

RULE ADOPTIONS

AGRICULTURE

(a)

STATE AGRICULTURE DEVELOPMENT COMMITTEE

Winery Special Occasion Events on Preserved Farmland

Adopted New Rules: N.J.A.C. 2:76-27

Proposed: August 7, 2017, at 49 N.J.R. 2311(a).

Adopted: October 26, 2017, by the State Agriculture Development Committee, Susan E. Payne, Executive Director.

Filed: October 26, 2017, as R.2017 d.203, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: P.L. 2014, c. 16.

Effective Date: November 20, 2017.

Expiration Date: December 2, 2023.

Summary of Public Comments and Agency Responses:

Comments were received from Jean Public; Lori Savron, PP, AICP, Planning Director, Montgomery Township, Somerset County; and Mark A. C. Villinger, PP, AICP, CFM, Supervising Planner, Ocean County.

COMMENT: Jean Public expressed concerns that the proposed regulations: take control away from local communities and vest sole authority with the State Agriculture Development Committee (SADC), which favors agricultural interests; are detrimental to the property and privacy rights of individuals living next to farms; will result in public safety hazards, especially on local roads; are unfair to bars, restaurants, and banquet halls not located on preserved farms and which pay higher taxes and are required to obtain numerous government approvals in order to operate their businesses; establish inadequate fines; and could result in the manipulation of data by the farm operator in order to comply with the income limitations on special occasion events.

RESPONSE: The SADC appreciates Ms. Public's comments, but notes that many of the public policy issues she raises are within the purview of the legislative process and are beyond the scope of the proposed rules. The preserved farm winery law enacted by the Legislature provides for audits of preserved farm wineries, and the SADC was given authority by the Legislature to establish the audit procedures set forth in the proposed rules. See N.J.S.A. 4:1C-32.9 and 32.11. The Legislature also established, at N.J.S.A. 4:1C-32.10, the fines assessable against a winery for violating the law, and those amounts are set forth in the proposed rules. The SADC understands the commenter's concern about the manipulation of income data by a preserved farm winery, and a purpose of the proposed rules is to minimize or eliminate the potential evasion of the special occasion events (SOEs) income limitations set forth in N.J.S.A. 4:1C-32.8(a)1 and (b) by requiring various financial disclosures by the winery and subjecting the data to rigorous review, if appropriate.

The SADC also observes that the preserved farm winery law does vest substantial authority with local government. County agriculture development boards (CADB) define special occasion events and, consistent with the law, the SADC has delegated approval to the CADBs for the scheduling of SOEs on days other than Friday, Saturday, Sunday, and Federal and State holidays. The law also provides that SOEs must comply with applicable municipal ordinances, resolutions, or regulations concerning litter, solid waste, traffic, and the protection of public health and safety; that the winery upon which the SOEs occur is subject to site plan review and any other applicable development approvals under municipal land use ordinances; and that the SOE is subject to applicable municipal ordinances restricting the playing of music inside winery buildings or structures.

COMMENT: Lori Savron, PP, AICP, Planning Director, on behalf of Montgomery Township, Somerset County, requested that copies of the

registration form submitted by preserved farm wineries to the SADC and applicable CADB by March 31 of each calendar year, and copies of any subsequent changes to the registration form, be submitted to the municipality in which the winery is located and to the holder of the farmland preservation deed of easement on the preserved premises upon which the winery is located. The commenter also observed that since the registration form asks the winery whether the SOEs will comply with applicable municipal enactments concerning litter, solid waste, traffic, and the protection of public health and safety, the winery's response should be reviewed by the municipality to confirm its accuracy.

RESPONSE: The SADC thanks Montgomery Township for its comments. Confirmation from the winery that an SOE complies with applicable municipal ordinances addressing litter, solid waste, traffic, and the protection of public health and safety is set forth in the certification of compliance form (N.J.A.C. 2:76-27.5(a)5), not the registration form (N.J.A.C. 2:76-27.4). Municipalities will receive from the applicable CADB, copies of the winery registration form and certification of compliance form due by March 31 each calendar year, and any subsequent changes, as provided in N.J.A.C. 2:76-27.4(d) and 27.5(c). In order to promote State, county, and local cooperation with regard to the preserved farm winery law, N.J.A.C. 2:76-27.5(c) provides that the applicable CADB or the SADC may consult with the municipality in which the winery is located to confirm compliance with applicable municipal standards.

