

public in the provision of healthcare services. Therefore, no differing compliance requirements for any licensees are provided based on the size of the business.

**Housing Affordability Impact Analysis**

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey, and there is an extreme unlikelihood that the proposed amendments would evoke a change in the average costs associated with housing because the proposed amendments concern limitations on and obligations of prescribers associated with the acceptance of compensation from pharmaceutical manufacturers.

**Smart Growth Development Impact Analysis**

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments concern limitations on and obligations of prescribers associated with the acceptance of compensation from pharmaceutical manufacturers.

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

The Attorney General 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 1. LIMITATIONS ON AND OBLIGATIONS ASSOCIATED WITH PRESCRIBER ACCEPTANCE OF COMPENSATION FROM PHARMACEUTICAL MANUFACTURERS

13:45J-1.1 Purpose **and scope**

(a) The rules in this chapter regulate the receipt and acceptance by prescribers of anything of value from pharmaceutical manufacturers to ensure that such relationships do not interfere with prescribers' independent professional judgment.

(b) **The rules in this chapter shall apply to a prescriber who holds an active New Jersey license and who:**

- 1. Practices in New Jersey; or
- 2. Has New Jersey patients regardless of the prescriber's practice site.

13:45J-1.2 Definitions

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

... **"Consumer Price Index" means the annual average, rounded to the nearest dollar, of the Consumer Price Index for Food Away From Home—Northeast Urban, as posted in January for the preceding year by the U.S. Department of Labor Bureau of Labor Statistics at <https://www.bls.gov/>, or a successor index. To round, amounts under 50 cents shall be disregarded, and amounts of 50 cents or more shall be increased to the next dollar.**

... **"Modest meals" means a food and/or refreshment, where its fair market value does not exceed \$15.00 (for breakfast or lunch) or \$30.00 (for dinner), in 2018, for each prescriber. In each succeeding calendar year after 2018, these amounts shall be adjusted if the Consumer Price Index reflects a sum, which, if rounded, consistent with the definition of "Consumer Price Index," would raise it by one dollar increments. The fair market value shall not include the cost of standard delivery, service, or facility rental fee charges, or of tax.**

... **"Prescriber" means a physician, podiatrist, physician assistant, advanced practice nurse, dentist, or optometrist [licensed] who has an active license pursuant to Title 45 of the Revised Statutes. "Prescriber" does not include a licensee who is an employee, as defined in N.J.A.C.**

18:35-7.1, of a pharmaceutical manufacturer who does not provide patient care.

13:45J-1.4 Permitted gifts and payments

(a) Consistent with the requirements of this chapter, a prescriber may accept the following from a pharmaceutical manufacturer or manufacturer's agent:

1.-2. (No change.)

3. [Modest meals] **Meals** provided through the event organizer at an education event, **even if supported by a manufacturer**, provided the meals facilitate the educational program to maximize prescriber learning, **including information about disease states and treatment approaches. Meals in this context are not subject to the limitations set forth in the definition of "modest meals," nor are they subject to the bona fide services cap set forth at N.J.A.C. 13:45J-1.6.**

4. Modest meals provided by a manufacturer to non-faculty prescribers through promotional activities. **Modest meals in this context are not subject to the bona fide services cap set forth at N.J.A.C. 13:45J-1.6.**

5.-10. (No change.)

(a)

**DIVISION OF STATE POLICE  
Criminal History Record Background Checks  
Proposed Readoption with Amendments: N.J.A.C.  
13:59**

Authorized By: Colonel Patrick Callahan, Office of the Superintendent, Division of State Police, with the approval of Gurbir S. Grewal, Attorney General.

Authority: N.J.S.A. 53:1-20.6.

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

Proposal Number: PRN 2018-067.

