

NEW JERSEY



REGISTER

IN THIS ISSUE— “INDEX OF PROPOSED RULES”

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The New Jersey Register supplements the New Jersey Administrative Code. See the Index of Adopted Rules on Page 434 of the May 3 issue for the Registers that should be retained as an update to the Administrative Code.

TABLE OF RULES IN THIS ISSUE

RULE PROPOSALS	
BANKING	
Repeal plain language review of contracts	454(a)
CIVIL SERVICE	
Veterans' age reduction	455(a)
COMMUNITY AFFAIRS	
Remitting of UCC training fees	456(a)
EDUCATION	
State Approval of Teacher Education	456(b)
Building use charge by receiving districts	458(a)
ENVIRONMENTAL PROTECTION	
Water diversion fees for non-growing use	459(a)
Green Acres reimbursement	461(a)
HUMAN SERVICES	
Level III care in LTC facilities	462(a)
PAM: Funeral and burial contributions	462(b)
GAM: Funeral and burial contributions	463(a)
Special Payments Handbook: Funeral contributions ...	463(b)
LAW AND PUBLIC SAFETY	
Fee for consumer contract review	464(a)
Pre-proposal hearing: Amusement games of skill and chance	476(b)
TRANSPORTATION	
Parking and bus stops on Route 10	464(b)
Bus stops and parking on US9W	465(a)
Parking on Route 15	466(a)
Left turns on Route 73, Winslow Twp	466(b)
OTHER AGENCIES	
CASINO CONTROL COMMISSION	
Exclusion of card counting in blackjack	467(a)
"Shuffle-at-will" in blackjack	469(a)
RULE ADOPTIONS	
ADMINISTRATIVE LAW	
Agency litigation staff and final decisions	471(a)
AGRICULTURE	
Slow-release nitrogen products	471(b)
BANKING	
Readoption: License fees for credit sales and loan businesses	471(c)
CIVIL SERVICE	
Classifications and appeals	471(d)
Benefit information to next of kin	472(a)
ENVIRONMENTAL PROTECTION	
Delaware Basin floodway delineations	472(b)
Floodway delineations along Tuckahoe River	473(a)
Floodway delineations in Hackensack basin	473(b)
Floodway delineations along Woodbridge and Rahway rivers	473(c)

(Continued on Back Cover)

RULE PROPOSALS

BANKING

(a)

DIVISION OF CONSUMER COMPLAINTS, LEGAL AND ECONOMIC RESEARCH

Advertising Plain Language

Proposed Repeal: N.J.A.C. 3:2-2

Authorized By: Michael M. Horn, Commissioner,
Department of Banking.
Authority: N.J.S.A. 56:12-8.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dominick A. Mazzagetti
Deputy Commissioner
Division of Consumer Complaints,
Legal and Economic Research
CN 040
Trenton, New Jersey 08625

The Department of Banking thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-153.

The agency proposal follows:

Summary

As a primary State regulator the Department of Banking had the duty to review documents subject to the New Jersey Plain Language Act. The Department's responsibilities in this regard have been transferred to the Attorney General by P.L. 1980, c.125, and the Attorney General has since designated the Division of Consumer

Affairs as the agency to review consumer contracts for plain language. Consequently, the Department of Banking regulation is unnecessary.

Social Impact

This repeal should have no social impact since consumer contracts subject to the plain language statute will continue to be reviewed for compliance by the Division of Consumer Affairs.

Economic Impact

The repeal of this regulation will result in a savings to those submitting documents for review as the fee mandated by the amended plain language statute is less than that previously charged by the Department of Banking. In addition, the Department of Banking should realize a savings in staff time, since the Department will no longer review consumer contracts for plain language.

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

SUBCHAPTER 2. [PLAIN LANGUAGE] (RESERVED)

[3:2-2.1 Authority and scope

(a) This subchapter is promulgated pursuant to the provisions of chapter 125, Public Laws of 1980.

(b) This subchapter applies to all creditors, sellers and lessors who write consumer contracts and are regulated by the Department of Banking. It also applies to any banking institution with a Federal charter which seeks a compliance opinion from the Department of Banking.

(c) This subchapter applies to all consumer contracts involving real estate. It does not apply to other consumer contracts involving amounts of more than \$50,000.

(d) No creditor, seller or lessor is required to submit consumer contracts for plain language compliance review.

3:2-2.2 Definitions

"Consumer contract" for purposes of this subchapter means a written agreement in which a natural person:

1. Obtains credit;
2. Borrows money;
3. Finances insurance premiums;
4. Pledges real or personal property as security for a loan or credit;
5. Contracts for services, including professional services, for cash

NEW JERSEY REGISTER

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or on credit and the money, property or services are obtained for personal, family or household purposes, including all writing required to complete the consumer transaction;

6. Contracts with a bank, savings bank, savings and loan or credit union for the deposit of money either on a demand, time or saving basis.

"Primary State Regulator" means the Department of Banking.

3:2-2.3 Compliance review requirements

(a) Consumer contracts may be submitted to the Department of Banking for a plain language compliance review by mailing to:

Deputy Commissioner
Division of Consumer Complaints,
Legal and Economic Research
CN 040
Trenton, New Jersey 08625

(b) Consumer contracts submitted for compliance review shall be in the following format:

1. Typed, double spaced, or in final printed form;
2. 8 1/2 x 11 inch common stock paper if not in final printed form;
3. Every fifth line numbered;
4. Intended boldface or italicized copy should be underlined.

(c) A review fee of \$75.00 per consumer contract and \$2.50 per page is required at the time of filing.

(d) The Department of Banking will furnish written opinions when possible. The Department will give explicit reasons for refusals to approve with suggestions for compliance when possible. Opinions shall be furnished within a reasonable period. The Department of Banking will give one review of revised documents at no extra cost.]

CIVIL SERVICE

(a)

CIVIL SERVICE COMMISSION

Examinations and Applications
Reducing the Age of Veterans

Proposed New Rule: N.J.A.C. 4:1-8.8B
Proposed Repeal: N.J.A.C. 4:2-2.1 and 4:3-2.1

Authorized By: Civil Service Commission, Peter J. Calderone, Director, Division of Administrative Practices and Labor Relations.

Authority: N.J.S.A. 11:5-1a, 11:9-2 and 38:23A-2.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director
Division of Administrative Practices
and Labor Relations
CN 312
Trenton, New Jersey 08625

The Civil Service Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-164.

The agency proposal follows:

Summary

New rule N.J.A.C. 4:1-8.8B is substantively the same as the existing rules N.J.A.C. 4:2-2.1 and 4:3-2.1 being proposed for repeal. There has been substantial language changes for the purpose of clarity. This proposal is part of the ongoing process of reviewing N.J.A.C. 4:2 and 4:3 and integrating their content into N.J.A.C. 4:1.

Although this new rule is essentially a reiteration of the provisions of N.J.S.A. 38:23A-2, it is necessary because our rules are utilized by laypersons and are referred to regularly as a source of information on examination eligibility.

Social Impact

Since the proposed new rule is substantively the same as those rules proposed for repeal, there is no social impact.

Economic Impact

Since the proposed new rule is substantively the same as those rules proposed for repeal, there is no economic impact.

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

4:1-8.8B Reducing the age of veterans

(a) **There shall be no age requirement for examinations unless otherwise required by law.**

(b) **Veterans who are over a statutory maximum age requirement may reduce their age by subtracting the initial period of service, including involuntary extensions, during the time period specified in N.J.A.C. 4:1-2.1 (definition of veteran). A comparison between the reduced age and the age requirement for a title at the time of entrance into military service will be made to determine proper age eligibility.**

(c) **Statutory age requirements must be met by the closing date for filing for an examination except as otherwise provided by law.**

(d) **An applicant shall be considered above the statutory maximum age requirement on the day of his/her birthday.**

4:2-2.1 (State) [Reduction of age by amount of service during period of actual hostilities as defined in N.J.S.A. 11:27-1] (Reserved)

4:3-2.1 (Local) [Reduction of age by amount of service during period of actual hostilities as defined in N.J.S.A. 11:27-1] (Reserved)

[(a) This section defines the procedures for determining an applicant's "reduced age" under the provisions of N.J.S.A. 38:23A-2.

(b) Applicants who are ineligible under the present maximum age limitations and who have served in the military during the periods of actual hostilities as listed in N.J.A.C. 4:1-2.1 (See "Veteran") and N.J.S.A. 11:27-1, will receive the following reductions in determining their age for Civil Service purposes:

1. Only the initial period of service (including involuntary extensions) completed during the time periods stipulated in N.J.A.C. 4:1-2.1 (See "Veterans") and N.J.S.A. 11:27-1 can be subtracted from the applicants's present age; and

2. Comparison between this reduced age and the age requirement for the position at the time of entrance into military service will be made.

Examples:

i. A 45 year old person, applying at the present time for the positions of firefighter or police officer, is ineligible since the present maximum age is 35 years. However, this applicant served either involuntarily or as a result of induction, on active duty in the U.S. Army from July 27, 1952 to July 27, 1954. The applicant subsequently re-enlisted for a five year period and was discharged on July 26, 1959. Under N.J.A.C. 4:1-2.1 only one of the seven

years of service was during a period of actual hostilities. Therefore, there will be a deduction from the applicant's present age of 45. This reduced age, or 44, is compared with the maximum age 35, as of July 27, 1952, when the applicant entered military service. The applicant is also ineligible under the reduced age formula.

ii. A 36 year old person, applying at the present time (1975) for the position of police or firefighter, is ineligible since the present maximum age is 35 years. However, this applicant served either involuntarily or as a result of induction, on active duty with the U.S. Army from December 1, 1971 to December 1, 1973. The applicant subsequently re-enlisted for a two-year period and was discharged on December 1, 1975. Under N.J.A.C. 4:1-2.1 the years of service during a period of actual hostilities was from December 1, 1971 to August 1, 1974, a total of 3 years, 8 months. Of this 3 2/3 year period 2 years were served either involuntarily or as a result of induction. Therefore, there will be a deduction of 2 years from the applicant's present age of 36. This reduced age, or 34 is compared with the maximum age which was in effect as of December 1, 1971, when the applicant entered military service; that maximum age was also 35. Therefore, the applicant is eligible under the reduced age formula.

3. An applicant is considered to be over 35 years of age on the day of his/her 35th birthday.

4. State law concerning age limitations for prospective police officers and firefighters are based on the announced closing date.

5. The maximum age for police officer and firefighter is 30 prior to September 4, 1968.]

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING

Uniform Construction Code Remitting and Reporting of Training Fees

Proposed Amendment: N.J.A.C. 5:23-4.8

Authorized By: Sidney L. Willis, Assistant Commissioner,
Department of Community Affairs.
Authority: N.J.S.A. 52:27D-124.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.
Administrative Practice Officer
Division of Housing
CN 804
Trenton, New Jersey 08625

The Department of Community Affairs thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-161.

The agency proposal follows:

Summary

The requirements for quarterly remitting and reporting of the State of New Jersey Training Fees by enforcing agencies to the Bureau of Construction Code Enforcement is changed from a State fiscal year basis to a calendar year basis. The requirement for an annual report is eliminated and quarterly reporting provisions are clarified.

Social Impact

Confusion caused by the requirement for remitting and reporting of fees on a basis coinciding with the State fiscal year should be eliminated by this change to the quarters of the calendar year.

Economic Impact

Municipalities will avoid the trouble and expense of preparing annual reports. There will be no changes affecting the training fee itself or how it is handled by the State.

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

5:23-4.8 Fees

(a)-(b) (No change.)

(c) Rules concerning State of New Jersey training fees are:

1.-2. (No change.)

3. Remitting and reporting:

i. The municipality shall remit such fees to the bureau on a quarterly basis, coinciding with the [State fiscal] **quarters of the calendar** year. [In the current fiscal year, this shall begin with the third and fourth quarter.]

(1) (No change.)

ii. [The municipality shall report the amount of such fees to the bureau on an annual basis, coinciding with the State fiscal year. The first annual report shall be for the third and fourth quarters of the current fiscal year, due not later than July 31.] **A quarterly report detailing the fees collected shall be prepared in the format as prescribed by the bureau and shall be submitted with the fees to the bureau.**

[1] Thereafter, the annual report shall be for the fiscal year, ending June 30, and be filed not later than July 31.]

iii. **The fees and report for each quarter of the year shall be remitted not later than the last day of the month next succeeding.**

(1) **Beginning July 1, 1982 quarterly reports shall coincide with the calendar year such that the period January 1 through March 31, shall constitute the first quarter of the year; April 1 through June 30, the second quarter of the year; July 1 through September 30, the third quarter of the year; and October 1 through December 31, the fourth quarter of the year.**

(d)-(g) (No change.)

EDUCATION

(b)

STATE BOARD OF EDUCATION

Teacher Education and Academic Credentials Standards for State Approval of Teacher Education

Proposed Amendment: N.J.A.C. 6:11-7

Authorized By: New Jersey State Board of Education,
Gustav H. Ruh, Acting Secretary.
Authority: N.J.S.A. 18A:4-15 and 18A:6-38.

Interested persons may submit in writing, data, views or

arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Lorraine L. Colavita
 Executive Assistant for Administrative
 Practice and Procedure
 Department of Education
 225 West State Street
 Trenton, New Jersey 08625

The State Board of Education thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-167.

The agency proposal follows:

Summary

The State Board of Education, at its meeting on April 7, 1982, approved changes in N.J.A.C. 6:11-7, which incorporate rules identical to those proposed in the notice published at 14 N.J.R. 305(a), PRN 1982-123. The proposal which follows below represents a more appropriate codification of the rules. Only one of these proposals will be adopted.

This proposal deletes the existing text of N.J.A.C. 6:11-7.1 through 6:11-7.65 and proposes to adopt by reference the 1981 edition of Standards for State Approval of Teacher Education of the National Association of State Directors of Teacher Education and Certification (NASDTEC), and to adopt supplementary standards for the approval of undergraduate teacher preparation programs.

The State Department of Education has the responsibility for evaluating and approving teacher education programs in the State's public and private colleges and universities and, by policy of the State Board of Education, uses the NASDTEC Standards as the guide for program approval. The State also participates in a system of reciprocity with a majority of other states in the nation for the purpose of recognizing and therefore certifying out-of-state graduates who apply for professional licensure in New Jersey. These revisions will not conflict with the reciprocity system.

Social Impact

The intent of this proposal is to insure the highest possible quality of training and preparation for the teaching profession.

Economic Impact

The 1981 edition of the NASDTEC Standards is well known and has been promulgated to the colleges and universities by the Department of Education. There are no anticipated new costs associated with these amendments.

The cost of the proposed standards change will be covered by a reallocation of resources within the colleges and universities. Some institutions may revise the student teaching fee schedule due to the expanded number of required observations.

Full text of the proposal follows. Delete the existing text of N.J.A.C. 6:11-7 in its entirety and replace with the new text reproduced below.

