

encourages the commenter to work with staff in the upcoming stakeholder process to develop a recommended approach for accommodating these projects for the Board’s consideration and further rulemaking if necessary, however at this time, the comments submitted are outside the scope of this rulemaking.

17. COMMENT: A suggested solution to the requirement for an orderly and efficient closure, replacement, or modification of the SRP would be to close the current program at the 5.1 percent mark and implement an interim program for a limited time (two years) and for a limited amount of solar development. (MSEIA, SEIA, NJSEC, and KDC)

18. COMMENT: An interim program will reduce the cost of achieving the solar energy goals, a fixed-price SREC interim program is the lowest cost program that can be implemented in a short amount of time. (MSEIA)

19. COMMENT: Additional recommendations for an interim program should support the emergence of community solar, reestablish a tradable SREC at reduced SACP incentive levels, which will reduce ratepayer costs and create financial support, and include market sector targets to be managed by the Board or its agent to prevent oversupply. (SEIA, NJSEC, and KDC)

RESPONSE TO COMMENTS 17, 18, AND 19: The Board appreciates the recommendation for enabling continued market development during the pendency of “attainment” of the ratio of solar electricity to total retail sales but finds the definition of an interim program to be outside the scope of the current rulemaking. The Board encourages the commenters to work with staff in the upcoming stakeholder process to develop a more fully detailed approach for the Board’s consideration.

20. COMMENT: The Board should look to other states in the Northeast and Mid-Atlantic region for alternative SREC programs. (MSEIA)

RESPONSE: Suggestions for review of the alternatives to an SREC program are outside of the scope of this rulemaking. However, toward furtherance of other provisions in the statute, the Board has issued a Request for Quotation toward engaging a contractor to fulfill the statutory requirements to modify or replace the existing SREC program and will review other programs in its development of recommendations for the Board’s consideration.

21. COMMENT: Suggestion that the interim program occurs outside of the Energy Master Plan (EMP) and urges the Board to implement a stakeholder process to consider the design of an interim program. (SEIA, NJSEC, and KDC).

RESPONSE: The Board appreciates the commenters’ suggestion that an interim program occur outside the Energy Master Plan; however, the comments submitted are outside the scope of this rulemaking, but the Board encourages the commenters to work with staff in the stakeholder process.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq., require State agencies that adopt, readopt, or amend State rules exceeding any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The Solar rules have no Federal analogue and are not promulgated under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq., do not require a Federal standards analysis for the adopted amendments.

Full text of the adoption follows:

SUBCHAPTER 2. RENEWABLE PORTFOLIO STANDARDS

14:8-2.4 Energy that qualifies for an SREC; registration requirement; additional approval, designation, and certification processes for grid supply projects; termination of registration program

(a) (No change.)

(b) To be eligible for issuance of an SREC usable for compliance with this subchapter, electricity shall:

1.-3. (No change.)

4. Be generated during the generating facility’s qualification life, as defined at N.J.A.C. 14:8-2.2. Solar electric generation produced after the end of a facility’s qualification life shall not be used as the basis for an

SREC, but may be used as the basis for a class I REC under N.J.A.C. 14:8-2.5;

5. Be generated using equipment that meets either of the following criteria:

i. (No change.)

ii. The equipment was previously used in a solar facility with an unexpired qualification life and all of the following criteria are met:

(1)-(3) (No change.)

(4) Any sale or other transfer of the equipment during the qualification life of the previous solar facility is recorded with the Board and with PJM-EIS through submittal of a PJM-EIS system change form; and

6. No new SREC registration program submittal shall be accepted following a determination by the Board that 5.1 percent of the kilowatt-hours sold in the State by each electric power supplier and each basic generation provider comes from solar electric power generators connected to the State’s electric distribution system has been attained.

i. Termination of SREC registration program shall occur no later than June 1, 2021.

(c)-(q) (No change.)