The SADC agrees that the holder of the farmland preservation deed of easement on the preserved premises upon which the winery is located should receive a copy of the registration and certification forms in order to afford fuller public disclosure to, and input from, the entity owning the nonagricultural development rights. The SADC has revised the two relevant provisions, accommodating situations in which the easement holder is not the CADB. N.J.A.C. 2:76-27.4(d) now reads (additions in boldface), "The Board shall forward copies of any registration forms and registration form changes to the **holder of the development easement on the Premises, if applicable, and to the** municipality within 30 days of receipt from the winery." N.J.A.C. 2:76-27.5(d) now reads (additions in boldface), "The Board shall forward copies of any certification of compliance forms to the **holder of the development easement on the Premises, if applicable, and to the** municipality within 30 days of receipt from the winery. The Board or the Committee may consult with the municipality to determine if the winery is in compliance with applicable municipal standards." The rule already requires the county agriculture development boards to send copies of the preserved farm winery registration forms, registration form changes, and certification of compliance forms to the municipality in which the winery is located; accordingly, the additional requirement to send copies of the same forms to the holder of the development easement on the property on which the winery is located is ministerial in nature and does not significantly enlarge the scope and burden of the rule.

COMMENT: Mark A. C. Villinger, PP, AICP, CFM, Supervising Planner, on behalf of Ocean County, commented that the proposed rules fail to address income earned at SOEs by a winery from the sale of products not derived from the agricultural output of the preserved farm. Mr. Villinger cited the law's requirement in N.J.S.A. 4:1C-32.8(a)1 that the gross income generated by the winery for all SOEs conducted during the calendar year accounts for less than 50 percent of the annual gross income of the winery. The commenter also pointed to N.J.S.A. 4:1C-32.8(b), which describes annual gross income from SOEs as including, but not being limited to, admission fees; rental fees; setup, breakdown, and cleaning fees; and all other revenue that is not directly related to the winery's agricultural output, but is received by the winery in connection with holding the SOE. Mr. Villinger provided an example of an SOE being held at a winery in which food truck vendors, for a small flat fee, engage in the retail sale of food that is not the agricultural output of the winery to SOE patrons, with the income earned by such food sales not captured in the financial reporting called-for in the regulations. The commenter felt that the inability to account for the income earned by

such vendors frustrates the ability of CADBs to determine whether the SOE is being held consistent with the preserved farm winery law or whether the winery is merely a backdrop for unrelated commercial activities.

RESPONSE: The SADC acknowledges that SOEs presently occurring on preserved farm wineries sometimes include food trucks and other vendors engaging in the retail sale of products that are not the agricultural output of the farm. The SADC also recognizes that the income received directly by the vendors from such retail sales would not be included in the winery's annual gross income calculations contemplated in N.J.S.A. 4:1C-32.8.b. However, the agency is aware that vendor income can be passed-through to the winery by other means, such as commissions-on-sales or through vendor entities connected to the winery. Accordingly, and based on the text in N.J.S.A. 4:1C-32.8.b that gross income received from an SOE "shall include, but need not be limited to" the items listed thereafter, the SADC requires that income derived from "food sales" be specifically itemized in the winery's annual income certification (N.J.A.C. 2:76-27.6(a)7) and in the winery's financial report, if requested by the applicable CADB or the SADC (N.J.A.C. 2:76-27.7(a)1iii(7)). The rules also require that the winery identify the names and addresses of any controlled group of entities connected to the winery that are involved in the SOE in any way (N.J.A.C. 2:76-27.6(a)8 and 27.7(a)1iii(8)). The SADC believes that these regulatory measures attempt to address the commenter's concerns, but the comment raised an important point that will need to be further assessed when the Legislature considers amending the preserved farm winery law after the pilot program expires.