Submit written comments by October 5, 2018, to:

Colonel Patrick Callahan, Office of the Superintendent  
Attn: State Bureau of Identification  
New Jersey State Police  
PO Box 7068  
West Trenton, New Jersey 08638  
or via e-mail to: [SBI@gw.njsp.org](mailto:SBI@gw.njsp.org)

The agency proposal follows:

**Summary**

N.J.A.C. 13:59 sets forth the rules of the Division of State Police (Division) relating to criminal history record background checks for criminal and noncriminal matters. The rules provide definitions, fee provisions, and procedures for the use of the criminal history record information (CHRI) database for criminal and noncriminal justice purposes. The Division believes that the rules proposed for readoption with amendments are necessary, reasonable, understandable, and responsive to the purpose for which they were originally promulgated. This chapter was scheduled to expire on August 9, 2018, pursuant to N.J.S.A. 52:14B-5.1. As the Division submitted this notice of proposal to the Office of Administrative Law prior to that date, the expiration date was extended 180 days to February 5, 2019, pursuant to N.J.S.A. 52:14B-5.1.c(2). The following is a summary of the rules proposed for readoption with amendments.

Subchapter 1 contains the rules applicable to the use of CHRI for noncriminal justice matters. The Division is proposing technical changes throughout this subchapter to incorporate updated technology and procedures for capturing digital fingerprint images by the use of updated equipment. N.J.A.C. 13:59-1.1 provides definitions of various terms and phrases associated with the process of accessing criminal history record information background checks. The Division is proposing the addition of two new definitions to specify "criminal justice employee" and

identify the new technology of “Live Scan” fingerprinting systems. In addition, the Division is proposing amendments to current definitions, specifically “criminal justice agency” and “securing applicant fingerprint images.” The proposed amendment to the definition of “criminal justice agency” is to emulate the Federal definition, which includes executive orders. The proposed amendments to “securing applicant fingerprint images” reflect changes in the process that allows applicants to utilize a private vendor contracted by the State to obtain fingerprint images, and other data, via a Live Scan system and further differentiates a scanned image from a manually captured image.

N.J.A.C. 13:59-1.2 establishes the four categories of authorized recipients of New Jersey CHRI, including the process by which authorized recipients may obtain CHRI.

N.J.A.C. 13:59-1.3 establishes the fees collected by the New Jersey State Bureau of Identification (SBI) for the purpose of processing criminal history record checks for noncriminal justice purposes. At subsection (a), the Division is making a technical change to specify the fees collected for noncriminal matters.

N.J.A.C. 13:59-1.4 identifies the forms that must be submitted by requesters in order to access an individual’s criminal history record. The Division proposes to amend N.J.A.C. 13:59-1.4 to incorporate new parameters for the submission of digital fingerprints by private vendors utilizing the Live Scan system. Additionally, the Division proposed to amend N.J.A.C. 13:59-1.4 to remove the reference to the manual, “Guidelines for Preparation and Submission of Fingerprint Cards and Other Documents to the State Bureau of Identification (SBI),” as this manual is no longer used. Additionally, the Division has proposed amendments to N.J.A.C. 13:59-1.4(d) and (e) to differentiate forms used to conduct name-based record checks. The original form 212 is being replaced by forms 212A and 212B. Form 212A is used specifically by police and other State agencies to obtain background information for noncriminal justice purposes, and form 212B is used by all others who are authorized access to request criminal history record information.

N.J.A.C. 13:59-1.5 outlines the SBI’s procedures for processing forms that are rejected and the resubmission procedures. The Division has proposed an amendment to N.J.A.C. 13:59-1.5(b), which mirrors the change to differentiate the usage of forms 212A and 212B discussed above.

N.J.A.C. 13:59-1.6 explains the limitations of access and dissemination of criminal history record information for noncriminal justice purposes by authorized requesters.

N.J.A.C. 13:59-1.7 sets forth the SBI’s procedures for working in concert with any person to make any necessary corrections to that person’s criminal history record information.

N.J.A.C. 13:59-1.8 prescribes the SBI’s procedure for attaching an SBI Number Flag to a specific SBI number. Within this section, the Division is proposing updated procedures regarding the cancellation of an SBI Number Flag when one is no longer needed. Additionally, there is a minor technical change to correct an improperly cited cross-reference.

