

Regulatory Flexibility Statement

The proposed new rule will not impact any small businesses in the State, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Accordingly, no regulatory flexibility analysis is required.

Housing Affordability Impact Analysis

The Commission has evaluated this proposed new rule and determined that it will not have an impact on housing affordability in the State and is highly unlikely to affect the average costs associated with housing, as the proposed new rule pertains to placement, and rules related to, pylons at racetracks.

Smart Growth Development Impact Analysis

The Commission has evaluated this proposed new rule and determined that it will not have an impact on smart growth in the State and is highly unlikely to evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan, as the proposed new rule pertains to placement, and rules related to, pylons at racetracks.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this proposed new rule 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 proposed new rule follows:

SUBCHAPTER 20. RULES OF RACING

13:71-20.25 Pylons

(a) It shall be a violation of this rule if a horse, while on stride, or part of the horse's sulky, travels inside the existing pylons when not forced to do so by the actions of another driver or horse. The pylons shall constitute the inside limits of the racetrack.

(b) When an act of interference causes a horse, or part of the horse's sulky, to cross inside the pylons and the horse is placed by the Judges, the offending horse shall be placed behind the horse with which it interfered. The horse that was forced inside the pylons must attempt to return to the racetrack as soon as is safely possible. A horse remaining inside the pylons once, in the Judge's discretion, it is safe to return to the racetrack, may be penalized in accordance with this rule.

(c) For purposes of placing, the following shall apply:

1. If a horse while on stride, or any part of the horse's sulky, goes inside a pylon and, in the opinion of the Judges, that action improved the position of the horse or gave that horse an unfair advantage over other horses in the race, the horse may be placed at the discretion of the Judges;

2. If a horse while on stride, or any part of the horse's sulky, goes inside two consecutive pylons and was not forced to do so by the interference of another horse or driver, the offending horse shall be placed behind all horses that are lapped to the offending horse at the wire;

3. If a horse while on stride, or any part of the horse's sulky, goes inside three or more consecutive pylons and was not forced to do so by the interference of another horse or driver, the offending horse shall be placed last; and

4. If a horse while on stride, or any part of the horse's sulky, goes inside a single pylon more than one time in a single race and was not forced to do so by the interference of another horse or driver, each occurrence will be considered an individual violation of this rule.

(d) Pylons at all racetracks shall be spaced consistently and shall conform to the following:

1. Pylons, other than the pylon at the wire, shall be white, red, yellow, or orange in color but all pylons at a single racetrack must be the same color except for the pylon at the wire, which can be any color of the racetrack's choosing;

2. All pylons must have a red band at the point furthest from the ground to make the point more visible to race participants and officials. Should the pylon itself be red, the pylon must have a white or yellow band at the point furthest from the ground;

3. At all racetracks, pylons shall be:

i. Thirty inches above ground;

- ii. Set at a 30-degree inward angle to the track surface;
- iii. Forty feet apart on the turns; and
- iv. Sixty feet apart on the straightaways.

STATE**(a)****NEW JERSEY STATE LIBRARY****New Jersey Library Construction Bond Act Rules
Proposed New Rules: N.J.A.C. 15:24**

Authorized By: New Jersey State Library, Mary L. Chute, State Librarian, with the approval of Merodie A. Hancock, PhD., President, Thomas Edison State University.

Authority: P.L. 2017, c. 149.

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

Proposal Number: PRN 2019-102.

Submit written comments by August 30, 2019, electronically to mchute@njstatelib.org. Each comment should be identified by the applicable N.J.A.C. citation, with the commenter's name and affiliation following the comment. The State Library encourages electronic submittal of comments. In the alternative, comments may be submitted on paper to:

Mary L. Chute, State Librarian
New Jersey State Library
PO Box 520
Trenton, New Jersey 08625
Fax No: 609-278-2652
Email: mchute@njstatelib.org

The agency proposal follows:

Summary

As the New Jersey State Library has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Overview

The New Jersey State Library is proposing new rules, N.J.A.C. 15:24, to implement the New Jersey Library Construction Bond Act (the Act), P.L. 2017, c. 149, enacted July 21, 2017. New Jersey voters approved the Bond Act on November 7, 2017. The Act authorizes the issuance of \$125 million in general obligation bonds for the construction, reconstruction, extension, improvement, and furnishing of New Jersey's public libraries.

Public libraries have always excelled in providing information for all. This goal is bigger than ever, given libraries' mission to provide access to information critical to all aspects of people's lives: education, business, career, health, social, and civic services, as well as entertainment, recreation, parenting skills, and community life. For those with no access to technology or limited access to the wealth of information provided by libraries, everyday life can be very challenging. Walking through the doors of a public library, or accessing remotely from another location, can literally be the first step someone takes on a personal journey to change his or her life.

With assistance from the Act, libraries can become well positioned to level the playing field for all of the State's residents. New construction and improvements to the State's public libraries, particularly with technology, will enable the people of New Jersey to improve the quality of their lives by providing a high level of easy access both physically and technologically to traditional and 21st century information services.

The purpose of the Act is to improve New Jersey's public library facilities in order to ensure the well-being and success of New Jersey's residents. Public libraries offer the residents of New Jersey critical educational, training, and civic services. For public libraries to best serve the residents of their communities, a modern, efficient, technologically current building with flexible space for the future is necessary.

The New Jersey State Library, in coordination with affiliate Thomas Edison State University, will administer a competitive grant program. Grants will be made to municipal, joint, county, and association libraries. Grants may also be made to a municipality in the case where a library facility is to be constructed by a municipality with the provision that it be equipped, stocked, staffed, or supported by a county or other public library system.

In order to promote the most prudent and efficient use of State grant funds for public library projects, the State Librarian shall annually set a ceiling on maximum per square foot project cost, beyond which project costs will not be eligible in the computation of the State share of funding.

After a review process, the State Librarian will recommend for award, a list of projects that meet the eligibility requirements for the review and approval of the President of Thomas Edison State University. The President shall prepare a list of projects that meet the eligibility requirements and that have been approved for funding by the President and submit this list, including the amount of each project grant, to the Legislature of New Jersey for approval.