Summary of Agency-Initiated Change:

The agency is correcting an error at N.J.A.C. 2:76-27.6(a)7 by deleting "generated" and inserting "received", which is the word used in the preserved farm winery law at N.J.S.A. 4:1C-32.8(b).

Federal Standards Statement

While the SADC is adopting this rulemaking under the authority of New Jersey's preserved farm winery law, the adopted rule incorporates Federal, Internal Revenue Code (IRC) regulations at 26 CFR 1.1563-1 et seq., in the definition of "controlled group of entities" found at N.J.A.C. 2:76-2.3. Incorporating the IRC regulations attempts to ensure that wineries do not evade the income limits in the preserved farm winery law by receiving income from SOE service providers, such as caterers, over which the winery's principals possess the requisite control but which otherwise appear to be separate business entities. There is no analogous State law or rule addressing this particular issue.

Full text of the adopted new rules follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 27. WINERY SPECIAL OCCASION EVENTS ON PRESERVED FARMLAND

2:76-27.1 Applicability

This subchapter applies to all wineries on preserved farmland included in the pilot program established by N.J.S.A. 4:1C-32.7 et seq.

2:76-27.2 Purpose

The purpose of this chapter is to establish procedures for the registration, compliance, income certification, financial reporting, and auditing of wineries included in the pilot program pursuant to P.L. 2014, c. 16.

2:76-27.3 Definitions

The following words and terms shall have the followings meanings, unless the context clearly indicates otherwise.

"Accounting method" means a set of rules used to determine when and how the winery reports income and expenses on its Federal income tax return, such as the cash, accrual, hybrid, and special methods.

"Accounting records" means hardcopy books, electronic records (that is, QuickBooks, Excel, and other accounting software), and supporting data used in filing the winery's Federal income tax returns and financial statements of the winery.

"Annual accounting period" means the consecutive 12-month period for which the winery maintains its accounting records, beginning on January 1 and ending on December 31.

"Annual gross income" means all of the winery's income (from all sources) for the calendar year, including income from special occasion events and income from the winery's agricultural output.

"Annual gross income from special occasion events" means the annual gross income received for admission fees; rental fees; setup, breakdown, and cleaning fees; catering fees; and all other revenue that is not directly related to the agricultural output of the winery, but is generated by the winery in conjunction with conducting special occasion events in a given calendar year. It does not include wine sales or income derived from the sale of complementary and supplementary products related to the winery's wine, such as wine glasses, winery-branded T-shirts, bottle openers, etc.

"Balance sheet" means a financial statement that shows the winery's assets, liabilities, and net worth on a specific date, which is usually the last day of an annual accounting period.

"Board" means a county agriculture development board established pursuant to N.J.S.A. 4:1C-14 or a subregional agricultural retention board established pursuant to N.J.S.A. 4:1C-17.

"Calendar year" means 12 consecutive months beginning on January 1 and ending on December 31.

"Cash flow statement" means a financial statement that shows the inflows and outflows of cash from the winery's activities during a stated annual accounting period and the related footnotes.

"Committee" means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

"Comprehensive compliance audit" means an audit of the winery's accounting records, financial statements, and income tax returns with an emphasis on auditing the winery's sales and income accounts, also known as a forensic audit.

"Controlled group of entities" means a combination of two or more entities that are under common control within the meaning of 26 CFR 1.1563-1 et seq, which is incorporated herein by reference and available at <https://www.gpo.gov/fdsys/pkg/CFR-2010-title26-vol13/pdf/CFR-2010-title26-vol13-sec1-1563-1.pdf>.

"Financial statements" means the winery's balance sheet, income statement, and cash flow statement.

"Fiscal year" means 12 consecutive months ending on the last day of any month except December.

"Income statement" means a financial statement that shows income and expenses, also known as a profit and loss statement.

"Municipality" means any city, borough, town, township, or village.

"Point-of-sale" means the method by which sales are recorded at the time of a sale and entered into the accounting records.

"Premises" means the property under easement, which is defined by the legal metes and bounds description in the preserved farmland deed of easement.

