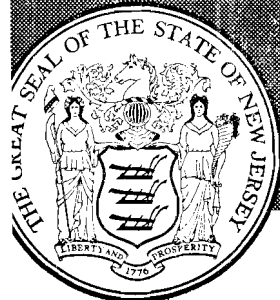


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Howard H. Kestin, Director, Office of Administrative Law

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ACTIVITIES OF STATE AGENCIES NOTICES OF RULE-MAKING

(a)

OFFICE OF ADMINISTRATIVE LAW

Proposed Amend Time for Discovery

Howard H. Kestin, Director of the Office of Administrative Law, pursuant to authority of N.J.S.A. 52:14F-1 et seq. proposes to amend N.J.A.C. 1:1-11.5 concerning time for discovery.

The purpose of these amendments is to expedite and make more realistic the discovery process. It was found that the time limits in the existing rules are too rigid and unrealistic. The amendments do three things: (1) make flexible the time limits; (2) emphasize that voluntary discovery should begin immediately; (3) indicate that in appropriate cases, pre-hearings will be used to establish discovery schedules for complex discovery problems that the parties have not previously been able to complete.

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

1:1-11.5 Time for discovery

(a) The parties in any contested case may commence [at any time] immediately to exchange information voluntarily, to seek discovery through legislation that provides access to public documents or to exhaust other less formal means of obtaining discoverable material.

(b) [Subject to subsection (d) of this section, parties seeking discovery in a contested case shall serve all motions for depositions and notices for discovery not later than 15 days after receiving notification of the contested case's filing. Discovery motions shall comply with the time limits specified in N.J.A.C. 1:1-9.2. Within 30 days of receipt of any notice for discovery, the receiving party shall either move for relief from such notice or shall provide the requested information, access or material.] All discovery shall be conducted with reasonable expedition.

(c) Subject to (d) below [subsection (d) of this section], the parties in contested cases where no pre-hearing conference is held must complete all discovery no later than [ten days before] the first day of evidentiary hearing established by the clerk or judge pursuant to N.J.A.C. 1:1-8.1 or 8.2.

(d) (No change.)

(e) In cases where pre-hearing conferences are held, the judge shall determine whether any discovery authorized by this subchapter remains incomplete and shall establish in the preliminary order a reasonably expeditious discovery schedule.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 26, 1980 to:

Burton D. Weltman, Esq.
Assistant Director for Rules Development
Office of Administrative Law
88 East State Street
Trenton, New Jersey 08625

The Office of Administrative Law may thereafter adopt rules concerning this subject without further notice.

(b)

OFFICE OF ADMINISTRATIVE LAW

Proposed Amend Hearing Rules: Motion to Consolidate

Howard H. Kestin, Director of the Office of Administrative Law, pursuant to authority of N.J.S.A. 52:14F-1 et seq. proposes to amend N.J.A.C. 1:1-14.1 concerning motions to consolidate.

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

1:1-14.1(a) At any time after a contested case has been filed with the Office of Administrative Law, an agency head, any party or the judge may move to consolidate other contested cases involving common questions of fact or law between identical parties or between any party to the filed contested case and [a] any other state agency or agencies.

Interested persons may present statements or arguments in writing relative to the proposed action on or before November 26, 1980 to:

NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules adopted by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Issued monthly since September, 1969.

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The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same Division. Subscription rates for this 30-volume, regularly-updated set of all State administrative rules are available on request. The Code is sold either in the full set or in one to three volumes depending on the Department coverage desired.

Burton Weltman, Esq.
Assistant Director for Rules Development
Office of Administrative Law
88 East State Street
Trenton, New Jersey 08625

The Office of Administrative Law may thereafter adopt these amendments substantially as proposed without further notice.

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Rules on Restrictions On Coupons in Milk Promotion

The Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. proposes to adopt new rules to be cited as N.J.A.C. 2:48-5 concerning restrictions on the use of coupons in milk promotion.

These proposed rules were published in the July 10, 1980 Register, but prior to their adoption substantive objection was received to the proposal. In response to this objection, the Department made a change to the proposed regulations.

Full text of this change follows.

SUBCHAPTER 5. RESTRICTIONS ON THE USE OF COUPONS IN MILK PROMOTION

2:48-5.1 Coupons on milk containers restricted

(a) It shall be unlawful and a violation of these regulations for any licensee to sell or offer for sale milk and fluid milk products within the State of New Jersey in a container on which is printed or attached thereto a "cents off" or "refund" coupon except if all of the following conditions are met:

1. Where the coupon is used as an advertising medium for a national brand non-dairy product generally available to consumers throughout the marketing area and where the cost of redemption is borne entirely by the national brand manufacturer; and for the purpose of this regulation, chain store brands shall not be considered national brands inasmuch as redemption would be limited and not available throughout the entire market; and

2. Where the coupon offer is made available to all licensees of the Division of Dairy Industry authorized to process milk for sale in New Jersey on the same terms and conditions and an affidavit to this effect has been filed with the Division of Dairy Industry; and

3. Where the coupon and its redemption has no cost to any licensee of the Division of Dairy Industry either directly or indirectly through an entity associated in any way with the licensee, but the licensee may be paid for the space on the milk container.

2:48-5.2 Newspaper coupons for milk restricted

(a) It shall be unlawful and a violation of these regulations for any licensee directly or indirectly through an entity associated in any way with the licensee to print or cause to be printed any "cents off" or "refund" coupon in any newspaper or other advertising medium which is redeemable either directly or indirectly through a third party by the consumer upon his purchase of any milk

or fluid milk product, the result of which is to sell such product at less than the minimum price (if fixed) or below cost.

(b) Before a licensee of the Division of Dairy Industry institutes a "cents off" or "refund" couponing program for milk or any fluid milk product, he shall notify the Director of the plan for such program and file proof that the coupon will not result in the sale of milk below the minimum price (if fixed) or below cost. The proof of cost shall be in such detail as to permit the Director to determine that all elements of cost have been appropriately considered. The Director may deny the use of the coupon program pending verification of cost.

Interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to the above proposal on or before November 26, 1980. Comments should be directed to:

Woodson W. Moffett, Jr., Director
Division of Dairy Industry
New Jersey Department of Agriculture
P.O. Box 1999
Trenton, New Jersey 08625
(Telephone: 609 - 292-5646)

The Department of Agriculture may thereafter adopt this regulation substantially as proposed without further notice.

(b)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Conformity of Brucellosis Tests with Federal Standards

On September 26, 1980, the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.22 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:2-2.4 concerning the conformity of brucellosis tests with Federal standards as proposed in the Notice published July 10, 1980 at 12 N.J.R. 377(a).

An order adopting this rule was filed and became effective on September 30, 1980 as R.1980 d.422.

(c)

BANKING

DIVISION OF BANKING

Repeal Report of Ten Year Dormant Accounts

On October 6, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-257 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 3:6-1 concerning the report of ten year dormant accounts in savings banks as proposed in the Notice published September 4, 1980 at 12 N.J.R. 502(b).

An order adopting this rule was filed and became effective on October 7, 1980 as R.1980 d.435.

(a)

BANKING

THE COMMISSIONER

Cemetery Rules

On October 16, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 8A:2-2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 3:41 concerning the New Jersey Cemetery Board as proposed in the Notice published July 10, 1980 at 12 N.J.R. 380(a) but with substantive changes not detrimental to the public in the opinion of the Department.

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

3:41-5.1(b) In the event that a memorial foundation installed by a cemetery company and paid for by a lot or grave owner or other interested party sinks, or otherwise falls into disrepair, causing the memorial immediately above to sink or become unlevel[,] within ten years from date of installation, the cemetery company shall, as soon as practical, raise, replace or repair the foundation and properly reset the memorial at its own cost and expense. Subsequent to the aforesaid ten year period, a cemetery company may charge a lot or grave owner or a responsible party, at its actual cost for said raising, replacing or repairing of the foundation and resetting of the memorial. This subsection shall not apply to any foundation and memorial for which a specific endowed care fund has been provided.

An order adopting this rule was filed and became effective on October 16, 1980 as R.1980 d.449.

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Employment Lists

On September 16, 1980, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 4:1-11.7 concerning employment lists as proposed in the Notice published August 7, 1980 at 12 N.J.R. 451(d).

An order adopting this rule was filed and became effective on September 23, 1980 as R.1980 d.406.

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Convention Leave with Pay (State Service)

On October 7, 1980, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to Sub-

part 17-4.101 in the Civil Service Personnel Manual (State Service) concerning convention leave with pay.

Full text of the adoption follows.

PART 17-4 CONVENTION LEAVE WITH PAY

Subpart 17-4.101 Leave of absence to attend State or national conventions

17-4.101a Subject:

This subpart enumerates certain State or national conventions which may be attended by duly authorized persons. The list of organizations to which this subpart applies may be legislatively modified or supplemented. Employees may be granted leaves of absence to attend conventions of organizations not appearing on this list upon proof of modification or supplementation of the list.

17-4.101b Procedure:

1. Every duly authorized employee, upon request, shall be granted a leave of absence with pay for a period not to exceed five days in any calendar year, for the purpose of traveling to and from and attending any State or national convention of any one or more of the organizations that appear on the following list, as written, or modified or supplemented legislatively.

American Gold Star Mothers
American Legion
American Legion Auxiliary
American Veterans World War II
Army and Air National Guard Association of New Jersey
Army and Navy Legion of Valor
Blind Veterans Association of New Jersey
Catholic War Veterans of the United States
Disabled American Veterans Auxiliary
Disabled American Veterans of the World Wars
Grand Army of the Republic
Indian War Veterans
Italian American War Veterans of the United States, Incorporated
Jewish War Veterans of the United States
Ladies Auxiliary, Department of New Jersey,
Jewish War Veterans of the U.S.A.
Ladies Auxiliary, Italian American War Veterans of the United States, Incorporated
Ladies Auxiliary of New Jersey State Department,
Catholic War Veterans
Ladies Auxiliaries of Veterans of Foreign Wars
Ladies Auxiliary, Veterans of World War I of the United States of America
Marine Corps League of the United States
National Guard Association of the United States
Navy League
New Jersey Civil Service Association
New Jersey Firemen's Association
New Jersey State Employees' Association
New Jersey State Exempt Firemen's Association
Polish Legion of American Veterans
Polish Legion of American Veterans, Ladies Auxiliary
Reserve Officers Association of the United States
369th Veterans Association, Incorporated
Twenty-Ninth Division Association
United Spanish-American War Veterans
United States Coast Guard Auxiliary
Veterans of Foreign Wars
Veterans of World War I of the United States of America
War Veteran Public Employees Association
Women's Overseas Service League

(a) Written notice from the appropriate organization, indicating that the employee is a duly authorized delegate shall be submitted to the appointing authority prior to the convention.

(b) A certificate of attendance shall be submitted to the appointing authority after the convention indicating the delegate's attendance.

2. Every employee of the State who is a duly authorized representative of the following organizations shall be allowed a leave of absence with pay for a period to include travel time to and from the convention and the duration of the convention. (N.J.S.A. 11:26C-4)

Firemen's Mutual Benevolent Association, Inc.
Fraternal Order of Police
New Jersey Association of Chiefs of Police
New Jersey State Patrolmen's Benevolent Association, Inc.
Uniformed Firemen's Association

3. Persons designated by the governor shall be granted leaves of absence to attend the following convention. Expenses are not to exceed five dollars a day including traveling time to and from the convention and the duration of the convention. (N.J.S.A. 30:4-178)

American Correctional Association (American Prison Association)

4. Departments of Education and Higher Education

(a) Any full-time teaching staff member, any secretary or office clerk of any board of education of any local, regional or county vocational school district who applies to his/her board of education shall be granted a leave of absence with pay to attend the convention of the New Jersey Education Association.

Such leave shall not exceed two days within any one calendar year. The employee must file, with his/her board of education, a certificate of attendance signed by the executive secretary of the association in order to receive paid leave. (N.J.S.A. 18A:31-2)

(b) The Chancellor of Higher Education, with approval of the board of higher education, may make rules concerning leaves of absence and payment during such leaves for teachers employed in the state colleges. (N.J.S.A. 18A:64-16.)

(c) Pursuant to N.J.S.A. 18A:7B-1, the State Facilities Act of 1979, funds received by the Department of Corrections, Office of Education or the Department of Human Services, Office of Education, shall be used for salaries of teachers and paraprofessionals, among others, who are assigned to educational programs in State facilities. The programs of these Offices of Education include adult, post-secondary and college programs offered by the Department of Education or the Department of Higher Education.

It is the policy of the State to consider the staffs of these Offices of Education as having the same rights regarding leaves of absence to attend the convention of the New Jersey Education Association or to those conventions allowed by the Chancellor of Higher Education as other employees of boards of education as stated above.

17-4.101c Annual report:

Not later than the last working day in January, all State Personnel Offices will submit a Convention Leave Report for the previous calendar year to the Department of Civil Service, Division of Classification and Compensation, providing the following information:

1. Total number of employees (per organization convention) who have attended State and national conventions as authorized representatives on an organization listed in 17-4.101b;

2. Total number of employees (per organization convention) who have attended conventions other than those listed in the 17-4.101b;

3. Total number of working days granted for each organization's convention;

4. The name of each convention organization.

If no convention leave was granted a negative report stating no leaves granted must be submitted.

An order adopting this rule was filed and became effective on October 9, 1980 as R.1980 d.438 (Exempt, Procedural Rule). Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Convention Leave with Pay (Local Jurisdictions)

On October 7, 1980, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to Subpart 17-4.101 in the Civil Service Personnel Manual (Local Jurisdictions) concerning convention leave with pay.

Full text of the adoption follows.

PART 17-4 CONVENTION LEAVE WITH PAY

Subpart 17-4.101 Leave of absence to attend State or national conventions

17-4.101a Subject:

This subpart enumerates certain State or national conventions which may be attended by duly authorized persons. The list of organizations to which this subpart applies may be legislatively modified or supplemented. Employees may be granted leaves of absence to attend conventions of organizations not appearing on this list upon proof of modification or supplementation of the list.

17-4.101b Procedure:

1. Every duly authorized employee, upon request, shall be granted a leave of absence with pay for a period not to exceed five days in any calendar year, for the purpose of traveling to and from and attending any State or national convention of any one or more of the organizations that appear on the following list, as written, or modified or supplemented legislatively.

