

TREASURY—GENERAL

(a)

GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE

Notice of Readoption

Rules of the Governor's Council on Alcoholism and Drug Abuse

Readoption: N.J.A.C. 17:40

Authority: N.J.S.A. 26:2BB-1 et seq., specifically 26:2BB-4.j.

Authorized By: Governor's Council on Alcoholism and Drug Abuse, Celina Levy, Executive Director.

Effective Date: November 18, 2021.

New Expiration Date: November 18, 2028.

Take notice that pursuant to N.J.S.A. 26:2BB-1 et seq., specifically 26:2BB-4.j, the Governor's Council on Alcoholism and Drug Abuse, N.J.A.C. 17:40, were scheduled to expire on November 10, 2021. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

N.J.A.C. 17:40 provides procedures for the Governor's Council on Alcoholism and Drug Abuse's rules governing the establishment of the Alliance to Prevent Alcoholism and Drug Abuse, Local Advisory Committees on Alcoholism and Drug Abuse, County Alliance Steering Subcommittees, and Municipal Alliance Committees. The rules also govern the distribution of grants to counties and municipalities for alcohol and drug abuse programs established under the Alliance to Prevent Alcoholism and Drug Abuse. The Governor's Council on Alcoholism and Drug Abuse has reviewed the rules and found them to be necessary, reasonable, and proper for the purposes in which they were originally promulgated. Therefore, in accordance with N.J.S.A. 26:2BB-1 et seq., specifically 26:2BB-4.j, these rules are readopted and shall continue in effect for a seven-year period.

OTHER AGENCIES

(b)

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

Authority Assistance Programs

Main Street Recovery Finance Program

Adopted New Rules: N.J.A.C. 19:31-5

Adopted Repeals: N.J.A.C. 19:31-6

Proposed: September 20, 2021, at 53 N.J.R. 1631(a).

Adopted: November 23, 2021, by the New Jersey Economic Development Authority, Tim Sullivan, Chief Executive Officer.

Filed: November 23, 2021, as R.2021 d.149, **without change**.

Authority: P.L. 2020, c. 156 and P.L. 2021, c. 160.

Effective Date: November 23, 2021.

Expiration Date: May 8, 2025.

Summary of Public Comment and Agency Response:

No public comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the adopted new rules and repeals are not subject to any Federal requirements or standards.

Full text of the adopted new rules follows:

SUBCHAPTER 5. MAIN STREET RECOVERY FINANCE PROGRAM

19:31-5.1 Applicability and scope

The New Jersey Economic Development Authority is promulgating this subchapter to establish criteria for products that provide grants to small businesses, loans and grants to microbusinesses, and loans and grants to eligible lending entities as part of the Main Street Recovery Finance Program, which utilizes the Main Street Recovery Fund, in accordance with the Main Street Recovery Finance Program Act, sections 82 through 88 of the New Jersey Economic Recovery Act of 2020, P.L. 2020, c. 156 (N.J.S.A. 34:1B-349 et seq.), as amended by P.L. 2021, c. 160.

19:31-5.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Act" means the Main Street Recovery Finance Program Act, sections 68 through 81 of P.L. 2020, c. 156.

"Authority" means the New Jersey Economic Development Authority established by section 4 of P.L. 1974, c. 80 (N.J.S.A. 34:1B-4).

"Board" means the Board of the New Jersey Economic Development Authority, established by section 4 of P.L. 1974, c. 80 (N.J.S.A. 34:1B-4).

"Capital improvements" means:

1. Expenses that a business incurs for preparation and construction, repair, renovation, improvement, equipping, or furnishing on real property or of a building, structure, facility, or improvement to real property, site-related utility, including, but not limited to, water, electric, sewer, and stormwater, and transportation infrastructure improvements, plantings, solar panels and components, energy storage components, installation costs of solar energy systems, or other environmental components.

2. Expenses that a business incurs for obtaining, and installing furnishings and machinery, apparatus, or equipment, including, but not limited to, material goods subject to bonus depreciation under sections 168 and 179 of the Federal Internal Revenue Code (26 U.S.C. §§ 168 and 179), for the operation of a business on real property or in a building, structure, facility, or improvement to real property.

3. "Capital improvements" shall not include site acquisition; vehicles and heavy equipment not permanently located in the building, structure, facility, or improvement; any capital improvement for which the business received any grant financial assistance from any State source; costs of a lease, including any capital lease; or any soft costs.

"Community development financial institution" means a financial institution certified by the U.S. Department of the Treasury as a community development financial institution. (12 CFR 1805.201).

"Eligible microbusiness" means any microbusiness that satisfies the relevant eligibility criteria set forth at N.J.A.C. 19:31-5.3 for direct financial assistance from the Authority.

"Eligible small business" means any small business that satisfies the relevant eligibility criteria set forth at subsection (b) of section 85 of P.L. 2020, c. 156 (N.J.S.A. 34:1B-352) and N.J.A.C. 19:31-5.3.

"Full-time employee" means:

1. A person:

i. Who is employed by a business for consideration for at least 35 hours a week and whose wages are subject to withholding as provided in the New Jersey Gross Income Tax Act, N.J.S.A. 54A:1-1 et seq.; or

ii. Who is employed by a professional employer organization pursuant to an employee leasing agreement between the business and the professional employer organization for at least 35 hours a week and whose wages are subject to withholding as provided in the New Jersey Gross Income Tax Act, N.J.S.A. 54A:1-1 et seq.; or

iii. Who is a partner of a business who works for the partnership for at least 35 hours a week and whose distributive share of income, gain, loss, or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the New Jersey Gross Income Tax Act, N.J.S.A. 54A:1-1 et seq.; or

iv. Who is a resident of another state and would be eligible under subsections i, ii, or iii above, but whose income is not subject to the New