

conduct post-race testing, the former trainer shall conduct the horse to the detention barn after the race and the transfer of possession will occur as soon as is practicable. Should the claimed horse be selected for testing by the Commission, the cost of testing will remain the responsibility of the Commission, regardless of the claimant's indication that he or she wished to have the horse tested. The claimant shall have the right to void [said] his or her claim should the forensic analysis of the sample so taken be positive for any drug and/or substance foreign to the horse.

13:71-14.36 Open claiming

(a) This [subchapter] section is not applicable to any licensed owner that has claiming privileges pursuant to N.J.A.C. 13:71-14.1.

(b) (No change.)

(c) An applicant may obtain an open claiming license by complying with the following procedures:

1. (No change.)

2. The applicant shall deposit, with the horsemen's bookkeeper, an amount no less than the minimum claiming price, plus the applicable post-race testing fee pursuant to N.J.A.C. 13:71-14.32, if elected, New Jersey sales tax, and any other [application] applicable charges required at that race meet. Such amount shall remain on account until a claim is made. In the event the funds are withdrawn or withdrawn prior to completion of a claim, any license issued will be automatically revoked and terminated.

3. (No change.)

(d) (No change.)

(e) Unless approval has been granted by the [judges] Judges to the contrary, the claimed horse must race back at that race meet.

13:71-14.37 Delivery of corticosteroid records

The previous trainer of a claimed horse shall, within 48 hours after the race from which the horse was claimed is made official, provide accurate treatment records of all corticosteroid joint injections that were administered to the horse within 30 days before the race took place to the new trainer. The previous trainer shall also deliver a copy of the records to the State Veterinarian within the same 48 hour timeframe.

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Executive and Administrative Service

Proposed New Rules: N.J.A.C. 13:18-4

Authorized By: Raymond P. Martinez, Chairman and Chief Administrator, Motor Vehicle Commission.

Authority: N.J.S.A. 39:2A-1 et seq., and 52:14B-1 et seq.

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

Proposal Number: PRN 2016-121.

Submit comments by October 14, 2016, to:

Kate Tasch
Administrative Practice Officer
Regulatory and Legislative Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, NJ 08666-0162
or via e-mail to rulecomments@mvc.nj.gov.

The agency proposal follows:

Summary

The public comment period for the notice of proposal will be 60 days, since the notice is not listed in the agency calendar. This notice of proposal is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

The Motor Vehicle Commission (hereinafter the "Commission" or the "MVC") proposes new N.J.A.C. 13:18-4, as part of the Executive and Administrative Service chapter to provide guidance to any persons who are interested in petitioning the Commission to adopt a new rule or amend or repeal an existing rule.

The following summarizes the proposed new rules by section:

N.J.A.C. 13:18-4.1 is proposed to explain that a person may petition the Commission to adopt a new rule or amend or repeal an existing rule and provide the appropriate procedure for submitting a petition to the Commission.

N.J.A.C. 13:18-4.2 is proposed to provide the procedure for a response from the Commission regarding a petition.

N.J.A.C. 13:18-4.3 is proposed to provide for a mechanism to address the petition in the event the Commission does not respond to the petition.

Social Impact

The proposed new rules will have a positive social impact. The purpose of the proposed new rules is to ensure that an interested person may petition the Commission to adopt a new rule or amend or repeal an existing rule.

Economic Impact

The economic impact on the Commission is negligible, as the proposed new rules provide a concise and easy manner by which a person may petition to adopt a new rule or amend or repeal an existing rule or part thereof.

Federal Standards Statement

There are no Federal standards applicable to the subject matter of the proposed new subchapter.

Jobs Impact

The proposed new rules allow any person to seek a change to any of the Commission's rules, or part thereof, upon submittal of a petition, and this ease of submitting a petition is not expected to have an effect on job creation.

Agriculture Industry Impact

The proposed new rules do not have any impact on the agriculture industry in this State.

Regulatory Flexibility Statement

The proposed new rules do not contain any reporting, recordkeeping, or compliance requirements on any person, and, therefore, do not have any impact on any small businesses, as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16, et seq. The proposed new rules do not require small businesses to engage additional professional services, nor necessitate any capital or annual expenditures for compliance. The Commission has given careful consideration to these matters and has determined that the proposed new rules offer a concise and easy process for submitting a petition to the Commission.

Housing Affordability Impact Analysis

The proposed new rules will have no impact on housing affordability and there is an extreme unlikelihood that the rules will evoke a change in the average costs associated with housing because the rules pertain to petitions to change any of the Commission's rules, or part thereof.

Smart Growth Development Impact Analysis

The proposed new rules will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to petitions to change any of the Commission's rules, or part thereof.

Full text of the proposed new rules follows:

SUBCHAPTER 4. RULEMAKING PETITION PROCEDURES

13:18-4.1 Rulemaking petition procedures

(a) An interested person may petition the Motor Vehicle Commission ("Commission") to adopt a new rule or amend or repeal an existing rule.

(b) Each petition must be in writing, signed by the petitioner, and state clearly and concisely:

1. The full name and address of the petitioner;
2. The substance or nature of the rulemaking that is requested;
3. The problem or purpose that is the subject of the request;
4. The petitioner’s interest in the request, including any relevant organization affiliation or economic interest;
5. The statutory authority under which the Commission may take the requested action;
6. Existing Federal or State statutes and rules that the petitioner believes may be pertinent to the request;
7. If amendment or repeal is sought, citation of the rule for which the petition is made, using N.J.A.C. references, where applicable; and
8. The petition may include the text of the proposed new rule, amended rule, or repealed rule.