6:11-7.1 Procedures for accreditation or approval

(a) The State Board of Education authorized the use of Standards for State Approval of Teacher Education of the National Association of State Directors of Teacher Education and Certification (NASDTEC), in the evaluation of teacher preparation programs in colleges and universities of the State. The 1981 edition of NASDTEC (future editions, subsequent amendments and supplements) is hereby authorized for use in the evaluation of teacher preparation programs, and is hereby adopted as a rule.

1. This document is available for review at the Office of Teacher Education, Division of Research, Planning and Evaluation, New Jersey State Department of Education, 225 West State Street, CN 500, Trenton, New Jersey 08625, or at the Office of Administrative Law, CN 301, Trenton, New Jersey 08625.

2. This document may be purchased from NASDTEC, Utah State Office of Education, Staff Development Section, 250 East Fifth South, Salt Lake City, Utah, 84111.

(b) In the evaluation of undergraduate teacher preparation programs the following standards shall apply:

1. Teacher preparation programs are those curricula which lead to a recommendation for a New Jersey instructional certificate irrespective of the organizational unit of the college by which the curriculum is offered. Formal admission to teacher preparation programs shall be reviewed at the beginning of the junior year and shall be granted only to those students who have:

i. Maintained a cumulative grade point average (GPA) of at least 2.5(4 equals A) for the first two years of college. It is the intent of this and other standards which refer to minimum grade point average to insure that institutions determine the intellectual competence of those recommended for certification. The required average of 2.5 should be viewed as only a minimal means of achieving this goal; the variability of the GPA among institutions should also be recognized. Therefore, institutions are encouraged to exceed this standard when appropriate and to develop additional criteria for insuring that prospective teachers are intellectually capable.

ii. Achieved acceptable levels of proficiency in the use of English language (oral and written) and mathematics. Students with deficiencies in these areas upon admission to college shall be required to demonstrate the elimination of such deficiencies through an oral or written assessment at the beginning of the junior year.

iii. Demonstrated aptitude for the profession of teaching through successful completion of an introductory course which provides appropriate practical experiences in an elementary or secondary school. This requirement would normally have to be met before the student is granted status as a junior in the program.

2. Each student shall be evaluated at the end of the junior year by college faculty (both education and subject matter) and confirmed as a candidate for certification on the basis of a comprehensive assessment of relevant indicators which shall include:

i. Having maintained a cumulative grade point average of at least 2.5(4 equals A);

ii. Having demonstrated acceptable levels of teaching proficiency in junior practica as indicated by the evaluation reports of college and school faculty. Such evaluations shall be communicated to the student and shall be included in the student's permanent file.

3. Only students who have been confirmed as candidates for certification shall be assigned to student teaching.

4. Colleges shall recommend for certification to the Department of Education only those students who have completed the certification program and have:

i. Maintained a cumulative grade point average of 2.5(4 equals A);

ii. Demonstrated continued competence, aptitude, motivation, and potential for outstanding success in teaching as indicated by assessments of student teaching performance by college and school supervisors. Such assessment shall be communicated to the student and shall be a part of the student's file;

iii. Demonstrated knowledge of the behavioral/social foundations of teaching/learning through successful completion at the end of the senior year of a comprehensive oral or written test devised or selected by the institution (this standard applies to all candidates);

iv. Demonstrated knowledge of the academic subject area major through successful completion at the end of the senior year of a comprehensive oral or written test devised or selected by the institution.

5. All standards are to be applied equitably to all students, including transfer students, and without discrimination based upon legally prohibited criteria. All admissions and retention processes are to be consistent with State and institutional affirmative action

policies and goals.

6. Colleges shall develop appropriate procedures for placing on probation and dismissing from the program students who fall below minimum requirements before graduation, and shall incorporate into these procedures methods for appeals by students.

7. Students completing an approved program must be recommended for a certificate by their college or university before one will be issued by the State Board of Examiners.

8. Each approved undergraduate teacher preparation program shall provide approximately 60 semester credit hours of general education including electives. General education courses shall be distributed among the arts, humanities, mathematics, science, technology and the social sciences. There must be some study in each area. The inclusion of technology as an aspect of general education is intended to allow for the inclusion of courses and topics (such as computer literacy, the history of technology and the sociological impact of technological advancement) which would contribute to the general technical literacy of students. The purpose of general education is to develop the prospective teacher as an educated person. This component of the program shall exclude courses which are clearly professional or vocational in nature, but may include up to 12 semester credit hours of overlapping with the 30 semester credit hours required in the coherent sequence of study.

9. Each approved teacher preparation program shall require its students to complete a coherent sequence of study no fewer than 30 semester credit hours in the arts/humanities, behavioral/social science and/or mathematics/science/technology disciplines. Introductory courses in the coherent sequence may also satisfy up to 12 semester credit hours of the general education requirements. Coherent sequences in areas such as psychology or sociology may satisfy part of the 18 semester credit hours required in the study of behavioral or social sciences. The inclusion of technology as a potential academic area is intended to provide for those candidates who will be certified to teach one of the technical disciplines such as distributive occupations or industrial technology.

10. Each approved undergraduate teacher preparation program shall provide a minimum of 18 semester credit hours in courses related to the theory of teaching/learning through the study of the behavioral or social sciences. Study shall emphasize such topics as:

- i. Child and adolescent development;
- ii. Individual differences;
- iii. Learning, motivation and memory;
- iv. Testing and measurements;
- v. Human relationships and group dynamics; and
- vi. Cultural, minority and urban concerns.

11. Each approved undergraduate teacher preparation program shall provide a minimum of 30 semester credit hours in a coherent sequence of professional courses which shall emphasize the study of reading, school curriculum and teaching methodology, including materials and technology; instructional management; and student achievement research. This component of the undergraduate program shall provide students, normally beginning in the sophomore year, with practical experiences in an elementary or secondary school setting; these opportunities shall increase in intensity and duration as the student advances through the program and culminate with a student teaching experience.

12. The student teaching experience of each approved undergraduate program shall be the equivalent of a full-time experience of one semester's duration, and credit hours for this experience shall be included among the minimum of 30 semester credit hours in the coherent sequence of professional courses.

13. Collegiate faculty assigned to supervise practicum students shall:

- i. Have had experience supervising, consulting or otherwise working in an elementary/secondary school in contact with classroom teachers within the previous two years;
- ii. Be full-time faculty members or part-time faculty with demonstrated expertise in the field they are supervising.

14. College supervisors of student teachers shall be assigned

supervisory loads which permit observation of each student once every other week.

15. Physiology and hygiene. In accordance with the provisions of N.J.S.A. 18A:26-8 students must take an examination in physiology and hygiene, including the effects of narcotics and alcohol (see N.J.A.C. 6:11-8.2(a)7i-ii).

16. Reading requirements: See N.J.A.C. 6:11-8.2(a)8i-iv for requirements in all subject teaching programs and elementary teaching programs.

17. Exceptions to one or more of the rules in this subchapter may be granted by the Commissioner of Education in cases where an institution is able to document the qualitative equivalency of an alternative approach.

(a)

STATE BOARD OF EDUCATION

Business Services

Method of Determining Tuition Rates

Proposed Amendment: N.J.A.C. 6:20-3.1

Authorized By: New Jersey State Board of Education,

Gustav H. Ruh, Acting Secretary.

Authority: N.J.S.A. 18A:4-15 and 18A:38-19.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Lorraine L. Colavita
Executive Assistant for Administrative
Practice and Procedure
Department of Education
225 West State Street
Trenton, New Jersey 08625

The State Board of Education thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-168.

The agency proposal follows:

Summary

This proposal would permit district boards of education which receive pupils to include a charge for the use of school facilities in setting the tuition rate.

The present method of determining tuition rates does not permit receiving school districts to charge sending districts any amount for the use of school facilities. This amendment would allow receiving districts to impose a building use charge which would be based upon the interest charges paid on the outstanding debt service which are not supported by State aid.

Social Impact

School districts sending pupils to other districts on a tuition basis can expect their tuition charges to increase and may seek to change their present sending/receiving relationships.

Economic Impact

This proposal will benefit receiving school districts by permitting them to increase their tuition charges to their sending districts. Tuition charges for sending districts will increase.

Full text of the proposal follows.

PROPOSALS

6:20-3.1 Method of determining tuition rates

(a)-(b) (No change.)

(c) Whenever it shall be impracticable to charge the actual amount expended for a particular item in the program or programs for which the tuition rate is being determined then the share of such expenditure for each program shall be determined on a pro rata basis in accordance with the following ratios:

1.-11. (No change.)

12. Building use charge: Ratio of square feet of floor space used by each program multiplied by the amount which remains after the following calculation:

i. Divide the amount of debt service State support received by the debt service paid for the school year to determine the ratio of State support;

ii. Multiply the debt service interest charges paid by the ratio of State support obtained in (c)12 above;

iii. Subtract the amount obtained in (c)12ii above from the debt service interest charges paid.

(d)-(f) (No change.)

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

Water Supply Allocation Fee Schedule for Water Supply Allocation Permits

Proposed New Rules: N.J.A.C. 7:19-3

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.
Authority: N.J.S.A. 58:1A-11.
DEP DOCKET No. 009-82-04.

Public hearings concerning this rule will be held as follows:

June 3, 1982

11:00 A.M.

Parsippany-Troy Hills Municipal Building
1001 Parsippany Boulevard
Parsippany-Troy Hills, New Jersey 07054

June 8, 1982

1:00 P.M.

Franklin Township Municipal Building
475 DeMott Lane
Franklin Township, New Jersey 08873

June 9, 1982

7:30 P.M.

Hammonton Town Hall
3rd and Central Avenue
Hammonton, New Jersey 08037

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

ENVIRONMENTAL PROTECTION

William Whipple, Administrator
Water Supply and Watershed
Management Administration
Division of Water Resources
1474 Prospect Street
CN-029
Trenton, New Jersey 08625

The Department of Environmental Protection thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-166.

The agency proposal follows:

Summary

The proposed rules establish a fee schedule and the procedures required to implement the fee schedule for the purpose of charging reasonable administrative fees to those persons currently diverting or who wish to divert 100,000 or more gallons of water per day for non-agricultural or non-horticultural purposes, as set forth in N.J.A.C. 7:19-1 and 2. The proposed fee schedule has been based upon, but has not exceeded, the estimated costs of processing, monitoring, administering and enforcing the water supply allocation permit program. Permittees are to be divided into four classes based upon size of daily diversion and then charged a fee according to the permit type and whether utilization of the hearing process has been required. Provisions have been made to adjust the fee schedule by formal regulatory amendments each year, if necessary, to reflect best estimated costs. Please note that these proposed rules do not apply to agricultural or horticultural uses.

Social Impact

The proposed rules will have minimal social impact. The proposed rules represent the Department's efforts to provide the funding required to streamline and improve the efficiency of the water supply allocation system.

Economic Impact

An immediate economic impact will result from these proposed rules to those persons currently diverting or who wish to divert 100,000 or more gallons of water for non-agricultural or non-horticultural purposes. Such persons will be required to pay a fee for diversion privileges. The Legislature provided, in N.J.S.A. 58:1A-11, that reasonable fees shall be promulgated to implement the diversion permit program, including the estimated cost of processing, monitoring, administering and enforcing permits. The permit program is therefore self-sustaining.

Full text of the proposal follows.

SUBCHAPTER 3. FEE SCHEDULE FOR WATER SUPPLY ALLOCATION PERMITS

7:19-3.1 Scope and authority

This subchapter shall constitute the rules governing the establishment of a water allocation permit fee schedule as mandated by Section 11 of the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.

7:19-3.2 Purpose

The purpose of this subchapter is to establish fees for the water allocation permit program set forth in N.J.A.C. 7:19-1 and 2 based upon and not to exceed the estimated cost of processing, monitoring, administering and enforcing water supply allocation permits. The fee schedule shall be annually reviewed with respect to any changes in the costs of processing, monitoring, administering and enforcing water supply allocation permits.

7:19-3.3 Definitions

For the purpose of this subchapter, the following definitions in addition to those found in N.J.A.C. 7:19-1.3 are applicable.

“Annual fee” means a fee charged annually during the period of validity of every permit.

“Dewatering” means the abstraction of water on a temporary basis from wells or excavations.

“Initial fee” means the fee charged upon issuance of all new permits except the renewal of privileges previously allowed pursuant to lawful legislative or administrative actions not previously charged fees.

“Renewal fees” means the fee charged upon issuance of all renewals of existing permits or the renewal of privileges previously allowed pursuant to lawful legislative or administrative actions not previously charged fees.

7:19-3.4 Applicability

This subchapter shall be applicable to all those persons as set forth in N.J.A.C. 7:19-1.4.

7:19-3.5 Establishment of fee schedule

(a) The Department shall review the fee schedules set forth in this subchapter prior to March 1 of each year.

(b) If the Department determines that the existing fee schedule does not adequately cover the actual cost of processing, monitoring, administering and enforcing the water supply allocation permit program, or that the fee schedule more than adequately covers that cost, the Department shall propose a new fee schedule to adequately cover the actual cost of the water supply allocation permit program in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as implemented by N.J.A.C. 1:30.

(c) If the Department determines that the existing fee schedule does not adequately cover the actual cost of the water supply allocation permit program, then a notice to that effect shall be published in the New Jersey Register.

7:19-3.6 Payment of annual permit fee

(a) The Department shall submit a bill for the next year’s annual permit fee to each permittee prior to July 1 of each year.

(b) Each permittee shall remit its annual permit fee for the next fiscal year by August 1 of that year.

7:19-3.7 Failure to submit the annual permit fee payment in a timely manner

(a) Failure to pay the annual permit fee by August 1 of each year shall be considered a voluntary termination and surrender of the permit by the permittee, unless the Department has granted the permittee a written extension of the time to pay the fee prior to the August 1 due date.

(b) Any permittee who has surrendered his permit in accordance with (a) above and continues to divert water shall be subject to the penalty provisions set forth in N.J.S.A. 58:1A-16.

7:19-3.8 Fees

(a) All applicable fees shall be paid in accordance with fee schedule established pursuant to N.J.A.C. 7:19-3.9.

(b) Each applicant for a permit not previously subject to fees, including but not limited to privileges previously allowed pursuant to lawful legislative or administrative action, shall pay the appropriate fee prior to issuance of the permit plus:

1. The total annual fee if the permit is issued during the first quarter of the fiscal year; or
2. Three-quarters of the annual fee if the permit is issued during the second quarter of the fiscal year; or
3. One-half of the annual fee if the permit is issued during the third quarter of the fiscal year; or
4. One-quarter of the annual fee if the permit is issued during the fourth quarter of the fiscal year.

(c) In addition to the annual fee, which shall be paid prior to August 1 of each year a permittee renewing his permit shall pay the appropriate renewal fee at the time of renewal.

(d) Any applicant who fails to complete necessary forms or other permit processing requirements, or to provide information within the time frame established by the Department, shall pay the annual fees which would have been due if the forms, information and processing had been completed in a timely manner, except where the Department grants an extension of time prior to the due date for the action.