"Preserved farmland" means land on which a development easement was conveyed to, or retained by, the State Agriculture Development Committee, a county agriculture development board, a county, a municipality, or a qualifying tax exempt nonprofit organization pursuant to the provisions of section 24 of P.L. 1983, c. 32 (N.J.S.A. 4:1C-31), section 5 of P.L. 1988, c. 4 (N.J.S.A. 4:1C-31.1), section 1 of P.L. 1989, c. 28 (N.J.S.A. 4:1C-38), section 1 of P.L. 1999, c. 180 (N.J.S.A. 4:1C-43.1), sections 37 through 40 of P.L. 1999, c. 152 (N.J.S.A. 13:8C-37 through 13:8C-40), or any other State law enacted for farmland preservation purposes.

"Special occasion event" means a wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate county agriculture development board, and conducted pursuant to the requirements set forth in N.J.S.A. 4:1C-32.7 et seq.

"Winery" means a commercial farm where the owner or operator of the commercial farm has been issued and is operating in compliance with a plenary winery license or farm winery license pursuant to N.J.S.A. 33:1-10.

2:76-27.4 Registration procedures for winery special occasion events

(a) Any winery conducting special occasion events on the premises must annually complete and submit to the Committee and Board by March 31 of each calendar year, a registration form provided by the Committee that contains, at a minimum, the following information:

1. Name of winery;
2. Address of winery;
3. Tax block and lot of winery;
4. Municipality and county winery is located within;
5. Chief executive officer or principal officer of winery;
6. A general description of the winery, including years of operation, number of acres of grapes grown at the winery, and how wine is marketed for sale;

7. A property survey or site plan prepared by a New Jersey-licensed surveyor or engineer depicting the premises and the areas used for special occasion events; and

8. A listing of all special occasion events to be conducted on the premises for the current calendar year including event name, description, number of attendees, location on the premises, frequency, and dates.

(b) Any winery conducting special occasion events on the premises held on days of the week other than Friday, Saturday, Sunday, or Federal or State holidays must seek approval from the Committee, or from the Board if the Committee delegates its approval authority to the Board, and submit evidence of approval to the Committee for conducting those special occasion events at the time of registration for the current calendar year.

(c) If any information listed by the winery on its registration form substantially changes after the registration form is submitted for the current calendar year, the winery must provide an updated registration form and submit it to the Committee and Board within 30 days after such change occurs in order to maintain a valid registration.

(d) The Board shall forward copies of any registration forms and registration form changes to the ***holder of the development easement on the premises, if applicable, and to the*** municipality within 30 days of receipt from the winery.

(e) Failure to submit the fully-completed registration form to the Committee and the Board in the time and manner set forth may be considered a violation of the Act by the Committee.

2:76-27.5 Certification of compliance procedures for winery special occasion events

(a) Any winery conducting special occasion events on the premises must annually complete and submit to the Committee and Board by March 31 of each calendar year, a certification of compliance form provided by the Committee that contains answers in the affirmative or negative to each of the following questions:

1. Will the annual gross income generated by special occasion events for the calendar year account for less than 50 percent of the annual gross income of the winery?;

2. Will the special occasion events use the agricultural output of the winery to the maximum extent practicable, promote agricultural tourism and advance the agricultural or horticultural output of the winery?;

3. Does the winery request to conduct events other than on Friday, Saturday, Sunday, or Federal or State holidays?;

4. Will the special occasion events being proposed be conducted in one of the following: (a) a temporary structure, such as an enclosed or open canopy or tent or other portable structure or facility, and any temporary structure would be put in place for only the minimum amount of time reasonably necessary to accommodate the special occasion event; (b) an existing permanent agricultural building; (c) a farm or open air pavilion; or (d) another structure used in the normal course of winery operations and activities?;

5. Will the special occasion events being hosted comply with applicable municipal ordinances, resolutions, or regulations concerning litter, solid waste, and traffic and the protection of public health and safety?;

6. Will the winery operate in compliance with site plan review and any applicable development approvals, as may be required by the municipality?;

7. Will the special occasion event comply with noise standards set forth in the Noise Control Act, N.J.S.A. 13:1G-1 et. seq.?

