

return on equity restrictions hereunder shall be reinstated until the operating reserve account is again fully funded.

(b) Buyers who agreed to fund a capital improvement account, and agree to preserve the low-income status of the project for an additional 15 years, as provided below, may receive enhanced return on equity during the term of the Agency’s mortgage through a split of the project’s residual receipts on a 50/50 basis with the Agency.

1.-3. (No change.)

4. Buyers who elect to participate in this option must have made such election at the time of closing. Buyers may elect to participate subsequent to closing, provided they fund the capital improvement account with an amount equivalent to the amount that would have been required since closing and distribute 50 percent of the accumulated residual receipts to the Agency for deposit into the Housing Investment Sales Account.

(c) (No change in text.)

**(a)**

**NEW JERSEY HISTORIC TRUST  
Garden State Historic Preservation Trust Fund  
Grants Program**

**Readoption with Amendments: N.J.A.C. 5:101**

Proposed: January 16, 2018, at 50 N.J.R. 279(a).  
Adopted: May 16, 2018, by New Jersey Historic Trust, Janet Foster,  
Chair.

Filed: June 5, 2018, as R.2018 d.131, **without change.**

Authority: N.J.S.A. 13:1B-15.114.c and 13:8C-42.

Effective Dates: June 5, 2018, Readoption;  
July 2, 2018, Amendments.

Expiration Date: June 5, 2025.

**Summary of Public Comment and Agency Response:**

**There were no comments.**

**Federal Standards Statement**

A Federal standards analysis is not required because the rules readopted with amendments implement a State statute and are not subject to any Federal requirements or standards.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 5:101.

**Full text** of the adopted amendments follows:

**SUBCHAPTER 1. GENERAL PROVISIONS**

**5:101-1.1 Purpose**

This chapter constitutes the rules of the New Jersey Historic Trust “in but not of” the Department of Community Affairs for the Garden State Historic Preservation Trust Fund Grants Program for the award of grants on a competitive basis for the preservation, restoration, or rehabilitation of historic properties owned by State agencies and entities, local government units, and by tax-exempt nonprofit organizations, under P.L. 2016, c. 12, P.L. 2007, c. 119, P.L. 2009, c. 117, and terminated or lapsed grants under P.L. 1987, c. 265, P.L. 1992, c. 88 and P.L. 1995, c. 204, and P.L. 1999, c. 152 which are to be redistributed, shall be subjected to this chapter, in accord with the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1 et seq.

**(b)**

**DIVISION OF CODES AND STANDARDS**

**Notice of Administrative Correction**

**Liquefied Petroleum Gas**

**N.J.A.C. 5:18-1.6**

**Take notice** that the Department of Community Affairs (Department) has discovered comments on its notice of proposal published on August 7, 2017 (see 49 N.J.R. 2620(a)), that were sent within the comment period, but not addressed in the notice of adoption published on January 16, 2018 (see 50 N.J.R. 298(a)). These comments were received from Mitchell Malec, a retired former employee of the Department, regarding the labeling requirements for liquefied petroleum gas (LPG) cylinders. Mr. Malec’s comments are summarized and addressed in this notice.

1. COMMENT: The commenter recommended that prior to mandating another label or decal, the Department confirm that the current rules are being complied with and evaluate the usefulness of the label.

RESPONSE: During its inspections of facilities that fill LP-Gas cylinders, the Department checks to ensure that current rules are being met. The inspections will include checking to be sure that the label required by this rulemaking has been applied.

2. COMMENT: The commenter described his understanding of the current consumer label requirements related to the Occupational Safety and Health Administration (OSHA) and Department of Transportation (DOT) standards, and recommended that the Department improve its current consumer label requirements and enforce these requirements in lieu of adding the proposed graphic label.

RESPONSE: During its inspections, the Department has found that the labels that suppliers are using to comply with the requirements of N.J.A.C. 5:18-1.6 are clear. The Department believes that the additional graphic label will further improve public awareness.