(e) Each permittee shall pay the annual fee each year during the term of its permit classification based upon the classification for that permittee as set forth in (f) below. After the expiration of five years, permits for which hearings have been held shall be reclassified as not requiring a hearing, so long as additional hearings are not held. Upon reclassification the permittee shall pay the appropriate fee.

(f) An applicant for a permit shall be placed in the appropriate class below based on the size of the allocations approved:

1. Class 1: 0.1 mgd to less than .5 mgd;
2. Class 2: .5 mgd to less than 1.0 mgd;
3. Class 3: 1.0 mgd to less than 2.0 mgd; and
4. Class 4: 2.0 mgd and above.

(g) For the purpose of assessing fees under this subchapter the following shall apply:

1. A plant site or group of contiguous properties under common ownership will be entitled to a single permit.
2. For a water system supplying a single municipality only, all surface water sources may be treated as a single permit and all groundwater diversions as a single permit.
3. For systems supplying more than a single municipality, each group of surface water diversions and each group of groundwater diversions which either lie within a single municipality; or lie within a square of one mile on each side will be treated as a single permit.
4. In the event that grouping of diversions under g(2) or g(3) above results in a diversion of less than 100,000 gallons per day, the groups shall be combined with other group(s) so that each permitted withdrawal will amount to 100,000 gpd or more.
5. If any groundwater diversion is included in a permit, the fee schedule shall be that for groundwater.

7:19-3.9 Fee schedule

(a) Fees shall be charged for permits, as applicable, pursuant to the following schedules:

1. Initial fees for new applications:

	Class 1	Class 2	Class 3	Class 4
i. Surface water diversions not requiring hearing process	\$ 500.	\$ 560.	\$ 725.	\$1245.
ii. Surface water diversions requiring hearing process	\$ 750.	\$ 845.	\$1085.	\$1870.
iii. Groundwater diversions not requiring hearing process	\$ 625.	\$ 700.	\$ 905.	\$1560.
iv. Groundwater diversions requiring hearing process	\$1245.	\$1405.	\$1810.	\$3120.
v. Dewatering: groundwater diversions not requiring hearing	\$1870.	\$2105.	\$2715.	\$4675.
vi. Dewatering: groundwater diversions requiring hearing process	\$3740.	\$4212.	\$5430.	\$9355.
2. Renewal fees without modification:				
	Class 1	Class 2	Class 3	Class 4

i. Surface water diversions not requiring hearing process	\$ 250.	\$ 280.	\$ 360.	\$ 625.
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ii. Surface water diversions requiring hearing process	\$ 375.	\$ 420.	\$ 545.	\$ 935.
iii. Groundwater diversions not requiring hearing process	\$ 310.	\$ 350.	\$ 455.	\$ 780.
iv. Groundwater diversions requiring hearing process	\$ 625.	\$ 700.	\$ 905.	\$ 1560.
3. Renewal fees with modifications:				
	Class 1	Class 2	Class 3	Class 4
i. Surface water diversion not requiring hearing process	\$ 350.	\$ 395.	\$ 505.	\$ 875.
ii. Surface water diversion not requiring hearing process	\$ 525.	\$ 590.	\$ 760.	\$ 1310.
iii. Groundwater diversion not requiring hearing process	\$ 435.	\$ 490.	\$ 635.	\$ 1090.
iv. Groundwater diversion requiring hearing process	\$ 875.	\$ 985.	\$ 1265.	\$ 2180.
4. Annual fees for permits:				
	Class 1	Class 2	Class 3	Class 4
i. Surface water diversions not requiring hearing process	\$ 500.	\$ 560.	\$ 725.	\$ 1245.
ii. Surface water diversions requiring hearing process	\$ 750.	\$ 845.	\$ 1080.	\$ 1870.
iii. Groundwater diversions not requiring hearing process	\$ 625.	\$ 700.	\$ 905.	\$ 1560.
iv. Groundwater diversions requiring hearing process	\$ 1245.	\$ 1405.	\$ 1810.	\$ 3120.

OFFICE OF ADMINISTRATIVE LAW NOTE: A Basis and Background document was filed as part of this notice of proposed rule. Copies of this document can be obtained from:

Division of Water Resources
1474 Prospect Street
CN-029
Trenton, New Jersey 08625

or

Office of Administrative Law
Publications and Filings
88 East State Street
CN 301
Trenton, New Jersey 08625

(a)

GREEN ACRES PROGRAM

State Recreation and Conservation Land Acquisition and Recreation Opportunities Development Fund Program

Proposed Amendment: N.J.A.C. 7:36-3.1

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.
Authority: N.J.S.A. 13:8A-7, -25 and -41.
DEP Docket No.: 007-82-04

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dennis Davidson
Local Grants Management
Green Acres Program
CN-404
Trenton, New Jersey 08625

The Department of Environmental Protection thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-165.

The agency proposal follows:

Summary

The proposed amendment will alter the existing rules governing the procedures for local unit reimbursement under the DEP State Recreation and Conservation Land Acquisition and Recreation Opportunities Development Fund Program. Currently local units can bill the fund for 75 percent of their costs on an interim basis limited to only two payments. These limitations were imposed due to the limited ability for the Green Acres Program to handle the necessary paperwork required to process the billing. A recent reorganization of the grants unit and better service from the DEP Division of Fiscal and Support Services have greatly improved the program's ability to handle grant payments. The 75 percent limitation on repayment has been found to be too low as none of the Program's audits have resulted in questioned cost higher than 10 percent.

The Department, therefore, proposes to raise the percentage of interim payments allowable on grants to 90 percent and to lift the two payment limitation. These changes will allow local units to bill the Fund more frequently and for a larger percentage of their expenses thereby facilitating better management of grants used to develop permanent outdoor recreational areas.

Social Impact

The program is designed to increase the public use and enjoyment of permanent outdoor recreational areas. The acceleration of interim billing for a larger percentage of the grant will expedite the achievement of those goals.

Economic Impact

Acceleration of the repayment process will facilitate the use of State funds available for development of outdoor recreation facilities and for acquisition of open space lands.

7:36-3.1 Terms of Grant

(a) (No change.)

(b) Once the project has been completed and all outstanding obligations paid, the local unit may bill DEP for reimbursement. Reimbursement is based on amounts up to 50 percent of the lowest qualified bid or up to 50 percent of the actual cost, whichever is lower. [Two interim billings based on costs incurred may be accepted by DEP for up to three quarters of the grant amount.] **Interim billings based on costs incurred may be accepted by DEP for up to 90 percent of the grant amount.**

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Long Term Care Services Manual Authorization for Level III (Skilled Nursing) Care

Proposed Amendment: N.J.A.C. 10:63-1.6

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 30:4D-6a4(a) and 7 and 7b.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN-712
Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-154.

The agency proposal follows:

Summary

This proposal pertains to Medicaid patients in long term care (LTC) facilities. More specifically, it concerns those patients who require skilled nursing care commonly referred to as Level III care.

The Divisions's Medical Evaluation Team (MET) currently evaluates Level III patients at three month intervals. This proposal will allow MET evaluations at six month intervals. The MET may make more frequent evaluations if they believe the patient's condition will change sooner than six months.

Social Impact

There is no social impact associated with this proposal. Patients will continue to receive nursing care and services commensurate with their condition.

Economic Impact

There is no economic impact on Medicaid recipients. The economic impact on long term care facilities should be minimal, since the majority of patients require less than Level III care.

The Division might be required to pay for a small number of patients classified at a higher level of care for a longer period, but this policy will reduce the number of patient evaluations by Medicaid staff personnel.

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

10:63-1.6 Authorization process

(a)-(d) (No change.)

(e) (No change.)

1.-2. (No change.)

3. The maximum durations for a single authorization for long-term care are as follows:

i. Level III - [3]6 months;

ii.-iii. (No change.)

(f)-(k) (No change.)

(b)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual Funeral or Burial Payments

Proposed Amendment: N.J.A.C. 10:81-7.22

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 44:7-6 and 44:10-3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director
Division of Public Welfare
CN 716
Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-158.

The agency proposal follows:

Summary

This proposal increases the amount friends and relatives may contribute to the cost of funeral and burial of certain deceased recipients of AFDC without a reduction in or elimination of the agency contribution. The amount of the agency payment itself is not changed.

Social Impact

The next of kin of some deceased recipients will be better able to arrange final rites with appropriate dignity for the deceased.

Economic Impact

Relatives and friends will be allowed to contribute up to \$100.00 additional to the cost of final arrangements of deceased adults; \$50.00 for small children. Funeral directors, as the major recipients of the funds, will be better able to meet rising costs without curtailing services. Actual amounts of the increased contributions, being both private and voluntary, are not subject to computation. Little or no added public expenditure is expected.

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

PROPOSALS

HUMAN SERVICES

10:81-7.22 General principles for participation in burial and funeral expenses

(a) (No change.)
 1. Total cost of burial (or cremation) and funeral, including payment by the county welfare agency, shall not exceed the following:

Age	Maximum Payment by CWA for Cemetery	Maximum Payment by CWA for Mortuary	Contributions by others	Limitations on Total Cost
Up to 1 week including stillborn	\$100.00	\$100.00	\$[200.00] 250.00	\$[400.00] 450.00
1 week to 2 yrs.	150.00	300.00	[200.00] 250.00	[650.00] 700.00
2 yrs. and over including adult	200.00	350.00	[250.00] 350.00	[800.00] 900.00

2.-3. (No change.)
 (b)-(e) (No change.)

(a)

DIVISION OF PUBLIC WELFARE

**General Assistance Manual
 Funeral and Burial Expenses**

Proposed Amendment: N.J.A.C. 10:85-4.8

Authorized By: George J. Albanese, Commissioner,
 Department of Human Services.
 Authority: N.J.S.A. 44:8-111(d).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director
 Division of Public Welfare
 CN 716
 Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-160.

The agency proposal follows:

Summary

This proposal raises the amount that friends and relatives may contribute to the costs of funeral and burial of deceased recipients of General Assistance without a reduction in or elimination of the agency contribution. The amount of the agency payment itself is not changed.

Social Impact

The next of kin of some deceased recipients will be better able to arrange final rites with appropriate dignity for the deceased.

Economic Impact

Relatives and friends will be allowed to contribute up to \$100.00

additional to the cost of final arrangements of the deceased. Funeral directors, as the major recipients of the funds, will be better able to meet rising costs without curtailing services. Actual amounts of the increased contributions, being both private and voluntary, are not subject to computation. Little or no added public expenditure is expected.

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

10:85-4.8 Funeral and burial expenses

(a) Rules concerning availability of State aid are as follows.
 1. Restrictions on costs: For purposes of State aid, the Division of Public Welfare authorizes the payment of funeral and burial expenses (including cremation) provided that:
 i. Total cost is not in excess of \$[800] **900.00**;
 ii.-iii. (No change.)
 2. (No change.)
 (b) (No change.)

(b)

DIVISION OF PUBLIC WELFARE

**Special Payments Handbook
 Funeral and/or Burial Cost**

Proposed Amendment: N.J.A.C. 10:100-3.6

Authorized By: George J. Albanese, Commissioner,
 Department of Human Services.
 Authority: N.J.S.A. 44:7-12, 44:7-13, 44:7-38 and 44:7-43.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director
 Division of Public Welfare
 CN 716
 Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-159.

The agency proposal follows:

Summary

This proposal raises the amount that friends and relatives may contribute to the costs of funeral and burial of deceased recipients

of Supplemental Security Income without a reduction in or elimination of the agency contribution. The amount of the agency payment itself is not changed.

Social Impact

The next of kin of some deceased recipients will be better able to arrange final rites with appropriate dignity for the deceased.

Economic Impact

Relatives and friends will be allowed to contribute up to \$100.00 additional to the cost of final arrangements of the deceased. Funeral directors, as the major recipients of the funds, will be better able to meet rising costs without curtailing services. Actual amounts of the increased contributions, being both private and voluntary, are not subject to computation. Little or no added public expenditure is expected.

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

10:100-3.6 Condition of payment

(a)-(d) (No change.)

(e) The CWA shall not participate in the payment of any funeral and/or burial for which the total cost, as computed in accordance with [Public Assistance Manual,] N.J.A.C. 10:81-7.25, exceeds \$[800] **900.00**.

(f)-(g) (No change.)

LAW AND PUBLIC SAFETY

(a)

ATTORNEY GENERAL

**Plain Language
Fee for Contract Review**

Proposed New Rule: N.J.A.C. 13:45A-18.1

Authorized By: Irwin I. Kimmelman, Attorney General of New Jersey.

Authority: N.J.S.A. 56:12-8(f).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

James J. Barry, Jr., Director
Division of Consumer Affairs
1100 Raymond Boulevard, Room 504
Newark, New Jersey 07102

The Attorney General thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-155.

The agency proposal follows:

Summary

The Plain Language Act, N.J.S.A. 56:12-1 et seq., requires consumer contracts to be written in simple, clear, understandable and easily readable language. The proposed rule establishes a set fee of \$50.00 for the compliance review by the Attorney General's designee (Division of Consumer Affairs) of a consumer contract, which includes all other writings required to complete the transaction.

Social Impact

The proposed rule implements legislation designed to protect the consumer by insuring that consumer contracts are more readily understandable.

Economic Impact

The proposal creates the limited economic impact of \$50.00 per contract review. This impact is minimal when contrasted with the benefit to the consumer arising from clear and simple contracts.

Full text of the proposal follows.

SUBCHAPTER 18. PLAIN LANGUAGE REVIEW

13:45A-18.1 Fee for contract review

Any creditor, seller, insurer, lessor, or any person in the business of preparing and selling forms of consumer contracts, requesting a review of a consumer contract, or writings required to complete the consumer transaction, to determine its compliance with the Plain Language Act, N.J.S.A. 56:12-1 et seq., shall pay to the Director of the Division of Consumer Affairs a fee in the amount of \$50.00.

TRANSPORTATION

(b)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Route 10**

Proposed Amendment: N.J.A.C. 16:28A-1.8

Authorized By: Anne P. Canby, Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-139 and 39:4-199.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

The Department of Transportation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-156.

The agency proposal follows:

Summary

This proposal will establish "no parking" zones along Route 10 in Parsippany-Troy Hills, Randolph, Hanover Townships, Morris Plains Borough, Morris County and Livingston Township, Essex County, thus enhancing the safe and efficient flow of traffic. Appropriate signs will be erected to advise the motoring public.

Social Impact

This amendment will restrict parking along the areas designated, enhance safety in the respective townships and provide for the safe off/on loading of passengers along established bus stops.

Economic Impact

The Department will incur direct and indirect costs for its workforce and the placement of signs. Costs are dependent upon mileage, personnel and equipment requirements.

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

16:28A-1.8 Route 10

(a) The certain parts of State highway Route 10 described [herein below] in (a) of this section shall be [and hereby are,] designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-2. (No change.)

Renumber second 2. as 3.

4. No stopping or standing in Parsippany-Troy Hills Township, Morris County:

i. Along the westbound side:

(1) From the centerline of Littleton Road to a point 1550 feet west of the centerline of Littleton Road.