American Gold Star Mothers
American Legion
American Legion Auxiliary
American Veterans World War II
Army and Air National Guard Association of New Jersey
Army and Navy Legion of Valor
Blind Veterans Association of New Jersey
Catholic War Veterans of the United States
Disabled American Veterans Auxiliary
Disabled American Veterans of the World Wars
Grand Army of the Republic
Indian War Veterans
Italian American War Veterans of the United States,
Incorporated
Jewish War Veterans of the United States

Ladies Auxiliary, Department of New Jersey,
 Jewish War Veterans of the U.S.A.
 Ladies Auxiliary, Italian American War Veterans of the
 United States, Incorporated
 Ladies Auxiliary of New Jersey State Department,
 Catholic War Veterans
 Ladies Auxiliaries of Veterans of Foreign Wars
 Ladies Auxiliary, Veterans of World War I of the
 United States of America
 Marine Corps League of the United States
 National Guard Association of the United States
 Navy League
 New Jersey Civil Service Association
 New Jersey Firemen's Association
 New Jersey State Employees' Association
 New Jersey State Exempt Firemen's Association
 Polish Legion of American Veterans
 Polish Legion of American Veterans, Ladies Auxiliary
 Reserve Officers Association of the United States
 369th Veterans Association, Incorporated
 Twenty-Ninth Division Association
 United Spanish-American War Veterans
 United States Coast Guard Auxiliary
 Veterans of Foreign Wars
 Veterans of World War I of the United States of America
 War Veteran Public Employees Association
 Women's Overseas Service League

(a) Written notice from the appropriate organization, indicating that the employee is a duly authorized delegate shall be submitted to the appointing authority prior to the convention.

(b) A certificate of attendance shall be submitted to the appointing authority after the convention indicating the delegate's attendance.

2. Every employee of the State who is a duly authorized representative of the following organizations shall be allowed a leave of absence with pay for a period to include travel time to and from the convention and the duration of the convention. (N.J.S.A. 11:26C-4)

Firemen's Mutual Benevolent Association, Inc.
 Fraternal Order of Police
 New Jersey Association of Chiefs of Police
 New Jersey State Patrolmen's Benevolent Association,
 Inc.
 Uniformed Firemen's Association

3. Persons designated by the governor shall be granted leaves of absence to attend the following convention. Expenses are not to exceed five dollars a day including traveling time to and from the convention and the duration of the convention. (N.J.S.A. 30:4-178)

American Correctional Association (American Prison Association)

4. Departments of Education and Higher Education

(a) Any full-time teaching staff member, any secretary or office clerk of any board of education of any local, regional or county vocational school district who applies to his/her board of education shall be granted a leave of absence with pay to attend the convention of the New Jersey Education Association.

Such leave shall not exceed two days within any one calendar year. The employee must file with his/her board of education, a certificate of attendance signed by the executive secretary of the association in order to receive paid leave. (N.J.S.A. 18A:31-2)

An order adopting this rule was filed and became effective on October 9, 1980 as R.1980 d.439 (Exempt, Procedural Rule). Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Snow Emergency Policy (State Service)

On October 7, 1980, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to Subpart 18-1.101 in the Civil Service Personnel Manual (State Service) concerning snow emergency policy.

Full text of the adoption follows.

PART 18-1 HOURS OF WORK

Subpart 18-1.101 Inclement Weather Emergency Policy

18-1.101a Policy:

The Governor or his designee shall determine if emergency procedures due to inclement weather shall be implemented. This determination applies to all departments, agencies and institutions. Emergency procedures may be early release of employees, closings and late openings.

18-1.101b Notification of decision:

Designated representatives of the Governor or President of the Civil Service Commission shall notify all department heads of a determination to implement emergency procedures.

18-1.101c Agency responsibility:

Each State department, agency or institution shall be responsible for developing internal emergency procedures. Internal emergency procedures must include:

1. the maintenance of essential services;
2. notification of field offices;
3. notification of clientele through radio, television or other media. (i.e., notifying the public that Motor Vehicle Stations will be closing or that State Colleges will be closing.)
4. the designation of a coordinator to:
 - a) receive inclement weather early closing determinations;
 - b) communicate instructions to a descending chain of command in order to insure that all department employees are notified of the early release;
 - c) forward to the Governor's Press Office information concerning regionalized openings/closings, etc.

In order to equitably administer these procedures, each department, agency or institution should insure that those employees who, due to the need for maintaining essential services, are not released early or must report to work during an inclement weather emergency will be given priority for early release or not to report for work during the next emergency.

Employees will be notified through inserts in their payroll checks of appropriate telephone numbers to call and the radio stations which will broadcast information about State emergency procedures.

An order adopting this rule was filed and became effective on October 9, 1980 as R.1980 d.440 (Exempt, Procedural Rule). Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Readopt New Home Warranty and Builders' Registration Act

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 46:3B-1 et seq., proposes to readopt N.J.A.C. 5:25 concerning new home warranty and builders' registration.

The current text of this chapter is scheduled to expire on January 1, 1981, pursuant to action taken for rule "sunset" under Executive Order No. 66 (1978). The proposed readoption does not include any changes to the current text.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 26, 1981 to:

Paul A. Massaro, Esq.
Bureau of Construction Code Enforcement
CN 800
Trenton, New Jersey 08625

The Department of Community Affairs may thereafter adopt rules concerning this subject without further notice.

(b)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Proposed Amend Planned Real Estate Development Full Disclosure Act

Philip B. Caton, Director of the Division of Housing in the Department of Community Affairs, pursuant to authority of N.J.S.A. 45:22A-35(a), proposes to amend various sections of N.J.S.A. 5:26 and to adopt new rules to be cited as N.J.A.C. 5:26-9.3 and 10.8 concerning the Planned Real Estate Development Full Disclosure Act.

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

5:26-1.1 Introduction

The Planned Real Estate Development Full Disclosure Act (Chapter 419, P.L. 1977, N.J.S.A. 45:22A-21 et seq.) is effective November 22, 1978. The regulations contained in this chapter have been adopted to enable the Division of Housing [and Urban Renewal] to implement the Act as of that date and to enable the owners of property affected to more easily and fully comply with the requirements of the Act.

5:26-1.3 Definitions

"Agency" means the Division of Housing [and Urban Renewal] of the State Department of Community Affairs.

"Director" means the Director, Division of Housing [and Urban Renewal], Department of Community Affairs.

"Division" means the Division of Housing [and Urban Renewal], Department of Community Affairs.

5:26-1.4 Administration

The Act shall be administered by the Division of Housing [and Urban Renewal] of the State Department of Community Affairs. All correspondence and inquiries may be addressed to the Director, Division of Housing [and Urban Renewal] Department of Community Affairs, CN 800 [P.O. Box 2768], Trenton, New Jersey 08625.

5:26-3.1(a)12. A statement of the present condition of access to the development and the existence of any unusual conditions relating to noise and safety that affect the development, and that are known, should be known or are readily ascertainable; [to the developer].

13. - 20. (No change.)

21. A copy of the proposed budget for the operation of the common elements and facilities based on full occupancy together with the proposed annual assessment and the monthly charges to be assessed to each type of unit. The budget shall specifically state the amount set aside as reserves for the replacement of the common elements and facilities and shall be accompanied by a letter of adequacy [of those reserves] certified by an independent public accountant or other independent expert and by a letter of adequacy of the hazard and liability insurance coverage certified by an independent insurance agent or broker;

22. In the event the application for filing is for a conversion, the developer shall submit an engineering survey which shall include mechanical, structural, electrical and engineering reports to disclose the condition of the building, as well as an approved energy audit which shall show the energy efficiency of the building;

23. A [certification] statement that the developer, its officers or principals have never been convicted of a crime involving any aspect of real estate sales business in this State, the United States or any other state or foreign jurisdiction and that the developer has never been subject to any permanent injunction or final administrative order restraining a false or misleading promotional plan involving real property disposition;

24. (No change.)

25. An affidavit, signed by the developer, that the contents of the application are true and accurate;

[25.] 26. Such other additional information as the Division may require in individual cases after review of an application [of] for registration to assure full and fair disclosure;

27. A listing of the units in the building together with the current monthly rental thereof and the monthly cost of any utilities or other expenses paid directly by tenants.

5:26-3.3(a) Developers shall immediately report to the Agency any [material] changes in the information or documents contained in the application for registration.

5:26-4.2(a) The public offering statement shall contain the following information:

1. - 7. (No change.)

8. A copy of the proposed budget for the operation and maintenance of the common elements and facilities and the proposed annual assessment on each lot, unit, parcel or interest. The budget shall specifically state the amount set aside for replacement and reserves for the common elements and facilities[;], and shall include the letter of adequacy and the insurance adequacy letter;

9. - 12. (No change.)

13. Copies of the instruments that will be delivered to purchasers to evidence their interest in the development[;], together with copies of all contracts, riders and agreements that purchasers may be required to sign;

14. - 16. (No change.)

17. A statement as to whether the property or any portion thereof is regularly or periodically subject to natural forces that would tend to adversely affect the use or enjoyment of the property, such as, but not limited to, flooding, drought, earthquake or other forces of nature[;] and whether the property or any portion thereof is located in a Federally designated flood hazard area;

18. - 24. (No change.)

25. A statement explaining the nature, type and amount of hazard and liability insurance supplied or to be supplied by the developer or association and what the insurance covers [and], an explanation of the nature and type of hazard and liability insurance recommended to be carried by the owner[.] and a statement of the availability and necessity of flood hazard insurance.

5:26-4.3(a) The [proposed] public offering statement shall be in the following form:

1. A front cover shall contain the name and address of the developer, the name and location of the planned real estate development or retirement community, the effective date of the offering statement which shall be the date of [approval] registration by the Agency and shall contain the following statement in 10 point bold face type:

NOTICE TO PURCHASERS

THIS PUBLIC OFFERING STATEMENT IS FOR INFORMATIONAL PURPOSES ONLY. PURCHASERS SHOULD ASCERTAIN FOR THEMSELVES THAT THE PROPERTY OFFERED MEETS THEIR PERSONAL REQUIREMENTS. THE NEW JERSEY DIVISION OF HOUSING [AND URBAN RENEWAL] HAS NEITHER APPROVED NOR DISAPPROVED THE MERITS OF THIS OFFERING.

BE SURE TO READ CAREFULLY ALL DOCUMENTS BEFORE YOU SIGN THEM.

2. (No change.)

3. The text, in a narrative form, containing the items listed in [section 2 of this subchapter] N.J.A.C. 5:26-4.2, [in the order shown therein] followed by the required documents marked as exhibits.

5:26-4.5(b) No change in the public offering statement given to prospective purchasers shall be made without [the written approval of] having been registered with the Agency.

5:26-6.2 Cancellation

Any contract or agreement for the purchase of any lot, parcel, unit or interest in a planned real estate development or retirement community may be cancelled without cause, by the purchaser, by sending or delivering written notice of cancellation by midnight of the seventh calendar day following the date on which [the purchaser has executed] such contract or agreement was executed.

5:26-8.4(h) The developer shall not be permitted to cast any votes allocated to unsold lots, parcels, units or interests in order to amend the master deed, by-laws or any other document for the purpose of changing the permitted use of a lot, parcel, unit or interest, or for the purpose of reducing the common elements or facilities.

5:26-9.1(a)2. An audited statement of expenses for the property for the past five years or [the period of ownership, whichever is less or] for a shorter period as permitted by the Agency due to extenuating circumstances, certified by an independent public accountant; [and]

5:26-9.3 Public offering statement

(a) Simultaneously with the filing of an application for

registration with the Agency, the developer shall serve upon all tenants in the building a copy of the proposed public offering statement and file an affidavit of service with the Agency within 10 days.

1. The proposed public offering statement that is given to the tenants shall contain the following statement on the first page:

THIS IS THE PROPOSED PUBLIC OFFERING STATEMENT SUBMITTED TO THE DIVISION OF HOUSING, DEPARTMENT OF COMMUNITY AFFAIRS, IN AN APPLICATION FOR REGISTRATION TO CONVERT THE BUILDING TO A CONDOMINIUM OR CO-OPERATIVE. THIS STATEMENT IS SUBJECT TO CHANGE. THE DEPARTMENT OF COMMUNITY AFFAIRS WILL ACCEPT WRITTEN COMMENTS CONCERNING THIS STATEMENT FOR A PERIOD OF 20 DAYS ADDRESSED TO:

**Department of Community Affairs
Planned Real Estate Development Section
Bureau of Housing Services
CN 800
Trenton, New Jersey 08625**

THIS DOCUMENT IS NOT THE NOTICE OF INTENTION TO CONVERT AND FULL PLAN OF CONVERSION REQUIRED UNDER THE N.J. STATUTE GOVERNING REMOVAL OF TENANTS (N.J.S.A. 2A:18-61.1, et seq.).

5:26-10.6 Unless cancelled by the prospective purchaser, the non-binding reservation agreement shall be effective for a period of time no less than 15 days or, in the case of a conversion, 90 days after notice to the prospective purchaser that the application for registration and public offering statement have been registered by the Agency as provided in this chapter or until the developer withdraws the proposed planned real estate development or retirement community.

5:26-10.8 Non-binding reservations

The registration of an application to accept non-binding reservations shall be valid for a period of four months from registration unless an application for registration pursuant to N.J.A.C. 5:26-3 is submitted during that time, in which event the registration of the application to accept non-binding reservation shall automatically be extended during the registration period.

5:26-11.9

[(a) Any development that is in the process of offering for sale on the effective date of the Act and is required to register with the Agency under the regulations may be granted a temporary exemption permitting the developer to continue to offer and sell the lots, parcels, units or interests pending its registration.

(b) A temporary exemption may be granted by the Agency within 5 business days of a request for an exemption which request shall be in writing and state that the developer will file the necessary application for registration within 45 days and that the developer shall give written notice to all persons purchasing after the effective date of the Act that the application for registration and public offering statement have been registered by the Agency, enclosing a copy of the public offering statement, and notify the purchasers that they have 7 days within which to rescind the transaction.]

[5:26-11.10] 5:26-11.9 The Agency may grant exemptions to these regulations or any part thereof when, in its opinion, the enforcement thereof is unduly burdensome or impractical.

[5:26-11.11] 5:26-11.10 If any provision of these regulations

or the application thereof to any person or circumstances is held to be invalid, the invalidity shall not affect other provisions or applications of these regulations which can be given effect and to this end the provisions of these regulations are severable.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 1, 1980 to:

Milton W. Schmidt
Bureau of Housing Services
Department of Community Affairs
CN 800
Trenton, New Jersey 08625

The Department of Community Affairs may thereafter adopt rules concerning this subject without further notice.

(a)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Proposed Rules on Financial Administration

The Local Finance Board of the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-10, proposes to adopt new rules to be cited as N.J.A.C. 5:30-9.1 through 9:4 concerning procedures for bank collection of current tax payments, current water and sewer rents and other public moneys.

Full text of the proposed new rule follows.

SUBCHAPTER 9. BANK COLLECTION OF TAX PAYMENTS

5:30-9.1 Contracts

Any municipality adopting a resolution to contract for services in connection with this Act shall, prior to awarding the contract, receive approval of the Director of the Division of Local Government Services of the contract. Such contract shall include detailed procedures to be used in implementing procedures to receive and deposit funds, forwarding of back-up materials to the collector, holding of funds, audit trails and all other information required for evaluation of the proposed system.

5:30-9.2 Depository

The bank or trust company designated by any resolution to receive current tax payments, current water and sewer rents, and other public moneys must be designated as an official depository in accordance with N.J.S.A. 40A:5-14.