Subchapter 2 contains rules applicable to the use of CHRI for criminal justice purposes. N.J.A.C. 13:59-2.1 provides for the dissemination of CHRI for the purpose of the administration of criminal justice. The Division is proposing amendments to incorporate the procedures for submitting Live Scan fingerprints for both applicants for criminal justice employment and criminal arrests. Furthermore, the Division has proposed to incorporate the forms required for each type of fingerprint submission in the event a Live Scan system is unavailable. These forms were previously included in N.J.A.C. 13:59-2.3.

N.J.A.C. 13:59-2.2 establishes that there are no fees associated with CHRI requests conducted by criminal justice agencies for the purpose of the administration of criminal justice.

N.J.A.C. 13:59-2.3 describes the forms prescribed by the Superintendent of State Police for requesting CHRI. The Division proposes to amend N.J.A.C. 13:59-2.3 to remove the “applicant” and “criminal” fingerprint cards as previously stated in the proposed amendments to N.J.A.C. 13:59-2.1.

N.J.A.C. 13:59-2.4 enumerates specific limitations on the access and use of CHRI for criminal justice purposes.

As the Division has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

#### **Social Impact**

The rules proposed for readoption with amendments will continue to have a positive social impact by ensuring that reliable and accurate criminal history record information is provided to those persons and entities with a stated necessity for both noncriminal and criminal justice purposes. At the same time, safeguards are provided to ensure that only complete and accurate information is disseminated on those subjected to a record check.

The rules proposed for readoption with amendments also implement the statutory responsibility of the Superintendent of State Police to maintain a central repository of criminal history record information and to provide access to individual records for noncriminal justice purposes, such as employment and screening of volunteers. Furthermore, the rules proposed for readoption with amendments establish the limitations on the use of individual CHRI to protect the public and ensure fairness and accuracy of records. The rules proposed for readoption with amendments also establish the standards for access to CHRI for agencies involved in the administration of criminal justice to ensure that criminal justice agencies can obtain information on individuals necessary to investigate and prosecute violations of the criminal law.

#### **Economic Impact**

The rules proposed for readoption with amendments will continue to have an economic impact on businesses, individuals, and government agencies that seek or are required to obtain CHRI for employment and other noncriminal justice purposes. The fee for State applicant fingerprint processing is \$30.00. The fee for State applicant name check processing is \$18.00. Only those individuals and entities requesting this service need incur these costs, which are collected by the Division of State Police. The rules proposed for readoption with amendments provide a reduced fee for State CHRI requests on any person who volunteers for qualified organizations under the National Child Protection Act of 1993, volunteers of nonprofit organizations qualified under section 501(c)3 of the Internal Revenue Code, and volunteers for nonprofit youth organizations. The rules proposed for readoption with amendments provide for processing of fingerprint-based State background checks by criminal justice agencies for public safety volunteers without payment of a fee.

#### **Federal Standards Statement**

State law governs the dissemination of criminal history record information compiled and maintained by the Division of State Police. Therefore, a Federal standards analysis and certification are not required for the rules proposed for readoption with amendments. Federal regulations apply to authorized requesters for the dissemination of Federal criminal history record information compiled and maintained by the FBI. Federal regulations and procedures are codified at 28 CFR Part 20.1. The rules proposed for readoption with amendments do not exceed these Federal standards.

#### **Jobs Impact**

The rules proposed for readoption with amendments will not have any impact on the creation or loss of jobs in New Jersey.

#### **Agricultural Industry Impact**

The rules proposed for readoption with amendments will not have any impact on the agricultural industry in New Jersey.

#### **Regulatory Flexibility Analysis**

The rules proposed for readoption with amendments do not impose any reporting or recordkeeping requirements on small businesses, as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments do impose compliance requirements on businesses that request CHRI in the specification of forms to be used for submitting requests and by imposing restrictions on the use of CHRI. Fees for access to criminal history record information are set by State statute. Any cost incurred by small businesses as defined by the Act will be voluntary in nature and amount. Small businesses will be subject to the same fees for obtaining

criminal history record information as any other entities or persons eligible to receive such information. Uniform compliance requirements applicable to all requesters concerning dissemination of criminal history record information are necessary to protect the rights of the subject of the record. Therefore, the Division has provided no lesser or differing standards for small businesses. Small businesses are not required to retain the services of professionals to comply with the rules proposed for readoption with amendments.

**Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules proposed for readoption with amendments would evoke a change in the average costs associated with housing because the rules proposed for readoption with amendments concern requests for criminal history record information.

**Smart Growth Development Impact Analysis**

The rules proposed for readoption with amendments will not have an impact on smart growth and there is an extreme unlikelihood that the rules proposed for readoption with amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules proposed for readoption with amendments concern requests for criminal history record information.

**Racial and Ethnic Community Criminal Justice 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 rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:59.

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

SUBCHAPTER 1. NONCRIMINAL JUSTICE PURPOSES

13:59-1.1 Definitions

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

- ... "Criminal justice agency" means:
  1. (No change.)
  2. A governmental entity of the State of New Jersey, any other state or the Federal government which performs functions pertaining to the administration of criminal justice pursuant to statute, ordinance, resolution, or regulation, **or executive order**, and which allocates a substantial portion of its **annual** budget to the administration of criminal justice.
- ... "**Criminal justice employee**" means **any person employed in a paid position by a state, county, or municipal criminal justice agency.**
- ... "**Live Scan System**" means **an automated scanning system capable of capturing digital fingerprint images and demographic data to create a fingerprint record for submission to the New Jersey State Police SBI and/or FBI.**
- ... "Public safety volunteer" means any person who is applying for or performing a public safety task in an unpaid position for a state, county, or municipal criminal justice agency, fire department, or first aid squad. These tasks are defined as public safety functions normally conducted by paid criminal justice [agencies] **employees**, fire department[s] **employees**, or first aid squad[s] **employees**, [that] **but** are [now being] accomplished by unpaid volunteers.
- ... "Securing applicant fingerprint images" means the procedure used by a law enforcement agency **or private entity, under contract with the State**, to obtain an applicant's fingerprints [on] **images and**

**demographic data utilizing a Live Scan System or a New Jersey and/or FBI manual fingerprint card and demographic data to create a fingerprint record** for submission to the SBI for processing criminal history record checks.

13:59-1.2 Dissemination for noncriminal justice purposes

- (a)-(c) (No change.)
- (d) With the submission of New Jersey and FBI fingerprint **records created utilizing the Live Scan System or manual fingerprint** cards pursuant to N.J.A.C. 13:59-1.4, national requesters may obtain from the SBI and FBI all criminal history record information retained on the subject and accessed by the SBI, including all criminal history record information from the central repository of the New Jersey State Police SBI, the National Crime Information Center (NCIC) or other states' computerized repositories containing criminal history record information, unless such records have been expunged by law.

13:59-1.3 Fees

(a) A fee of \$30.00 shall be collected by the SBI for the purpose of processing New Jersey criminal history fingerprint record checks and checking them against the information in the central repository of the New Jersey State Police SBI **for noncriminal justice purposes**. This fee shall be \$18.00 for processing New Jersey criminal history fingerprint record checks on:

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

13:59-1.4 Prescribed forms

(a) Requesters and national requesters shall submit requests for criminal history record information on forms as prescribed by this section [and the directions contained in the manual entitled "Guidelines for Preparation and Submission of Fingerprint Cards and Other Documents to the State Bureau of Identification (SBI)," New Jersey State Police, August, 1997, as amended and supplemented from time to time]. The [manual and] forms are issued to criminal justice agencies by the SBI. Attorneys-at-law may obtain criminal history record information pursuant to N.J.A.C. 13:59-1.2(a)3 upon the payment of the fees prescribed by N.J.A.C. 13:59-1.3 by the lawful issuance of subpoenas. Such subpoenas shall be issued in accordance with applicable rules of court and administrative procedure and shall be on notice to all parties required to receive same.