5.No stopping or standing in Morris Plains Borough, Morris County:

i. Along the eastbound side:

(1) Within the entire corporate limits of Morris Plains Borough, (from the D.L. & W. Railroad to Johnson Road).

6.No stopping or standing in Randolph Township, Morris County:

i. Along both sides:

(1) For the entire length within the corporate limits of Randolph Township.

7.No stopping or standing in Hanover Township, Morris County:

i. Along the eastbound side:

(1) From the Parsippany-Troy Hills Township -Hanover Township corporate line to a point 2,900 feet east of the center line of Troy Hills Road, including all ramps and connections thereto which are under the jurisdiction of the Commissioner of Transportation.

ii. Along the westbound side:

(1) From the East Hanover Township-Hanover Township corporate line to the Hanover Township Parsippany-Troy Hills Township corporate line including all ramps and connections thereto which are under the jurisdiction of the Commissioner of Transportation.

(b) The certain parts of State highway Route 10 described in (b) of this section shall be designated and established as "no parking zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is hereby granted to erect appropriate signs at the following established bus stops:

1. Along the northerly (westbound) side in Livingston Township, Essex County:

i. Far side bus stops:

- (1) Tiffany Drive (100 feet);
- (2) North Livingston Avenue (100 feet);
- (3) Hillside Avenue (100 feet);
- (4) Walnut Street (100 feet).

2. Along the southerly (eastbound) side in Livingston Township, Essex County:

i. Far side bus stops:

- (1) Hillside Avenue (100 feet);
- (2) Broadlawn Drive (100 feet).

ii. Mid-block bus stops:

(1) Between points 50 feet east of, and 185 feet east of the easterly curb line of Walnut Street (135 feet).

3. All bus stops shall be measured from the curb line of the intersecting street, or the prolongation of the curb line of the street which intersects, where the bus stop is established.

(a)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Route US 9W**

Proposed Amendment: N.J.A.C. 16:28A-1.61

Authorized By: Anne P. Canby, Commissioner,
Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-139 and 39:4-199.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

The Department of Transportation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-162.

The agency proposal follows:

Summary

This proposal will establish "no parking" zones along Route US 9W in Alpine Borough, Bergen County, establish bus stops and cause appropriate signs to be erected advising the motoring public.

Social Impact

This amendment will restrict parking along the areas designated and at bus stops to provide for the safe and efficient on/off loading of passengers. Additionally, it will enhance safety and the well being of the populace.

Economic Impact

The Department will incur direct and indirect costs for its workforce and the placement of signs. Costs are dependent upon mileage, personnel and equipment requirements.

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

16:28A-1.61 Route US 9W

(a) The certain parts of State highway Route US 9W described in (a) of this section shall be [, and hereby are] designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is hereby granted to erect appropriate signs at the following established bus stops:

1.-3. (No change.)

4. Within Alpine Borough, Bergen County:

i. Along the easterly (northbound) side:

(1) Far side bus stops:

- (A) Closter Dock Road (120 feet);
- (B) Old Dock Road (120 feet);
- (C) Reo Vista Estate (120 feet);
- (D) Montammy Road (120 feet).

(2) Near side bus stops:

- (A) Hillside Avenue (120 feet);
- (B) Lamont Observatory (120 feet).

ii. Along the westerly (southbound) side:

- (1) Far side bus stops:
 - (A) Lamont Observatory (120 feet);
 - (B) Montammy Road (120 feet);
 - (C) Reo Vista Estate (120 feet);
 - (D) Old Dock Road (120 feet);
 - (E) Closter Dock Road (120 feet).
- (2) Near side bus stops:
 - (A) Hillside Avenue (120 feet).

[4.] 5. All bus stops to be the specified lengths measured from the curb line of the intersecting street or the prolongation of the curb line of the street which intersects where the bus stop is established.

(b) The certain parts of State highway Route US 9W described in (b) of this section shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing in Alpine Borough, Bergen County:

i. Along the easterly (northbound) side:

(1) Between a point 150 feet south of, and the southerly curb line extension of Closter Dock Road.

ii. Along the westerly (southbound) side:

(1) Between a point 150 feet north of, and the northerly curb line of Closter Dock Road.

iii. Along both sides between the hours of 7:00 P.M. and 7:00 A.M. daily:

(1) Between points 1,000 feet south of, and 1,000 feet north of the pedestrian bridge at milepost 10.

2. No stopping or standing in Englewood Cliffs Borough, Bergen County:

i. Along both sides:

(1) From the center line of Charlotte Place to the Borough of Englewood Cliffs-Borough of Tenafly corporate line.

(a)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Route 15**

Proposed Amendment: N.J.A.C. 16:28A-1.65

Authorized By: Anne P. Canby, Commissioner,
Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-139.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

The Department of Transportation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-157.

The agency proposal follows:

Summary

This proposal will establish "no parking zones along Route 15 in

Lafayette Township, Sussex County and the Town of Dover, Morris County, and cause appropriate signs to be erected advising the motoring public.

Social Impact

This amendment will restrict parking in the areas designated and enhance safety in the respective town and township indicated.

Economic Impact

The Department will incur direct and indirect costs for its workforce and the placement of signs. Costs are dependent upon mileage, personnel and equipment requirements.

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

16:28A-1.65 Route 15

(a) The certain parts of State highway Route 15 described in (a) of this section shall be [and hereby are] designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. (No change.)

2. No stopping or standing in Lafayette Township, Sussex County:

i. Along the southbound side: [of Route 15]:

(1) (No change.)

(2) From a point 630 feet north of the northerly curb line of Lafayette Road-Meadows Road to a point 650 feet south of the southerly curb line of Lafayette Road-Meadows Roads.

ii. Along the northbound side:

(1) From a point 140 feet north of the northerly curb line of Lafayette Road-Meadows Road to a point 630 feet north of the northerly curb line of Lafayette Road-Meadows Road.

3. No stopping or standing in the town of Dover, Morris County:

i. Along the northbound side:

(1) From the center line of Grace Street, to the center line of White Street.

(b)

TRANSPORTATION OPERATIONS

**Turns
Route 73**

Proposed New Rule: N.J.A.C. 16:31-1.17

Authorized By: Anne P. Canby, Commissioner,
Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-183.6.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

The Department of Transportation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

PROPOSALS

This proposal is known as PRN 1982-163.

The agency proposal follows:

Summary

This proposal will establish no left turns on Route 73 in Winslow Township, Camden County and cause appropriate signs to be erected notifying the motoring public.

Social Impact

This amendment will preclude left turns along the route and area designated, reduce the number of traffic accidents and enhance the safety of the populace in Winslow Township.

Economic Impact

The Department will incur direct and indirect costs for its workforce and the placement of signs. Costs are dependent upon mileage, personnel and equipment requirements.

Full text of the proposal follows.

16:31-1.17 Route 73

(a) Turning movements of traffic on the certain parts of State highway Route 73 described in this section are regulated as follows:

I. No left turns in Winslow Township, Camden County, southbound on Route 73 to eastbound on Pump Branch Road.

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION

Rules of the Games

Card Counting Prohibited

Proposed Amendment: N.J.A.C. 19:47-2.1

Proposed New Rules: N.J.A.C. 19:47-2.16, 19:47-2.17, 19:47-2.18, 19:47-2.19

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.

Authority: N.J.S.A. 5:12-63 and N.J.S.A. 5:12-70(f).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael A. Santaniello, Deputy Director
Casino Control Commission
Princeton Pike Office Park
Building No. 5, CN-208
Trenton, New Jersey 08625

The Casino Control Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-171.

The agency proposal follows:

Summary

Each of the alternative rules identified as alternatives I through IV would authorize casinos to exclude card counting from the game of blackjack. Alternatives II and IV define card counting, set forth standards for exclusion and also provide hearing rights for those ejected or excluded. Alternative I defines card counting and sets

OTHER AGENCIES

forth standards for exclusion, but would not provide any hearing rights to those excluded.

Alternative III would simply authorize exclusion without establishing any formal standards or hearing rights.

Social Impact

At the present time, casinos are excluding card counters from the game of blackjack in Atlantic City. Since each of these proposed alternative regulations would continue the exclusion process under authority of the Commission, it is expected that there will be a minimal social impact when compared with the present situation.

Economic Impact

Since exclusion of card counters by casinos in Atlantic City is presently occurring and these regulations will simply continue that practice, it is expected that the economic impact of these alternatives will be minimal. If alternative II or IV is adopted, there will be the additional economic impact caused by hearing rights. This will involve all the costs associated with conduct of hearings in these cases.

Full text of the proposal follows (additions indicated in boldface thus.

Alternative I

19:47-2.1 Definitions

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

"Blackjack" shall mean an ace and any card having a point value of 10 dealt as the initial two cards to a player or a dealer except that this shall not include an ace and a 10 point value card dealt to a player who has split pairs.

"Card counting" shall mean a method of keeping track of cards for the purpose of adopting a betting strategy or a playing strategy, or some combination of both, that is suited to whether the unplayed cards are favorable to the player or favorable to the house.

"Card counter" shall mean a person who utilizes card counting in the play of blackjack, either independently or in conjunction with other persons. All persons who are involved in card counting, either as players or otherwise, shall be considered card counters.

19:47-2.16 Card counting prohibited

(a) A person who is determined by a casino licensee to be a card counter within the definition of N.J.A.C. 19:47-2.1 may be barred from participation in any blackjack game on the premises and may, in the discretion of the casino licensee, be ejected from the premises.

(b) Nothing in this section shall be deemed in any way to alter, amend, or modify the existing authority of the casino licensee to exclude persons from the licensee's premises consistent with the public policy of the State of New Jersey.

19:47-2.17 Standard operating procedure

(a) Each casino licensee shall designate one or more employees to identify persons who are card counters. The names of the employees designated shall be submitted to the Commission and shall be kept on file by the Commission.

(b) A person who is identified to be a card counter by a designated employee shall be reported to the casino manager or his designee who shall decide whether to bar the card counter from playing blackjack or eject the person or persons from the casino.

(c) All casino employees who act pursuant to this regulation shall be permitted to confront any alleged card counter on the floor of the casino to inform and advise such person or persons of the casino's policy toward card counters.

(d) All actions taken under this section shall be reported by each casino licensee to the Commission using the forms approved by the Commission.

19:47-2.18 Authorized ejection criteria

(a) A casino licensee may eject or exclude pursuant to N.J.A.C. 19:47-2.16 a person identified as a card counter according to the following criteria:

1. Admission by the person that he or she is a card counter. If any person admits to being a card counter and identifies others acting in concert as also being card counters, such identification shall be sufficient basis for making a determination that such other persons are card counters.

2. Determination by observation of play by a designated employee that the person is a card counter as defined herein.

3. A person previously barred or ejected as a card counter pursuant to this regulation may be barred by any casino licensee from blackjack, or ejected from casino premises immediately upon being identified as a person so barred and ejected.

19:47-2.19 Expiration date

(a) N.J.A.C. 19:47-2.16, 2.17, 2.18 and the definitions of "card counter" and "card counting" in N.J.A.C. 19:47-2.1 shall remain in effect for 12 months and shall be subject to review and modification at any time during its existence.

Alternative II

19:47-2.1 Definitions

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

"Blackjack" shall mean an ace and any card having a point value of 10 dealt as the initial two cards to a player or a dealer except that this shall not include an ace and a 10 point value card dealt to a player who has split pairs.

"Card counting" shall mean a method of keeping track of cards for the purpose of adopting a betting strategy or a playing strategy, or some combination of both, that is suited to whether the unplayed cards are favorable to the player or favorable to the house.

"Card counter" shall mean a person who utilizes card counting in the play of blackjack, either independently or in conjunction with other persons. All persons who are involved in card counting, either as players or otherwise, shall be considered card counters.

19:47-2.16 Card counting prohibited

(a) A person who is determined by a casino licensee to be a card counter within the definition of N.J.A.C. 19:47-2.1 may be barred from participation in any blackjack game on the premises and may, in the discretion of the casino licensee, be ejected from the premises.

(b) Nothing in this section shall be deemed in any way to alter, amend, or modify the existing authority of the casino licensee to exclude persons from the licensee's premises consistent with the public policy of the State of New Jersey.

19:47-2.17 Standard operating procedure

(a) Each casino licensee shall designate one or more employees to identify persons who are card counters. The names of the employees designated shall be submitted to the Commission and shall be kept on file by the Commission.

(b) A person who is identified to be a card counter by a designated employee shall be reported to the casino manager or his designee who shall decide whether to bar the card counter

from playing blackjack or eject the person or persons from the casino.

(c) All casino employees who act pursuant to this section shall be permitted to confront any alleged card counter on the floor of the casino to inform and advise such person or persons of the casino's policy toward card counters.

(d) All actions taken under this section shall be reported by each casino licensee to the Commission using the forms approved by the Commission.

19:47-2.18 Authorized ejection criteria

(a) A casino licensee may eject or exclude pursuant to N.J.A.C. 19:47-2.16 a person identified as a card counter according to the following criteria:

1. Admission by the person that he or she is a card counter. If any person admits to being a card counter and identifies others acting in concert as also being card counters, such identification shall be sufficient basis for making a determination that such other persons are card counters.

2. Determination by observation of play by a designated employee that the person is a card counter as defined in N.J.A.C. 19:47-2.1.

3. A person barred or ejected as a card counter pursuant to N.J.A.C. 19:47-2.16 may be barred by any casino licensee from blackjack, or ejected from casino premises immediately upon being identified as a person so barred and ejected.

4. Any person who is barred from the game of blackjack or ejected from the premises of a casino licensee on the ground that he is engaged in the activities prohibited by N.J.A.C. 19:47-2.16 shall be entitled to a hearing as provided before the Commission pursuant to N.J.A.C. 19:42-2.

19:47-2.19 Expiration date

N.J.A.C. 19:47-2.16, 2.17, 2.18 and the definitions of "card counter" and "card counting" in N.J.A.C. 19:47-2.1 shall remain in effect for 12 months and shall be subject to review and modification at any time during its existence.

Alternative III

19:47-2.16 Card counting prohibited

All licensees shall have the right to exclude any person from participating in the game of blackjack since no person has a legal right to gamble.

Alternative IV

19:47-2.1 Definitions

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

"Betting strategy" shall mean maximizing bets when the count is favorable to the player and minimizing bets when the count is favorable to the house.

"Blackjack" shall mean an ace and any card having a point value of 10 dealt as the initial two cards to a player or a dealer except that this shall not include an ace and a 10 point value card dealt to a player who has split pairs.

"Card counter" shall mean a person who utilizes card counting in the play of blackjack, either independently or in conjunction with other persons.

"Card counting" shall mean the technique of assigning a point value to each card dealt and keeping a running total of such points for the purpose of adopting a betting strategy or a playing strategy, or some combination of both, that is suited to whether the count is favorable to the player or favorable to the house.

“Count”, “point count”, “running count”, or “true count” shall mean the running point total of cards dealt from the shoe.

“Location play” shall mean a method of play in which a card counter enters the game only when the point count indicates the statistical probability that a high proportion of cards with values of 10 or above remain to be played.