3. COMMENT: The commenter also recommended that, for consistency, the Department should require a specific pictogram rather than encourage LPG tank owners to apply their own judgement and expertise. The commenter refers to the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) as a potential standard, and explains his understanding of the GHS.

RESPONSE: The Department understands the commenter’s concern about consistency. However, there are numerous graphic representations that are clear and that would be acceptable. The Department believes that, as proposed and adopted, this requirement is reasonable. Should the Department become aware that the graphics being used are illegible or unclear, it will resolve that problem by either establishing guidelines for the label or specifying an acceptable label.

4. COMMENT: The commenter suggested that all other hazard and consumer information be required to be in English and Spanish, and referred the Department to a plastic shrink wrap label used by AmeriGas.

RESPONSE: The rulemaking sought to address only a warning to consumers of the hazard of bringing LP gas cylinders indoors. The commenter’s recommendation that the Department use an all hazards approach and a specific label used by AmeriGas is beyond the scope or intent of this rulemaking and, therefore, is not under consideration as part of this rulemaking.

5. COMMENT: The commenter made inquiries related to technical features of the proposed label, including whether or not it may be combined with the current text-based label, and whether the proposed label is required to be affixed to the collar of the cylinder rather than the body.

RESPONSE: The graphic label may be combined with the Spanish and English warning requirement on a single label. The Department has specified that the label be located on the collar because that is where the consumer will pick up the cylinder and the Department believes that, with the label on the collar, consumers will be more likely to see and read the label.

6. COMMENT: The commenter recommended that the Department review label requirements for other items, such as bags of charcoal, as

models for how the requirements should be written, and inquired about whether the Department would allow labels as described by other standards to be affixed in lieu of the proposed.

RESPONSE: The Department thanks the commenter for suggesting that it review other products, such as bags of charcoal, with regard to labeling requirements. The Department is not aware of problems with the current labeling requirements for LP gas cylinders. The Department has made a clear effort to establish reasonable standards; labels described by other standards that contain the required information would be acceptable.

7. COMMENT: The commenter recommended that the Department review certain New Jersey Administrative Code regulations, including N.J.A.C. 5:70-3.2(a) and 5:18-3.6(a)10, to ensure these rules reflect the proposed requirements.

RESPONSE: The commenter is correct that the language of N.J.A.C. 5:18-3.6(a)10 should be amended to add that employees should affix a label that graphically depicts the prohibition from bring a cylinder indoors. The Department will make the correction in a future rulemaking. N.J.A.C. 5:70-3.2(a) has been amended and presents no conflict with these requirements. The adoption of that change was effective February 5, 2018, as published in the New Jersey Register.

8. COMMENT: The commenter gave a summary of Spanish language warning signage and recommended that the Department revise the Spanish language text to specific language proposed by the commenter.

RESPONSE: The language of the Spanish warning was not proposed for change as part of this rulemaking and will not be changed upon adoption. The Department has received no complaints, and has received no indication of confusion about the Spanish language text and so declines to undertake a change to the translation.

## EDUCATION

### (a)

#### STATE BOARD OF EDUCATION

##### Commissioner

##### Readoption with Amendments: N.J.A.C. 6A:2

##### Adopted Repeal and New Rule: N.J.A.C. 6A:2-2

##### Appendix

Adopted: June 6, 2018, by the State Board of Education, Lamont O. Repollet, Ed.D., Commissioner, Department of Education and Secretary, State Board of Education.

Filed: June 8, 2018, as R.2018 d.133.

Authority: N.J.S.A. 18A:4-22 and 52:14B-3(1).

Effective Dates: June 8, 2018, Readoption;  
July 2, 2018, Amendments, Repeal, and New Rule.

Expiration Date: June 8, 2025.

This organizational rule is excepted from the notice and public comment requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and is effective upon filing with the Office of Administrative Law, pursuant to N.J.S.A. 52:14B-4(b).

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 6A:2.