A summary of N.J.A.C. 15:24 follows:

N.J.A.C. 15:24-1.1 describes the purpose and scope of the rules.

N.J.A.C. 15:24-1.2 is the authority for the rules to implement the Act.

N.J.A.C. 15:24-1.3 defines terms used in the chapter.

N.J.A.C. 15:24-2.1 describes the allocation of funds and the matching funds requirement.

N.J.A.C. 15:24-2.2 describes types of eligible and ineligible projects.

N.J.A.C. 15:24-2.3 describes funding priorities.

N.J.A.C. 15:24-2.4 describes the means by which priority alignment will be determined and evaluated.

N.J.A.C. 15:24-2.5 describes the computation of square footage costs.

N.J.A.C. 15:24-2.6 lists eligible and ineligible project costs.

N.J.A.C. 15:24-2.7 lists primary criteria for eligible projects.

N.J.A.C. 15:24-3.1 sets forth applicant priorities for the receipt of grants for multiple and single projects.

N.J.A.C. 15:24-3.2 sets forth the amount of the grant and the method of allocation.

N.J.A.C. 15:24-4.1 sets forth procedures for grant application by potential applicants.

N.J.A.C. 15:24-4.2 describes the process for review and approval of the grant applications.

N.J.A.C. 15:24-5.1 describes the reporting requirements of the State Librarian to the State Treasurer, the New Jersey Commission on Capital Budget and Planning, and the Legislature. The section also includes ongoing reporting requirements applicable to those receiving awards.

N.J.A.C. 15:24-6.1 describes the grant administration process, how funds will be paid to the applicants awarded grants, the requirement for State receipt of matching funds, and other requirements for construction of the project. Grounds for termination of a grant agreement and allocation of balances to another approved grant are included.

Social Impact

All people of New Jersey should have equitable access to New Jersey's public library facilities, collections, technological resources, and services regardless of age, color, race, religion, or creed, socioeconomic level, or disability. This principle underlies the Act and the proposed rules, which emphasize what can be used or accomplished within the public library space. The resources and activities available within that space are critical to the people of New Jersey; whether it be providing the technology that helps each resident bridge the digital divide by utilizing computers and electronic resources; engaging with others in a public forum on an important civic topic; or by people attending library programs for information or entertainment, or by participating in the joys of reading for each member of the family, or by using any one of numerous critical services provided by the public library.

The purpose of the Act is to improve New Jersey's public library facilities to ensure the wellbeing and success of New Jersey's residents. As stated in the Summary above, public libraries offer the residents of New Jersey critical educational, training, and civic services. In order for public libraries to best serve the residents of their communities, a modern, efficient, technologically current building with flexible space for the

future is necessary to ensure that each community can offer its residents the best quality library service.

The New Jersey Library Construction Bond Act provides funds to "build, equip and expand public libraries to increase capacity and serve the public." See P.L. 2017, c. 149. Responses to a 2018 New Jersey Library Association (NJLA) survey indicated that many libraries are not yet compliant with the Americans with Disabilities Act (ADA), which was passed in 1990. In a 2014 NJLA survey on facilities, many librarians cited the lack of elevators, automatic doors, bathrooms, ramps, outside sidewalks, and narrow aisle widths within the building as serious compliance issues that needed to be addressed. Therefore, it is anticipated that some libraries will seek, and may be awarded, funds for ADA compliance, which will have a major social impact on persons with disabilities, who will gain new access to materials, technology, resources, and services.

Thousands of New Jersey residents are still using libraries that are aging, lack adequate space for technology, and/or are not equipped for technology and electronic information. Helping people to bridge the digital divide by promoting access to technology and electronic resources with the necessary training to use these resources will have a major social impact on the State's residents with limited technological experience.

New Jersey's residents will have enhanced public libraries that can serve as public spaces and community centers in which people can engage and interact for civic, educational, informational, and recreational purposes. Adding the necessary space to public library buildings will promote the growth of community and continue the public library's role as community centers.

In the 2014 and 2018 NJLA surveys, a number of libraries reported that all, or parts, of their buildings were 75 to 100 years old, and had not been renovated in at least 25 years. Thus, it is anticipated that some public libraries will seek assistance to address safety issues, such as aging structures and mechanical systems, and may also decide, as part of the renovation, to request funding for construction of new, flexible program spaces for various kinds of community activities. Preserving and enhancing the existing space will promote the growth of community and continue the public libraries' roles as community centers. The social impact of this grant program will also allow residents to pursue careers, learn computer and resume-making skills, benefit from business, financial opportunities, and investments, and pursue new areas of interest for themselves and their families.

Public libraries also need to be made as safe as possible by addressing structural and mechanical issues, as well as remediation and public safety issues affecting people of all ages. Having the library become a safe place in the community, a benefit of this grant program, has a definite social impact on residents of all ages. Parents will attend the library with their children, older children and teens will attend on their own, and adults and senior citizens will visit, knowing that the library is a safe haven for enjoyment and learning.

Residents of municipalities and counties that receive construction funding for their public libraries will be better able to access information, materials, services, and programs in a way that they have never been able to before. As New Jersey's population continues to rise, New Jersey's public library community and the residents they serve will benefit greatly from the New Jersey Library Construction Bond Act.

Economic Impact

Implementation of N.J.A.C. 15:24 will have an overall positive economic impact on the State. The proposed new rules will aid in the distribution of \$125 million worth of grants made possible by the sale of \$125 million in general obligation bonds. Otherwise, municipalities and counties would have to absorb the entire costs of construction. Therefore, there are definite monetary savings for communities that apply.

The grants support no more than 50 percent of the cost of a project and the applicant must provide matching funds to support the remaining 50 percent of the cost of the project. The New Jersey Library Association estimates that with the 1:1 match required to receive funds, anticipated revenues generated by the construction projects will be in excess of a quarter of a billion dollars. How many of these projects would occur in the absence of the funding is not known.