5:30-9.3 Notification

Any municipality which has contracted with a bank or trust company under this Act shall notify all taxpayers at least once annually that such a service has been contracted. Notification must be made by mail to all taxpayers at least 30 days prior to the next payment due, payable and subject to possible receipt by such bank or trust company agent, following the designation of such agent.

5:30-9.4 Definitions

The following words, when used in this subchapter, have the following meanings.

"Current" payment means any payment which is not yet due and payable, or any payment which became due and payable within the tenth calendar day prior to its

receipt, provided that the municipality has adopted a resolution allowing "that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same became payable" in accordance with provisions of N.J.S.A. 54:4-67.

"Delinquent" payment means any payment which is not current (as defined above), plus any payments for accounts on which a municipally held Tax Title Lien exists.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 26, 1980 to:

Helen L. Mathews, Secretary
Local Finance Board
Department of Community Affairs
P.O. Box 2769
Trenton, New Jersey 08625

The Local Finance Board may thereafter adopt rules concerning this subject without further notice.

(b)

COMMUNITY AFFAIRS

DIVISION OF LOCAL GOVERNMENT SERVICES

Emergency Rules on County and Municipal Employees Deferred Compensation Program

On October 16, 1980, Barry Skokowski, Acting Director of the Division of Local Government Services in the Department of Community Affairs, pursuant to authority of P.L. 1980, C. 78 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency new rules to be cited as N.J.A.C. 5:37 concerning the county and municipal employees Deferred Compensation Program.

Full text of the adoption follows.

CHAPTER 37

MUNICIPAL AND COUNTY EMPLOYEES DEFERRED COMPENSATION PROGRAM

SUBCHAPTER 1. DEFINITIONS

5:37-1.1 Definitions

"Accounting date" means that annual date at which the employer shall render an accounting of its deferred compensation program, at which time all participants are appraised of the value of their individual accounts.

"Administrator" means the person or group of local public officials and/or employees (including the Local Governing Body) who is/are appointed by the Local Governing Body as the named fiduciary and is responsible for the administration of the deferred compensation plan and program and the investments and the accounting of funds maintained under the plan.

"Approved Plan" means a deferred compensation plan which has been approved by the IRS and the Director.

"Beneficiary" means the person, persons, or legal entity designated by a participant to receive any undistributed deferred compensation which becomes payable in the event of the participant's death.

"Board" means the New Jersey State Employees' Deferred Compensation Board.

"Code" is the "Complete Internal Revenue Code," which is the compilation of all IRS rules and regulations.

"Deferred Compensation" is the concept whereby an employee voluntarily agrees to have a portion of his/her salary paid at specified date later than the time at which the salary is actually earned.

"Director" means the Director of the Division of Local Government Services.

"Disability" means a total and permanent disability.

"Employee" means any person, including elected, appointed and salaried persons, providing personal services to the employer.

"Employer" means a local jurisdiction, either a municipality or a county.

"Includible compensation" means compensation for service performed for the employer which is includible in gross income; it does not include any contribution an employer may make for a retirement fund or annuity.

"IRS" means the U.S. Internal Revenue Service.

"Joinder Agreement" means the agreement an employee signs with the employer to become a participant in the program.

"Participant" means a Local Government Employee who is participating in a deferred compensation program.

"Pay period" means the period of time for which the employer computes compensation for an employee.

"Plan" means the locally developed Deferred Compensation Plan.

"Private organization" means any organization, firm, corporation, partnership, or individual, whether profit making or non-profit, which is not a governmental entity.

"Program" means the deferred compensation program of the employer, operated in accordance with an approved plan.

"Retirement" means severance from employment at the age or length of service specified by the employer, which renders the participant eligible to file for and receive benefits from employer-administered retirement system.

"Termination of service" means the severance of an employee's employment for any reason other than death, disability or retirement.

SUBSECTION 2. ROLE OF THE BOARD

5:37-2.1 Adopting standards

The Board shall have the responsibility for drafting, adopting, and interpreting standards for the operation of Employer-operated Deferred Compensation Programs.

5:37-2.2 Arbitrator

The Board shall act as a non-binding arbitrator concerning all disputes brought to it between any Employer and any Participant concerning the operation of an Employer's Deferred Compensation Program.

SUBCHAPTER 3. ROLE OF THE DIRECTOR

5:37-3.1 Adopting regulations

The Director shall publish and enforce rules and regulations for Employer-operated Deferred Compensation Programs.

5:37-3.2 Approving Plans

The Director shall be responsible for reviewing and approving all Employer Plans.

5:37-3.3 Approving contracts

The Director shall review and approve all proposed contracts between an Employer and a private organization, wherein the Employer proposes to contract for services to administer all or part of the Deferred Compensation Program.

5:37-3.4 Prior contracts

Any such contracts as cited in N.J.A.C. 5:37-3.3, which have been executed prior to the adoption of this chapter and which are still open must also be reviewed by the Director for his comments.

5:37-3.5 Review investments

The Director may issue approvals or rejections of investments made, proposed to be made, or caused to be made by an Administrator. In issuing such approvals or rejections, he shall be guided by "Prudent Investor Principles" contained in Section 3 of P.L. 1975, C. 337.

SUBCHAPTER 4. ROLE OF THE EMPLOYER

5:37-4.1 Institution of Program

The Employer shall decide whether or not to institute a Deferred Compensation Program for its employees.

5:37-4.2 Responsible for accounting

Should a Deferred Compensation Program be established, the Employer shall be responsible for the proper, accurate, and adequate accounting and reporting of all funds placed into the Program.

5:37-4.3 Responsible for administration

The Employer shall be responsible for the sound and proper administration of the Program. This shall be done by, at a minimum, appointing a qualified Administrator for the Program.

5:37-4.4 Join State Program

The Employer may decide to join the State Deferred Compensation Program or operate its own Program.

5:37-4.5 No personal liability

The Employer, including the person or group appointed as Administrator, shall not be held personally liable, individually or collectively, for any negative returns on investment of program funds which is less than any Participant or group of Participants expected. It is urged that Employers require hold harmless provisions in contracts with contractors.

SUBCHAPTER 5. STANDARD PLAN AND APPROVED PLAN

5:37-5.1 Standard Plan

The Employer shall draft, or have drafted, a Standard Plan which shall contain all of the policies and procedures to be used in operating a Deferred Compensation Program. At a minimum this Plan shall contain policies and procedures which address each of the issues in N.J.A.C. 5:37-6 through 17. While not mandatory, it is urged that the Plan be drafted in consultation with representatives of the potential Participants.

5:37-5.2 IRS approval

Any Plan adopted or proposed to be adopted by an Employer shall meet with IRS approval under the code. If IRS finds the Plan deficient, upon notification to the Employer, the Employer has 180 days within which to correct the Plan.

5:37-5.3 Director approval

Any Plan adopted or proposed to be adopted by an Employer shall be approved by the Director prior to adoption. If a Plan is adopted prior to the adoption of this chapter the local Plan shall be submitted to the Director for his review, and any modifications to the Plan required by the Director shall be made by the Employer within 60 days from time of notification by the Director.

5:37-5.4 Local resolution

Adoption of the Plan by the Employer shall be done by resolution of the governing body.

SUBCHAPTER 6. ADMINISTRATOR

5:37-6.1 Appointment of administrator

Every Employer shall appoint a local official or employee or group of officials and/or employees as the Administrator of the Deferred Compensation Program, who shall be the named fiduciary for Program funds.

5:37-6.2 Responsibilities of Administrator

The Administrator shall have full responsibility for all functions of the Program, including, but not limited to, enrollment, deductions, investments, accounting, reporting and distribution of compensation.

5:37-6.3 Staff and contracts

The Administrator may perform the functions in N.J.A.C. 5:37-6.2 himself, with staff, or through contracts with private organizations.

SUBCHAPTER 7. ELIGIBILITY

5:37-7.1 Citation of eligibility

Any Employee of the Employer is eligible to participate in the Program, unless, at the Employer's option, certain classes or types of Employees are specifically excluded from participation.

5:37-7.2 Timing of enrollment

Any eligible Employee may enroll in the Program at any time, provided that the regulations covering enrollment are complied with.

SUBCHAPTER 8. ENROLLMENT

5:37-8.1 Written enrollment

Any eligible Employee may enroll in the Program by agreeing in writing, on forms supplied by the Administrator, to a deferral of income in accordance with N.J.A.C. 5:37-9.

5:37-8.2 Timing of enrollment in new program

An eligible Employee may become a Participant commencing with the date the Program first becomes effective by signing all necessary forms and agreements prior to the beginning of the month of the effective date of Program commencement.

5:37-8.3 Timing of enrollment in existing Program

An eligible Employee may become a Participant in an established Program by signing all necessary forms and agreements prior to the beginning of the month of effective date of participation.

5:37-8.4 Leave of absence

A Participant who is on an authorized Leave of Absence remains a Participant during the period of leave.

5:37-8.5 Waiver of rights

Once a Joinder Agreement is signed, the Participant and his beneficiary waive all claims and rights to commute, sell, assign or otherwise use or transfer rights to receive any payments from the Program until such time as the Participant severs his/her employment service with the Employer.

5:37-8.6 Employer retaining assets

All money which is deferred and deducted in accordance with the Plan shall remain the asset of the Employer; the obligation of the Employer to participating Employees shall be contractual only, and no preferred or

special interest in the deferred money shall accrue to such Participants.

5:37-8.7 Ban on solicitation

No organization seeking a contract pursuant to N.J.A.C. 5:37-17 shall by any means solicit Employee participation in any Deferred Compensation Program or solicit Employees to support the efforts of the organization to secure such a contract. No representative of an organization under contract pursuant to N.J.A.C. 5:37-17 shall communicate with any prospective participant without the expressed written consent and knowledge of the Employer.

5:37-8.8 Participation limitation

If an Employee is a Participant in more than one Program, his/her total deferred salary in all Programs cannot exceed the amounts specified in N.J.A.C. 5:37-9.1 and 9.2.

5:37-8.9 Limit on Joinder Agreement

The Employer and a Participant may sign and/or be contractually obligated by only one Joinder Agreement during any one calendar year.

5:37-8.10 Reasons for receiving deferred compensation

(a) Once enrolled, a Participant or his/her beneficiary cannot receive the compensation deferred unless the Participant:

1. Retires;
2. Becomes disabled;
3. Dies;
4. Is otherwise terminated from service with the Employer; or
5. Is faced with an unforeseeable emergency (to be defined later by IRS).

5:37-8.11 Declaration of distribution

A Participant shall specify in the Joinder Agreement his/her selected method of distribution of his/her account upon retirement, death, and/or disability.

SUBCHAPTER 9. DEFERRAL AMOUNTS

5:37-9.1 General policy

(a) Except as provided in N.J.A.C. 5:37-9.2, the total amount of compensation that can be deferred and sheltered in any one calendar year by a Participant shall not exceed the lesser of:

1. \$7,500; or
2. 25 per cent of the Participant's total income.

5:37-9.2 Last three years of employment

(a) For one or more of the Participant's last three taxable years ending before he reaches retirement age under the Plan, the maximums to be deferred and sheltered shall be the lesser of:

1. \$15,000; or
2. The sum of:
 - i. The ceiling established in N.J.A.C. 5:37-9.1(a)2 plus;
 - ii. The balance of the Plan ceiling established in N.J.A.C. 5:37-9.1(a)2 for those years which the Employee has been a Participant, which the Participant has not used or deferred.

5:37-9.3 Minimum amounts

The Employer shall establish minimum deferral amounts in its Plan.

5:37-9.4 Joinder Agreement

The amount to be deferred shall be specified in the Joinder Agreement and can be changed by the Participant with prior notice to the Administrator at times designated by the Employer.

SUBCHAPTER 10. INVESTMENT POLICIES

5:37-10.1 Employer investment

The Employer shall invest all of the money, not immediately needed to pay benefits, placed into the Program by the Participants.

5:37-10.2 Eligible investments

(a) The Administrator shall invest in one or more of the following types of investments to the exclusion of all others:

1. Interest and dividend bearing securities, in which savings banks of New Jersey are authorized to invest their funds;
2. Interest bearing accounts;
3. State of New Jersey Cash Management Fund;
4. Individual or group annuity programs, whether fixed or variable;
5. Mutual funds; and/or
6. Life insurance contracts, whether fixed or variable.

5:37-10.3 Choice of investments

It shall be at the option of the Employer to include in his Plan as many of the above named investment choices as he deems prudent.

5:37-10.4 Participant request for investments

The Employer may in his Plan include a provision whereby a Participant may request that all or a specified percentage of the deferred salary be invested in one or more of the authorized investment options. This notwithstanding, the Employer shall retain the discretion to reject such request.

5:37-10.5 Administrative expenses

The Employer shall have the option of charging to the Program fund any of its reasonable expenses for the administration of the Program.

5:37-10.6 Return to Participants

After the deduction of administrative expenses, if any, from the Program, the balance of the Program funds, including all deductions placed into the Program and any and all return on investment of the Program funds shall be credited to the Participants' accounts; such credit shall be made in a manner that is equal, equitable, and/or prorated in a non-discriminatory manner. Due to anticipated Program start up costs, which can be charged to the Program, many Employer Programs may, during the first year, have a Program balance which is less than the total of all deductions placed into the Program, and which, when credited to individual accounts, will indicate a balance in each individual account which is less than the individual has placed in the account through his/her deductions. After the first year of Program operation, however, the Administrator shall not permit, or allow to be permitted, the cumulative program balance to be less than the total cumulative sum of all deductions placed in it by all Participants, or any Participant's account to have a balance that is less than the cumulative sum of all of his/her deductions since his/her participation in the Program commenced. The only exception to this last statement shall be when, after experience with a variable annuity that regularly provides a negative return on investment, the regular negative return is charged to the Program and is reflected in each individual account. If the Program funds are invested in a variable annuity that regularly provides a negative return, the Administrator shall cancel, or cause to have cancelled, that variable annuity and invest, or cause to have invested, the Program funds in another investment option.

5:37-10.7 Credit to accounts

The Administrator shall credit, or cause to have credited, to the Program fund and to each Participant's account the return or loss on investment no less than once per month, except for annuity programs.

5:37-10.8 Timing of investments

All funds from deductions placed into the Program shall be invested by the Administrator or private contractor responsible for investments within 72 hours, exclusive of Sundays and holidays, of the time the Administrator or contractor receives the funds or is notified that the funds are available for investment or is in any other manner aware that the deductions have been made and are available for investment.

SUBCHAPTER 11. ACCOUNTING PROCEDURES

5:37-11.1 Trust Account

The Administrator shall establish, or cause to have established, as per N.J.S.A. 40A:4-63, a separate Trust Account outside the regular municipal/county budget in which all Program funds, investments, returns or investments and deferral deductions are to be placed and accounted for.

5:37-11.2 Individual accounts

Every Employer shall establish, or cause to be established, in the Trust Account a separate account for each Participant, so that every and all Participants can be made aware of the balance of his/her account on the Accounting Date.