**Full text** of the adopted amendments and new rule follows (additions indicated in the boldface **thus**; deletions indicated in brackets [thus]):

#### SUBCHAPTER 2. ORGANIZATION OF THE DEPARTMENT

##### 6A:2-2.4 Reporting responsibilities

(a) The following senior managers report directly to the Commissioner:

1. The Chief of Staff/Assistant Commissioner for the Division of Executive Services. The following organizational units and/or their chief

officers report directly to the Chief of Staff/Assistant Commissioner for the Division of Executive Services:

**i. The Director of the Office of Legal Affairs. The following organizational units and their chief officers report directly to the Director of the Office of Legal Affairs:**

- (1) **The Director of the Office of Controversies and Disputes; and**
- (2) **The Director of the Office of School Ethics and Compliance;**

[i.] **ii. The Deputy Chief of Staff—Administrative Services.** The following organizational units and [its] **their** chief officers report[s] directly to the Deputy Chief of Staff—**Administrative Services:**

[(1) The Chief Administrative Officer. The following organizational units and their chief officers report directly to the Chief Administrative Officer:]

[(A)] (1) The Director of the Office of Administration; [and]

[(B)] (2) The Director of the Office of Human Resources; **and**

[ii. The Chief Public Affairs Officer. The following organizational unit and its chief officer reports directly to the Chief Public Affairs Officer:

(1) The Director of the Office of Media Relations and Strategic Outreach;

2. The Deputy Commissioner for the Division of Talent and Performance. The following organizational units and/or their chief officers report directly to the Deputy Commissioner for the Division of Talent and Performance:

i. The Chief Talent Officer. The following organizational units and their chief officers report directly to the Chief Talent Officer:

(1) The Director of the Office of Recruitment and Preparation;

(2) The Director of the Office of Certification/Induction;

(3) The Director of the Office of Evaluation; and

(4) The Director of the Office of Professional Development;

ii. The Chief Performance Officer. The following organizational units and their chief officers report directly to the Chief Performance Officer:

(1) The Director of the Office of Assessments; and

(2) The Director of the Office of Performance Management;

iii. The Chief Information Technology Officer; and

iv. The Chief Strategic Alignment Officer of the Office of Strategic Alignment;]

(3) **The Chief of the Office of Information Technology;**

**iii. The Deputy Chief of Staff — Legislative Affairs. The following organizational units and their chief officers report directly to the Deputy Chief of Staff — Legislative Affairs:**

(1) **The Director of the Office of Constituent Relations;**

(2) **The Director of the Office of Legislative Affairs/Policy Development;**

(3) **The Director of the Office of Charter and Renaissance Schools;**

(4) **The Director of the Office of Public Affairs; and**

(5) **The Director of the Office of Media Relations and Strategic Outreach;**

[3.] 2. The Chief Financial Officer/Assistant Commissioner for the Division of Finance. The following organizational units and/or their chief officers report directly to the Chief Financial Officer/Assistant Commissioner for the Division of Finance:

**i. The Deputy Assistant Commissioner — Finance. The following organizational units and their chief officers report directly to the Deputy Assistant Commissioner — Finance:**

(1) **The Director of the Office of State Monitors; and**

(2) **The Director of the Office of School Finance;**

Recodify existing i.-ii. as **ii.-iii.** (No change in text.)

[iii. The Director of the Office of State Monitors;

iv. The Director of the Office of School Facilities and Finance;]

**iv. The Director of the Office of School Facility Planning;**

**v. The Director of the Office of School Facility Projects;**

Recodify existing v.-vi. as **vi.-vii.** (No change in text.)

[4.] 3. The [Chief Academic Officer/Assistant] **Assistant Commissioner** for the Division of [Teaching and Learning] **Academics and Performance.** The following organizational units and/or their chief officers report directly to the [Chief Academic Officer/Assistant] **Assistant Commissioner** for the Division of [Teaching and Learning] **Academics and Performance:**