The Library Construction Bond Act will provide employment for hundreds of workers in New Jersey. Workers in the construction/building trades, technology infrastructure, and others involved in aspects of construction, such as plumbing, carpeting, tile making, roofers, masons, pavers, and many other trades, will be hired to work on public libraries to be built, renovated, or rehabilitated.

The rules will encourage municipalities and counties to purchase land to build new library buildings and additions, purchase buildings to be used as public libraries, and extensively renovate or rehabilitate existing or purchased buildings. The rules will also allow communities to repair their public library buildings and the major systems in the buildings, such as heating and air conditioning, electrical, etc.

Applicants for this grant program will also incur costs in planning. Fees for consultants, architects, surveyors, engineers, inspectors, furniture makers, interior design firms, artists, crafts persons, and others may be incurred. These fees will put hundreds of people to work, again providing a stimulus to the economy.

Federal Standards Statement

The proposed new rules are not subject to Federal standards or requirements, therefore, a Federal standards analysis is not required for this rulemaking.

Jobs Impact

A number of jobs in the building industry will be created when the rules take effect. Construction jobs, as well as jobs in related occupations, will be created. Electricians, plumbers, painting, and roofing contractors will all see an impact. Architects, consultants, project management companies, engineers, and general and specialized contractors will be hired for these projects. Companies that specialize in library furniture will be furnishing new libraries, library additions, and library rehabilitation projects. Jobs will also be created for technology companies and for computer stores as public libraries improve or upgrade their technology, or new technology centers are created.

Agriculture Industry Impact

The proposed new rules will have no impact upon the agriculture industry.

Regulatory Flexibility Statement

The proposed new rules affect 298 municipal, joint, county, and association libraries, none of which, as governmental entities, are small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16. Therefore, a regulatory flexibility analysis is not required.

Housing Affordability Impact Analysis

The proposed new rules will have no impact upon the average cost of housing in New Jersey or upon the affordability of housing in the State as the rules pertain to the Library Construction Bond Act.

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 proposed new 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 as the rules pertain to the Library Construction Bond Act.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Board 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 proposed new rules follows:

CHAPTER 24

NEW JERSEY LIBRARY CONSTRUCTION BOND ACT RULES

SUBCHAPTER 1. GENERAL PROVISIONS

15:24-1.1 Purpose and scope

(a) All people of New Jersey should have equitable access to New Jersey public library facilities, collections, technological resources, and services regardless of age, color, race, religion or creed, socioeconomic level, or disability.

1. This chapter describes a physical space, a public library, and the development of materials (collections and resources) and activities (services) that are integral to the use of that space. The kinds of services offered within that space are critical to the people of New Jersey. The library might provide the technology to help residents bridge the digital divide by utilizing computers and electronic resources. It might provide the space for public forums on important civic topics, art shows, or musical entertainment, or for lectures on topics of community interest. A public library might also foster participation in the joys of reading for each member of a family.

(b) The purpose of this chapter is to improve New Jersey's public library facilities to ensure the well-being and success of New Jersey's residents. Today's public libraries offer the residents of New Jersey critical education, training, and civic services, which are more cost-effectively provided through modern, technologically current buildings with flexible spaces adaptable to many types of programs and services.

1. To support this need, the State is distributing funding to communities seeking to improve and expand their access to resources, including technology. This subsection describes the procedures and criteria for communities to apply for and receive funding. Broadly speaking, the State's priorities for this funding are:

i. Construction and rehabilitation to further access to library services with an emphasis on equal access for all people to easily use library resources and services;

ii. Enhancement of public libraries to serve as public spaces and community centers in which people engage and interact for civic, educational, informational, and recreational purposes;

iii. Optimization of the technological infrastructure to promote access to the Internet, electronic resources, and instruction in their use(s) helping all people to bridge the digital divide; and

iv. Growth in critical public library services available to the citizens of New Jersey (including those that support education, employment, welfare, job training, career assistance, college preparation, securing government assistance, and civic services).

(c) Applicants are invited to submit applications that address one or more of these Statewide priorities. Project applications will be evaluated on the means by which the projects are aligned with the Statewide priorities listed in this section and the "primary criteria," which articulate basic eligibility for funding pursuant to N.J.A.C. 15:24-2.7(a).

(d) Given the past decade of disinvestment in the State's libraries, and the two decades since the State's last program investing in public library construction, the State Librarian may seek to administer a phased solicitation process awarding funds in more than one round in order to most effectively respond to the needs around New Jersey and dedicate bond resources accordingly.

15:24-1.2 Authority

This chapter implements the New Jersey Library Construction Bond Act, P.L. 2017, c. 149, an act authorizing the issuance of \$125 million in general obligation bonds for the construction, reconstruction, development, extension, improvement, and furnishing of New Jersey's public libraries.

15:24-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at P.L. 2017, c. 149.

"Act" or "Bond Act" means the New Jersey Library Construction Bond Act, P.L. 2017, c. 149.

“Applicant” or “eligible applicant” means a municipal, county, or joint library established pursuant to N.J.S.A. 40:33-1 et seq., or 40:54-1 et seq., or a library established pursuant to N.J.S.A. 15A:1-1 et seq., and receiving public funds pursuant to N.J.S.A. 40:54-35. “Applicant” shall also mean a municipality, in the case in which a library facility is to be constructed by a municipality with the provision that it be equipped, stocked, staffed, or supported by a county or other public library system.

“Construct” and “construction” means the planning, erecting, altering, expanding, repairing, purchasing, acquiring, improving, developing, constructing, reconstructing, extending, rehabilitating, renovating, upgrading, demolishing, and equipping of public libraries.

“Costs” means the expenses incurred in connection with the project. This includes the acquisition by purchase, lease, or otherwise, the development, and the construction of any project authorized by the Act; the acquisition by purchase, lease, or otherwise, and the development of any real or personal property for use in connection with a project authorized by the Act, including any rights of interest therein; the execution of any agreements and franchises deemed by the President of Thomas Edison State University to be necessary or useful and convenient in connection with any project; the procurement of engineering, inspection, planning, legal, financial, or other professional services, estimates, studies, reports, or advice, including the services of a bond registrar or an authenticating agent; feasibility studies; the issuance of bonds, or any interest or discount thereon; the administrative, organizational, operating, or other expenses incident to the financing and completion of any project authorized by the Act.