5:37-11.3 Pooling of funds

The Administrator shall make, or cause to be made, investments in authorized investment options by pooling the deferred salaries in the Program. The return on this pooled investment shall be divided equally or on a prorated basis among all Participants in the Program after deductions for administration and other operating costs have been made at the discretion of the Employer.

5:37-11.4 Annual report

The Administrator shall make available at least once per year a report to each Participant which shall indicate the value (or balance) of each Participant's account, as well as, the value (or balance) of the entire Program. This report shall indicate for each Participant the balance of the Participant's account as of the last Accounting Date, the amount of salary deferred and any return on investment accrued to the Participant's account or any losses on investment charged to the Participant's account since the last report or Accounting Date.

5:37-11.5 Unforeseen emergency

If a Participant faces an unforeseen emergency, as indicated in N.J.A.C. 5:37-8.10, the Participant, after completing whatever forms and/or documents as may be required by the Administrator, may withdraw from his/her account the amount needed to pay for the emergency on the balance in the Participant's account.

5:37-11.6 Audit

The Employer shall cause the Program to be audited within three months of the Accounting Date by an outside independent auditor. A copy of each audit report shall be transmitted to the Director within one month after said audit is completed. If a private contractor is retained to administer all or part of the Program and/or is retained to invest program funds, said audit, at the expense of the contractor, shall extend to cover any program funds under the control of any such contractor.

5:37-11.7 Timing of deductions

The amount of salary deferral specified by each Participant in his/her Joinder Agreement shall be deducted by the Employer at the end of each pay period.

5:37-11.8 Method of deductions

The deduction for the deferral shall not be made until deductions have been made for New Jersey Gross Income Tax, pensions, social security, insurance, and other fringe benefits. After all other deductions have been made and the deferred salary portion of the includible income has been deducted, the deduction for Federal Withholding Taxes shall be made.

SUBCHAPTER 12. DISTRIBUTION PROCEDURES

5:37-12.1 Retirement

Upon retirement, and as specified in the Joinder Agreement, a Participant shall receive the money in his/her account. He/she shall have the option, as specified in the Joinder Agreement, of receiving his/her money in one lump sum or in regularly scheduled payments, which payments or lump sum shall not exceed the value of the Participant's account, except life time annuities.

5:37-12.2 Termination of service

Upon termination of service and as specified in the Joinder Agreement, the Participant shall have the option of leaving his/her money in the account or receiving the money in his/her account. He/she shall have, as specified in the Joinder Agreement, the option of receiving his/her money in either a lump sum, or if possible by virtue of a Program operated by a new Employer (See N.J.A.C. 5:37-15.1) and by Agreement of the current Employer, transfer his/her money into the Program of a new Employer.

5:37-12.3 Death

Upon death, as specified by the Participant in the Joinder Agreement, or as specified by the beneficiary upon the Participant's death, the beneficiary or beneficiaries shall receive either one lump sum payment or regularly scheduled payments, which payments or lump sum shall not exceed the value of the Participant's account, except for life time annuities.

5:37-12.4 Disability

(a) Upon termination due to a certified disability and as specified in the Joinder Agreement, the Participant shall receive the money in his/her account, he/she shall have the option, as specified in the Joinder Agreement, of receiving his/her money in one lump sum or in regularly scheduled payments, which shall not exceed the value of the Participant's account. Disability shall be certified in the following manner:

1. If the Participant is also a participant in a pension system under the New Jersey Division of Pensions and is certified as disabled by that Division, the Participant shall be deemed disabled under this Program;

2. If the Participant is not a participant in a pension system under the Division of Pensions, the Employer shall set its own standards for determination of disability.

SUBCHAPTER 13. AMENDMENT OF PLAN

5:37-13.1 Reasons for amendment

The Employer, as may be caused by IRS regulations, Federal statute, State law or regulations, or operational experience, may from time to time find it necessary to change or amend the Plan.

5:37-13.2 Procedure for amendment

If and when this is done, the Administrator shall notify all Participants in writing prior to any actual amendment to the Plan, that an amendment will be made, what

the proposed amendment will be, why it is being done, and what the likely impact, if any, there will be on the Participants as a result of the proposed amendment. If the proposed Plan amendment will have any adverse affect or impact on any or all Participants, each Participant adversely affected shall have the right to modify his/her Joinder Agreement as necessary to reduce or eliminate any foreseen adverse impact on his/her account.

SUBCHAPTER 14. REVOCATION OF PARTICIPATION

5:37-14.1 Right to revoke

Any Participant may revoke his/her decision to participate in the Program by proper written application to the Administrator.

5:37-14.2 Administrative procedures

Upon receipt of such application, the Administrator shall stop, or cause to have stopped, any future deductions for deferral purposes, and shall pay, or cause to be paid, as soon as administratively feasible, and as specified in the Plan, the balance of the Participant's Account to the Participant. The Administrator may deduct from the Account any administrative expenses, as specified in the Plan, for processing the revocation application and cancelling the Account.

SUBCHAPTER 15. PORTABILITY

5:37-15.1 Conditions for transfer

(a) Any Participant who terminates services with his/her current Employer may carry with him/her his/her deferred compensation account to a new Employer only under the following conditions:

1. If the current Employer is part of the State operated program and the new Employer is either the State of New Jersey or is a local government participating in the State Program; or

2. If the new Employer has its own program and agrees to have the Employee's account transferred to its program; and

3. If the current Employer's Plan permits transfer of accounts and the new Employer agrees to the transfer.

(b) Even if the conditions listed in (a) above are met, the Employee retains the option of keeping his account with his current Employer.

5:37-15.2 Application for transfer

If the conditions in N.J.A.C. 5:37-15.1 are met and the Participant wishes to transfer his/her account, he/she shall complete any application form and/or other documents as may be required by the Administrator.

5:37-15.3 Transfer fee

The Administrator of a Program may charge any Participant a reasonable fee, as specified in the Plan, for processing an application for transfer and for transferring the account.

SUBCHAPTER 16. CONFIDENTIALITY

5:37-16.1 Participant records confidential

All records regarding participation, deductions, account balances, withdrawals and any other information regarding a Participant's account shall be held confidential by the Administrator, his/her staff, and/or any contractor.

5:37-16.2 Program records

Any records, reports or other information relating to the Program as a whole, including, but not limited to cash flow analysis, investment reports, audits and Annual Report, shall be made available by the Administrator to any Participant and/or the Division of Local Government Services upon request.

SUBCHAPTER 17. CONTRACTORS AND DEPOSITORIES

5:37-17.1 Review of proposed contracts

Prior to the execution of a contract between an employer and a contractor, whereby the employer will contract for all or part of the administration of the Program, the Employer shall submit to the Director a copy of the proposed contract, along with any solicitation documents, such as proposals and plans. The Director shall approve or reject said proposed contract(s) within 15 working days of receipt. If the proposed contract is rejected, the Director shall, in writing, explain his reasons for rejection. No contract shall be executed without the written approval of the Director.

5:37-17.2 Insurance companies

Any insurance company that wishes to offer Deferred Compensation Programs to local governments shall be listed in the Annual Report of the Commissioner of Insurance as authorized to do business in the State of New Jersey. No local jurisdiction shall enter into a contract with an insurance company which charges a front end or "load" charge.

5:37-17.3 Mutual fund companies

Any public or private corporation that wishes to offer a mutual fund or other type of security as part of a Deferred Compensation Program shall submit to the Director a copy of their Security and Exchange Commission Filing No. N-1 and their New Jersey Department of State Filing Numbers SB9 and SB1. No local jurisdiction shall enter into a contract with a mutual fund company which charges a front end or "load" charge.

5:37-17.4 Non-profit corporations

Any non-profit, tax-exempt corporation that wishes to offer Deferred Compensation Programs to local governments must provide to the Director a copy of their IRS tax exemption certification. Any such tax exempt corporation shall annually submit to the Director a copy of IRS 990 Tax form certifying their solvency.

5:37-17.5 Depositories

Any banking institution that wishes to serve as a depository for local government controlled Program funds and/or wishes to offer Deferred Compensation Programs to local governments shall be regulated by the New Jersey Banking Department. Such banking institution shall, every six months commencing with either the adoption of this chapter that institution's decision to offer said services, submit to the Director a certification from the Commissioner of Banking indicating eligibility to offer said services.

5:37-17.6 Conflict of interest

(a) No official, employee of, or employee providing services to an Employer, or any members of the family of such officials or employees, or any businesses in which such officials or employees have a 10 per cent or greater interest shall have any interest, financial or otherwise, in any contract entered into by the Employer for administration, in whole or in part, of the Employer's Deferred Compensation Program.

(b) No Employer shall enter into a contract with a private contractor which pays money to an organization, of which the Employer is a member, for endorsement of its Plan.

5:37-17.7 Non-discrimination

Any organization, person, company, corporation, partnership or other entity wishing to offer Deferred Compensation Programs to local governments shall certify

to the Director, as part of the solicitation documents specified in N.J.A.C. 5:37-17.1, that it does not discriminate in its employment or investment policies and practices.

5:37-17.8 Bidding of contracts

Any contracts to provide all or part of the administration of the Employer's Deferred Compensation Program shall comply with the Local Public Contracts Law.

5:37-17.9 Non-collusion

There shall be no collusion, or evidence or appearance of collusion, between any official or employee of the Employer and any official or employee of any contractor, vendor, insurance company, bank, consultant, brokerage firm or any other profit making or non-profit firm attempting to solicit a contract with the Employer or awarded a contract by the Employer.

The Division of Local Government Services intends to readopt this rule after receiving comments. Interested persons may present statements or arguments in writing relevant to this rule on or before December 15, 1980 to:

Barry Skokowski, Acting Director
Division of Local Government Services
363 West State Street
P.O. Box 2768
Trenton, N.J. 08625

An order adopting this rule was filed and became effective on October 16, 1980 as R.1980 d.456 (Exempt, Emergency Rule).

(a)

EDUCATION

STATE BOARD OF EDUCATION

Repeal Rules on Emergency State Building Aid

On October 1, 1980, Fred G. Burke, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:58-33.2 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 6:20-5.3 concerning emergency State building aid as proposed in the Notice published September 4, 1980 at 12 N.J.R. 504(c).

An order adopting this rule was filed and became effective on October 2, 1980 as R.1980 d.425.

(b)

EDUCATION

STATE BOARD OF EDUCATION

Repeal Special State Aid For Children Resident in Institutions

On October 1, 1980, Fred G. Burke, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:7A-33 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 6:20-5.1 concerning special State aid for children resident in institutions as proposed in the Notice published September 4, 1980 at 12 N.J.R. 504(b).

An order adopting this rule was filed and became effective on October 2, 1980 as R.1980 d.426.

(a)

EDUCATION

STATE BOARD OF EDUCATION

Bookkeeping and Accounting In Local Districts

On October 1, 1980, Fred G. Burke, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:4-14 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 6:20-2.12 concerning bookkeeping and accounting in local districts as proposed in the Notice published September 4, 1980 at 12 N.J.R. 505(a).

An order adopting this rule was filed and became effective on October 2, 1980 as R.1980 d.427.

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amend Sewer Extension Ban

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3 and the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., proposes to amend N.J.A.C. 7:9-13.3, 13.5, and 13.6 concerning the sewer extension ban program. The purpose of these amendments is to revise the sewer extension ban program to address inadequacies presently contained in the existing regulations.

The definition of "actual flow" is proposed for revision to enable the Department to impose extension bans when municipal treatment works violates specific water quality standards on permit conditions for a period of three months as opposed to the existing nine month criteria. National Pollutant Discharge Elimination System permits require 30 day compliance, and the three month period is more appropriate to insure that the Department have the necessary regulatory controls to limit sewer extensions to municipal treatment works violating applicable standards and/or permit conditions.

The definition of "extension" is proposed for revision to clarify the existing definition. A certain confusion has arisen as to what constitutes a building or structure under the existing definition, and the proposed revision will specify that the term is to include building, structures or units, whether attached or separate. The revision will require a sewer extension ban exemption if the project involves more than one unit, attached or separate. This revision will clarify the original intent and meaning of the existing regulation.

The remaining proposed amendment involves an additional criteria for a sewer extension ban exemption. The previous sewerage connection ban regulations contained a provision for exemptions if the proposed use would result in equal to or less than flows from a previous use on the site. The criteria was deleted in the sewer extension ban regulations because it was felt that the criteria would be inapplicable in the revised program. The factual situation has been presented whereby this criteria would be applicable, and it is therefore proposed for inclusion in the sewer extension ban regulations.

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

7:9-13.3 Definitions

"Actual flow" means the volume of sewerage and other wastes which a municipal treatment works receives; actual flow shall be determined by the arithmetic average of the metered daily volumes of waste received at a treatment works for a period of three [nine] consecutive months.

"Extension" means any sewer, pipe, line, or any other structure or appurtenance for the transport of sewage, which:

1. Conveys sewage from more than one building, [or] structure[;] or unit, attached or separate;
2. (No change.)

7:9-13.5 Sewer extension bans

(a) When the Department has determined that:

2. For a three [nine] month period a municipal treatment works has discharged effluent which violates any of the following N.J.A.C. 7:9-4 et seq., standards promulgated by the Delaware River Basin Commission, Interstate Sanitation Commission or Hackensack Meadowlands Development Commission; or the effluent limitations expressed in its NPDES or NJPDES permit or approval to operate; then the Department may cease issuing extension approvals and may issue an administrative order:

- i. - iii. (No change.)

7:9-13.6 Sewer extension ban exemptions

(a) The Department shall consider exemptions to sewer extension bans in order to provide relief to persons that suffer certain types of substantial harm due to the imposition of the sewer extension bans, or when, in the opinion of the Department there is a compelling public need for a proposed facility. The burden of proof is upon the applicant[.] in all exemption requests under this section. The Department shall presume that all applicants have knowledge of the ban after the effective date of the order, and the Department shall not grant an exemption to any party who subsequently proceeds with a proposed project and thereby increases or creates the hardship which is the basis for the requested exemption. An applicant for exemption must submit a plan for water conservation plumbing, and the implementation of such plan will be a condition of the exemption. An applicant for an exemption must prove to the satisfaction of the Department that it meets any of the criteria outlined below:

1. - 3. (No change.)

4. If the proposed construction will replace a building, structure or unit with an existing sewerage connection, the proposed construction is exempt only if the building, structure or unit with the existing connection was in use at the time the order was issued and if the proposed construction will create flow equal to or less than flow of the old building, structure or unit and the proposed construction will be at the same location as the existing building, structure or unit.

Copies of the proposed rule can be obtained by contacting the individual at the address noted below. The Department invites comment on this proposed amendment to the sewer extension ban regulations. Comments will be accepted until November 26, 1980 and should be directed to:

Philip Yeany
Division of Water Resources
CN-029
Trenton, New Jersey 08625

The Department may thereafter adopt the proposed amendments substantially as proposed without further notice.