“Playing strategy” shall mean entering or exiting of the game, electing or refusing to take additional cards on any hand, or making any other playing decision consistent with the rules of the game on any hand depending upon when the count is favorable to the player or when the count is favorable to the house.

“Shadow play” shall mean play by a player who observes (“shadows”) the play at a table, counts the cards, and then either chooses to play, or bet or not bet himself, or directs a confederate already playing at the table to bet or no bet.

“Standard card counting” shall mean card counting as performed by a single player.

“Team play” shall mean play by two or more players who play in conjunction with each other utilizing shadow play, location play, card counting or some combination thereof in order to take advantage of different situations from table to table throughout the casino’s blackjack facilities.

19:47-2.16 Card counting prohibited

(a) A person who is determined by a casino licensee to be a card counter within the definition of N.J.A.C. 19:47-2.1 may be barred from participation in any blackjack game on the premises and may, in the discretion of the casino licensee, be ejected from the premises.

(b) Nothing in this section shall be deemed in any way to alter, amend, or modify the existing authority of the casino licensee to exclude persons from the licensee’s premises consistent with the public policy of the State of New Jersey.

19:47-2.17 Standard operating procedure

(a) Each casino licensee shall designate one or more employees to identify persons who are card counters. The names of the employees designated shall be submitted to the Commission and shall be kept on file by the Commission.

(b) A person who is identified to be a card counter by a designated employee shall be reported to the casino manager or his designee who shall decide whether to bar the card counter from playing blackjack or eject the person or persons from the casino.

(c) All casino employees who act pursuant to N.J.A.C. 19:47-2.16 shall be permitted to confront any alleged card counter on the floor of the casino to inform and advise such person or persons of the casino’s policy toward card counters.

(d) All actions taken under this section shall be reported by each casino licensee to the Commission using the forms approved by the Commission.

19:47-2.18 Authorized ejection criteria

(a) A casino licensee may eject or exclude pursuant to N.J.A.C. 19:47-2.16 a person identified as a card counter according to the following criteria:

1. Admission by the player that he or she is a card counter, or a member of a group of players and/or non-players who are card counters, or an admission by any member of the group that he or she or the group is engaged in card counting.

2. Standard card counters and location players: Play must be observed and recorded by an employee of the casino designated for that purpose for a sufficient length of time to determine that the player utilizes:

- i. A playing strategy based on the point count; or
- ii. A betting strategy based on the point count; or
- iii. Some combination of both.

3. Shadow players: Play may be observed and recorded by an employee of the casino designated for that purpose at one or more than one table. The “shadow” shall be observed behind each table for a time sufficiently long for him to be able to pick up the count. The player at each table shall be observed for a sufficient length of time to determine that he utilizes:

- i. A playing strategy based on the point count; or
- ii. A betting strategy based on the point count; or
- iii. Some combination of both.

4. Team players: Play must be observed and recorded by an employee of the casino designated for that purpose for a sufficient length of time to determine that each player:

- i. Enters play, or changes his playing strategy, only in the middle of a shoe; and
- ii. Utilizes a playing strategy based on the point count or a betting strategy based on the point count; or
- iii. Some combination of both.

5. A person barred or ejected as a card counter pursuant to N.J.A.C. 19:47-2.16 may be barred by any casino licensee from blackjack, or ejected from casino premises immediately upon being identified as a person so barred and ejected.

6. Any person who is barred from the game of blackjack or ejected from the premises of a casino licensee on the ground that he is engaged in the activities prohibited by N.J.A.C. 19:47-2.16 shall be entitled to a hearing as provided before the Commission pursuant to N.J.A.C. 19:42-2.

19:47-2.19 Expiration date

N.J.A.C. 19:47-2.16, 2.17, 2.18 and the definitions of “betting strategy”, “card counter”, “card counting”, count; “location play”, “playing strategy”, “point count”, “running count”, “shadow play”, “standard card counting”, “team play”, and “true count” shall remain in effect for 12 months and shall be subject to review and modification at any time during their existence.

(a)

CASINO CONTROL COMMISSION

**Rules of the Games
Shuffle and Cut of the Cards**

Proposed Amendment: N.J.A.C. 19:47-2.5

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.
Authority: N.J.S.A. 5:12-63 and N.J.S.A. 5:12-70(f).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 16, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael A. Santaniello, Deputy Director
Casino Control Commission
Princeton Pike Office Park
Building No. 5, CN-208
Trenton, New Jersey 08625

The Casino Control Commission thereafter may adopt this proposal without further notice (sec: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-172.

The agency proposal follows:

Summary

This proposed amendment would permit casinos to utilize the so-called "shuffle-at-will" option in the game of blackjack. This option would allow the casinos to shuffle the cards in the shoe at the completion of any round of cards dealt to the players. Under this amendment, the casinos would not have to wait until the cut card is reached and the last round of play completed before shuffling the deck or decks of cards being used.

Social Impact

It is difficult to project the social impact of this proposed amendment. In general, it can be theorized that any increased shuffling will affect to some degree the enjoyment of the game to patrons playing blackjack.

Economic Impact

The economic impact of this proposed amendment would vary depending on when in fact the cards were shuffled. For example, if the cards were always shuffled after the first round of play regardless of the point count, then the casino advantage against the basic strategy player and average player would probably remain the same with the advantage enjoyed by the card counter being decreased. If the cards, however, were only shuffled in positive point count situations and not in negative point count situations, the casino advantage against all types of players would increase. Any increased shuffle time would also have an effect on the revenues derived from the game of blackjack.

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

19:47-2.5 Shuffle and cut of the cards

(a) Immediately prior to commencement of play, **after any round of play as may be determined by the casino licensee** and after each shoe of cards is dealt, the dealer shall shuffle the cards so that they are randomly intermixed.

(b)-(d) (No change.)

(e) The player to cut the cards shall be:

1.-2. (No change.)

3. The player at the farthest point to the right of the dealer if the cutting card appeared on the dealer's hand during the last round of play[.];

4. The player at the farthest point to the right of the dealer if the reshuffle was initiated at the discretion of the casino licensee.

(f) (No change.)

(g) A reshuffle of the cards in the shoe shall [only] take place after the cutting card is reached in the shoe as provided for in N.J.A.C. 19:47-2.6(j) **and may occur after any round of play as may be determined by the casino licensee** [except that a new dealer at the table shall have the discretion to reshuffle the cards in the shoe prior to continuing play, provided, however, that a new dealer shall not be assigned to a table for the purpose of circumventing this rule by allowing a reshuffle to occur].

RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice Conduct of Lawyers, Judges and Agency Personnel

Adopted Amendment: N.J.A.C. 1:1-3.8

Proposed: January 4, 1982 at 14 N.J.R. 4(a).
Adopted: April 27, 1982 by Howard H. Kestin, Director,
Office of Administrative Law.
Filed: April 27, 1982 as R.1982 d.150, **with substantive changes** not requiring additional public notice and comment.

Authority: N.J.S.A. 52:14F-5e, f and g.

Effective Date: May 17, 1982.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

1:1-3.8 Conduct of lawyers, judges and agency personnel

(a)-(b) (No change from proposal.)

(c) **Where an agency or agency staff is a party to a contested case, the [agency] legal representative appearing and acting for the agency in the case may not engage in ex parte communications concerning that case with the judge, except for scheduling or other similar purposes, or the agency head, except for purposes of settlement discussion, and may not participate in [the] making [of] or preparing the final decision in the case.**

AGRICULTURE

(b)

DIVISION OF REGULATORY SERVICES

Commercial Fertilizers and Soil Conditioners Slowly Available Plant Nutrients

Adopted Amendment: N.J.A.C. 2:69-1.6

Proposed: March 15, 1982 at 14 N.J.R. 258(a).
Adopted: April 30, 1982 by Phillip Alampi, Secretary,
Department of Agriculture.
Filed: May 3, 1982 as R.1982 d.159, **without change**.

Authority: N.J.S.A. 4:9-15.33.

Effective Date: June 7, 1982.

BANKING

(c)

DIVISION OF BANKING

License Fees Consumer Credit Bureau

Readopted New Rules: N.J.A.C. 3:23

Proposed: March 15, 1982 at 14 N.J.R. 277(b).
Adopted: May 3, 1982 by Michael M. Horn, Commissioner,
Department of Banking.
Filed: May 3, 1982 as R.1982 d.158, **without change**.

Authority: N.J.S.A. 17:1-8.1; 17:10-3, 9 and 23; 17:11A-38 and 54; 17:15-1; 17:15A-4 and 6; 17:15B-7 and 17; 17:16C-7, 8, 82(a), 82(b) and 82(c); 17:16D-4 and 8 and N.J.S.A. 45:22-4 and 11 (see P.L. 1981 c.321).

Effective Date: May 3, 1982.

CIVIL SERVICE

(d)

CIVIL SERVICE COMMISSION

Reclassification of Positions Appeals Process

Adopted New Rule: N.J.A.C. 4:1-6.5A Adopted Amendment: N.J.A.C. 4:1-6.5 Adopted Repeal: N.J.A.C. 4:2-6.4 and 4:3-6.6

Proposed: January 4, 1982 at 14 N.J.R. 5(a).
Adopted: April 20, 1982 by Civil Service Commission,
Peter J. Calderone, Director of Administrative Practices
and Labor Relations.
Filed: April 30, 1982 as R.1982 d.152, **with technical and substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 11:5-1a, 11:7-2 and 11:22-12.

Effective Date: May 17, 1982.

Full text of the changes between proposal and adoption follows

(additions to proposal shown in boldface with asterisks *thus*; deletions from proposal shown in brackets with asterisks *[thus]*).

4:1-6.5A Appeal procedure

(a) An appeal from the classification or reclassification of a position is a request for review or a complaint that the duties of a specific position do not conform to the Civil Service *[job]* *class* specification for the title assigned to that position.

(b) In State service, an appeal from an employee or union representative shall be submitted, in writing, to the appointing authority through the personnel office. The appeal must identify the specific duties that do not conform to the *[job]* *class* specification for the title and be accompanied by a Classification Questionnaire, CS-44, signed by the employee and the supervisor. If the appellant proposes a different title for the position, s/he must explain how the different title more accurately describes the duties of the position than the current or proposed title.

1. The appointing authority shall review the appeal and notify the appellant of its decision within 30 days of receipt of the appeal. This decision letter must include the duties of the position, findings of fact, conclusions and the determination that:

i. (No change from proposal.)

ii. The position is properly classified, but that out-of-title duties are being performed; in which case the appointing authority shall order, in writing, the immediate removal of inappropriate duties*.* *A* *[, and forward a]* copy of this order *shall be forwarded* to the Department of Civil Service, Division of Classification and Compensation; or

iii. (No change from proposal.)

2.-4. (No change from proposal.)

(c) In local government services, an appeal from an employee, appointing authority, or a union representative on behalf of an employee shall be submitted, in writing, to the appropriate local branch office of the Department of Civil Service, Division of Local Government Services. The appeal must identify the specific duties that do not conform to the civil service *[job]* *class* specification for the title. If the appellant proposes a different title for the position, s/he must explain how the different title more accurately describes the duties of the position than the current or proposed title.

1. (No change from proposal.)

2. The determination from the branch office manager may be appealed to the Director *[, Division]* of Local Government Services within 20 days of receipt of the determination. The appeal shall include a copy of the initial appeal letter to the local branch manager, the branch manager's determination, the specific portions of the determination that are being contested, the reasons and any additional material the appellant wishes considered.

3. The director shall review the written record and/or hold an informal hearing before issuing a decision letter. The director's decision letter shall be issued within 60 days of receipt of the appeal and shall include the duties of the position, findings of fact, conclusions, determination and a statement that the appellant has the right to appeal to the Chief Examiner and Secretary.

(d) All appeals to the Chief Examiner and Secretary must include copies of the determinations and decision letters from the lower levels, state which findings are being disputed and the reasons. Appeals shall be submitted, in writing, within 20 days of receipt of the decision letter to the:

Department of Civil Service
Division of Administrative Practices
and Labor Relations
CN 312
Trenton, New Jersey 08625

1. The Chief Examiner and Secretary may render a decision based on the written record, appoint an independent classification reviewer, or refer the appeal to the Civil Service Commission. If the Chief Examiner and Secretary appoints an independent classification reviewer to conduct an informal review of the appeal, all parties will be advised of the review date. The parties shall

present their arguments before the reviewer. An employee appealing his/her current or proposed classification is entitled to self-representation or representation counsel or by an employee organization*.* *[at every level except the Civil Service Commission.]* The strict postponement policy set forth in N.J.S.A. 11:1-25 et seq. will be followed.

2. (No change from proposal.)

3. The classification reviewer shall submit a report and recommendation to the Chief Examiner and Secretary within 15 days of the review. The report and recommendation shall include an analysis of the duties of the position as they relate to the Civil Service *[job]* *class* specification, findings, conclusions, and recommendation. The report and recommendation shall be sent to all parties with notice that exceptions are to be filed with the Department of Civil Service, Division of Administrative Practices and Labor Relations within 15 days of receipt of the report and recommendation. Exceptions must be served on all parties. If exceptions are filed, cross-exceptions may be filed within five days of receipt of exceptions.

(e)-(g) (No change from proposal.)

(a)

CIVIL SERVICE COMMISSION

Separation and Demotions
Information to Next of Kin

Adopted New Rule: N.J.A.C. 4:1-16.15
Adopted Repeal: N.J.A.C. 4:2-16.7

Proposed: February 1, 1982 at 14 N.J.R. 117(a).

Adopted: April 20, 1982 by Civil Service Commission,

Peter J. Calderone, Director of Administrative Practices
and Labor Relations.

Filed: April 30, 1982 as R.1982 d.153, **without change.**

Authority: N.J.S.A. 11:14-16, 11:24A-1.2 and 11:27-1.2.

Effective Date: May 17, 1982.

ENVIRONMENTAL PROTECTION

(b)

DIVISION OF WATER RESOURCES

Flood Plain Management

Flood Hazard Area Delineations Along the
Delaware River and Doctors Creek, Indian
Run, Crosswicks Creek, Blacks Creek,
Mill Creek, Bustleton Creek and Stonyford
Brook

Adopted Amendment: N.J.A.C. 7:13-1.11

Proposed: November 16, 1981 at 13 N.J.R. 805(a).

Adopted: April 26, 1982 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.

Filed: April 30, 1982 as R.1982 d.154, **without change.**

Authority: N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et seq.

Effective Date: May 17, 1982.

(a)

DIVISION OF WATER RESOURCES

Flood Plain Management Flood Hazard Area Delineations Along the Tuckahoe River

Adopted Amendment: N.J.A.C. 7:13-1.11

Proposed: December 21, 1981 at 13 N.J.R. 921(a).
Adopted: April 26, 1982 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.
Filed: April 30, 1982 as R.1982 d.155, **without change**.
Authority: N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et
seq.

Effective Date: May 17, 1982.