(b) For New Jersey fingerprint identification purposes, an "Applicant" fingerprint **record submitted by a private entity under contract with the State utilizing a Live Scan System or a New Jersey manual fingerprint** card SBI-19 shall be used. [The] **If utilized, the SBI-19 form shall be signed by the individual whose fingerprints are on the card.**

(c) A Federal **applicant fingerprint record created and submitted by a private entity under contract with the State utilizing a Live Scan System or a manual Federal** card FD-258 shall be submitted by national requesters for information contained in NCIC or other states' computerized repositories of CHRI. [The] **If utilized, the FD-258 shall be signed by the individual whose prints are on the card.**

(d) For [name search identification a requester, other than a New Jersey licensed private detective meeting the SBI requirements of 400 submissions per month for bulk, name search identification submissions via facsimile, shall submit] **name-based criminal history search requests**, a "Request for Criminal History Record Information" form SBI-212A **or SBI-212B shall be submitted.**

1. [This] **These** forms shall be completed in [its] **their** entirety and shall contain all the information required to complete the check, including the name of the subject, the date of birth of the subject, and, when authorized pursuant to (d)2 below, the social security number of the subject.

2.-3. (No change.)

(e) The fees as prescribed in this chapter, if in the form of a check or money order, must be stapled to the front of the SBI-212A **or SBI-212B** form [or to the lower left corner of the "Applicant" fingerprint card SBI-19] and submitted to the State Bureau of Identification for processing.

## 13:59-1.5 Rejection and resubmission procedures

(a) Any fingerprint [card] **record** or Request for Criminal History Record Information form which is rejected will be returned with the submitted fee to the requester or national requester. The procedure as set forth at N.J.A.C. 13:59-1.4 will be utilized for resubmission with the following exception:

1. Fingerprint [cards] **records** that cannot be classified will be returned to the requester or national requester. The fees which accompanied the fingerprint [cards] **records** will be retained by the SBI. Upon resubmission, the rejected fingerprint [card] **record** shall be stapled to the newly taken fingerprint [card] **record** and both [cards] **records** shall be submitted with the original rejection form to the SBI. No additional charges shall be assessed for resubmitted fingerprint [cards] **records**.

(b) No criminal history name search shall be conducted unless the subject's name and date of birth are submitted. Whenever a criminal history name search based upon the particular identifying information supplied produces more than one possible candidate, the SBI-212A or SBI-212B Form shall be rejected and returned to the requester for additional identifying information, such as the subject's social security number, as authorized pursuant to the provisions of N.J.A.C. 13:59-1.4(d)2. The fee which accompanied the SBI-212A or SBI-212B Form shall be retained by the SBI. Upon resubmission, the rejected SBI-212A or SBI-212B Form shall be stapled to the newly executed SBI-212A or SBI-212B Form, **respectively**, and both forms shall be submitted with the original rejection form to the SBI. No additional charges shall be assessed for the resubmitted SBI-212A or SBI-212B Form request.

## 13:59-1.7 Dissemination of personal record to named individual

(a) (No change.)

1. By submitting the fee specified in N.J.A.C. 13:59-1.3(a) and the applicable form specified in N.J.A.C. 13:59-1.4(b), an individual may request a fingerprint search of the information in the central repository of the New Jersey State Police SBI; or

2. (No change.)

## 13:59-1.8 SBI Number Flag

Upon a request, the SBI shall attach an SBI Number Flag to a specific SBI number, and shall provide New Jersey arrest and/or conviction notification to a New Jersey Criminal Justice Information System identified terminal printer when any fingerprint-supported change to the subject's New Jersey criminal history record is entered to the specific SBI Number. Such requests shall be accompanied by the fee prescribed by N.J.A.C. 13:59-1.3(d)(e). [Requests shall be canceled by the requesting agency when the need for the SBI Number Flag no longer exists.] **The requesting agency shall make notification to the SBI when the need for the SBI Number Flag notification no longer exists, and the SBI Number Flag shall be cancelled by the SBI.**

## SUBCHAPTER 2. CRIMINAL JUSTICE PURPOSES

## 13:59-2.1 Dissemination for criminal justice purposes

(a) Criminal justice agencies, for purposes of the administration of criminal justice, may obtain from the SBI or otherwise access information collected by criminal justice agencies concerning persons and stored in the central repository of the New Jersey State Police SBI, the National Crime Information Center (NCIC) or other states' computerized repositories containing criminal history record information

