(b) No reduction in the grant shall be made pursuant to (a) above if:

1. The request for approval **to modify the grant** has been received by Secretary within 18 months of the allocation;

2.-4. (No change.)

(c) **In the event that an institution requires a modification to a project approved for a grant, a formal request must be sent to the Secretary, prior to any action being taken by the institution, in order to evaluate the merits of the proposed modification against the purpose of the Act and the objectives set forth at N.J.A.C. 9A:13-1.5(b). The Secretary may exercise discretion to allow an institution to modify its project, if such modification is reasonable and consistent with the scope, objectives, purpose, and intent of the project originally approved for a grant, and if such modification does not constitute a material change. Project modifications will be reviewed on a case-by-case basis and must be authorized under the terms and conditions of the grant agreement, tax certificate, and any other applicable bond documents.**

9A:13-1.8 Reporting requirements

(a) The [Authority] **institution** shall annually report to the **Authority** and the Secretary its purchases resulting from the [Act] **Technology Fund**. The Secretary then shall report to the Governor and Legislature on the use of the funds from the [Act] **Technology Fund**.

1. **Each institution shall annually submit, by May 31st, or such other date as determined by the Secretary, a report to the Authority pursuant to, and in accordance with, the requirements as set forth by the grant agreement.**

2. **Each institution shall, whenever requested by the Authority, provide and certify, in a form satisfactory to the Authority, such information concerning the institution and the project, the operations and finances of the institution, and such other matters that the Authority considers to be necessary in order to enable the Authority to make any reports, including reports to the Secretary, which are required by any law or rule in connection with the bonds issued pursuant to the Act.**

HUMAN SERVICES

(a)

THE COMMISSIONER

**County Human Services Advisory Councils; the State Human Services Advisory Council; and the Commissioner's Executive Advisory Committee
Proposed Readoption with Amendment: N.J.A.C. 10:2**

Authorized By: Sarah Adelman, Acting Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12.

Calendar Reference: See Summary below for an explanation of the exception to the rulemaking calendar requirement.

Proposal Number: PRN 2022-040.

Submit comments in writing by June 3, 2022, to:

Gerard Hughes, Assistant Commissioner
Office of Legal and Regulatory Affairs

Department of Human Services
 PO Box 700
 Trenton, NJ 08625-0700
 Email: kya.saunders@dhs.nj.gov

The agency proposal follows:

Summary

The Department of Human Services (Department) is proposing the re-adoption of the rules with an amendment. Pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 10:2 were scheduled to expire on February 19, 2022. As the Department filed this notice of proposed re-adoption prior to that date, the expiration date is extended 180 days to August 18, 2022. This chapter contains the rules of the Department of Human Services governing the County Human Services Advisory Councils, the State Human Services Advisory Council, and the Commissioner’s Executive Advisory Committee. Specifically, N.J.A.C. 10:2 establishes the rules that outline and clarify the minimum standards applicable to the County Human Services Advisory Councils, the State Human Services Advisory Council, and the Commissioner’s Executive Advisory Committee.

The following is a summary of the subchapters at N.J.A.C. 10:2 and a description of the amendment proposed at N.J.A.C. 10:2-2.2.

Subchapter 1 provides an overview of the County Human Services Advisory Councils including: the mission, purpose, and scope; the definition of terms used throughout the chapter; Council membership criteria; the relationship to other county advisory groups is defined as the principal human services advisory body to the departments and to the county; guidance regarding required committees and Council functions; as well as Council procedural requirements.

Subchapter 2 provides an overview of the State Human Services Advisory Council including: the mission, purpose, and scope; the membership requirements; as well as the administrative requirements and composition of this Council. An amendment is proposed for N.J.A.C. 10:2-2.2 to revise the reference to “Department of Health and Senior Services” to the “Department of Health” in the State government membership requirements for the Council.

Subchapter 3 describes the requirements for the Commissioner’s Executive Advisory Committee including: the mission and the required composition of the Committee, as well as the administrative requirements regarding the work of the Committee.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for re-adoption with an amendment will have a positive social impact. The rules will continue to benefit applicants, recipients, and providers of services, as well as have a positive impact on the planning and delivery of social services at the State and local levels.

Economic Impact

The rules proposed for re-adoption with an amendment will have no negative economic impact.

Federal Standards Statement

A Federal standards analysis is not required because the rules proposed for re-adoption with an amendment are not subject to any Federal standards or requirements.

Jobs Impact

The rules proposed for re-adoption with an amendment will not generate or cause the loss of any jobs.

Agriculture Industry Impact

The rules proposed for re-adoption with an amendment will not impact the agriculture industry.

Regulatory Flexibility Analysis

The rules proposed for re-adoption with an amendment do not impose any new or additional reporting, recordkeeping, or compliance requirements for small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Accordingly, a regulatory flexibility analysis is not needed.

Housing Affordability Impact Analysis

The rules proposed for re-adoption with an amendment will not impact the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules proposed for re-adoption with an amendment would evoke a change in the average costs associated with housing because the rules pertain to clarifying the minimum standards for the Department.

Smart Growth Development Impact Analysis

The rules proposed for re-adoption with an amendment will not impact the number of housing units or the availability of affordable housing in this State and will have no effect on smart growth development in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The rules proposed for re-adoption with an amendment will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, an analysis is not required.

Full text of the rules proposed for re-adoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:2.

Full text of the proposed amendment follows (deletion indicated in brackets [thus]):

SUBCHAPTER 2. STATE HUMAN SERVICES ADVISORY COUNCIL

10:2-2.2 Membership requirements

(a) The State Human Services Advisory Council shall consist of:

1.-2. (No change.)

3. Representatives from other departments of State government (to include, but not be limited to, the Departments of Labor and Workforce Development, Education, Community Affairs, and Health [and Senior Services]) as ex-officio non-voting members.

(b)-(c) (No change.)

(a)

THE COMMISSIONER

Role of the County Adjuster

Proposed Re-adoption with Amendments: N.J.A.C. 10:7

Authorized By: Sarah Adelman, Acting Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12 and 30:4-60 through 78; and Reorganization Plan 001-2018.

Calendar Reference: See Summary below for an explanation of the exception to the calendar requirement.

Proposal Number: PRN 2022-039.

Submit comments in writing by June 3, 2022, to:

Gerard Hughes, Assistant Commissioner
 Office of Legal and Regulatory Affairs
 Department of Human Services
 PO Box 700
 Trenton, New Jersey 08625-0700
 Email: kya.saunders@dhs.nj.gov

The agency proposal follows.

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:7 were scheduled to expire on February 19, 2022. The Department of Human Services (Department) is proposing the re-adoption of the rules with amendments. As the Department submitted this notice of proposal to the Office of Administrative Law prior to February 19, 2022, the expiration date is extended 180 days to August 18, 2022, pursuant to N.J.S.A.