(b)

DIVISION OF WATER RESOURCES

Flood Plain Management Flood Hazard Area Delineations Along the Hackensack River, Hackensack River Bypass, Hirschfeld Brook and Hirschfeld Brook Tributary

Adopted Amendment: N.J.A.C. 7:13-1.11

Proposed: January 4, 1982 at 14 N.J.R. 19(a).
Adopted: April 26, 1982 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.
Filed: April 30, 1982 as R.1982 d.156, **without change**.
Authority: N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et
seq.

Effective Date: May 17, 1982.

(c)

DIVISION OF WATER RESOURCES

Flood Plain Management Flood Hazard Area Delineations Along the Woodbridge and Rahway Rivers

Adopted Amendment: N.J.A.C. 7:13-1.11

Proposed: December 21, 1981 at 13 N.J.R. 920(a).
Adopted: April 26, 1982 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.

Filed: April 30, 1982 as R.1982 d.157, **without change**.

Authority: N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et
seq.

Effective Date: May 17, 1982.

HUMAN SERVICES

(d)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual Welfare Board Minutes

Adopted New Rule: N.J.A.C. 10:81-1.14

Proposed: December 7, 1981 at 13 N.J.R. 877(b).
Adopted: April 28, 1982 by George J. Albanese,
Commissioner, Department of Human Services.
Filed: April 30, 1982 as R.1982 d.151, **with substantive
and technical changes** not requiring additional public
notice and comment.

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date: May 17, 1982.

Full text of the changes between proposal and adoption follows
(additions to proposal shown in boldface with asterisks ***thus***;
deletions from proposal shown in brackets with asterisks ***[thus]***).

10:81-1.14 Welfare board ***[m]**M***inutes

(a) The county welfare board in each county in which a welfare board exists shall maintain in permanent archives formal ***[m]**M***inutes of the proceedings of all regular and special meetings.

(b) Purpose: The maintenance of ***[m]**M***inutes is legally and administratively essential to:

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

(c) (No change from proposal.)

1. The Director of Welfare, as the legally designated clerk of the county welfare board where such board exists, shall:

i. Prepare the ***[m]**M***inutes or supervise and direct their preparation; and

ii. Attest by personal signature to the official character and correctness of the ***[m]**M***inutes; and

iii. (No change from proposal.)

iv. Provide for and supervise the retention of attachments to the ***[m]**M***inutes as directed elsewhere in this section.

(d) General requirements/content: Subject to the requirements of this section, the ***[m]**M***inutes may be prepared in whatever style and form the director of welfare, with the approval of the board, may determine. They shall include as a minimum the following:

1. (No change from proposal.)

2. Roll call: Identification of members in attendance and establishment of a legal quorum. Also, identification of guests of the board: counsel, if present; staff members; consultants; ***persons with specific business with the board;*** and others in attendance ***who may voluntarily identify themselves***, including representatives of interest groups with identification of the groups ***when voluntarily supplied***.

3. (No change from proposal.)

4. Previous *[m]**M*minutes: Approval or correction of *[m]**M*minutes of the previous meeting.

5. Disposition of cases: *[Record of action on all case determinations including those already disposed of by authorization of the director. Individual case identification is required only for individual case determinations.]* ***Statement of authorization and/or ratification of the director's action in all case determinations. Individual case identification is required only for those cases in which the welfare board is called upon to make a special individual determination.***

6.-8. (No change from proposal.)

9. Personnel transactions: *[Record of all personnel actions accomplished, proposed, or discussed including appointments, leaves, separations, suspensions, promotions, salary changes, reclassifications, reassignments, etc.]* ***Statement of authorization and/or ratification of the director's action in all personnel transactions. Identification of individuals or positions is required only for those transactions in which the welfare board is called upon to make special individual determinations. All personnel transactions are subject to final approval by the Division of Public Welfare.***

10.-12. (No change from proposal.)

13. Policy decisions: Record of discussions and decisions on all matters of general or special policy considered by the board and not covered elsewhere in the *[m]**M*minutes, including transactions requiring individual authorization, intermediate decisions, and instructions for executive guidance.

14. (No change from proposal.)

(e) Attachments: Copies of *[all]** *any* reports, schedules, correspondence *[and]** *or* other documentary material *[submitted to the board and referred to in]** ***which may be necessary to an understanding of*** the *[m]**M*minutes are to be attached to those copies of the *[m]**M*minutes transmitted to the State office and at the instruction of the board to the individual board members and to such others as may be designated by the board. The attachments need not be maintained as a part of the permanent archives of the agency but if not so maintained, shall be maintained in such a way as to be accessible to those reviewing the *[m]**M*minutes. They shall be retained for such periods as may be directed by the board but not less than three years or such longer periods as may be directed in writing by the State office.

(f) Transmittal to State office: A copy of the complete minutes with attachments of each regular and special meeting of the board shall be transmitted to the *[State office]** ***Chief, Bureau of Management Services, Division of Public Welfare*** on or before the fifth working day *[after the date of the meeting.]* ***of the month following the close of business for that month.*** Such submittal and subsequent review by State staff does not in any way mean that the contents of the *[m]**M*minutes are approved by the State office.

(g) Optional segregation: Each county welfare board may, at its option and by instruction to the welfare director as clerk of the board, maintain the *[m]**M*minutes of its closed meetings separately from those of its open meetings. When so maintained, both parts comprise the *[m]**M*minutes of a meeting subject to permanent retention but only the open meeting portion need be supplied on request (and payment when appropriate) to persons other than board members and the State office. The attachments should be similarly separated.

(h) When separated (and appropriately marked) copies of *[m]**M*minutes arrive in the State office, the portion relating to the executive and closed meeting sessions which often deals with confidential matters that should not be a matter of general knowledge and the attachments thereto are subject to restricted circulation on a "need to know" basis. Those portions of the *[m]**M*minutes dealing with executive or closed sessions should be submitted separately to the Personnel Officer, Division of Public Welfare and will be maintained exclusively by the Office of Personnel. The portion relating to the open meeting (and the closed

meeting as well for *[m]**M*minutes which are not separated) are circulated throughout the State office.

CORRECTIONS

(a)

DIVISION OF ADULT INSTITUTIONS

Adult County Correctional Facilities Enforcement Procedures

Adopted New Rules: N.J.A.C. 10A:31-5

Proposed: March 1, 1982 at 14 N.J.R. 227(a).

Adopted: May 3, 1982 by William H. Fauver,

Commissioner, Department of Corrections.

Filed: April 26, 1982 as R.1982 d.149, **without change.**

Authority: N.J.S.A. 30:1B-10 and 30:8-57.

Effective Date: May 17, 1982.

TREASURY-TAXATION

(b)

DIVISION OF TAXATION

Gross Income Tax Setoff of Individual Liability

Adopted New Rules: N.J.A.C. 18:35-2

Proposed: December 21, 1981 at 13 N.J.R. 940(a).

Adopted: May 3, 1982 by Sidney Glaser, Director, Division of Taxation.

Filed: May 3, 1982 as R.1982 d.161, **with substantive and technical changes** not requiring additional public notice and comment.

Authority: N.J.S.A. 54A:9-8.1 through 8.3 and 54A:9-17(a).

Effective Date: May 17, 1982.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

18:35-2.5 Notice to taxpayer

Within 10 days after agency certification of the debt to the Division, the Division shall notify the ***[taxpayer]** *alleged debtor*** of ***[possible]** *the proposed*** setoff and inform ***[him]** *the alleged debtor*** of ***[his]** *the*** right to make a timely request ***to the claimant agency for administrative resolution or*** for a hearing^{*}[.]^{*} ***on the alleged debt and the proposed setoff.***

18:35-2.6 Administrative ***[R]** *r***esolution; ***claimant*** agency proceedings

(a) ***[Within]** *No later than*** 45 days from the date of the *

Division's* notice to the ***alleged*** debtor, ***of the proposed setoff,*** the claimant agency shall notify the Division ***[whether or not the debtor has requested]*** ***of any request by the alleged debtor for administrative resolution or for*** a hearing ***[and whether or not the debt has been satisfied.]*** ***or of the satisfaction of the alleged debt.*** Such information ***[will]*** ***shall*** allow the Division to:

1. Maintain the account on a hold status if ***an administrative resolution or*** a hearing has been requested;
2. Setoff the ***alleged*** debt from the refund or rebate where the ***alleged*** debtor ***[has not disputed the debt by making application for a hearing]*** ***does not respond to the notice provided pursuant to N.J.A.C. 18:35-2.5 within 35 days of the notice date*;** or
3. (No change from proposal.)

(b) ***[Where the Division has been notified that a hearing has been requested pursuant to (a)1 above, upon the written request of the agency the Division will extend the hold status of the check for an additional 90 days after the 45 day period to accommodate the resolution process within the claimant agency. One further period of 90 days may be granted under unusual circumstances if requested by the agency in writing.]*** ***Upon written request of the claimant agency, the Division shall extend the hold status of an affected check until a final decision by the claimant agency in order to accommodate the hearing process, where:**

1. **The Division has been notified that administrative resolution or a hearing has been requested pursuant to (a)1 above; and**

2. **Where a 30 day administrative resolution period provided pursuant to N.J.A.C. 1:1-5.4(b) has failed to result in a final agreement. The period for administrative resolution shall commence upon receipt by the claimant agency of a timely request for administrative resolution or for a hearing.***

(c) ***[At the end of the administrative resolution period and any extensions to it,]*** ***After five days of the close of the period for administrative resolution,*** the Division ***[will]*** ***shall*** automatically release the ***affected*** refund or rebate check unless notified ***in writing by the claimant agency*** that:

1. Administrative resolution of the matter has been accomplished pursuant to N.J.A.C. 1:1-5.4(a) and ***[a final determination adverse to the debtor from which no appeal is possible has been made; then the setoff will be made.]*** ***the agency has certified to the Division that the debtor has acknowledged the validity of the debt and setoff;*** or

2. The ***[matter has been transferred]*** ***claimant agency has transmitted the matter as a contested case*** to the Office of Administrative Law pursuant to ***[applicable rules such as N.J.A.C. 1:1-5.4(c) or (d),]*** ***N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.*** and the Division has been notified of the docket number of the proceeding.

18:35-2.7 Agency procedure*; administrative resolution; hearing*

(a) ***[Where a]*** ***When an alleged*** debtor ***[duly requests agency resolution of a dispute arising from the proposed setoff,]*** ***makes a timely request for administrative resolution or for a hearing,*** the claimant agency shall initiate ***appropriate*** agency procedures ***[as may be appropriate]*** pursuant to the "New Jersey Uniform Administrative Procedure Rules, 1980," N.J.A.C. 1:1-1.1 et seq. ***[, to determine]*** ***The issues in an administrative resolution effort or a hearing shall include*** whether the claimed sum asserted as due and owing is correct and any other relevant ***[related]*** matters ***[that may be raised]***. A nondebtor who ***[is]*** ***claims to be*** a joint recipient of a refund or rebate check shall have standing to ***[contest the proposed setoff.]*** ***establish that fact and to contest the proposed setoff. If the claimant agency finds that a proration should be made in a particular case with respect to a joint entitlement, the matter shall be referred to the Division of Taxation for apportionment based upon generally**

accepted accounting standards.* ***[Generally, the Division of Taxation will not prorate the setoff of a joint entitlement.]***

(b) Pending final ***agreement or final*** determination of the validity of the debt asserted by the claimant agency, no action shall be taken in furtherance of collection ***of that alleged debt*** through the setoff procedure established by this subchapter.

(c) ***[No issues may be considered at the hearing which have been previously litigated.]*** ***The hearing officer may consider the record of a prior hearing addressing common issues.***

18:35-2.8 Referral to the Office of Administrative Law*; hearing*

(a) After completing administrative resolution efforts in a contested case, the matter shall be filed forthwith with the clerk of the Office of Administrative Law***[. Further proceedings as may be appropriate shall be conducted in accordance with the provisions of the Administrative Procedure Act* , *pursuant to the requirements of the "Administrative Procedure Act," P. L. 1968, c. 419 (C.52:14B-1 et seq.) and P.L. 1978, c. 67 (C.52:14F-1 et seq.)*, as amended and supplemented and the "New Jersey Uniform Administrative Procedure Rules, 1980," N.J.A.C. 1:1-1.1 et seq.]**

(b) ***[A final decision of the head of the agency which may be based upon the record submitted by the administrative law judge pursuant to N.J.S.A. 52:14B-10 is subject to judicial review under R. 2:4-1(b) or such other provision of law as may be applicable.]*** ***An appeal to be taken from a final determination of the Division of Taxation involving a tax matter shall be taken to the Tax Court. The Office of Administrative Law shall not hear tax matters.***

18:35-2.13

(a)-(b) (No change from proposal.)

[c) Under special circumstances and subject to the approval of the Director of the Division of Budget and Accounting, the Division may employ such alternative method of payment and billing as may be agreed upon with a claimant agency.

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION

(a)

THE COMMISSIONER

State Certifications of Draft NPDES Permits

Public Notice

Robert E. Hughey, Commissioner of the Department of Environmental Protection, pursuant to the "New Jersey Water Pollution Control Act," N.J.S.A. 58:10A-1 et seq., is authorized to assess compliance of a surface water discharge with State law pertaining to discharges to the waters of the State. The Department is requested by the United States Environmental Protection Agency, as required by section 401 of the Federal Clean Water Act, 33 U.S.C. 1251 et seq., to certify that a discharge, as described in a draft National Pollutant Discharge Elimination System permit, will not violate the requirements of State law.

The Department publishes public notice of certifications in the DEP Bulletin. Copies of the Bulletin may be obtained by calling (609) 292-3178 or writing to the Documents Distribution Center, P.O. Box 1390, Trenton, New Jersey 08625.

LAW AND PUBLIC SAFETY

(b)

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

BUREAU OF AMUSEMENT GAMES CONTROL

Amusement Games of Skill or Chance

Rule Pre-Proposal: N.J.A.C. 13:3

Public Hearing: June 1 and 4, 1982

Interested persons may submit in writing, data, views or arguments relevant to this pre-proposal on or before June 15, 1982 to:

John F. Vassallo, Jr.
Amusement Games Control Commissioner
Division of Alcoholic Beverage Control
Newark International Plaza - Fourth Floor
U.S. Routes 1-9 (Southbound)
Newark, New Jersey 07114

Interested persons may present comments, statements or arguments at the **public informational hearings** on Tuesday, June 1, 1982 and Friday, June 4, 1982 at 9:30 A.M at:

State Museum Auditorium
205 West State Street
Trenton, New Jersey

Hearings may be held on such other dates and at such other locations as may be deemed necessary by the Commissioner.

To facilitate scheduling, persons intending to make presentations at the hearings should advise the Commissioner, in writing, by May 21, 1982.

This is a notice of pre-proposal for a rule (see N.J.A.C. 1:30-3.2). Any rule concerning the subject of this pre-proposal must still comply with the rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as implemented by the Office of Administrative Law's Rules for Agency Rulemaking, N.J.A.C. 1:30.

This pre-proposal is known as PPR 1982-4.