“Matching funds” means cash, local governmental appropriations, grants, and other funds from any private or Federal source, and the proceeds from the sale of municipal bonds. Matching funds must equal the grant amount dollar-for-dollar. Grants from State of New Jersey sources may not be used to satisfy the matching requirement.

“President” means the President of Thomas Edison State University.

“Project” means the acquisition of land for construction of a new building(s) or expansion of an existing building(s) to be used as a public library; the establishment and construction of public libraries; the rehabilitation and repair of public libraries; and the acquisition of additional and upgraded furniture, fixtures, and/or information technology equipment.

“Project grant” or “grant” means a grant of monies from bonds issued under the Act to fund a project approved pursuant to P.L. 2017, c. 149, and for which a project-specific appropriation has been made.

“Public library” means a library that serves, free of charge, all residents of an area as established pursuant to Chapter 33 or Chapter 54 of Title 40 of the New Jersey Revised Statutes; or a library established pursuant to N.J.S.A. 15A:1-1 et seq., and receiving public funds pursuant to N.J.S.A. 40:54-35. “Public library” does not include any special-purpose library, such as a law, medical, or academic library, which is organized to serve a special clientele or purpose.

“Rehabilitation” means the renovation, alteration, or reconstruction of any building or structure.

“Repair” means the restoration to a good or sound condition of materials, systems, and/or components of a public library building that are worn, deteriorated, or broken, using materials or components identical to, or closely similar to, the existing materials.

“Substantial changes” means a 10 percent or more change in the eligible costs as submitted in the grant application, and any internal structural changes that alter the function of the public library building or the allocation of space as submitted in the grant application.

SUBCHAPTER 2. TERMS OF GRANT PROGRAM

15:24-2.1 Allocation of funds; match requirement

(a) Grants from the Bond Act shall be used only to fund approved projects for public libraries.

(b) For any grant for a project approved by the State Librarian and the President, which is financed by Bond Act funds, the grant shall support no more than 50 percent of the cost of the project and the applicant shall provide matching funds to support 50 percent of the cost of the project.

15:24-2.2 Types of eligible and ineligible projects

(a) The President and the State Librarian shall consider project(s) or combinations of projects for approval of a grant from Bond Act funds available, or expected to become available, pursuant to the Act. Projects include, but are not limited to:

1. Construction of a new building to be used as a public library;
2. Construction of an addition to an existing building to be used as a public library;
3. Acquisition of land on which there is to be construction of a new building(s) or expansion of an existing building(s) to be used as a public library;
4. Acquisition of a building to be used as a public library;
5. Rehabilitation of an existing building to be used as a public library, which may include, but is not limited to, energy conservation, the creation of innovative and collaborative space for library and community activities, and upgrading or modernizing a facility for compliance with applicable and current local, State, and Federal health and safety standards; and

6. Repair of public library building(s) or designated mechanical system(s), or component(s) within such buildings that are worn, deteriorated, or broken, using materials or components identical to or closely similar to the existing components. Repair projects are intended to extend the useful life of a library facility and may include, but are not limited to, roofing, flooring, lighting, plumbing, heating/ventilation/air conditioning systems, and other necessary work to keep the building in efficient operating condition. Simple custodial repair work is not eligible for funding, unless the repair is a part of a larger rehabilitation or expansion project.

(b) The following projects, which are not defined in the Act, are ineligible for a grant:

1. Refurbishing of an existing building (carpeting, painting, etc.) when not part of a rehabilitation project;
2. Simple custodial building maintenance, such as preventative maintenance (inspection of fire extinguishers and alarms, etc.) and minor repairs (for damaged plumbing, wiring, windows, equipment, paint, etc.); and
3. Construction costs relating to non-public library use areas, in cases where a portion of the proposed construction is for use other than for a public library, such as municipal offices or a general municipal meeting room.

15:24-2.3 Funding priorities

(a) To ensure equitable distribution of grant monies across the library system and to meet the goals specified in N.J.A.C. 15:24-1.1(b) and the Act, projects will be evaluated to determine whether they further the following State priorities. For each project, applicants should indicate which priorities will be promoted by such project and support such assertions using the means by which priority alignment will be determined as specified in N.J.A.C. 15:24-2.4. The State priorities are as follows:

1. Construction and rehabilitation to further access to library services with an emphasis on equal access for all people to easily use library resources and services;
2. Enhancement of public libraries to serve as public spaces and community centers in which people engage and interact for civic, educational, informational, and recreational purposes;
3. Optimization of the technological infrastructure to promote access to the Internet, electronic resources, and instruction in their use(s), helping all people to bridge the digital divide; and
4. Growth in critical public library services available to the citizens of New Jersey (including those that support education, employment, welfare, job training, career assistance, college preparation, securing government assistance, and civic services).

15:24-2.4 Means by which priority alignment will be determined and evaluated

(a) Project alignment with the State priorities, pursuant to N.J.A.C. 15:24-2.3, will be determined and evaluated using the following criteria:

1. The extent to which barrier-free improvements do not exist in the public library building. The applicant must address what general improvements will be required in order to be barrier-free.

2. Socioeconomic profile. Public libraries provide an economic lift for residents, particularly in communities in which education, support services, and the social safety net are less robust. Measures of the socioeconomic need of the community should be included and cited.

3. Current needs. Articulation of the basic services the current library lacks, particularly in the absence of the expansion, repair, rehabilitation, or acquisition of an existing building. This may include, but is not limited to, evidence that the existing facility is no longer able to support the delivery of services to a community with diverse needs, limited shelf space or storage for books or audiovisual materials, and/or limited seating for customers.

4. Digital divide. Assess the extent of the current digital divide in the community, such as, high demand for public access computers, high percentages of customers with no Internet access at home, or limited access to electrical and data lines that makes it difficult to increase the number of computers at the public library.