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amend Flood Plain Delineation of Various Rivers

Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, pursuant to authority of N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:1D-1 et seq., proposes to amend N.J.A.C. 7:13-1.11 concerning delineated floodways, by adding to it the floodways and flood hazard areas of: 1) The Third River, from its mouth at the confluence with the Passaic River to upstream from Grove Street in the City of Clifton; 2) St. Paul's Brook, from its mouth at the confluence with the Third River upstream 3700 feet to upstream from an unnamed dam; 3) The Second River, from its mouth at the confluence with the Passaic River upstream to Hillside Avenue in Glen Ridge Boro, and from the downstream Montclair Town boundary to upstream from Park Street; 4) The Second River Tributary, from its mouth at the confluence with the Second River to the Orange-East Orange City boundary just upstream from Springfield Avenue; and 5) Nishuane Brook, from its mouth at the confluence with the Second River Tributary to upstream from Brooklawn Road in the Town of Montclair all in the County of Essex and the Passaic River Basin.

The proposed amendment affects the Towns of Belleville, Bloomfield, Montclair and Nutley, the Cities of East Orange and Newark and the Borough of Glen Ridge, all in the County of Essex and is based upon studies undertaken by the Bureau of Flood Plain Management, Division of Water Resources. This proposal to be known within the Department of Environmental Protection as Docket No. DEP. 054-80-09.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulations, are listed in N.J.A.C. 7:13-1.11(c).

This list is amended from time-to-time as the Department delineates additional floodways or revokes, amends, alters or modifies previously delineated floodways. After the Department has a hearing on the proposed amended delineation described above, the Department intends to adopt this amended delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11(c).

All relevant information and documents are available for inspection during normal working hours at the Office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625.

The Department will hold a public hearing on this matter on Wednesday, December 3, 1980 at 8:00 p.m. in the Bloomfield Municipal Building, Council Chambers, Municipal Plaza, Bloomfield, New Jersey.

Interested persons may submit arguments, statements,

or comments on this proposal relevant to the proposed action in writing on or before December 22, 1980 to: Clark Gilman, at the above address.

The Department of Environmental Protection may thereafter adopt this amendment substantially as proposed without further notice.

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amend Flood Plain Delineation of Various Rivers

Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, pursuant to the authority granted in N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:1D-1 et seq., proposes to amend N.J.A.C. 7:13-1.11 concerning delineated floodways, by adding the following floodways and flood hazard areas: Tenskill Brook, from its mouth at Oradell Reservoir upstream to Norman Place in Tenafly Borough; Demarest Brook, from its mouth at the confluence with Tenskill Brook upstream to County Road in Demarest Borough; Cresskill Brook, from its mouth at the confluence with Tenskill Brook upstream to County Road in Demarest Borough; Norwood Brook, from its mouth at Oradell Reservoir upstream to Broadway; Dwars Kill, from its mouth at Oradell Reservoir upstream to Piermout Avenue; Tappan Run, from the Harrington Park Boundary with Norwood upstream to the West Shore Railroad; Sparkhill Brook, from the New York - New Jersey boundary upstream to Piermout Avenue; and Sparkhill Creek, from the New York - New Jersey boundary to the New York - New Jersey boundary in Northvale Borough, all in the County of Bergen.

The proposed amendment affects the Boroughs of Closter, Cresskill, Demarest, Northvale, Norwood, Rockleigh and Tenafly, all in the County of Bergen and is based upon studies undertaken by the Bureau of Flood Plain Management, Division of Water Resources.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulations, are listed in N.J.A.C. 7:13-1.11.

All relevant information and documents are available for inspection during normal working hours at the Office of the Bureau of Flood Plain Management, Division of Water Resources, CN 029, 1474 Prospect Street, Trenton, New Jersey 08625.

The Department will hold public hearings on this matter on Monday, December 1, 1980 at 8:00 P.M. at Borough of Closter Municipal Building, Council Chambers, 295 Closter Dock Road, Closter, New Jersey. This proposal shall be known within the Department of Environmental Protection as Docket No. DEP. 062-80-10.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before December 22, 1980 to: Clark Gilman, at the above address, or at a hearing to be held at 8:00 P.M. on December 1, 1980 at the Closter Municipal Building, as announced above.

The Department of Environmental Protection may thereafter adopt this amendment substantially as proposed without further notice.

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amend Preservation Of Clam Resource

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5, 50:2-6.1, 50:2-6.2, and 50:2-6.3, proposes to amend N.J.A.C. 7:25-12.1 concerning the preservation of sea clam resource in New Jersey.

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

7:25-12.1 Preservation of the sea clam resource in New Jersey

(a) [These regulations are] **This subchapter** is intended to limit the harvest of sea clams from New Jersey waters in an effort to protect, conserve, manage and improve the sea clam resource and industry pursuant to the legislative mandate. This is accomplished by a limitation on a number of available licenses, by limiting the weekly harvest, by limiting the total season harvest, specifying fishing times and areas, and other control methods.

(b) **Nothing in this subchapter shall exempt or exclude** any person from compliance with the shellfish regulations adopted by this department pursuant to [Chapter 14, Title 24,] **Chapter 24, Title 58** New Jersey Statutes Annotated, or any other regulation of any department of state government or any federal agency necessary to protect the public health.

(c) General provisions are as follows:

1. Authority: This subchapter is adopted pursuant to the specific legislative authority in N.J.S.A. 50:2-6.1; N.J.S.A. 50:2-6.2 and N.J.S.A. 50:2-6.3 (L. 1975 c. 398). Violations shall be prosecuted pursuant to N.J.S.A. [50:2-6.4 (L. 1975 c. 398 s 4)] **23:2B-14**.

2. (No change.)

3. This [regulation] **subchapter**, when adopted and when effective shall supersede the provision of the 1979-1980 Sea Clam Regulations.

4. The terms "person" or "vessel" as used in this [regulation] **subchapter** shall include the captain, owner, or other person responsible for the operation of the vessel.

5. Bushel: A bushel for the purpose of this [regulation] **subchapter** shall be defined as 1.88 cu. ft. of clams within the shell or 3.25 gallons of shucked clams.

6. [These regulations] **This subchapter** may be enforced by any and all enforcement personnel designated by the Commissioner.

7. Nothing in this [regulation] **subchapter** shall apply to research, inventory or educational activities being conducted under permit of the department.

(d) Harvest limitations are as follows:

1. Weekly limitations: Vessels licensed to take sea clams in the waters of this State shall not harvest more than [500] **750** bushels per week from said waters for the period beginning December 1, [1979] **1980** through April 30, [1980] **1981** or until the season is otherwise terminated.

2. (No change.)

3. When at any time during the period December 1, [1979] **1980** through April 30, [1980] **1981** the department has determined that [250,000] **500,000** bushels have been

harvested from the waters of this state, the department shall close the State's waters to any further harvesting upon two days public notice. Said notice may be accomplished by publication in newspapers circulating in Monmouth, Ocean, Salem, Cumberland, Burlington, Atlantic and Cape May Counties, and by certified mail to each licensee.

4. Season: Except for bait purposes as hereafter provided, the season for taking sea clams (*Spisula solidissima*) on the waters of the State shall extend from December 1, [1979] **1980** through and including April 30, [1980] **1981** unless the season is earlier terminated if the season limit is reached.

5. Prohibited fishing areas: Including any areas which may be condemned for the harvest of shellfish without a special permit, the areas in which sea clams may not be taken are limited to those waters enclosed within the following description:

i. From the house on the bay side of Little Beach, longitude 74° 19.70'W, latitude 39° 28.29'N;

ii. Thence seaward 90.8°T **2 nautical miles** [on a line which passes through] to the buoy BW(1E), longitude 74° 15.90'W, latitude 39° 28.26'N, Loran A 3H5-3176, 3H4-3980.8; [Loran C 99304-51644, 99302-700712.2] **Loran C 9960-W-15615, 9960-X-26949, 9960-Y-43099;**

[iii. 3.25 nautical miles to a point, longitude 74° 14.39'W, latitude 39° 28.23'N, Loran A 3H4-3986.8, 3H5-3171.1, Loran C 99304-51634.4, 99302-70074.2]

iii. [iv] And thence south following the line of the beach [three] two nautical miles offshore to [a point: longitude 74° 27.9'W, latitude 39° 16.9'N, Loran A 3H4-3812.8, 3H5-3179.2, Loran C 99304-51818.4, 99302-70111.2] **the lighted bell buoy Mo (A), BW-"GE" longitude 74° 30.2'W, latitude 39° 17.0'N, Loran A 3H5-3186, 3H4-3802, Loran C 9960-W-15681, 9960-X-27015, 9960-Y-42966**

iv. [v] Thence to the shore 268°T to the watertank in Ocean City located at Haven Avenue between 7th and 8th Streets with a longitude 74° 34.6'W, latitude 39° 16.9'N

v. And the area off Island Beach from a point on the southern boundary of the area closed for shellfishing by N.J.A.C. 7:12-1 et. seq. with longitude 74° 3.6'W, latitude 39° 52.9'N, Loran A 3H4-4264, 3H5-3212.5, Loran C 9960-W-15550.5, 9960-X-26924, 9960-Y-43357, thence south following the line of the beach one nautical mile offshore to a point: longitude 74° 4.5'W, latitude 39° 45.85'N, Loran A 3H4-4198, 3H5-3191.5 Loran C 9960-W-15557.5, 9960-X-26914, 9960-Y-43283, thence to the shore 090°T to the abandoned light house with a longitude 74° 06.4'W, latitude 39° 45.85'N

vi. And the sanctuary area off Herefore Inlet described as:

(1) Longitude 74° 47.5'W, latitude 39° 00.2'N, Loran A 3H4-3562, 3H5-3185.5, Loran C 9930-W-16370.9, 9930-Y-52087.5, 9930-Z-70168, 119°T, d.3 mi. to:

(2) Longitude 74° 43.9'W, latitude 38° 58.7'N, Loran A 3H4-3563.5, 3H5-3174, Loran C 9930-W-16368.9, 9930-Y-52079.5, 9930-Z-70187, 029°T, d. 2.25 mi. to:

(3) Longitude 74° 42.7'W, latitude 39° 00.7'N, Loran A 3H4-3589, 3H5-3176, Loran C 9930-W-16368.9, 9930-Y-52054, 9930-Z-70177, 299°T, d. 3 mi. to:

(4) Longitude 74° 46.1'W, latitude 39° 02.3'N, Loran A 3H4-3588, 3H5-3188, Loran C 9930-W-16371, 9930-Y-52062, 9930-Z-70158, 209°T, d. 2.25 mi. to start.

(e) - (f) (No change.)

(g) Miscellaneous provisions are as follows:

1. Bait clams:

i. License and permit required: A license for the taking of sea clams shall also be required for the taking of bait clams. In addition, the special permit issued pursuant to [Chapter 14, Title 24] **Chapter 24, Title 58** of the

New Jersey Statutes Annotated from the Division of Water Resources shall be required.

ii. Area: Bait clam licensees shall harvest only in waters designated as condemned or specially restricted or otherwise specially designated for bait clam purposes by the Commissioner.

[The Department of Environmental Protection designates to be open for the harvest of bait claims, the area of ocean waters from one to three nautical miles off the beach.

(1) From a line beginning at the cupola on Wesley Avenue, south of Roosevelt Blvd., Pecks Beach, longitude 74° 36.8'W, latitude 39° 14.9'N seaward on a line 125°T to a point approximately one nautical mile from shore, longitude 74° 36.7'W, latitude 39° 14.4'N. (Loran C 9960-W-15705.5, 9960-X-27043.5, 9960-Y-42904.5)

(2) Continuing seaward to a point approximately three nautical miles from shore longitude 74° 33.5'W, latitude 39° 13.05'N. (Loran C 9960-W-15695, 9960-X-27027, 9960-Y-42933)

(3) Thence south following the line of the beach three nautical miles off shore to the northernmost line of condemned area, 151°T from the tank at Cape May Harbor shown on chart number 9 of Shellfish Condemned Area Charts, 1978.

(4) Excepting only the sanctuary area off Herefore Inlet described as:

(A) Longitude 74° 47.5'W, latitude 39° 00.2'N. (Loran C 9930-W-16370.9, 9930-Y-52087.5, 9930-Z-70168) 119°T, d.3 miles to:

(B) Longitude 74° 43.9'W, latitude 38° 58.7'N. (Loran C 9930-W-16368.9, 9930-Y-52079.5, 9930-Z-70187) 029°T, d. 2.25 miles to:

(C) Longitude 74° 42.7'W, latitude 39° 00.7'N. (Loran C 9930-W-16368.9, 9930-Y-52054, 9930-Z-70177) 299°T, d. 3 miles to:

(D) Longitude 74° 46.1'W, latitude 39° 02.3'N (Loran C 9930-W-16371, 9930-Y-52062, 9930-Z-70158) 209°T, d. 2.25 miles to start.

iii. The designation subparagraph ii shall take effect at once and shall terminate November 30, 1979.]

iii. [iv] Season and time: Except for Sundays, the season for taking of bait clams only shall extend throughout the year. The time for taking bait clams shall be Monday through Saturday between sunrise and 4 P.M. from October 1 to April 30 and from ½ hour before sunrise to 4 P.M. during the period May 1 through September 30.

2. - 5. (No change.)

(h) Rules on reports are as follows:

1. All licensed vessels that land any sea clams including bait clams in this state shall provide to the Director, Division of Fish, Game and Wildlife [Shellfisheries]:

i. Weekly sea claim catch reports (forms to be supplied by the division) which specify the vessel name, sea clamming license number, and home port; and for each date, the time at sea, the latitude and longitude or loran bearings of all locations fished; and for catch location fished, the depth, the time fished, the number of tows per hour, and the catch in bushels; and for each landing, the port, the date the clams were sold, whether they were bait or edible clams. All reports are to have the name and signature of the captain attesting to the validity of the report. [Monthly reports will be due for the months of December, January and February and weekly reports for the balance of the season.] The reports shall be mailed to the Division of Fish, Game and Wildlife, [Shellfisheries] P.O. Box 1809, Trenton, New Jersey 08625, together with check or money order in proper amount, made payable to the "Treasurer,

State of New Jersey" no more than five working days after the [report period's] weeks end.

2. - 3. (No change.)

(i) Licensees shall pay a fee of [five] seven and one-half cents [\$0.05.] \$0.075 for each bushel, or its equivalent, of sea clams harvested from the waters of this state. The Department shall use such monies for the conservation, protection, management, and improvement of the sea clam resource and industry.

(j) - (k) (No change.)

A public hearing will be held Thursday, November 13, 1980 at 7:30 P.M. at Stockton State College, Pomona, New Jersey.

Interested persons may also present statements or arguments in writing relevant to the proposal on or before November 26, 1980 to:

Robert Santaloci
Division of Fish, Game and Wildlife
P.O. Box 1809
Trenton, New Jersey 08625

The Department may thereafter adopt this rule substantially as proposed without further notice.