The agency pre-proposal follows:

Take Notice that John F. Vassallo, Jr., Amusement Games Control Commissioner, pursuant to the authority of the Amusement Games Licensing Law, N.J.S.A. 5:8-78 et seq., and his rulemaking authority under N.J.S.A. 5:8-79 and Chapter 291 of the Laws of 1981 of the State of New Jersey, will conduct preliminary hearings with respect to the initiation of subsequent rulemaking proceedings covering the conduct, control and operation of amusement games of skill or chance licensed and operated at recognized amusement parks, seashore or other resort areas and agricultural fairs and exhibitions.

Anticipated areas of discussion will include the November 3, 1981 approval (by Referendum) which vests in the Amusement Games Control Commissioner the authority to determine the value of prizes to be awarded and amount of charge for participation. Prizes currently cannot exceed \$15.00 retail value and the patron participation fee cannot exceed \$0.25. Consideration will also be given to comments suggesting amendments to existing Amusement Games Control regulations concerning licensing of operators, conduct, reporting and disciplining of licensees, appeals and certification of games and forms (see N.J.A.C. 13:3).

INDEX OF PROPOSED RULES

The *Index of Proposed Rules* contains rules which have been proposed in the New Jersey Register between May 7, 1981 and May 3, 1982, and which have not been adopted and filed by May 3, 1982. The index does not contain rules proposed in this Register and listed in the *Table of Rules in This Issue*. These proposals will appear in the next *Index of Proposed Rules*.

A proposed rule listed in this index may be adopted no later than one year from the date the proposal was originally published in the Register. Failure to timely adopt the proposed rule requires the proposing agency to re-submit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.) as implemented by the Rules for Agency Rulemaking of the Office of Administrative Law (N.J.A.C. 1:30).

The *Index of Proposed Rules* appears in the second issue of each month, complementing the *Index of Adopted Rules* which

appears in the first Register of each month. Together, these indices make available for a subscriber to the Code and Register all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activity from the initial proposal through final promulgation.

The proposed rules are listed below in order of their Code citation. Accompanying the Code citation for each proposal is a brief description of its contents, the date of its publication in the Register, and its Register citation.

The full text of the proposed rule will generally appear in the Register. If the full text of the proposed rule was not printed in the Register, it is available for a fee from:

Administrative Filings
CN 301
Trenton, New Jersey 08625

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW—TITLE 1			
1:1-17.3	Return of cases	1-4-82	14 N.J.R. 4(b)
AGRICULTURE—TITLE 2			
2:69-1.11	Commercial values of fertilizers	5-3-82	14 N.J.R. 402(a)
BANKING—TITLE 3			
3:1-2.20	Savings and loan branch facilities	11-2-81	13 N.J.R. 714(a)
CIVIL SERVICE—TITLE 4			
4:1-8.21	Make-up examinations and test security	3-15-82	14 N.J.R. 259(a)
4:1-13.4	Working test period for police and firemen	2-1-82	14 N.J.R. 115(a)
4:1-16.1-16.5	Layoffs and demotions	2-16-82	14 N.J.R. 184(a)
4:1-16.1-16.5	Senate Concurrent Resolution: Layoffs and demotions	2-16-82	14 N.J.R. 298(a)
4:1-16.13	Reemployment and retirees	3-15-82	14 N.J.R. 260(a)
4:1-17.16	Advancing of sick leave (State)	4-5-82	14 N.J.R. 299(a)
4:1-24.1, 24.3-24.12	Layoffs and demotions	2-16-82	14 N.J.R. 184(a)
4:1-24.1, 24.3-24.12	Senate Concurrent Resolution: Layoffs and demotions	2-16-82	14 N.J.R. 298(a)
4:2-7.1	Compensation for NL4 designated titles	1-18-82	14 N.J.R. 67(a)
4:2-16.1, 16.2	Layoffs and demotions	2-16-82	14 N.J.R. 184(a)
4:2-16.1, 16.2	Senate Concurrent Resolution: Layoffs and demotions	2-16-82	14 N.J.R. 298(a)
4:2-17.14	Repeal: Credit for sick leave	4-5-82	14 N.J.R. 299(a)
4:3-13.1	Working test period for police and firemen	2-1-82	14 N.J.R. 115(a)
4:3-16.1, 16.2	Layoffs and demotions	2-16-82	14 N.J.R. 184(a)
4:3-16.1, 16.2	Senate Concurrent Resolution: Layoffs and demotions	2-16-82	14 N.J.R. 298(a)
4:3-17.6	Repeal: Credit for sick leave	4-5-82	14 N.J.R. 299(a)
COMMUNITY AFFAIRS—TITLE 5			
5:10-2.2, 25.3	Standards for hotels and multiple dwellings	2-1-82	14 N.J.R. 119(a)
5:23-3.3	Uniform Construction Code	7-9-81	13 N.J.R. 391(a)
5:30-3.3	Dedication by rider to local budgets	4-5-82	14 N.J.R. 301(a)
5:30-18	Local funds in interest hearing accounts	8-6-81	13 N.J.R. 477(a)
5:80-2	Housing Finance Agency project conversions	4-5-82	14 N.J.R. 301(b)
EDUCATION—TITLE 6			
6:2-1.1, 1.2, 1.7-1.19	Filing appeals before State Board	3-15-82	14 N.J.R. 261(a)
6:11-8.1, 8.2, 8.4 8.8, 8.9-8.13	Minimum standards for teacher education	4-5-82	14 N.J.R. 305(a)
6:20-2.3	Program-oriented budgeting format	4-5-82	14 N.J.R. 309(a)
6:29-8.1, 8.2	Hearing screening of pupils	1-18-82	14 N.J.R. 108(a)
ENVIRONMENTAL PROTECTION—TITLE 7			
7:1A	Water Supply Bond Act loans	1-4-82	14 N.J.R. 10(a)
7:1G-4.1	Water rationing plan	6-4-81	13 N.J.R. 335(a)

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
7:8	Storm water management	12-21-81	13 N.J.R. 916(a)
7:12-1.2-1.5	Shellfish beds: Reclassification	4-5-82	14 N.J.R. 310(a)
7:13-1.11	Flood hazard areas	7-9-81	13 N.J.R. 402(b)
7:13-1.11	Notice of flood hazard delineations	12-21-81	13 N.J.R. 950(a)
7:13-1.11	Delineated streams in Somerset County	4-19-82	14 N.J.R. 367(a)
7:13-1.11	Delineated streams along Upper Mullica River	4-19-82	14 N.J.R. 367(b)
7:14-2	Construction of wastewater treatment facilities	1-18-82	14 N.J.R. 75(a)
7:14A-1.9	Petition to amend 1981 NJPDES Fee Schedule	12-21-81	13 N.J.R. 922(a)
7:25-5	1982-83 Game Code	5-3-82	14 N.J.R. 402(b)
7:25-12.1	Sea clam fishery (early opening)	11-16-81	13 N.J.R. 843(a)
7:25-14.8-14.10	Harvest of crabs	10-8-81	13 N.J.R. 645(a)
7:26-4.7	Registration of hazardous waste collector/haulers	4-19-82	14 N.J.R. 368(a)
7:26-7.4, 7.5, 8.15	Waste oil management as hazardous material	1-4-82	14 N.J.R. 20(a)
7:26-10	Hazardous waste facilities	9-10-81	13 N.J.R. 567(a)
7:26-15	Correction: Grants and loans for solid waste recycling	12-21-81	13 N.J.R. 950(b)
7:27-9.1	Emission averaging and high sulfur fuels	12-7-81	13 N.J.R. 870(a)
HEALTH-TITLE 8			
8:13-2	Soft-shell clam depuration	5-3-82	14 N.J.R. 415(a)
8:30	Long-term care facilities	5-3-82	14 N.J.R. 417(a)
8:31-22.1	Doctors' offices in medical facilities	11-16-81	13 N.J.R. 807(a)
8:31-23.1	Parking garage standards	11-16-81	13 N.J.R. 807(b)
8:31-24.1	Hospital personnel housing	11-16-81	13 N.J.R. 808(a)
8:31B-4	Financial elements and reporting regulation	8-6-81	13 N.J.R. 487(a)
8:33H-3.3	Medicare and Medicaid beds in long-term care	2-16-82	14 N.J.R. 191(a)
8:37	Intermediate care facilities	5-3-82	14 N.J.R. 417(a)
8:39-1			
(Foreword)	Long-term care facilities	5-3-82	14 N.J.R. 417(a)
8:39-1.33	Long-term care facilities: Construction standards	11-16-81	13 N.J.R. 809(a)
8:39-1.34	Long-term care facilities: Additional standards	11-16-81	13 N.J.R. 809(b)
8:39-1.35	Long-term care facilities	5-3-82	14 N.J.R. 417(a)
8:43A-2.1, 2.2	Ambulatory care facilities: Construction standards	11-16-81	13 N.J.R. 810(a)
8:43B-3.1, 3.1A	Hospital construction standards	11-16-81	13 N.J.R. 811(a)
8:43B-15.12, 15.12A	Renal dialysis services: Construction standards	11-16-81	13 N.J.R. 812(a)
8:71	Additions to generic drug list (see 14 N.J.R. 389(c))	1-4-82	14 N.J.R. 22(a)
8:71	Additions to generic drug list	4-19-82	14 N.J.R. 369(a)
HIGHER EDUCATION-TITLE 9			
9:1-1.6	Branch campuses and off-campus facilities	4-19-82	14 N.J.R. 370(a)
9:1-6.1, 6.4	Petitions from out-of-State institutions	4-19-82	14 N.J.R. 372(a)
9:4-1.2, 2.14	Branch campuses and off-campus facilities	4-19-82	14 N.J.R. 370(a)
9:4-3.1, 3.10	County college annual audit	4-5-82	14 N.J.R. 318(a)
HUMAN SERVICES-TITLE 10			
10:44A	Community residences for retarded	9-10-81	13 N.J.R. 574(a)
10:49-1.2	Medicaid ID: Special Status Card	5-3-82	14 N.J.R. 418(a)
10:49-1.3	Changes in provider status	5-7-81	13 N.J.R. 271(b)
10:49-1.9	Pre-approval on out-of-State services	6-4-81	13 N.J.R. 355(b)
10:49-1.23	Documentation of services by Medicaid providers	11-2-81	13 N.J.R. 738(b)
10:49-1.27	Definition of "field audit"	7-9-81	13 N.J.R. 414(a)
10:50-3	Van service for Medicaid recipients	6-4-81	13 N.J.R. 356(a)
10:51-1	Pharmacy Manual: Protein replacements	5-3-82	14 N.J.R. 418(b)
(App. E)			
10:51-1.2	Non-legend device addition	4-5-82	14 N.J.R. 320(a)
10:51-1.17, 1.18	Legend drug reimbursement options	9-10-81	13 N.J.R. 576(a)
10:51-App. B, D	Non-legend device addition	4-5-82	14 N.J.R. 320(a)
10:52-1.3	Same day surgery	6-4-81	13 N.J.R. 357(a)
10:52-1.3	Pre-admission testing for elective surgery	6-4-81	13 N.J.R. 358(a)
10:53-1.3	Same day surgery	6-4-81	13 N.J.R. 357(a)
10:53-1.3	Pre-admission testing for elective surgery	6-4-81	13 N.J.R. 358(a)
10:54-3	Procedure code for nerve study test	7-9-81	13 N.J.R. 418(b)
10:56-1.14, 1.15, 3.4	Limitation on diagnostic dental services	12-7-81	13 N.J.R. 875(a)
10:60-1, 2.1-2.3	Home Health Services Manual revisions	3-15-82	14 N.J.R. 264(b)
10:63-1.2	Rehabilitation in long-term care	5-3-82	14 N.J.R. 420(a)
10:63-1.4	Long-term care consultation and services	11-2-81	13 N.J.R. 740(a)
10:63-1.16	Long-term care of psychiatric patients	11-16-81	13 N.J.R. 813(a)
10:63-1.16	Agency response to petition: Long-term care of	4-5-82	14 N.J.R. 321(a)

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
10:63-3.20	psychiatric patients	3-15-82	14 N.J.R. 269(a)
10:64	Long-term care facilities: Reimbursement appeals	10-8-81	13 N.J.R. 656(a)
10:64-1.9	Hearing aid services revisions	6-4-81	13 N.J.R. 361(b)
10:66-1.2, 1.3, 1.6, 1.7	Hearing aid reimbursement	8-6-81	13 N.J.R. 498(b)
10:69A-2.1, 6.2	Ambulatory surgical center changes		
10:81-6.17, 7.18	Pharmaceutical Assistance for Aged and Disabled	4-5-82	14 N.J.R. 321(b)
10:81-7.26	PAM: Replacement of checks	4-19-82	14 N.J.R. 373(a)
10:82-4.9	PAM: Veterans' funeral expenses	4-19-82	14 N.J.R. 374(a)
10:82-5.10	ASH: Foster care rates	4-19-82	14 N.J.R. 374(b)
10:85-3.1, 3.3	ASH: Emergency house furnishings allowance	4-19-82	14 N.J.R. 375(a)
10:85-3.3	GAM: AFDC ineligible	12-21-81	13 N.J.R. 926(a)
10:85-3.4	GAM: Cash contributions	3-15-82	14 N.J.R. 270(a)
10:85-5.1	GAM: AFDC ineligible	12-21-81	13 N.J.R. 926(a)
10:85-5.6, 8.4	MWD use of General Assistance funds	11-16-81	13 N.J.R. 814(a)
10:109-1.4	GAM: Dialysis treatments	5-3-82	14 N.J.R. 420(b)
10:122-4.1	Ruling 11: Tuition Aid	4-19-82	14 N.J.R. 375(b)
10:122-4.1	Staffing of child care centers	8-6-81	13 N.J.R. 516(b)
10:122-4.1	Head and group teachers in child care centers	3-1-82	14 N.J.R. 223(a)
10:122-4.3-4.5	Staffing of child care centers	8-6-81	13 N.J.R. 516(b)
10:122-4.3-4.6	Head and group teachers in child care centers	3-1-82	14 N.J.R. 223(a)
10:122-5.1-5.4	Standards for child care centers	1-18-82	14 N.J.R. 82(a)
10:124, 10:130	Children's shelter facilities and homes	2-1-82	14 N.J.R. 125(a)
CORRECTIONS--TITLE 10A			
10A:70-8	Certificate of Good Conduct	9-10-81	13 N.J.R. 596(b)
10A:71-1.5	Parole Board revisions	9-10-81	13 N.J.R. 597(b)
10A:71-9	Parole Board clemency rules	9-10-81	13 N.J.R. 598(b)
INSURANCE--TITLE 11			
11:1-13	Sale of auto club service contracts	12-7-81	13 N.J.R. 879(b)
11:5-1.4, 1.8(c), 1.9, 1.18, 1.19, 1.37	Real Estate Commission rules	5-7-81	13 N.J.R. 302(b)
11:12	Legal insurance	9-10-81	13 N.J.R. 601(a)
LABOR AND INDUSTRY--TITLE 12			
12:190, 12:191, 12:192, 12:193	New safety standards for explosives	8-6-81	13 N.J.R. 517(b)
12:194	New safety rules for model rocketry	8-6-81	13 N.J.R. 518(a)
LAW AND PUBLIC SAFETY--TITLE 13			
13:19-10.5	Reduction of driver point accumulation	9-10-81	13 N.J.R. 606(a)
13:30-6.2	Dental hygienists and hygiene school directorships	1-18-82	14 N.J.R. 89(a)
13:30-6.3	Oral hygiene schools and advisory council provision	2-1-82	14 N.J.R. 135(a)
13:30-6.6	Repeal dormitory requirement for oral hygiene schools	2-1-82	14 N.J.R. 136(a)
13:30-6.9(a)	Oral hygiene schools: Admissions	12-7-81	13 N.J.R. 880(a)
13:30-8.7	Dental personnel law test requirement	1-18-82	14 N.J.R. 89(b)
13:35-6.5	Responsibility for pronouncement of death	1-18-82	14 N.J.R. 90(a)
13:35-11	In-State medical training by out-of-state schools	7-9-81	13 N.J.R. 443(b)
13:35-11.4	Correction: In-State clinical training	7-9-81	13 N.J.R. 608(c)
13:35-12	Prolonged prescribing of Schedule II narcotics	11-16-81	13 N.J.R. 815(a)
13:36-9.1	Penalty letter repeal by mortuary board	6-4-81	13 N.J.R. 369(a)
13:38-2.1	Changes in required optometric tests	6-4-81	13 N.J.R. 370(b)
13:38-2.1	Public hearing: Delegation of certain optometric functions	6-4-81	14 N.J.R. 288(b)
13:39-6.4, 6.5, 6.8, 9.13	Computerized recordkeeping in pharmacy practice	2-1-82	14 N.J.R. 136(b)
13:44A-7.1	Uniform rule petitions to professional boards	10-8-81	13 N.J.R. 664(b)
13:44A-8	Licensing boards: Uniform testing process	11-16-81	13 N.J.R. 816(a)
13:44A-9	Licensing boards: Uniform complaint procedures	11-16-81	13 N.J.R. 817(a)
13:45A-18.1-18.3	Kosher food representation rules	10-8-81	13 N.J.R. 666(a)
13:45A-19.1, 19.2	Consumer notification on home appointments	10-8-81	13 N.J.R. 679(a)
13:48-12	Sales appeals for charitable purposes	7-9-81	13 N.J.R. 446(b)
13:51	Certification for chemical breath testing	4-19-82	14 N.J.R. 376(a)
13:70	Thoroughbred racing rules	1-18-82	14 N.J.R. 91(a)
PUBLIC UTILITIES--TITLE 14			
14:3-7.11A	Residential budget billing	6-4-81	13 N.J.R. 371(b)
14:3-11	New major gas and electric facilities	3-1-82	14 N.J.R. 228(a)