8. Will the special occasion event comply with any applicable municipal ordinance that restricts the performing or playing of music inside the winery's buildings and structures?;

9. Will the special occasion event end at a time compliant with any applicable curfew established by municipal ordinance?;

10. Will the special occasion event knowingly result in a significant and direct negative impact to any property adjacent to the winery?;

11. Will the winery enforce State and Federal requirements concerning the legal drinking age?;

12. Does the winery certify that it consents to an audit at its own expense to determine compliance with N.J.S.A. 4:1C-32.7?; and

13. Does the winery certify that it is potentially subject to civil penalties and suspension of operations if it conducts special occasion events on the premises in a manner inconsistent with N.J.S.A. 4:1C-32.7?.

(b) If any information listed by the winery on their certification of compliance form substantially changes after the registration form is submitted for the current calendar year, the winery must update its certification of compliance form and submit to the Committee and Board within 30 days after such change occurs in order to maintain a valid certification.

(c) The Board shall forward copies of any certification of compliance forms to the ***holder of the development easement on the premises, if applicable, and to the*** municipality within 30 days of receipt from the winery. The Board or the Committee may consult with the municipality to determine if the winery is in compliance with applicable municipal standards.

(d) Failure to submit the fully-completed certification form to the Committee and the Board in the time and manner set forth may be considered a violation of the Act by the Committee.

2:76-27.6 Certification of income procedures for winery special occasion events

(a) Any winery conducting special occasion events on the premises must annually complete and submit to the Board, by March 31 of each calendar year, a certification of income form provided by the Committee that certifies the annual gross income from special occasion events accounted for less than 50 percent of the annual gross income of the winery for the prior calendar year. The Board shall forward the certification of income form to the Committee. The certification of income form shall include sales data provided by the winery to support its certification of compliance with this subchapter. The sales data will include, at a minimum, total winery sales by categories as listed below:

1. On-premises tasting room sales—wine only;

2. On-premises tasting room sales—non-wines, and by type;

3. Off-premises tasting—wine sales;

4. Off-premises non-wine sales;

5. Wine sales at special occasion events;

6. Non-wine sales at special occasion events;

7. Admission fees, rental fees, setup, breakdown, cleaning fees, catering fees, food sales, and all other revenue that is not directly a result of the sale of the agricultural output of the winery, but is ***[generated]* *received*** by the winery in conjunction with conducting special occasion events^{***}; **and***

8. Names and addresses of any controlled group of entities connected to the winery that are in any way involved in special occasion events and annual gross income associated with each entity.

(b) Failure to submit the fully-completed certification form to the Board in the time and manner set forth may be considered a violation of the Act by the Committee.

2:76-27.7 Financial reporting procedures for winery special occasion events

(a) Upon request by the Board or Committee, the winery will be required to provide additional documentation within 60 calendar days from the date of request, as may be necessary for the Board or Committee to verify compliance with N.J.S.A. 4:1C-32.7 et seq. The documentation shall be prepared consistent with the winery's accounting method as designated in the winery's Federal income tax return for the

annual accounting period. The additional documentation provided must conform to the following procedures:

1. The winery will be required to submit accounting records and related documentation/schedules to allow the Committee to verify compliance with this section. These accounting records include the following:

- i. All calendar year New Jersey Alcoholic Beverage Tax forms as filed (with supporting schedules), including, but not limited to, Winery Manufacturer's Tax Sales Report (Form R-1-W) and Inventory Control of Wineries (Form R-41);
- ii. All calendar year New Jersey Sales and Use Tax forms as filed;
- iii. Detailed schedules of annual gross income and annual gross income from special occasion events from the following:

- (1) On-premises tasting room sales—wine only;
- (2) On-premises tasting room sales—non-wines, and by type;
- (3) Off-premises tasting—wine sales;
- (4) Off-premises non-wine sales;
- (5) Wine sales at special occasion events;
- (6) Non-wine sales at special occasion events; ***and/or***
- (7) Admission fees, rental fees, setup, breakdown, cleaning fees, catering fees, food sales, and all other revenue that is not directly a result of the sale of the agricultural output of the winery, but is generated by the winery in conjunction with conducting special occasion events.

[(8)] ***iv.*** Names and addresses of any controlled group of entities connected to the winery that are involved in special occasion events, and annual gross income associated with each entity.

