

SUBCHAPTER 5. COMPLIANCE AND ENFORCEMENT

8:62-5.5 Hearings

(a) Where the Commissioner assesses an administrative penalty under N.J.A.C. 8:62-5.4 above or proposes to suspend or revoke a permit or certification, denies an application for a permit or certification, or revokes an instructor's approval, the [violator] **permit holder**, certificant, applicant, or instructor, as the case may be, shall have the right to [an informal conference under (b) below or] a formal hearing under (c) below [or both].

[(b) Any violator shall have the right to an informal conference or review before the Commissioner's designee. Such conference or review shall be held provided that a written request for the same has been submitted within 10 calendar days from receipt of the notice of civil administrative penalty assessment issued pursuant to N.J.A.C. 8:62-5.4. When the conference or review is held before the Commissioner's designee, he or she shall state his or her findings and conclusions in writing and transmit a copy to the violator. In the event that the violator does not agree with the findings and conclusions of the Commissioner's designee, he or she may submit a written request for a formal hearing in accordance with (c) below.]

**(b) In the event the Department issues an order to cease and desist to a permit holder or certificant pursuant to N.J.A.C. 8:62-5.3, the permit holder or certificant may request an emergent hearing pursuant to N.J.S.A. 52:14B-1 et seq., in accordance with (c) below.**

(c) Any [violator] **permit holder, certificant, applicant, or instructor** shall have the right to **contest an agency action under this chapter** at a formal hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, provided that a written request for the same is submitted within [10] **30** calendar days after the assessment of an administrative penalty.

**1. Hearing requests shall be sent via U.S. mail to:**

**New Jersey Department of Health  
Office of Legal and Regulatory Compliance  
PO Box 360  
Trenton, N.J. 08625-0360**

[(d) In the alternative, recipients of an administrative penalty assessment may request the initiation of a settlement conference pursuant to N.J.S.A. 26:2Q-8.]

[(e) (d) Where a [violator] **permit holder, certificant, applicant, or instructor** fails to request a hearing within the [10] **30** calendar day period, his or her right to a hearing pursuant to this section shall be deemed waived and the Commissioner's proposed action shall become final.

[(f) (e) (No change in text.)

**TREASURY—GENERAL**

**(a)**

**STATE INVESTMENT COUNCIL**

**State of New Jersey Cash Management Fund  
General Provisions**

**Proposed Amendment: N.J.A.C. 17:16-61.1**

Authorized By: State Investment Council, Corey Amon, Acting Director, Division of Investment.

Authority: N.J.S.A. 52:18A-91 and P.L. 2018, c. 55.

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

Proposal Number: PRN 2019-037.

Submit comments by May 17, 2019, to:

Corey Amon  
Administrative Practice Officer  
Division of Investment  
PO Box 290  
Trenton, New Jersey 08625-0290

e-mail: [susan.sarnowski@treas.nj.gov](mailto:susan.sarnowski@treas.nj.gov)

The agency proposal follows:

**Summary**

N.J.A.C. 17:16 provides the regulatory framework that governs the methods, practices, or procedures for investment, reinvestment, purchase, sale, or exchange transactions followed by the Director of the Division of Investment (the Division) for the funds under the supervision of the State Investment Council (the Council). On July 3, 2018, the Governor signed P.L. 2018, c. 55 (the Act), which, among other changes, transfers the authority to direct investment policy of the Police and Firemen's Retirement System (PFRS) to a newly constituted 12-member PFRS Board of Trustees (the New PFRS Board). The Act further provides that all functions, powers, and duties relating to the formulation, establishment, amendment, modification, or repeal of any policy, procedure, method, or practice on the investment or reinvestment of moneys of PFRS shall be performed by the New PFRS Board. However, the purchase, sale, or exchange of any investments or securities under the control and management of the New PFRS Board shall continue to be exercised by the Division.

P.L. 1970, c. 270, as amended and supplemented by P.L. 1977, c. 281, provides for a common trust fund known as the State of New Jersey Cash Management Fund (CMF) in which may be deposited, the surplus public moneys of the State, its counties, municipalities, and school districts and the agencies or authorities created by any of these entities. N.J.A.C. 17:16-61 sets forth the rules governing participation, permissible investments, units of participation, valuation of investments and units, admission and withdrawal, limitations, and liquidation procedures for the CMF. N.J.A.C. 17:16-61.1 provides a list of funds that may invest in the CMF, which include any fund classified as a Pension and Annuity Fund. The PFRS is a Pension and Annuity Fund. In light of the changes required by the Act, the Council has proposed amendments to N.J.A.C. 17:16 at 51 N.J.R. 356(a) specifically excluding investments or securities controlled by the New PFRS Board because they are no longer under the control of the Council after the transition date. However, PFRS remains an eligible participant under the CMF pursuant to N.J.S.A. 52:18A-90.4. Thus, the proposed amendment to N.J.A.C. 17:16-61.1(b) will conform the subchapter to the governing statute with respect to eligible participants, thereby clarifying that the surplus funds of PFRS continue to be eligible for investment in the CMF.

Because the Division is providing a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

**Social Impact**

The proposed amendment to N.J.A.C. 17:16-61.1 will conform the subchapter to the governing statute and will, thereby, clarify that PFRS continues to be an eligible participant in the CMF after implementation of the Act, thereby impacting the members of PFRS.

**Economic Impact**

The proposed amendment to N.J.A.C. 17:16-61.1 will conform the subchapter to the governing statute and will, thereby, clarify that PFRS continues to be an eligible participant in the CMF after implementation of the Act. The proposed amendment will continue the regulatory framework for the investment of State-administered funds that remain under the supervision of the Council and will, in turn, be followed by the Director of the Division of Investment.

**Federal Standards Statement**

A Federal standards analysis is not required because the investment policy rules of the State Investment Council are not subject to any Federal requirements or standards.

**Jobs Impact**

The proposed amendment will have no impact on jobs.

**Agriculture Industry Impact**

The proposed amendment will have no impact on the agriculture industry.

**Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required since the proposed amendment regulates only the Director of the Division of Investment and will have no effect on small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

**Housing Affordability Impact Analysis**

The proposed amendment will have no impact on the affordability of housing or on the average cost of housing in the State of New Jersey. The proposed amendment clarifies that PFRS continues to be an eligible participant in the CMF after implementation of the Act, and conforms the subchapter language to the governing statute.

**Smart Growth Development Impact Analysis**

The proposed amendment is not anticipated to have an impact on smart growth development or housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey. The proposed amendment clarifies that PFRS continues to be an eligible participant in the CMF after implementation of the Act, and conforms the subchapter language to the governing statute.

**Racial and Ethnic Community Criminal and Public Safety Impact**

The Division has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 61. STATE OF NEW JERSEY CASH MANAGEMENT FUND

17:16-61.1 General provisions

(a) (No change.)

[(b) The following funds may participate in the State of New Jersey Cash Management Fund:

1. Any fund classified as a Pension and Annuity Fund;
2. Any fund classified as a Static Fund;
3. Any fund classified as a Demand Fund;
4. Any fund classified as a Temporary Reserve Fund;
5. Any fund classified as a Trust Fund; and
6. Any fund classified as a Common Pension Fund.]

[(c)] **(b)** [In addition to the funds listed in (b) above, the] **The** surplus **public** moneys of the State, [(including funds administered by the Division of Pensions and Benefits, and the Division of Budget and Accounting within the Office of Management and Budget),] its counties, municipalities, and school districts and the agencies or authorities created by any of these entities may be deposited in the State of New Jersey Cash Management Fund. [The participation of any fund described in this paragraph is subject to the approval of the Treasurer.]