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Public Notice of State Certifications of Draft NPDES Permits

Jerry Fitzgerald English, 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, N.J. 08625.

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

New Definition of "Treatment Works"

On October 1, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:10A-1 et seq. and 13:1D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J. A.C. 7:14-1.4 concerning the definition of "treatment works" as proposed in the Notice published June 5, 1980 at 12 N.J.R. 311(b).

An order adopting this rule was filed and became effective on October 1, 1980 as R.1980 d.424.

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Repeal of Various Rules and Regulations

On October 3, 1980, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3 and 13:1D-9 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed various rules and regulations of the Department of Environmental Protection as proposed in the Notice published August 7, 1980 at 12 N.J.R. 454(b).

The following rules have been repealed.

- N.J.A.C. 7:1-3, Sulfur in Fuels
- N.J.A.C. 7:1-4, Importation of Solid and Liquid Waste from Outside New Jersey
- N.J.A.C. 7:1A, EIS Guidelines for N.J. Turnpike Extension
- N.J.A.C. 7:1D, Agricultural Preserve Demonstration Program
- N.J.A.C. 7:7, Riparian Grants and Leases
- N.J.A.C. 7:8, Practices and Procedures—Water Resources
- N.J.A.C. 7:9-3, Location of Factory Within Watershed
- N.J.A.C. 7:15, Industrial Pollution Control Financing
- N.J.A.C. 7:25-7.3, Miscellaneous Shellfish Rules
- N.J.A.C. 7:25-9.4, Resolutions of Shellfisheries Council
- N.J.A.C. 7:25-10, Resolution of the Maurice River Code Shellfisheries Council
- N.J.A.C. 7:26-5.4(b) through (o) inclusive, Administrative Hearings—Solid Waste
- N.J.A.C. 7:27A-1.4(b) through (o) inclusive, Administrative Hearings—Air Pollution
- N.J.A.C. 7:50, Pinelands Environmental Council

An order adopting this rule was filed and became effective on October 7, 1980 as R.1980 d.433.

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

Potentially Dangerous Species

On October 14, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2A and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:25-4.8 concerning potentially dangerous species as proposed in the Notice published July 10, 1980 at 12 N.J.R. 390(a).

An order adopting this rule was filed and became effective on October 15, 1980 as R.1980 d.448.

(c)

HEALTH

DIVISION OF COMMUNITY HEALTH SERVICES

Proposed Amend Regulations for Designated Fluid Milk Products

Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:10-57.20, proposes to amend N.J.A.C. 8:21-10 concerning regulations dealing with designated fluid milk products.

The purpose of these amendments is to provide up-to-date regulations that are uniform with Federal standards and recommendations found in the recently-revised 1978—Grade A pasteurized milk ordinance.

Copies of the full text of the proposed amendments can be obtained from:

Calvin Scott Tabler, Project Coordinator
Division of Community Health Services
Food and Milk Program
1911 Princeton Avenue
Trenton, N.J. 08648
(609) 392-1180

Interested persons may present statements or arguments in writing relevant to the proposed action on or before Nov. 26, 1980 to the person and address listed above.

The Dept. of Health may thereafter adopt rules concerning this subject without further notice.

(d)

HEALTH

DIVISION OF HEALTH PLANNING AND RESOURCES DEVELOPMENT

Proposed Amend Excluded Health Care Services

Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. proposes to amend N.J.A.C. 8:31B-4.62 concerning excluded health care services.

Full text of the proposed amendments follows (additions indicated in boldface thus).

8:31B-4.62(a)1. However, in order to promote the objectives of the State Health Plan, State Medical Facilities Plan, and Long-Term Care Policy Manual, hospital owned and operated Long-Term Care Facilities, licensed by the Department and holding current Medicaid Provider Agreements which have been created, subsequent to January 1, 1980, by the Conversion in an individual institution or at the systems-wide level, of at least one licensed acute care hospital bed for each Long-Term Care bed so created, under an approved Certificate of Need, shall be accounted for as follows:

i. The proportion of the hospital's Current Cost Base cost for the Cost Centers Administration and General, Education and Research, Fiscal, Utilities, Malpractice, Other General Services, Patient Care Coordination, Maintenance, Physicians and Residents which would be deemed reasonable under the reimbursement methodology em-

ployed by the New Jersey State Medical Assistance Program in conformance with 42 USC 447.273 shall be considered, as Case C (neither gains nor losses accounted for). All costs associated with such units in all other Cost Centers shall be treated as Case C.

ii. For purposes of determining the Capital Facility Formula Allowance (see Section III-C of the Procedural and Methodological Regulations) for hospitals operating such Long-Term Care Facilities, the construction costs employed under Section III-C (1)(b)(2) for Long-Term Care beds shall be the average construction cost of Long-Term Care beds, adjusted for location, published quarterly by the Department. That proportion of the hospital's entire Capital Facility Allowance, (including both Capital Cash Requirements and Capital Facility Formula Allowance), which would be deemed reasonable under the reimbursement methodology employed by the New Jersey State Medical Assistance Program in conformance with 42 USC 447.273 shall be considered as Case C. The balance of the Capital Facility Allowance shall be included in the Preliminary Cost Base.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before Nov. 26, 1980 to:

James R. Hub, Director
Health Economic Services
Dept. of Health—Room 600
Trenton, N.J. 08625
(609) 292-8001

The Department of Health may thereafter adopt rules concerning this subject without further notice.

(a)

HEALTH

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**Proposed Amend Manual for Licensure
Of Residential Health Care Facilities**

Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to amend N.J.A.C. 8:43-2.13 and to adopt a new rule to be cited as N.J.A.C. 8:43-6.9 concerning the Manual of Standards for Licensure of Residential Health Care Facilities.

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

8:43-2.13 Heating

(a) (No change.)

[b The heating plant shall be adequate to maintain in all areas used by residents a temperature of 75 degrees F. during the coldest weather.]

[(c) (b) The [normal] temperature [of] in the [home] facility shall [always] be kept at a minimum of 72 degrees Fahrenheit [or above] during the day and at a minimum of 68 degrees Fahrenheit at night. "Day" shall mean the time between sunrise and sunset.

(Renumber (d) - (f) as (c) - (e)).

8:43-6.9 Food management

All aspects of the facility which pertain to food storage, preparation, holding, transportation, display and serving

shall comply with the provisions of N.J.A.C. 8:24 (Chapter 12 of the State Sanitary Code).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before Nov. 26, 1980 to:

Wanda J. Marra, Coordinator
Licensing, Certification and Standards
Health-Agriculture Building
P.O. Box 1540
Trenton, N.J. 08625
(609) 292-5764

The Department of Health may thereafter adopt rules concerning this subject without further notice.

(b)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

**Proposed Amend Interchangeable
Drug Products: Notice of Hearing**

Robert G. Kowalski, Chairman of the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6(b), proposes to amend N.J.A.C. 8:71 concerning the list of interchangeable drug products.

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

List of Interchangeable Drug Products
November 6, 1980

APC/codeine tabs., 15, 30, 60 mg	Cord
Aspirin/codeine tabs., 15, 30, 60 mg	Cord
Belladonna alkaloids/phenobarbital elix.	Pharm. Assoc.
Belladonna alkaloids/phenobarbital tabs.	Cord
Brompheniramine maleate/phenylephrine/ phenylpropranolamine elix.	Superpharm
Chlorthalidone tabs., 50, 100 mg	Premo
Erythromycin ethylsuccinate tabs., 400 mg	Abbott, Barr
Hydrocortisone cream, 1%	Purepac
Hydrocortisone lotion, 1%	Rowell
Hydroxyzine HCl tabs., 10, 25, 50 mg	Premo
Hydroxyzine pamoate caps., 25, 50 mg	Premo
Levothyroxine sodium, 0.025, 0.05, 0.1, 0.15, 0.175, 0.2, 0.3 mg	Armour
Meclizine HCl tabs., 12.5, 25 mg	Premo
Meprobamate tabs., 400 mg	Premo
Potassium chloride liq., 10%	Superpharm, Cord
Potassium chloride packets, 20 mEq	Upsher-Smith
Primidone tabs., 250 mg	Danbury
Procainamide HCl, 250, 375, 500 mg	Chelsea
Promethazine comp./codeine	Cord
Promethazine VC/codeine	Cord
Spirocholactone/hydrochlorothiazide tabs.	Cord
Spirocholactone tabs., 25 mg	Cord
Tolbutamide tabs., 500 mg	Cord
Triprolidine/pseudoephedrine liq.	Superpharm, Cord
Allopurinol tablets, 100, 300 mg	Generic
Amitriptyline HCl tablets, 10, 25, 50, 75, 100 mg	Squibb
Chlorpropamide tablets, 250 mg	Premo
Griseofulvin, ultramicrosized tablets, 125, 250 mg	Ayerst
[Prochlorperazine tablets, 5, 10, 25 mg	Bolar]

A public hearing respecting this proposal will be held at 10:00 A.M. on November 26, 1980 in the Auditorium in the Health-Agriculture Building, John Fitch Plaza, Trenton, N.J.

(c)

HEALTH

THE COMMISSIONER

Procedural/Methodological Regulations

On October 14, 1980, Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:31B-3 concerning procedural and methodological regulations as proposed in the Notice published September 4, 1980 at 12 N.J.R. 515(b) but with substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed and became effective on October 16, 1980 as R.1980 d.455.

(d)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Amend Policies on Admission and Baccalaureate Degree Standards for State Colleges

The Board of Higher Education in the Department of Higher Education, pursuant to authority of N.J.S.A. 18:3-14, proposes to amend N.J.A.C. 9:2-1.1, and 1.2, and 9:2-8.1, 8.2, 8.3, 8.4 and 8.9 concerning the general policies governing admission and baccalaureate degree standards for State colleges. N.J.A.C. 9:2-8.5, 8.6, 8.7, 8.8, and 8.10 concerning the same subject matter are repealed in their entirety.

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

9:2-1.1 General [provisions] policies

[(a) The State Board of Higher Education in pursuance of its responsibility to establish minimum standards for admission to State public higher education institutions hereby establishes the following rules governing admission as freshmen to the State colleges of New Jersey.]

(a) [(b)] Students seeking admission to New Jersey State colleges as freshmen shall [present] submit:

1. An official transcript showing graduation or anticipated graduation from an [approved] accredited secondary school, courses attempted, completed or in process, and rank in class; or a high school equivalency certificate (C.E.D.). The courses completed or in process must total 16 units, of which 14 units must be college preparatory subjects, including four units of English, two units of mathematics, two units of social studies, and one unit of laboratory science. The five additional units of academic electives shall be selected from courses in the above college preparatory subjects and foreign languages.

[2. A statement from the secondary school principal or other authorized individual as to the character and qualifications of the student, and as to his ability to undertake college work.]

(a)

HEALTH

THE COMMISSIONER

Financial Elements and Reporting Regulations for Hospitals

On October 14, 1980, Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:31B-4 concerning financial elements and reporting regulations as proposed in the Notice published September 4, 1980 at 12 N.J.R. 516(a) but with substantive changes not detrimental to the public in the opinion of the Department.

The changes are summarized as follows.

1. References to the 1979 Exposure Draft for reporting of related organization were changed back to the 1978 version, since the 1979 version has been recalled. (Section I)
2. Clarification of compliance with Hill Burton obligation and appropriate collection procedures for uncompensated care. (Section II)
3. Clarification to the funding requirements for Capital Facilities Allowance for For-Profit Hospitals. (Section II)
4. Other minor changes on Pages I-6, II-5, III-2, IV-2.

An order adopting this rule was filed and became effective on October 16, 1980 as R.1980 d.453.

(b)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

On October 10, 1980, the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-4(d) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:71 concerning interchangeable drug products as proposed in the Notice published August 7, 1980 at 12 N.J.R. 465(a) but with substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed and became effective on October 16, 1980 as R.1980 d.454.

2. [3. Evidence of having taken] Examination scores of the Scholastic Aptitude Test of the College Entrance Examination Board or the American College Testing Program.

[4. A nonrefundable application fee of \$10.00. However, this fee may be waived by the college upon certification by the principal or other appropriate official that its payment would constitute an undue financial burden on the student.]

(b) [(c)] The colleges shall notify the prospective student of his or her acceptance or rejection at any time after the candidate's file is complete. The student shall not be required to accept or reject the offer of admission [by] before May 1 of the year of entering college, except when the application is made as part of an early admission process. The provision of this subsection shall not preclude any college from establishing a procedure for early decisions and commitments by students. In reaching admissions decisions, institutions shall apply the same standard for students applying for regular admission or late consideration (after May 1).

[(d)] Beginning with students entering in the fall of 1969, admittance shall be without regard to quotas for specific curricula.]

(c) [(e)] The policies set forth in this section are minimum standards and may be raised at the discretion of individual colleges.

9:2-1.2 [Administration] Standards

(a) The Board of Higher Education believes that one key to high standards in the State colleges is adherence to sound admission requirements. As such, the aforementioned policies apply without exception to all regularly admitted students. However, [it] the Board recognizes that admissions standards must be administered flexibly in order to meet the specific educational objectives of each institution and in order to provide equitable educational opportunity. Therefore, the State colleges are authorized to make exceptions to the requirements for high school graduation and course distribution, as stated in 9:2-1.1(a)1, for students admitted through a college's special admissions program. [general admissions policies adopted by the Board of Higher Education on January 19, 1968, for students in any one of the following three categories:

1. Students whose high school preparation was not planned to include enough college preparatory work to meet admissions standards as adopted. This exception applies only to students planning to enter State colleges in the fall of 1969 or 1970.

2. Students subject to cultural, educational or economic deprivation. This exception applies only to those students who are to be admitted to programs designed to provide supplementary work in basic skills or otherwise facilitate the adjustment of such individuals to college work.

3. Veterans who wish to resume their education. These individuals, who commonly display a high degree of motivation but often lack certain formal background, should receive every consideration, particularly as to exemption from admission application deadlines.]

(b) While discretion in the administration of the standards does and should rest with the colleges, it is the Board's belief that the intention of such exceptions is to strengthen the quality and diversity of the student body, and that the colleges should keep exceptions from the norm to a minimum.

(c) (No change.)

SUBSECTION 8. [STATE COLLEGE POLICY STATEMENT] STATE COLLEGE BACCALAUREATE DEGREE STANDARDS

[FOREWORD]

[In accordance with its statutory responsibility, "to establish general policy for the governance of the separate institutions," the Board of Higher Education commends to the administrations, faculties, and Boards of Trustees of the State colleges the following comments and observations:

For many years the sole function of the State colleges has been the training of teachers. The board is quite confident that in the past that task has been performed well. The reputation of the teachers in the public schools of New Jersey is a good one. We have an achievement on which we can build.]

[9:2-8.1 Colleges of Arts and Sciences]

[(a)] The Higher Education Act of 1966 directed the conversion of the State colleges to colleges of arts and sciences, multipurpose in nature. The difficult task of conversion from single to multipurpose institutions should have the highest priority in terms of manpower and resources, and the board expects that all who have responsibility for the colleges will address themselves aggressively to it.