[iv.] ***v.*** Winery accounting records for the annual accounting period to support wine/non-wine sales including:

- (1) Internal point-of-sale (POS) sales reports;
- (2) Accounting books and records (that is, QuickBooks, Excel, or similar accounting software).

2. The winery shall supply copies of its most recent Federal income tax return to the Board or Committee and shall include copies of its accounting records and financial statements as may be necessary to support the entries on its Federal income tax return, as for example, a reconciliation of any difference between accounting records, financial statements, and the Federal income tax return. The winery's annual accounting period, for purposes of compliance with this subchapter, shall be the calendar year even if a fiscal year is utilized for preparation of Federal income tax returns.

2:76-27.8 Financial audit procedures for winery special occasion events

Where the additional documentation requested in N.J.A.C. 2:76-27.7 does not verify compliance with the provisions of N.J.S.A. 4:1C-32.7 et seq., a comprehensive compliance audit of the winery's financial statements, accounting records, and Federal income tax returns may be required. The audit will be conducted by an independent certified public accountant approved by the Board or Committee, with the cost thereof being paid by the winery. An owner or operator of the winery shall not be subject to an audit authorized pursuant to this section more than once per calendar year without good cause demonstrated by the Board or the Committee. Copies of the audit shall be submitted to the Board and shared with the Committee if an audit is determined necessary by the Board or submitted to the Committee and shared with the Board if an audit is determined necessary by the Committee.

2:76-27.9 Confidentiality of financial information

Financial information provided by wineries in compliance with this subchapter shall be considered proprietary and, as such, not subject to disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., except if such disclosure is otherwise required pursuant to law.

2:76-27.10 Violations and penalties

(a) An owner or operator of the winery who violates N.J.S.A. 4:1C-32.7 et seq., or these regulations shall be liable to a civil penalty of up to \$1,000 for the first offense, up to \$2,000 for the second offense, or up to \$3,000 for a subsequent offense, to be collected in a civil action commenced by the Committee.

(b) In addition to the penalties established pursuant to (a) above:

1. For a second offense, the Committee shall, after a hearing, suspend the owner or operator of the winery from conducting special occasion events for a period of up to six months;

2. For a third offense, the Committee shall, after a hearing, suspend the owner or operator of a winery from conducting special occasion events for a period of at least six months, but not more than one year; and

3. For a fourth or subsequent offense, the Committee shall, after a hearing, suspend the owner or operator of the winery from conducting special occasion events for a period of at least one year, but not more than two years.

(c) Any penalty imposed pursuant to this section may be collected, with costs, in a summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq. The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the Penalty Enforcement Law of 1999 in connection with N.J.S.A. 4:1C-32.7 et seq.

(a)

DIVISION OF ANIMAL HEALTH

Notice of Readoption

Biological Products for Diagnostic and Therapeutic Purposes

Readoption: N.J.A.C. 2:6

Authority: N.J.S.A. 4:1-11, 4:5-104, and 4:5-108.

Authorized By: The State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Effective Date: October 26, 2017.

New Expiration Date: October 26, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 2:6 were scheduled to expire on January 28, 2018. The rules regulate the sale and use of biologics in New Jersey. Biologics are complex products with variable applications and effects that have the potential for misuse. The probable results of their misuse can maintain or spread disease, complicate the diagnostic process, and fail to provide effective disease protection.

The rules do not apply to drugs or chemicals, including antibiotic preparations.

These rules exempt individual registration of most Federally licensed manufacturers or products, and limit the use and distribution of unlicensed or conditionally licensed products. The rules will help ensure that only those biologics that have been licensed by the U.S. Department of Agriculture (USDA) or by the Director of the Division of Animal Health in the New Jersey Department of Agriculture will be used or sold. The rules contain the definitions used (N.J.A.C. 2:6-1.1), distribution restrictions (N.J.A.C. 2:6-1.2), procedures for State license or permit (N.J.A.C. 2:6-1.3), restrictions on the use of biologics (N.J.A.C. 2:6-1.4), and revocation of State license or permit (N.J.A.C. 2:6-1.5).

The Department of Agriculture 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.