(c) The petition shall be submitted to:
 Administrative Practice Officer
 Regulatory and Legislative Affairs
 Motor Vehicle Commission
 225 East State Street
 PO Box 162
 Trenton, NJ 08666-0162
 or via e-mail to rulecomments@mvc.nj.gov.

(d) Any document submitted to the Commission that is not in substantial compliance with (a) through (c) above shall not be deemed to be a petition for rulemaking requiring further agency action pursuant to this subchapter, the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1.30.

(e) Within 15 days of receipt of a petition submitted in substantial compliance with (a) through (c) above, the Commission will file a notice of petition with the Office of Administrative Law for publication in the New Jersey Register. The notice of petition will include:

1. The name of the petitioner;
2. The substance or nature of the rulemaking action that is requested;
3. The problem or purpose that is the subject of the request; and
4. The date the petition was received.

(f) The Commission will make available on its website at www.njmvc.gov all petitions for rulemaking received and all notices of action filed with the Office of Administrative Law, pursuant to N.J.A.C. 1:30-4.1(d).

13:18-4.2 Commission response to petition

(a) Within 60 days of receipt of a rulemaking petition, the Commission shall either:

1. Deny the petition, in which case the agency shall provide a written statement of its reasons to the petitioner, and include such reasons in its notice of action;
2. Grant the petition and initiate a rulemaking proceeding within 90 days of the granting of the petition; or
3. Refer the matter for further deliberations, the nature of which shall be specified to the petitioner and in the notice of action and which shall conclude within 90 days of such referral. Upon conclusion of such further deliberations, the Commission shall either deny the petition or grant the petition and initiate a rulemaking proceeding within 90 days. The Commission shall mail the results of these further deliberations to the petitioner and submit the results to the Office of Administrative Law for publication in the New Jersey Register.

(b) A specific period of more than 90 days for further deliberations under (a)3 above and/or to initiate a rulemaking proceeding under (a)2 or 3 above may be agreed upon, in writing, by the petitioner and the agency. An agreement to extend either period, or both periods, shall constitute an action on the petition subject to the notice requirements of (c) below.

(c) Within 60 days of receiving the petition, the Commission shall mail to the petitioner, and file with the Office of Administrative Law for publication in the New Jersey Register, a notice of action on the petition which shall include:

1. The name of the petitioner;
2. The Register citation for the notice of petition;
3. The signature of the Commission’s Chief Administrator, signifying that the petition was duly considered pursuant to law;

4. The nature or substance of the Commission action upon the petition; and
5. A brief statement of reasons for the Commission action.

13:18-4.3 Failure to respond to petition

If the Commission fails to act in accordance with the time frames set forth in N.J.A.C. 13:18-4.2(a), the petitioner may request, in writing, a public hearing on the petition by submitting a request to the Director of the Office of Administrative Law pursuant to N.J.A.C. 1:30-4.3.

TREASURY—TAXATION

(a)

DIVISION OF TAXATION

County Boards of Taxation

Proposed Readoption with Amendments: N.J.A.C. 18:12A

Authorized By: John J. Ficara, Acting Director, Division of Taxation.
 Authority: N.J.S.A. 54:1-35, 54:1-35.35, 54:3-14, 54:4-26, and 54:4-35.

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

Proposal Number: PRN 2016-126.

Submit written comments by October 14, 2016, to:

Elizabeth J. Lipari
 Administrative Practice Officer
 Division of Taxation
 Director’s Office
 PO Box 240
 50 Barrack Street
 Trenton, NJ 08695-0240
 E-mail: Tax.RuleMakingComments@treas.nj.gov

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, N.J.A.C. 18:12A was scheduled to expire on July 8, 2016. As the Division of Taxation (Division) has filed this notice of readoption with the Office of Administrative Law prior to that date, the expiration date of the chapter is extended 180 days to January 4, 2017, pursuant to N.J.S.A. 52:14B-5.1c(2). The Division of Taxation has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated.

The rules proposed for readoption with amendments fulfill the statutory mandates of N.J.S.A. 54:1-35, 54:1-35.35, 54:3-14, 54:4-26, and 54:4-35. These statutes govern the administration of county boards of taxation. The rules proposed for readoption with amendments make grammatical and plain language changes in order to make the rules clearer and easier to understand. Certain language, phrasing, and formatting inconsistencies have been addressed. The following technical changes have been proposed: gender-specific pronouns have been amended to eliminate gender designations or to provide gender-neutral phrasing; incorrect punctuation has been corrected; all form names have been capitalized for consistency; peculiar words or phrases have been replaced with plain language; “%” has been replaced with the word “percent,” the phrase “pretax year” has been replaced with “pre-tax year,” “county tax board” has been replaced with “county board of taxation,” “Director, Division of Taxation” has been replaced with “Director of the Division of Taxation,” and “prevailing hours” is changed to “prevailing business hours” for consistency.

The rules proposed for readoption are summarized as follows.

N.J.A.C. 18:12A-1.1 sets forth how the location of the county board of taxation and office hours shall be determined.

N.J.A.C. 18:12A-1.2 provides the requirements for membership and meetings of the county board of taxation. This section also prescribes the