(b) The board recognizes that the curricula of the State colleges have evolved through the years and that there are some teacher education programs which have fine liberal arts bases. This is the direction in which we must continue to move. It is the policy of the Board of Higher Education, therefore, to continue to provide teacher education, but none of these programs can be structured as separate curricula which are parallel to the new liberal arts offerings—all of the programs of the State colleges must be built upon the framework of an arts and sciences curriculum.

(c) Basic to this change is the situation in which future teachers in the State colleges will be pursuing their studies along with nonteachers. A campus devoted to pluralistic ends we believe can enrich teacher education as well as open a wide variety of careers to students. Concurrently, the change in curriculum should nourish a great variety and depth in the subject that make for a broad and general education.]

9:2-8.1 Basic skills for college level work

(a) All students matriculating as freshmen, whether admitted through the regular or exceptional procedure at each institution, must take the New Jersey Basic Skills Placement Test. All students found deficient in any of the basic skills according to the standard of the institution are to be placed in the appropriate remedial classes in the first semester.

(b) Remediation of skills deficiencies normally should occur no later than by the completion of the freshman year. Prior to pursuing an academic curriculum in depth, those students who entered the college with unacceptable preparation in the basic skills must have raised their performance to a level deemed appropriate by the college. The college may wish to use satisfactory course performance or some standardized assessment technique to make such judgments. The college also must ensure that graduates have mastered reading, written English, and mathematical concepts.

(Continued on Page 657)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly listing provides an interim service for subscribers to the New Jersey Administrative Code, as a check-list of rules most recently adopted.

It includes all rules adopted from receipt of the last individual transmittals, as indicated, through October 16, 1980.

RULES NOT YET IN PRINT IN CODE: Adoption Notices may be found in N.J. Register beginning with January 10, 1980. Full text (in proposal form), if published, may be found in N.J. Register beginning with March 8, 1979.

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
ADMINISTRATIVE LAW — TITLE 1			
1:1	Rules on administrative hearings	R.1980 d.275	12 N.J.R. 362(a)
AGRICULTURE — TITLE 2			
2:2-2.4	Amend conformity of brucellosis tests and federal standards	R.1980 d.237	12 N.J.R. 377(c)
2:2-2.4	Amend conformity of brucellosis tests with Federal standards	R.1980 d.422	12 N.J.R. 627(b)
2:6-1.3, 1.4	Amend biologic product licensing	R.1980 d.306	12 N.J.R. 451(b)
2:16	Amend seed certification requirements	R.1980 d.210	12 N.J.R. 302(a)
2:52-2.1, 2.2, 3.1, 3.2, 4.1	Amend notices by milk dealers, processors and stores	R.1980 d.284	12 N.J.R. 450(c)
2:53-4.1, 4.2	Amend notices by milk dealers, processors and stores	R.1980 d.284	12 N.J.R. 450(c)
2:54	Amend milk marketing	R.1980 d.285	12 N.J.R. 450(d)
2:69-1.11	Amend commercial values of primary plant nutrients	R.1980 d.238	12 N.J.R. 378(a)
2:70-1.1, 1.8	Amend agricultural liming materials	R.1980 d.239	12 N.J.R. 378(b)
2:71-2.28—2.31	Amend fruit and vegetable inspection and grading	R.1980 d.140	12 N.J.R. 248(b)
2:72-1.1	Amend bond requirements	R.1980 d.57	12 N.J.R. 103(a)
2:90-1.3	Amend soil erosion and sediment control	R.1980 d.305	12 N.J.R. 451(a)
(Title 2, Transmittal 16 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)			
BANKING — TITLE 3			
3:1-1.1	Amend interest rates	R.1980 d.151	12 N.J.R. 249(b)
3:2	Advertising by financial institutions	R.1980 d.125	12 N.J.R. 170(a)
3:6-1	Repeal reporting of ten year dormant accounts	R.1980 d.435	12 N.J.R. 627(c)
3:6-8.1	Savings banks' deposits	R.1980 d.144	12 N.J.R. 249(a)
3:6-8.2	Escrow account limitations	R.1980 d.298	12 N.J.R. 451(c)
3:6-9.1	Maximum interest rate on small business loans	R.1980 d.204	12 N.J.R. 302(d)
3:11-2.1	Amend approved subsidiaries	R.1980 d.240	12 N.J.R. 383(a)
3:21-1.8	Loan interest rate; credit union law	R.1980 d.207	12 N.J.R. 303(a)
3:22	Insurance Premium Finance Company Act	R.1980 d.203	12 N.J.R. 302(c)
3:41	Cemetery rules	R.1980 d.449	12 N.J.R. 628(a)
(Title 3, Transmittal 15 dated January 17, 1980 includes all rules through March 6, 1980 N.J. Register.)			
CIVIL SERVICE — TITLE 4			
4:1-2.1	Amend definition of immediate family	R.1980 d.60	12 N.J.R. 104(a)
4:1-9.1	Amend review of scoring key	R.1980 d.236	12 N.J.R. 383(c)
4:1-9.5	Amend performance evaluations	R.1980 d.61	12 N.J.R. 104(b)
4:1-11.7	Amend employment lists	R.1980 d.406	12 N.J.R. 628(b)
4:1-17.9	Amend disability leave and sick leave injury	R.1980 d.231	12 N.J.R. 383(b)
4:1-17.24	Unused sick leave payments	R.1980 d.398	12 N.J.R. 566(c)
4:1-20.3	Amend performance evaluation	R.1980 d.61	12 N.J.R. 104(b)
(Title 4, Transmittal 13 dated June 1, 1979 includes all rules through February 7, 1980 N.J. Register.)			

COMMUNITY AFFAIRS — TITLE 5

5:18	Repeal rules on rentals	R.1980 d.234	12 N.J.R. 569(a)
5:19	Repeal rules of practice of Bureau of Housing Inspection	R.1980 d.205	12 N.J.R. 305(a)
5:22	Rules on exemptions from taxation	R.1980 d.206	12 N.J.R. 305(b)
5:22-1.5	Amend tax abatement	R.1980 d.334	12 N.J.R. 504(a)
5:23	Amend Uniform Construction Code	R.1980 d.316	12 N.J.R. 452(a)
5:23-2.7	Rooming and boarding houses and Uniform Code	R.1980 d.376	12 N.J.R. 569(b)
5:23-4.9	Repeal plan waivers	R.1980 d.276	12 N.J.R. 452(b)
5:23-6	Readopt solar facility tax exemption	R.1980 d.303	12 N.J.R. 452(c)
5:25	Amend new home warranty	R.1980 d.316	12 N.J.R. 452(d)
5:25-1.3, 4.2, 5.5	Amend new home warranties and builders registration	R.1980 d.158	12 N.J.R. 250(a)
5:27	Rooming and boarding houses and Uniform Code	R.1980 d.376	12 N.J.R. 569(b)
5:30-17	Ratify rules concerning cooperative pricing and joint purchasing system	R.1980 d.243	12 N.J.R. 388(b)
5:37	Emerg. rules on Deferred Compensation Program for county and municipal employees	R.1980 d.456	12 N.J.R. 633(b)
5:80	Amend determining rents or carrying charges in developments financed by HFA	R.1980 d.234	12 N.J.R. 388(a)
5:100-1.6	Amend ombudsman subpoenas	R.1980 d.233	12 N.J.R. 387(a)

(Title 5, Transmittal 14 dated March 20, 1980 includes all rules through April 10, 1980 N.J. Register.)

EDUCATION — TITLE 6

6:3-1.22	Evaluation of tenured chief school administrators	R.1979 d.480	12 N.J.R. 7(a)
6:8-1.1	Amend evaluation and classification process	R.1980 d.107	12 N.J.R. 178(a)
6:8-1.1, 3.8, 4.2	Amend high school graduation requirements	R.1980 d.106	12 N.J.R. 177(b)
6:8-6.2, 7.1	Amend evaluation and classification process	R.1980 d.107	12 N.J.R. 178(a)
6:11-4.7	Amend county substitute certificate	R.1980 d.105	12 N.J.R. 177(a)
6:20-2.6(d)4	Bookkeeping and accounting in local school districts	R.1980 d.381	12 N.J.R. 569(d)
6:20-2.12	Bookkeeping and accounting in local districts	R.1980 d.427	12 N.J.R. 639(a)
6:20-3.1, 3.4	Amend tuition public schools	R.1980 d.165	12 N.J.R. 251(c)
6:20-3.1, 3.4	Amend public school tuition	R.1980 d.225	12 N.J.R. 308(a)
6:20-5.1	Repeal special State aid for children resident in institutions	R.1980 d.426	12 N.J.R. 638(b)
6:20-5.3	Repeal rules on emergency State building aid	R.1980 d.425	12 N.J.R. 638(a)
6:20-5.4	Additional State school building aid	R.1979 d.479	12 N.J.R. 6(b)
6:20-6.2, 6.8	Amend purchase and loan of textbooks	R.1980 d.163	12 N.J.R. 251(a)
6:20-7	Amend qualifications, debarment, suspension and disqualification of person(s) concerning contract administration	R.1979 d.478	12 N.J.R. 6(a)
6:20-8	Rules on public school contracts	R.1980 d.69	12 N.J.R. 107(a)
6:21-1.4	Pupil transportation: retirement of school buses	R.1980 d.382	12 N.J.R. 569(e)
6:26-3.1	Amend operation of summer schools	R.1980 d.68	12 N.J.R. 106(a)
6:27-1.4	Amend high school graduation requirements	R.1980 d.106	12 N.J.R. 177(b)
6:27-3.1	Amend operation of summer schools	R.1980 d.68	12 N.J.R. 106(a)
6:29-7.1	Family life education	R.1980 d.164	12 N.J.R. 251(b)
6:29-7.1	Amend family life education programs	R.1980 d.353	12 N.J.R. 505(c)
6:31	Amend bilingual education	R.1980 d.70	12 N.J.R. 107(b)
6:39-1.3, 1.4	Amend Statewide assessment	R.1980 d.352	12 N.J.R. 505(b)
6:68-2	Amend library incentive grant program	R.1980 d.224	12 N.J.R. 307(b)

(Title 6, Transmittal 15 dated Nov. 13, 1979 includes all rules through Dec. 6, 1979 N.J. Register.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1-3	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1-4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1A	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1C-1.2, 1.6—1.10	Amend 90-day construction permits	R.1980 d.75	12 N.J.R. 113(d)
7:1C-1.9	Amend appeals	R.1980 d.312	12 N.J.R. 462(d)
7:1D	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1E-1.3	Amend discharges of petroleum and other hazardous substances	R.1980 d.185	12 N.J.R. 314(a)
7:1E-1.3	Amend discharges of petroleum and other hazardous substances	R.1980 d.267	12 N.J.R. 392(b)
7:1E-1.3	Amend discharge of hazardous substances	R.1980 d.326	12 N.J.R. 463(a)
7:1F	Industrial survey project	R.1980 d.129	12 N.J.R. 259(c)
7:1F	Amend industrial survey project	R.1980 d.181	12 N.J.R. 313(b)

7:1G	Pinelands Comprehensive Management Plan	R.1980 d.370	12 N.J.R. 575(c)
7:1H	County environmental health services	R.1980 d.362	12 N.J.R. 514(a)
7:4-2.2(c)	Amend N.J. Register of Historic Places	R.1980 d.241	12 N.J.R. 391(b)
7:6-8	Motor vehicles using ice-covered waters	R.1980 d.88	12 N.J.R. 114(b)
7:7	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:7-2	Waterfront and coastal resource development	R.1980 d.375	12 N.J.R. 576(a)
7:7A-1.14	Amend appeals	R.1980 d.312	12 N.J.R. 462(d)
7:7E	Waterfront and coastal resource development	R.1980 d.375	12 N.J.R. 576(a)
7:8	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:9-1.98	Delete rule on other disinfectants	R.1980 d.182	12 N.J.R. 313(c)
7:9-3	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:9-15	Grants for restoring publicly owned freshwater lakes	R.1980 d.374	12 N.J.R. 575(e)
7:12	Amend condemnation of certain shellfish beds	R.1980 d.230	12 N.J.R. 391(a)
7:12-1.4	Delete rule on condemnation of certain Atlantic Ocean waters for shellfish harvesting	R.1980 d.48	12 N.J.R. 112(b)
7:13-1.11	Amend Green Brook floodway	R.1980 d.325	12 N.J.R. 462(e)
7:13-1.11(c)	Amend flood plain delineation of the Delaware River	R.1980 d.65	12 N.J.R. 113(b)
7:13-1.11(c)	Amend flood plain delineations; North Branch Rancocas Creek and Rancocas Creek; Burlington County	R.1980 d.76	12 N.J.R. 113(e)
7:13-1.11(c)	Amend flood plain delineation within the Delaware River Basin	R.1980 d.242	12 N.J.R. 391(c)
7:13-1.11(c)	Amend delineated floodways in the Delaware Basin	R.1980 d.251	12 N.J.R. 391(e)
7:13-1.11(d)	Amend delineated floodways in the Raritan Basin	R.1980 d.99	12 N.J.R. 181(b)
7:13-1.11(d)	Amend flood plain delineation of parts of the Rockaway River and Passaic River	R.1980 d.66	12 N.J.R. 113(c)
7:14-1.4	New definition of "treatment works"	R.1980 d.424	12 N.J.R. 642(b)
7:14-2.5	Amend water pollution control act regulations	R.1980 d.49	12 N.J.R. 112(c)
7:14-2.26	Wastewater treatment report	R.1980 d.58	12 N.J.R. 113(a)
7:14-5	Septage disposal	R.1980 d.277	12 N.J.R. 462(a)
7:15	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:23	Amend flood control bond grants	R.1980 d.297	12 N.J.R. 462(b)
7:25-1.7	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-4.8	Amend potentially dangerous species	R.1980 d.448	12 N.J.R. 643(b)
7:25-5	1980-1981 Game Code	R.1980 d.266	12 N.J.R. 392(a)
7:25-6	1981 Fish Code	R.1980 d.400	12 N.J.R. 577(a)
7:25-7.2	Amend oyster seed beds	R.1980 d.215	12 N.J.R. 314(d)
7:25-7.3	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:25-7.4	Oyster dredging prohibition	R.1980 d.216	12 N.J.R. 314(e)
7:25-7.4	Repeal rules prohibiting oyster dredging	R.1980 d.369	12 N.J.R. 575(b)
7:25-7.13	Crab dredging	R.1980 d.396	12 N.J.R. 576(e)
7:25-9.2	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-9.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:25-10	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:25-14.9	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-15.1	Amend relay of hard clams	R.1980 d.161	12 N.J.R. 260(a)
7:25-17	Disposal of dead deer	R.1980 d.193	12 N.J.R. 314(c)
7:25-18	Marine fisheries	R.1980 d.394	12 N.J.R. 576(c)
7:25-19.1	Atlantic Coast harvest season	R.1980 d.373	12 N.J.R. 575(d)
7:25-20.1	Temporary fishing ban	R.1980 d.177	12 N.J.R. 313(a)
7:25-20.1	Temporary fishing ban	R.1980 d.184	12 N.J.R. 313(e)
7:25-20.1	List of nongame wildlife species of New Jersey	R.1980 d.390	12 N.J.R. 576(b)
7:26-3.2, 4.7	Amend registration and fees for solid waste collector/haulers	R.1980 d.250	12 N.J.R. 391(d)
7:26-5.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:27-18	Amend air pollution in non-attainment areas	R.1980 d.307	12 N.J.R. 462(c)
7:27A-1.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:28-12	Amend transportation	R.1980 d.191	12 N.J.R. 314(b)
7:28-24.15	Amend certification fees for nuclear medicine technology	R.1980 d.87	12 N.J.R. 114(a)
7:37-1.5(d)	Delete part of rules on urban neighborhood assistance program	R.1980 d.183	12 N.J.R. 313(d)
7:38	Wild and scenic rivers	R.1980 d.401	12 N.J.R. 577(b)
7:50	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)