5. Future projected needs. Assess the anticipated library service needs of residents through the year 2030, particularly as they are related to core library services, as stated in N.J.A.C. 15:24-1.1. This analysis may include, but is not limited to, projections of future community demographics, review of current and projected library use statistics, and an examination of city planning documents.

6. Resiliency. Address the need for resiliency improvements to public library buildings so that public libraries may function as community resources in times of emergency and disaster. For example, the public library building can be the one building in the community to provide cell phone charging for all in a time of emergency.

7. Extent to which current public library standards are met. Evaluate the extent to which the current facility meets the criteria for receipt of State Aid (as set forth in this subchapter) in the calendar year prior to the submission of an application. Should the minimum criteria not be met, provide an explanation or justification as to why minimum criteria have not been met.

8. Extent to which current building standards are met. Evaluation of the extent to which the current facility meets, or fails to meet, code standards for lighting, seismic, water infrastructure, and other design standards for health, safety, and energy efficiency.

9. Functionality of the public library building. Evaluate how well the building works as a library, how it is consistent with the library's mission, how it is consistent with the building program, flexibility of the building design in adapting to future needs, and overall functionality of the building for the ease of the customer.

10. How the investment furthers existing functions. Describe how the project will enhance functions of the existing facility through augmentation of collections management, technology, dedicated space, programming/meeting space, and services, among others. This may include, but is not limited to, projects fostering energy efficiency using green design principles and targeting Leadership in Energy and Environmental Design (LEED) certifications; addressing collection preservation as part of building and rehabilitation design, such as the inclusion of climate control systems, where necessary, and ambient lighting; promoting healthy internal building environments that protect human health and well-being according to WELL Building Standards, as promoted by the International WELL Building Institute; laptop plug-in and lab areas; WiFi enhancements; age-specific collaboration spaces; workforce training/job searching equipment; consortium and delivery operations; and reconfiguration in anticipation of projected future growth.

11. How the project provides new services. Illustration of how the proposed project will contribute new or enhanced services for the broader communities it serves, including how the opportunities enabled by the project will complement other social services and programs within the community.

12. Degree of community support/partnerships. A description of the formal partners, both traditional and non-traditional, that support the library and/or the specified project, as well as the partners' respective roles dedicated to bolster the library's mission as it relates to the community it serves.

13. Effects of staffing, maintaining, and operating the proposed facility. Plans for how the proposed project will draw on future resources

and how the applicant plans to support functions of the library once the proposed project reaches full functionality.

14. Cost-effectiveness of the project. Feasibility of the costs; are they reasonable, accurate, a good value, do they support increased efficiency of the building, and/or have an environmental impact.

15:24-2.5 Computation of square footage costs

(a) The maximum per square foot costs for computation of the project grant funding of construction and rehabilitation have been set at \$350.00 per square foot for new construction and \$200.00 per square foot for rehabilitation and repair. If the grant program is administered in a phased-solicitation process, these costs will be adjusted annually according to the Consumer Price Index for All Urban Consumers (CPI-U), Northeast Region, All Items, not seasonally adjusted.

(b) In cases where a portion of the proposed construction is for use other than for a public library, such space may not be included in the computation of available square feet of space in the computation of the State share of funding. The applicant shall clearly designate the non-public library use areas and the related costs; grant awards shall be reduced by the amount of the non-public library uses and related costs.

(c) The cost of any shared space submitted for grant funding shall be prorated on the basis of the percentage of public library use.

(d) Public library floor space must be measured to include total square footage of space to be used as a public library, including outer walls, areas provided for mechanical equipment and maintenance requirements, and storage. These areas shall have heat, light, and ventilation and square footage commensurate with their purposes.

(e) The reasonableness of land purchase costs also will be considered. See N.J.A.C. 15:24-2.7(a)4.

15:24-2.6 Eligible and ineligible project costs

(a) In connection with each eligible project, the following are eligible project costs:

1. Construction of new buildings and expansion, repairs, rehabilitation, or acquisition of existing buildings to be used as a public library;

2. Expenses incurred after the signing of contracts for approved grant awards related to the acquisition of land on which there is to be construction of a new building(s) or expansion of an existing building(s) or acquisition of an existing building(s) to be used as a public library, provided the expenses constitute an actual cost or a transfer of public funds;

3. Site grading and improvement of land on which buildings used as a public library are located or are to be located;

4. Architectural, engineering, consulting, and inspection services related to the specific project for which application for financial assistance is made;

5. Costs relating to the acquisition and installation of equipment to be located in public library facilities, including all necessary building fixtures and utilities, furniture, and equipment, such as library shelving, and filing equipment, catalogs, cabinets, circulation desks, reading tables, study carrels, computers, and all video, voice, and data telecommunications equipment and linkages necessary for Internet access with a useful life of five years or more based on the life cycle of the equipment as specified by the manufacturer, but not including books or other library materials. Only equipment to be used in eligible projects funded under this chapter are eligible. In no case, shall costs for furniture and equipment that are in excess of 30 percent of the total costs of the project be considered an eligible project cost;

6. Expenses for moving to and from a temporary public library facility, when the existing facility is under construction and is no longer safe to inhabit as determined by the architect, and rent thereof for up to one year; and

7. Expenses for off-site storage and related moving costs, when necessary, for up to one year.

(b) The following are ineligible project costs:

1. Applicants may not use as matching funds, and grant funds may not be used to reimburse, any expenditures encumbered before the approval of a project grant award;

2. Expenses for moving to and from a temporary library facility and rent thereof as encumbered by the applicant after one year; and

3. Debt service and other costs associated with the issuance of bonds.

15:24-2.7 Primary criteria for eligible projects

(a) All applications shall meet the following criteria:

1. Barrier-free access improvements, such as ramps, restrooms, and other necessary improvements to bring the public library building in compliance with State and Federal minimum standards for providing accessibility for individuals with disabilities must be integrated in all new construction, repair, and rehabilitation projects.

2. Equitable public access to current technology and the adaptability of the public library building to future uses of technology for all public library customers must be integrated into all project proposals.