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Enforcement Service

Adopted New Rules: N.J.A.C. 13:20-50B.50 and 51.16

Proposed: May 21, 2018, at 50 N.J.R. 1250(a).

Adopted: December 11, 2018, by the Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Filed: December 27, 2018, as R.2019 d.013, **without change**.

Authority: N.J.S.A. 39:2-3, 39:2A-28, 39:3-10, 39:3-11, 39:3-43, 39:3-63, 39:3-77, 39:3B-5, 39:3B-10, 39:3B-24, 39:5-30, 39:5B-29a, 39:8-1, 39:8-2, 39:8-4, 39:8-4.1, 39:8-10, 39:8-77, and 39:10-4.

Effective Date: January 22, 2019.

Expiration Date: December 4, 2020.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

49 CFR Part 571, provides manufacturing standards for all school buses subject to inspection. The adopted new rules at N.J.A.C. 13:20-50B.50 and 51.16 require that, as of the time of manufacture, all school buses subject to inspection will meet the Federal manufacturing standards currently in effect or that will be promulgated in the future.

Full text of the adopted new rules follows:

SUBCHAPTER 50B. BODY STANDARDS FOR SCHOOL BUSES MANUFACTURED JANUARY 2006 AND THEREAFTER

13:20-50B.50 School bus sensor system

(a) Pursuant to N.J.A.C. 6A:27-7.13, each school bus shall be equipped with a properly designed and installed sensor to determine the presence of person(s) or object(s) located in, but not limited to, the front and back of the school bus.

(b) All equipment subject to inspection shall meet the standards for the applicable date of manufacture now or hereafter prescribed by Federal law or regulation at 49 CFR Part 571, New Jersey statute, or Motor Vehicle Commission or State Board of Education rule, including the school bus sensor system to detect the presence of person(s) or object(s) located in, but not limited to, the front and rear of the school bus, which sensor shall conform to the guidelines and specifications under N.J.A.C. 6A:27-7.13.

SUBCHAPTER 51. STANDARDS FOR TYPE S SCHOOL VEHICLES

13:20-51.16 School bus sensor system

(a) Pursuant to N.J.A.C. 6A:27-7.13, each school bus shall be equipped with a properly designed and installed sensor to determine the presence of person(s) or object(s) located in, but not limited to, the front and back of the school bus.

(b) All equipment subject to inspection shall meet the standards for the applicable date of manufacture now or hereafter prescribed by Federal law or regulation at 49 CFR Part 571, New Jersey statute, or Motor Vehicle Commission or State Board of Education rule, including the school bus sensor system to detect the presence of person(s) or object(s) located in, but not limited to, the front and rear of the school bus, which sensor shall conform to the guidelines and specifications under N.J.A.C. 6A:27-7.13.

TREASURY—GENERAL

(a)

DIVISION OF PURCHASE AND PROPERTY

Division of Purchase and Property: Purchase Bureau and Contract Compliance and Administration Unit; Surplus Property Unit, Computer Distribution Program

Readoption with Amendments: N.J.A.C. 17:12

Adopted New Rules: N.J.A.C. 17:12-1A.4, 1B, and 2.9

Proposed: October 1, 2018, at 50 N.J.R. 2056(a).

Adopted: December 26, 2018, by Elizabeth Maher Muoio, State Treasurer.

Filed: December 26, 2018, as R.2019 d.012, **without change**.

Authority: N.J.S.A. 10:5-36(k) and (o); 52:18A-30(d); 52:25-1 et seq., 52:25-16.1, 52:32-17 et seq., 52:34-6 et seq., 52:34-6.2(d), 52:34-10.4, 52:34-10.10, 52:34-12(a), and 52:34-13; and Executive Orders No. 34 (1976) and No. 189 (1988).

Effective Dates: December 26, 2018, Readoption; January 22, 2019, Amendments and New Rules.

Expiration Date: December 26, 2025.

Summary of Public Comment and Agency Response: **No comments were received.**

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with amendments and new rules 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. 17:12.