(b) An **"Applicant Query" fingerprint record shall be created and submitted from a criminal justice agency's Live Scan System for fingerprint identification search requests for the purpose of employment of a criminal justice employee. If the criminal justice agency's Live Scan System is unavailable or inoperative, a manual New Jersey "Applicant" fingerprint card, SBI-19, and a manual Federal "Applicant" fingerprint card, FD-258, may be used. If utilized, the SBI-19 and the FD-258 cards shall be signed by the individual whose fingerprints are on the cards.**

(c) A **"Criminal Arrest" fingerprint record shall be created and submitted from a criminal justice agency's Live Scan System for fingerprint identification search requests for criminal offenders. If the criminal justice agency's Live Scan System is unavailable or**

**inoperative, a manual New Jersey "Criminal" fingerprint card, SBI-15, and a manual Federal "Criminal" fingerprint card, FD-249, may be used. If utilized, the SBI-15 and the FD-249 cards shall be signed by the individual whose fingerprints are on the cards.**

## 13:59-2.3 Prescribed form[s]

(a) For fingerprint identification search requests of information stored in the central repository of the New Jersey State Police SBI, an "Applicant" fingerprint card SBI-19 or a "Criminal Arrest" fingerprint card SBI-15 shall be used.

(b) A criminal justice agency requesting a search of information contained in NCIC or other states' computerized repository of CHRI shall submit a Federal fingerprint card FD-258.

(c) The forms in (a) and (b) above shall be completed in their entirety and shall contain all the information required to complete the check.]

(d) Any criminal justice agency which has executed a "New Jersey Criminal Justice Information System Users Agreement" in the form prescribed by the Superintendent may access directly the computerized databases stored in the New Jersey Criminal Justice Information System, or NCIC or other states' repositories of computerized criminal history record information for the performance of administration of criminal justice purposes.

## PUBLIC UTILITIES

## (a)

## BOARD OF PUBLIC UTILITIES

## Renewable Energy and Energy Efficiency

## Proposed Amendment: N.J.A.C. 14:8-2.4

Authorized By: The New Jersey Board of Public Utilities, Joseph L. Fiordaliso, President, Mary-Anna Holden, Dianne Solomon, Upendra Chivukula, and Bob Gordon, Commissioners.

Authority: N.J.S.A. 48:2-1 et seq., in particular 48:2-13, 48:3-51, and 48:3-87; and P.L. 2018, c. 17.

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

BPU Docket Number: QO18060647.

Proposal Number: PRN 2018-072.

Comments may be submitted through October 5, 2018, by e-mail in **Microsoft Word format**, or in a format that can be easily converted to Word, to: [rule.comments@bpu.state.nj.us](mailto:rule.comments@bpu.state.nj.us) or on paper to:

Aida Camacho-Welch, Secretary  
New Jersey Board of Public Utilities  
ATTN: BPU Docket Number: QO18060647  
44 S. Clinton Ave., 3rd Floor, Suite 314  
PO Box 350  
Trenton, NJ 08625-0350

The agency proposal follows:

## Summary

The Board of Public Utilities ("Board" or "BPU") is proposing amendments to N.J.A.C. 14:8-2.4, to conform portions of the current rules to certain provisions of P.L. 2018, c. 17 (Clean Energy Act). There are several provisions in the Clean Energy Act that require rulemaking proceedings, the proposed amendments concern the Solar Renewable Energy Credit (SREC) Registration Program. The Clean Energy Act requires the Board to, "adopt rules and regulations to close the SREC program to new applications upon the attainment of 5.1 percent of the kilowatt-hours sold in the State by each electric power supplier and each basic generation supplier from solar electric power generators connected to the distribution system." The Clean Energy Act further requires, "... the closing of the existing SREC program on a date certain but no later than June 1, 2021." Finally, as relates to this rulemaking in particular, the Clean Energy Act requires that a full rulemaking procedure concerning the particular requirements identified above shall be