3. The applicant shall be in possession of a fee simple title or such other estate or interest in the project site, including access thereto, as is sufficient to assure undisturbed use and possession of the facility(ies) for not less than 20 years, or shall have met the criteria set forth at (a)4 and (b) and (c) below. Ownership of the site by the applicant includes ownership of the land by the municipality(ies) in which the applicant is located, or the county(ies,) in the case of a county or regional public library application, provided that such land has been formally dedicated to public library use.

4. In cases where an applicant is proposing to acquire land on which there is to be construction of a new building(s) or expansion of an existing building(s) to be used as a public library, the applicant shall submit a letter of intent to purchase such land.

i. Documentation of the value of the land, and, if applicable, any structures upon it, will be required to determine that each land purchase is reasonable and comparable in price to other land purchases in proximity to the land to be acquired.

ii. The appraisal shall be prepared by an independent appraiser licensed by the State of New Jersey.

iii. The intent to acquire land may be in the form of a resolution of the governing body(ies) of the municipality(ies) of the applicant or the county(ies), in the case of a county or regional public library, a letter of intent to purchase land; a contract for the purchase of land; and/or other legal documents as determined by the applicant's attorney to be proof of intent to purchase land and as acceptable to the President and State Librarian. When the purchase of land is complete, the applicant must adhere to the requirements of (a)3 above. The land must be formally dedicated to public library use.

(b) If land and/or structures purchased with grant funds are sold within 20 years of the grant award notification, the applicant will be required to reimburse funds equal to the purchase price of the land and/or structures to the Department of the Treasury.

(c) New public library buildings or buildings purchased to be public libraries may be part of, or located in, a mixed-use commercial, residential, municipal, county, State, or Federal project, if the applicable local codes allow. Only the costs attributed to the use of the public library building are eligible costs of the Bond Act. Any non-public library use area or shared space must be prorated by the architect and may not be funded by a grant.

(d) For each rehabilitation and/or building acquisition project, a building analysis shall be prepared by an architect licensed in the State of New Jersey and shall be submitted as part of the application. The architect or a building consultant shall prepare a building program and such program shall be submitted as part of the application. The architect shall certify that the rehabilitated structure and all its component parts shall have a life expectancy of 20 years or more from completion of the project. Analyses made by the architect regarding the following shall be submitted in substantiation of the suitability and practicality of the acquisition, construction, rehabilitation, or repair:

1. The architect's certification that the building is structurally sound;

2. A determination that the building is suitable for acquisition or rehabilitation and upon completion will require no more than normal, annual maintenance;

3. The evaluation of the space requirements and allocation of space demonstrating that the structure, as acquired or rehabilitated, will serve the specific needs of the applicant and its community as defined in the library building program submitted as part of the grant application; and

4. An analysis of all mechanical aspects of existing construction to determine the need for replacement or improvement.

(e) Certification by the applicant that it has, or will have, local matching funds for the project, including a detailed listing of the matching funds. The applicant shall support 50 percent of the cost of the project. The local governing entity in the area served by the public library may solicit and receive grants and other funds from any private or Federal source to support its required share of the project.

(f) All structures must comply with the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and the rules promulgated thereunder, N.J.A.C. 5:23.

(g) In advance of submission of a grant application, the applicant must apply for any necessary approvals from the New Jersey Department of Environmental Protection, including the Historic Preservation Office, and other agencies, as applicable, and should provide evidence that application(s) have been made.

(h) Certification by the applicant that the public library project will comply with all State and Federal laws, codes, statutes, rules, and government guidelines, including prevailing wage and labor laws, and the principles of affirmative action and equal opportunity, where applicable. All New Jersey labor laws and rules shall be adhered to, when applicable.

(i) All contracts shall be awarded to the lowest responsible bidder on the basis of open competitive bidding, as specified in the Local Public Contracts Law, N.J.S.A. 40:11-1 et seq., unless exempt from the public bidding process under that law.

(j) Building plans shall be prepared by an architect licensed by the State of New Jersey.

SUBCHAPTER 3. GRANT ALLOCATION AND APPLICANT PRIORITIES

15:24-3.1 Applicant priorities for the receipt of grants for multiple and single projects

(a) Applicant priorities for the receipt of construction grants shall include the following:

1. In order for a project to be considered, the application must be complete. Where an applicant has filed applications for more than one project, only those applications that are complete will be considered.

2. Applicants submitting an application for more than one project shall rank each project in order of priority and importance to the applicant.

3. The applicant's own ranking of its projects will be reviewed in compiling the list of eligible projects to be recommended for approval.

15:24-3.2 Amount of grant and method of allocation

(a) A grant shall support no more than 50 percent of the cost of the project and the applicant shall provide matching funds to support 50 percent of the cost of the project.

(b) When actual costs are less than the amount approved, the grant award shall be reduced proportionally, pursuant to (a) above, to reflect actual amounts.

(c) The State Librarian may determine the maximum and minimum grants to be awarded under this chapter. Projects that provide accessibility for individuals with disabilities may be funded, even if they do not meet the minimum dollar requirement.

SUBCHAPTER 4. APPLICATION PROCEDURES; REVIEW OF APPLICATIONS

15:24-4.1 Application procedures

(a) An application for a construction, rehabilitation, or renovation grant under this chapter shall be on the official form, available from the New Jersey State Library and shall include the following:

1. A complete description of the project to be financed with a grant;

2. A cost estimate and cost data for the project, along with identification of all sources of funding to be used for any cost not funded by the grant and a statement of proration of eligible costs, if applicable;

3. The estimated schedule for construction and completion of the project, including cash flow requirements;

4. The useful life of any project, including equipment, as determined either by reference to the Internal Revenue Service's Class Life Asset Depreciation Range System set forth in Revenue Procedure 87-56, as amended, supplemented, or superseded or by appraisal of any independent

engineer or accounting firm licensed in the State of New Jersey, as appropriate;

5. Requisite resolutions, including a bond ordinance or resolution of intent to provide funding pursuant to N.J.A.C. 15:24-5.2(b);