Full text of the adopted amendments and new rules follows:

SUBCHAPTER 1. DESCRIPTION OF ORGANIZATION; MEANS OF PROCUREMENT

17:12-1.1 General course and method of operation

(a) The Division of Purchase and Property (Division), in and of the New Jersey Department of the Treasury, provides centralized procurement and related services to agencies of the Executive Branch of State government. Within its statutory framework, the primary mission of the Division is to procure, in a timely and effective manner, contracts for the goods and services necessary for the daily operation of State government. The Division includes the Procurement Bureau, the Contract Compliance and Audit Unit, and the Distribution and Support Services Unit. This chapter sets forth the rules that apply to the Division, State agencies and other public entities, and vendors participating in the State's procurement and contracting processes.

(b) The Director of the Division of Purchase and Property (Director) is charged with the responsibility for establishing contracts and issuing purchase orders, the cost of which is to be paid with State funds or funds in the State's custody and control, and occasionally those contracts involving no cost to the State or those generating revenue for the State. If the aggregate amount involved does not exceed the threshold established pursuant to N.J.S.A. 52:34-7, any procurement or contract may be made, negotiated, or awarded by the Director without advertising, in any manner the Director may deem effective and practicable to permit full and free competition.

(c) When the aggregate amount exceeds the threshold established pursuant to N.J.S.A. 52:34-7, the Division shall, as prescribed and/or practicable, use one of the following methods to procure the needed goods and/or services:

1. (No change.)

2. A non-advertised procurement process in accordance with applicable statutes and with the requirements and restrictions expressly set forth in this chapter, specifically pertaining to contracting pursuant to:

i. (No change.)

ii. N.J.S.A. 52:34-6.2, by participating in cooperative agreements formed with or by another state or states, or a political subdivision thereof or a political subdivision of New Jersey, or with or by a nationally recognized and accepted cooperative purchasing participant with which other states participate, as described at N.J.A.C. 17:12-1A.3 and 1A.4;

iii.-v. (No change.)

(d)-(e) (No change.)

17:12-1.2 Public information

(a) The public is encouraged to obtain information concerning the State procurement program and request for proposals (RFPs) by accessing the Division's Internet site at www.nj.gov/treasury/purchase. If the information being sought is not available on the Division's website, the public can request information by posing questions via the Division's website, by writing to the Director of the Division of Purchase and Property, PO Box 039, Trenton, New Jersey 08625-0039, or by visiting the Division's reception area at 33 West State Street, 9th Floor.

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

17:12-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...
 "Contract" means a mutually binding legal relationship obligating the contractor to furnish goods and/or services and the purchaser to pay for them, subject to appropriation where the using agency derives its annual budget by means of appropriation from the State Legislature. For publicly advertised contracts, the contract typically consists of the Division's standard terms and conditions, the RFP, the responsive proposal, the notice of intent to award, any subsequent written document memorializing the agreement, any amendments or modifications to any of these documents and any attachments, addenda or other supporting documents, or other writings agreed to by the State and the contractor describing the work to be performed.

...
 "Cooperative agreement" refers to a contractual relationship in which the Division, pursuant to the provisions of N.J.S.A. 52:34-6.2, joins with, or is joined by, another state or states or political divisions thereof or political subdivisions of New Jersey, or with a nationally recognized and accepted cooperative procurement entity in which other states participate, for the acquisition of goods and/or services that have been, or are to be, procured through competitive bidding.

"Cooperative purchasing participants" refers, collectively, to interstate cooperative purchasing participants and intrastate cooperative purchasing participants.

...
 "Interstate cooperative purchasing participants" refers to another state or states, or political divisions thereof, that pursuant to its own laws and regulations are permitted to utilize contracts awarded by the Director.

"Intrastate cooperative purchasing participants" refers to political subdivisions, volunteer fire departments and first aid squads, and independent institutions of higher education and school districts pursuant