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
14:9-6	Water and sewer utilities: Depreciation on contributed property	11-2-81	13 N.J.R. 744(a)
14:17-18	CATV rate regulation	5-3-82	14 N.J.R. 422(b)
ENERGY--TITLE 14A			
14A:3-11.3	Designation of used oil collection sites	10-8-81	13 N.J.R. 681(a)
14A:3-11.5	Used oil recycling	7-9-81	13 N.J.R. 449(b)
14A:3-11.5	Designation of used oil collection sites	10-8-81	13 N.J.R. 681(a)
14A:3-15	Correction: Grants and loans for solid waste recycling	12-27-81	13 N.J.R. 950(b)
STATE--TITLE 15			
15:15-8.1, 8.2	Repeal rules on Register and Code	4-19-82	14 N.J.R. 366(a)
TRANSPORTATION--TITLE 16			
16:28-1.16, 1.56, 1.69	Speed rates on I-195, US40, 322, 130	4-5-82	14 N.J.R. 323(a)
16:28-1.72	Speed limits on US206 and 130 in Bordentown	4-5-82	14 N.J.R. 324(a)
16:28A-1.6	Parking on Route 7	5-3-82	14 N.J.R. 424(a)
16:28A-1.9	Rt. 17 parking in Mahwah (with Emergency Adoption)	5-3-82	14 N.J.R. 429(e)
16:28A-1.25	Parking on Route 35	4-5-82	14 N.J.R. 324(b)
16:28A-1.27	Parking on Route 38	5-3-82	14 N.J.R. 424(a)
16:28A-1.38	Parking on Route 71	4-5-82	14 N.J.R. 325(a)
16:28A-1.41	Parking on Route 77	4-5-82	14 N.J.R. 324(b)
16:28A-1.64	Parking on Route 41	5-3-82	14 N.J.R. 425(a)
16:53-2	Autobus specifications	11-16-81	13 N.J.R. 834(a)
16:54-1.3	"Commercial purposes" and balloon operations	4-5-82	14 N.J.R. 326(a)
16:74	Regular route bus service: Destructive competition claims	4-5-82	14 N.J.R. 326(b)
TREASURY-GENERAL--TITLE 17			
17:1-1.14	Annual reports of salary changes	2-16-82	14 N.J.R. 200(a)
17:1-1.15	Credit unions and direct deposit agreements	12-7-81	13 N.J.R. 883(a)
17:1-1.24	Pensioners' Group Health Insurance	4-5-82	14 N.J.R. 328(a)
17:1-4.11	Pension purchases and final payments	4-5-82	14 N.J.R. 328(b)
17:1-12.1	Division of Pensions administrative priorities	4-5-82	14 N.J.R. 329(a)
17:2-3.3	PERS: Contributory insurance rate	2-16-82	14 N.J.R. 200(b)
17:3-1.1	Teachers' Pension: Board meetings	2-16-82	14 N.J.R. 201(a)
17:6-3.9	Police and firemen's fund: Critical disability claims	11-2-81	13 N.J.R. 749(b)
17:9-5.11	Health coverage and 10-month employees	1-4-82	14 N.J.R. 36(b)
17:10-3.1	JRS insurance benefits computations	8-6-81	13 N.J.R. 526(a)
17:10-3.2	Judicial Retirement System: Maternity leave	2-16-82	14 N.J.R. 201(b)
17:10-5.10	Judicial retirement and critical disability claims	2-1-82	14 N.J.R. 140(a)
17:16-5.1-5.6	State Investment Council funds	4-5-82	14 N.J.R. 329(b)
17:16-5.5	State Investment Council revisions	9-10-81	13 N.J.R. 620(c)
17:16-11.3	Investment rules revision	8-6-81	13 N.J.R. 526(b)
17:16-12.2	Investment rules revision	8-6-81	13 N.J.R. 526(b)
17:16-27.1	State Investment Council	8-6-81	13 N.J.R. 528(a)
17:16-28.3, 28.4, 29.3	Investment rules revision	8-6-81	13 N.J.R. 526(b)
17:16-31.9, 40.1	State Investment Council	8-6-81	13 N.J.R. 528(a)
17:16-42.2	State Investment Council: Expanded trading	11-2-82	13 N.J.R. 750(b)
17:28	Charitable contributions and State payroll deductions	1-18-82	14 N.J.R. 109(a)
TREASURY-TAXATION--TITLE 18			
18:3-1.2, 2.1	New Jersey wines	11-16-81	13 N.J.R. 839(a)
18:5-12.5	Penalty for smuggling unstamped cigarettes	4-5-82	14 N.J.R. 331(a)
18:7-11.12	Corporate Tax filing extension	6-4-81	13 N.J.R. 377(a)
18:12A-1.6	Appeals to county tax boards	3-1-82	14 N.J.R. 231(a)
18:19-2.2	Retail gasoline prices display	4-5-82	14 N.J.R. 331(b)
18:35-1.15	Gross income tax withholding exclusion	11-16-82	13 N.J.R. 839(b)
18:35-1.15	Exclusions from taxable gross income	3-15-82	14 N.J.R. 271(a)
18:35-1.16	All-savers interest exclusion	4-5-82	14 N.J.R. 332(a)
TITLE 19 SUBTITLES A-L--OTHER AGENCIES (Except Casino Control Commission)			
19:4-3.2	Exemptions in Meadowlands Low Density Zone	3-1-82	14 N.J.R. 231(b)
19:8-1.9	Autobus length on Parkway	4-5-82	14 N.J.R. 333(a)
19:25-8.6	Changes in annual lobbying disclosure	5-7-81	13 N.J.R. 315(b)
19:75	Rules of operation: Atlantic County Transportation Authority	3-15-82	14 N.J.R. 272(a)

N.J.A.C.
CITATION

PROPOSAL
DATE

PROPOSAL NOTICE
(N.J.R. CITATION)

TITLE 19 SUBTITLE K-CASINO CONTROL COMMISSION
 19:41-7.14 Personal history disclosure and other forms
 19:41-9.15 Employee registration fee
 19:43-1.3 Service industry qualification
 19:45-1.3, 1.24 Internal control; patrons' cash deposits
 19:45-1.46 Patron coupon redemption programs
 19:47-1.6 "Double odds" option in craps

4-19-82 14 N.J.R. 380(b)
 3-1-82 14 N.J.R. 232(c)
 2-16-82 14 N.J.R. 202(b)
 4-19-82 14 N.J.R. 381(a)
 2-16-82 14 N.J.R. 203(a)
 4-19-82 14 N.J.R. 382(a)

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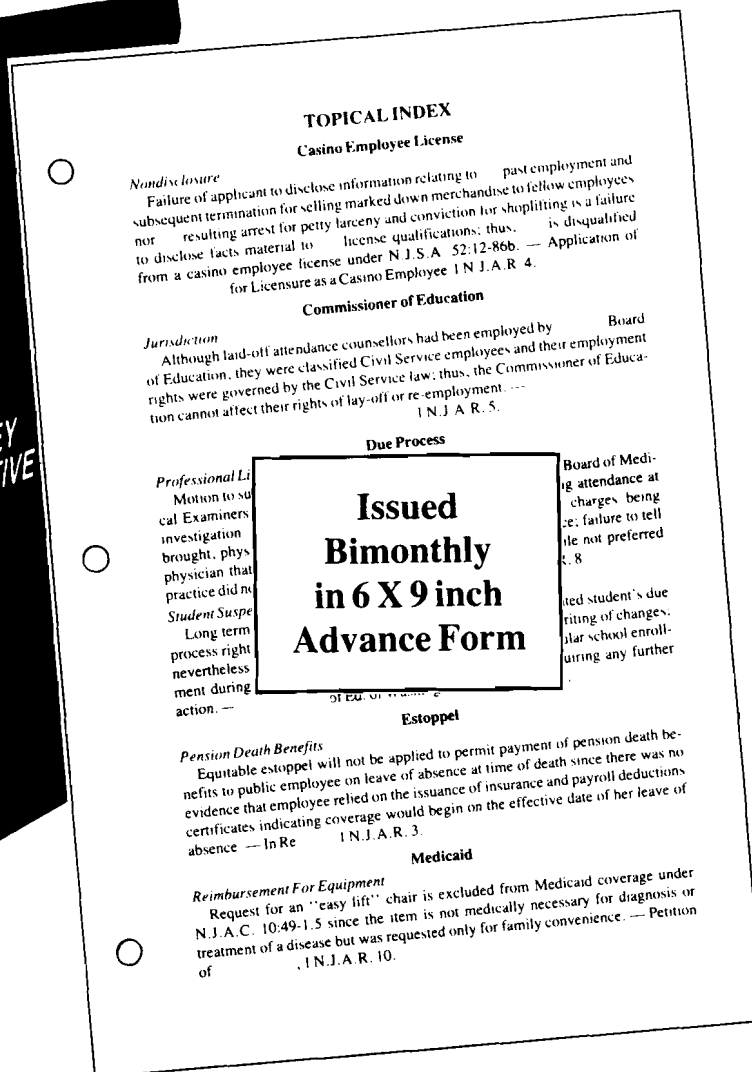
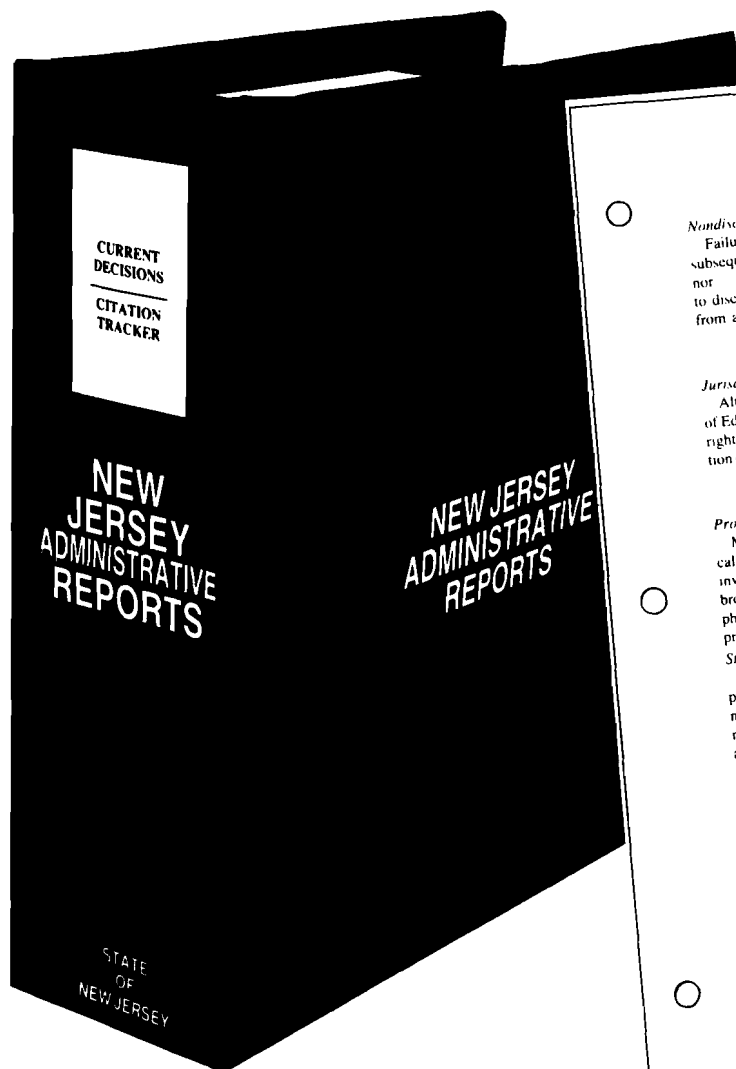
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CONTENTS
(Continued From Front Cover)

HUMAN SERVICES
 PAM: Welfare board minutes 473(d)
 CORRECTIONS
 State enforcement in adult county facilities 474(a)
 TREASURY-TAXATION
 Debt liability and tax refunds and rebates 474(b)

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION
 Certification of draft NPDES permits 476(a)
 LAW AND PUBLIC SAFETY
 Pre-proposal hearing: Amusement games of skill and chance
 476(b)

INDEX OF PROPOSED RULES 477

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