6. A building program and community analysis pursuant to N.J.A.C. 15:24-2.4(a);

7. Project schematic plans, which include a site plan, elevations, and floor plans;

8. A legal description of the project site and a copy of the deed or, if the application includes acquisition of property, evidence of intent to purchase real property pursuant to N.J.A.C. 15:24-2.7(a)4;

9. The applicant's certification of compliance with minimum criteria for receipt of State Library Aid pursuant to N.J.A.C. 15:24-2 or a justification for not meeting the minimum criteria;

10. Certification, from an architect, as to the project's suitability for the rehabilitation or purchase of a library building pursuant to N.J.A.C. 15:24-2.7(e);

11. A statement of intent from an architect that the project design aspires to meet Leadership in Energy and Environmental Design (LEED) silver level or higher certification, when applicable;

12. A statement of intent from an architect that states the project design intends to meet WELL certification standards for improving human health and well-being in buildings, when applicable;

13. A statement of compliance with State and Federal rules regarding State and Federal minimums for providing barrier-free access;

14. A certification by the applicant that the project will comply with all applicable laws, rules, codes, and government guidelines; including the principles of affirmative action and equal employment opportunity, where applicable, and mandatory New Jersey labor laws, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and the rules promulgated thereunder; and

15. Proof of submission for any necessary approvals from the New Jersey Department of Environmental Protection, including the Historic Preservation Office, and other agencies, as applicable.

(b) An application for the repair of a public library building shall be on the official form, available from the New Jersey State Library. The application will consist of an explanation of the need for the repair(s), a full description of the repair(s) and a drawing or schematic, a proposed timeline for the completion of the repair(s), and a cost estimate.

(c) All applicants will certify that they have, or will have, the necessary required matching funds pursuant to N.J.A.C. 15:24-2.1(c).

(d) An application shall be made by the governing body charged with the responsibility for the establishment and maintenance of the public library (board of trustees or county library commission, or county board of chosen freeholders, as appropriate).

(e) If a public library facility is to be constructed by a municipality with the provision that it be equipped, stocked, staffed, or supported by a public library outside of that municipality (for example, a municipally constructed building that will be operated by a county library as a branch library), the application shall be in the name of the municipality. The application shall be signed by the mayor or chief financial officer and cosigned by an officer of the governing body of the library that is providing services.

(f) For applications not submitted under (e) above, the person authorized to submit the application shall be an officer of the governing body named as the applicant, preferably the president or chairperson of this body. A statement to be signed and completed by the responsible officer of the applicant, for example, secretary of a board of trustees, shall certify this authorization.

(g) Any substantial changes or revisions affecting the application, after the application is submitted, including any structural changes in the building plans, shall be submitted, on the appropriate forms, to the State Librarian and the President for approval. Should the request for substantial change or revision receive approval, the application shall continue in the review process. Should the request for approval of the substantial change or revision be denied, the applicant's original submission shall stand unless withdrawn by the applicant.

(h) Approval of the project must be given by the President and funds appropriated by the New Jersey Legislature before any funds are allocated to the project.

(i) If the bonds issued to fund a grant are issued on a tax-advantaged basis, including tax-exempt bonds, then in order to receive project grant funding for expenses incurred before such bonds are issued, such expenses must be "reimbursable" from bond proceeds under applicable Federal tax law.

15:24-4.2 Review of applications and approval process

(a) Funds awarded under this chapter may be split over priority areas deemed by the State Librarian to be of greatest importance in meeting the needs of New Jersey's communities. Funding may be available in more than one round.

(b) Application(s) shall be reviewed for completeness and compliance with this chapter. Additional information or clarification may be requested, as applicable.

(c) Any applications deemed incomplete will be ineligible for a grant.

(d) Completed applications will be reviewed based on a competitive application process, whereby applications will be submitted by a certain date and will be evaluated to determine which applications are eligible for funding and are the most qualified to receive funding.

(e) The applications shall be evaluated by a review committee established by the State Librarian.

(f) The State Librarian shall prepare a list of projects that meet the eligibility requirements set forth in this chapter for the review and approval of the President. Pursuant to the Bond Act, the President shall review and approve the grants.

(g) The President shall approve a list of projects and grant amounts for submission to the New Jersey Legislature for funding through project-specific appropriations.

SUBCHAPTER 5. REPORTING REQUIREMENTS

15:24-5.1 State Librarian reporting requirements

(a) The State Librarian, with the approval of the President, shall submit to the State Treasurer and the New Jersey Commission on Capital Budget and Planning, with the annual budget request, a plan for the New Jersey Library Construction Fund for the upcoming fiscal year. This plan shall include the following information: a performance evaluation of the expenditures made from the funds to date, a description of programs planned during the upcoming fiscal year, a copy of the rules in force governing the operation of programs that are financed, in part or in whole, by funds from the New Jersey Library Construction Fund, and an estimate of expenditures for the upcoming fiscal year.

(b) Immediately following the submission to the Legislature of the Governor's annual budget message, the State Librarian, with the approval of the President, shall submit to the Legislature, pursuant to section 2 of P.L. 1991, c. 164 (N.J.S.A. 52:14-19.1), as amended, and to the Joint Budget Oversight Committee, or its successor, copies of the plan required pursuant to (a) above, together with such changes as may have been required by the Governor's budget message.

(c) All appropriations from the New Jersey Library Construction Fund shall be by specific allocation for each project and any transfer of any funds so appropriated shall require the approval of the Joint Budget Oversight Committee, or its successor.

15:24-5.2 Applicant/grant recipient reporting requirements

(a) Upon authorization of a grant pursuant to N.J.A.C. 15:24-4, the applicant shall enter into a grant agreement with the New Jersey State Library. The person authorized to sign the grant agreement shall be an officer of the body named as the applicant. Funding of the project grant shall be contingent upon the public library's continued compliance with the grant agreement.

(b) Within three months following notification of eligibility for a grant award, the applicant shall submit evidence that funds have been appropriated or bonds or debt have been authorized for financing of the project. Such evidence shall include copies of the ordinance of appropriation passed on final reading and approved. Other evidence of funding, such as resolutions, bank statements, and grant award

notifications shall be deemed acceptable at the discretion of the President and State Librarian.

(c) Notwithstanding the useful life or life expectancy certified by the applicant for the proposed project, or a portion thereof for which funding is being sought under the Act, any debt issued by a local government entity as local matching funds shall be subject to the useful life provisions of the Local Bond Law (N.J.S.A. 40A:2-1 et seq.) or, under any other statute where the Local Finance Board may review useful life, the useful life determined by the Local Finance Board.

SUBCHAPTER 6. GRANT ADMINISTRATION

15:24-6.1 Grant administration

(a) The State Librarian may execute any agreements deemed to be necessary or useful and convenient in connection with any project. The State Librarian may determine any costs deemed to be necessary or useful and convenient in connection with any project. Such costs may include expenses incurred in connection with the administration, organization, or operations incident to this Act, its financing, and the completion of any project authorized by the Act.

(b) Each grant agreement shall include provisions as may be necessary to ensure that the applicant provides the required matching funds for the project.

1. If the required matching funds are not paid by the applicant as set forth in the grant agreement, the State Librarian may terminate the grant agreement and no additional grant funds will be provided to the applicant for this project.

(c) Architectural or engineering supervision and inspection shall be provided by the applicant at the construction site to ensure that the completed work conforms to the approved plans. For the purpose of inspection, representatives of the State Librarian shall have access, at all reasonable times, to all construction work being funded by the Bond Act. The applicant and contractor shall be required to facilitate such access and inspection.

(d) Construction shall be initiated and completed according to the proposed timeline specified in the grant application. The time limit for completion of the construction shall be measured from the date of execution of the grant agreement.

(e) The grant shall be paid to the applicant in four installments as set forth in this subsection, but only upon receipt of satisfactory evidence upon completion of each phase.

1. Twenty-five percent upon approval of the award of the construction contract(s). Satisfactory evidence of the award may be minutes of the governing body approving the award of construction contracts, copies of title pages of contracts with necessary signatures, letters of award, or other proofs of award of contract;

2. Fifty percent when the project is 50 percent complete and upon submission of the architect's certification;

3. Twenty percent when the project is substantially complete and upon submission of the architect's certification; and

4. Five percent upon receipt of a temporary certificate of occupancy and final project expenditure report.

(f) If the construction period exceeds the timeline by more than 12 months, a request for an extension must be made to the State Librarian no less than three months prior to the original completion date on an approved form. The State Librarian, in consultation with the President, will grant an extension for good cause with documentable reasons.

(g) In the event that construction is not substantially completed according to the approved timeline, or within reasonable extensions as granted by the State Librarian, the State Librarian has the authority to rescind the balance of the approved grant.

(h) Each recipient of a project grant shall provide such information as the State Librarian or President may request regarding the use of grant funds and the progress of the project. Construction progress status reports and up-to-date spend-down timelines may be requested as necessary.

(i) Failure to comply with any of the rules set forth in this chapter shall make an applicant ineligible for funding not yet disbursed.

(j) The President, with the approval of the Joint Budget Oversight Commission, may, in a manner consistent with the allocations provided

in the Bond Act, allocate any balance in an approved grant to another approved project.

1. If an applicant determines not to undertake an approved project for which a grant was awarded;

2. To adjust for actual project expenses in a manner consistent with the approved grant; or

3. If an applicant fails to comply with the provisions of the grant.

OTHER AGENCIES

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Notice of Proposed Substantial Changes Upon Adoption to Proposed Amendment and Proposed New Rules

Representation Procedures Negotiations and Impasse Procedures; Mediation, Fact-Finding, Super Conciliation, Grievance Arbitration, Special Disciplinary Arbitration, Mediation, and Binding Arbitration to Resolve Impasses Over Employee Organization Access to Employees

Proposed Changes: N.J.A.C. 19:11-1.5 and 19:12-7.2 and 7.3

Proposed: September 17, 2018, at 50 N.J.R. 1988(a).

Authorized By: Public Employment Relations Commission, Joel M. Weisblatt, Chair.

Authority: As to N.J.A.C. 19:11: N.J.S.A. 34:13A-5.4e, 34:13A-6d, 34:13A-11, and 34:13A-5.15d; and P.L. 2018, c. 15.

As to N.J.A.C. 19:12: N.J.S.A. 34:13A-5.4.c, 34:13A-6.b, 34:13A-11, and 34:13A-5.13h; and P.L. 2018, c. 15.

Submit comments by August 30, 2019, to:

Joel M. Weisblatt, Chair
Public Employment Relations Commission
PO Box 429
Trenton, New Jersey 08625-0429

Comments may also be submitted via facsimile to 609-777-0089 or to rulecomments@perc.state.nj.us via email.

Take notice that the Public Employment Relations Commission (Commission) proposed amendments at N.J.A.C. 19:11-1.5 and new rules at N.J.A.C. 19:12-7 on September 17, 2018, at 50 N.J.R. 1988(a), to implement the provisions of the Workplace Democracy Enhancement Act (WDEA), P.L. 2018, c. 15, § 1 through 5, effective May 18, 2018. The WDEA added N.J.S.A. 34:13A-5.11 through 5.15 to the New Jersey Employer-Employee Relations Act. The public comments received have prompted the Commission to propose several substantial changes to the amendment and new rules contained in the original notice of proposal. A summary of the public comments and the agency's responses thereto are provided below. This notice of proposed substantial changes is published pursuant to N.J.S.A. 52:14B-4.10.

Summary of Public Comments and Agency Responses:

Comments were received from the following interested persons and parties (the numbers following each comment coincide with the numbering below):

1. Craig S. Gumpel, Esq., for New Jersey State Firefighters Mutual Benevolent Association (FMBA);

2. Mark Lesniak of the Rahway Library;

3. Aileen O'Driscoll, Esq., Managing Attorney, New Jersey Education Association (NJEA);

4. Susan Pigula, Esq., Director, Division of Legislative, Administrative and Regulatory Actions, New Jersey Department of Transportation (NJDOT);