(Title 7, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

HEALTH — TITLE 8

8:7-1.7	Amend health officer licensure	R.1980 d.317	12 N.J.R. 467(b)
8:7-1.9(a)	Amend health officer qualifications	R.1980 d.168	12 N.J.R. 272(c)
8:19	Newborn hearing screening program	R.1980 d.173	12 N.J.R. 273(d)
8:21-1.13	Amend drug labeling	R.1980 d.320	12 N.J.R. 467(e)
8:21-1.29	Labeling, sale and distribution of cosmetics for professional use only	R.1980 d.218	12 N.J.R. 317(a)
8:21-1.31, 1.32	Amend drug labeling	R.1980 d.320	12 N.J.R. 467(e)

8:21-6	Certified milk	R.1980 d.403	12 N.J.R. 579(a)
8:25-3.2(a)	Amend physical examinations regarding Youth Camp Safety Act standards	R.1980 d.169	12 N.J.R. 272(d)
8:30	Amend expiration date	R.1980 d.257	12 N.J.R. 406(a)
8:30-2.2	Appointment of administrator	R.1980 d.364	12 N.J.R. 518(b)
8:30-2.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:31-26.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:31-30.1	Amendments concerning plan review fee	R.1980 d.256	12 N.J.R. 405(b)
8:31A-5.5	Amend hospital cost reporting procedures	R.1980 d.271	12 N.J.R. 407(a)
8:31A-6	1981 Hospital Rate Setting Rules in SHARE Manual	R.1980 d.269	12 N.J.R. 406(d)
8:31A-7	1981 SHARE guidelines	R.1980 d.270	12 N.J.R. 406(e)
8:31B-2	Uniform bill-patient summaries (inpatient)	R.1980 d.361	12 N.J.R. 517(b)
8:31B-3	Amend hospital procedural and methodological regulations	R.1980 d.455	12 N.J.R. 645(c)
8:31B-3.48	Utilization review	R.1980 d.318	12 N.J.R. 467(c)
8:31B-4	Amend hospital financial elements and reporting regulations	R.1980 d.453	12 N.J.R. 645(a)
8:31B-5	Utilization review	R.1980 d.318	12 N.J.R. 467(c)
8:33H	Policy manual for certificate of need reviews, long term care	R.1980 d.404	12 N.J.R. 579(b)
8:34-1.29, 1.30	Administrative experience regarding nursing home administrators	R.1980 d.170	12 N.J.R. 273(a)
8:37	Amend expiration date	R.1980 d.257	12 N.J.R. 406(a)
8:37-4.4(a)	Administrators and intermediate care facilities	R.1980 d.363	12 N.J.R. 518(a)
8:37-4.5	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:39	Amend effective date	R.1980 d.257	12 N.J.R. 406(a)
8:39-1.1	Amend definition of ancillary nursing personnel	R.1980 d.171	12 N.J.R. 273(b)
8:39-1.1, 1.11	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:39-1.13(h)	Administrators, long term care facilities	R.1980 d.365	12 N.J.R. 518(c)
8:39-1.15, 1.25	Amendments to Manual of Standards for Licensure of Long-Term Care Facilities	R.1980 d.258	12 N.J.R. 406(b)
8:42-1.8, 2.1, 2.8	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:42-3	Amend expiration date of standards, alcohol abuse residential and inpatient treatment facilities	R.1980 d.272	12 N.J.R. 407(b)
8:43-1.1	Definition of boarding home	R.1980 d.366	12 N.J.R. 518(d)
8:43-1.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43-4.1(a)	Amendments to standards for licensure of new boarding homes for sheltered care	R.1980 d.172	12 N.J.R. 273(c)
8:43-4.6, 9.2	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43A-1.72	Amend expiration date of standards	R.1980 d.273	12 N.J.R. 407(c)
8:43A-3.1, 9.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43B-5.1	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43B-15.1, 16.1, 17.4	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43F-1.1, 3.7	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:50	Repeal rules on local boards of health and personnel	R.1980 d.402	12 N.J.R. 578(d)
8:51	Amend local board of health standards	R.1980 d.321	12 N.J.R. 467(f)
8:51-1.2(a)	Amend local board of health	R.1980 d.319	12 N.J.R. 467(d)
8:65-5.4	Amend maintenance of records and inventories	R.1980 d.360	12 N.J.R. 517(a)
8:65-10.1	Amend controlled dangerous substances	R.1980 d.322	12 N.J.R. 467(g)
8:65-10.2	Amend controlled dangerous substances	R.1980 d.323	12 N.J.R. 468(a)
8:65-10.4	Amend controlled dangerous substances	R.1980 d.327	12 N.J.R. 468(b)
8:65-10.8	Amend exempt chemical preparations	R.1980 d.180	12 N.J.R. 316(b)
8:65-11.7	Use of Dextropropoxyphene in narcotic treatment	R.1980 d.328	12 N.J.R. 468(c)
8:71	Deletions to list of interchangeable drug products	R.1980 d.254	12 N.J.R. 394(c)
8:71	Amend list of interchangeable drug products	R.1980 d.255	12 N.J.R. 405(a)
8:71	Additions to the list of interchangeable drug products	R.1980 d.263	12 N.J.R. 406(c)
8:71	Amend interchangeable drug products	R.1980 d.454	12 N.J.R. 645(b)

(Title 8, Transmittal 13 dated March 20, 1980 includes all rules through April 10, 1980 N.J. Register.)

HIGHER EDUCATION — TITLE 9

9:5-1.1, 1.2, 1.3, 1.4	Resident/non-resident tuition charges at public colleges and universities	R.1980 d.428	12 N.J.R. 661(a)
9:7-2.12	Amend Tuition Aid Grant and Garden State Scholarship Programs	R.1980 d.461	12 N.J.R. 661(b)
9:7-4.1	Amend Garden State scholarship eligibility requirements	R.1980 d.212	12 N.J.R. 317(b)
9:7-6	Tuition Benefit Program	R.1980 d.324	12 N.J.R. 469(b)
9:9-5.2	Amend Graduate Insured Loan procedures and policies	R.1980 d.339	12 N.J.R. 520(a)
9:9-5.4	Amend Graduate Insured Loan	R.1980 d.339	12 N.J.R. 520(a)
9:16-1	Physician/dentist Loan Advisory Committee	R.1980 d.309	12 N.J.R. 469(a)

(Title 9, Transmittal 14 dated March 20, 1980 includes all rules through May 8, 1980 N.J. Register.)

HUMAN SERVICES — TITLE 10

10:44B	Standards on regulating adult foster homes, skill development homes and supervised apartments	R.1980 d.157	12 N.J.R. 278(e)
10:49-1.3	Amend disclosure of information	R.1980 d.90	12 N.J.R. 193(b)
10:49-1.12	Amend medical assistance claims	R.1980 d.278	12 N.J.R. 481(a)
10:49-1.18, 1.23	Amend nondiscrimination of handicapped recipients	R.1980 d.247	12 N.J.R. 418(d)
10:49-5.5	Amend fair hearing	R.1980 d.33	12 N.J.R. 86(f)
10:49-7.1	Provider reinstatement	R.1980 d.378	12 N.J.R. 599(a)
10:50-1.2—1.4, 2.2, 2.5, 2.6	Amend transportation services	R.1980 d.93	12 N.J.R. 193(e)
10:52-1.6	Amend outpatient hospital services	R.1980 d.313	12 N.J.R. 483(c)
10:52-1.6(c)	Amend out-patient hospital services	R.1980 d.45	12 N.J.R. 125(c)
10:52-1.6(c)	Reimbursement for outpatient hospital services	R.1980 d.337	12 N.J.R. 536(a)
10:52-1.7, 1.13	Amend Hospital Services Manual	R.1980 d.139	12 N.J.R. 278(a)
10:52-1.16	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:52-1.16	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:52-2.12	Assessment of interest on overpayments	R.1980 d.47	12 N.J.R. 126(a)
10:53-1.6	Special Hospital Services Manual	R.1980 d.392	12 N.J.R. 600(c)
10:53-1.14	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:53-1.14	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:53-2.17	Assessment of interest on overpayments	R.1980 d.217	12 N.J.R. 323(c)
10:54-1.5(b)	Amend Physician's Services Manual	R.1980 d.138	12 N.J.R. 277(c)
10:54-1.9	Amend Physicians Services Manual	R.1980 d.91	12 N.J.R. 193(c)
10:54-1.23	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:54-1.23	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:55-1.5(b)3.	Amend Prosthetic and Orthotic Services Manual	R.1980 d.89	12 N.J.R. 193(a)
10:58	Repeal of Independent Clinic Services Manual	R.1980 d.351	12 N.J.R. 536(d)
10:60-2.5	Assessment of interest on overpayments	R.1980 d.46	12 N.J.R. 125(d)
10:63-1.4	Amend consultations in Long Term Care Manual	R.1980 d.340	12 N.J.R. 536(c)
10:63-1.14	Nurses' notes in long term care facilities	R.1980 d.393	12 N.J.R. 600(d)
10:63-3	Amend longterm care facilities rate review guidelines	R.1979 d.482	12 N.J.R. 42(b)
10:63-3.1	Amend penalties for delinquent cost studies	R.1980 d.211	12 N.J.R. 323(b)
10:63-3.5	Amend long-term care manual rate review guidelines	R.1980 d.42	12 N.J.R. 125(b)
10:63-3.18, 3.19	Long term care rate review guidelines	R.1980 d.377	12 N.J.R. 586(d)
10:63-3.21	Long-term care per diem rates	R.1980 d.341	12 N.J.R. 536(b)
10:66	Amend Independent Clinic Manual	R.1980 d.249	12 N.J.R. 418(f)
10:66-1.15	Amend changes of reimbursement for independent clinics	R.1980 d.248	12 N.J.R. 418(e)
10:66-4.18	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:67-1.8	Amend Psychologists Service Manual regarding prior authorization	R.1980 d.137	12 N.J.R. 277(b)
10:81-2.7	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.2, 3.3	Amend determination of presumptive eligibility	R.1980 d.77	12 N.J.R. 126(b)
10:81-3.8	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.17	Amend ways by which continued absence from the home may be established	R.1980 d.222	12 N.J.R. 324(a)
10:81-3.21	Amend residence requirement and support rights	R.1980 d.119	12 N.J.R. 194(d)
10:81-3.27	Amend documentation in AFDC transfers	R.1980 d.330	12 N.J.R. 483(f)
10:81-3.27, 3.28	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-3.32, 3.33, 3.34	Amend temporary absence from home by a parent, parent-person or child	R.1980 d.78	12 N.J.R. 126(c)
10:81-3.37, 3.38	Amend PAM: Identification of resources	R.1980 d.450	12 N.J.R. 664(b)
10:81-3.38	Amend temporary absence from home by a parent, parent-person or child	R.1980 d.78	12 N.J.R. 126(c)
10:81-3.38, 3.40	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.41(a)	Amend recovery of assistance granted on behalf of a child pending settlement of a claim	R.1980 d.80	12 N.J.R. 126(e)
10:81-3.42	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-7.1	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-7.13	Amend retention and destruction of case records	R.1980 d.81	12 N.J.R. 127(a)
10:81-7.22, 7.26	Amend payment of burial and funeral costs	R.1980 d.244	12 N.J.R. 518(a)
10:81-7.32	Amend subpoena notification	R.1980 d.329	12 N.J.R. 483(e)
10:81-8.20	Amend exemption of an institutionalized individual's wages	R.1980 d.188	12 N.J.R. 322(c)
10:81-App.D.	Amend residence requirements and assignment of support rights	R.1980 d.119	12 N.J.R. 194(d)
10:82-1.2	Amend ASH: Allowances	R.1990 d.294	12 N.J.R. 481(b)
10:82-1.4	Amend cross-references to Public Assistance Manual and incorporation of existing policy into the manual	R.1980 d.120	12 N.J.R. 194(e)

10:82-1.6	Amend Assistance Standards Handbook	R.1980 d.79	12 N.J.R. 126(d)
10:82-2.3	Amend grant effective date	R.1980 d.331	12 N.J.R. 484(a)
10:82-2.6	Amend institutionalized child, homemaker service, travel expenses and emergency assistance	R.1980 d.28	12 N.J.R. 86(c)
10:82-2.9	Amend Assistance Standards Handbook	R.1980 d.79	12 N.J.R. 126(d)
10:82-2.13	Amend ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
10:82-2.14	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-2.14(f)	Amend the determination of monthly income of AFDC clients employed on a contractual basis	R.1980 d.82	12 N.J.R. 127(b)
10:82-2.20	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-3.1	Repeal ASH: Rules on resources	R.1980 d.451	12 N.J.R. 664(c)
10:82-3.2	Inclusion of burial plots as exempt resource	R.1980 d.383	12 N.J.R. 599(b)
10:82-3.2	Amend ASH: Savings	R.1980 d.442	12 N.J.R. 663(d)
10:82-3.7	Amend cross-references to Public Assistance Manual and incorporation of existing policy into the manual	R.1980 d.120	12 N.J.R. 194(e)
10:82-4.6	Disregard of certain allowances and payments in AFDC	R.1980 d.384	12 N.J.R. 599(c)
10:82-4.9	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-4.9(c)	Amend increase in monthly rates for foster care as established by DYFS	R.1980 d.83	12 N.J.R. 127(c)
10:82-4.13	Contributions of support by legally responsible relative	R.1980 d.389	12 N.J.R. 600(a)
10:82-5.4, 5.5	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.10	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.10(d)	Amend emergency assistance and victims of domestic violence	R.1980 d.166	12 N.J.R. 278(f)
10:85	Amend forms and references to forms in the general assistance program	R.1980 d.11	12 N.J.R. 86(a)
10:85-3.1, 3.2	Amend general assistance procedures for persons released from State psychiatric institutions	R.1980 d.116	12 N.J.R. 194(a)
10:85-3.2	Amendments on fair hearings and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-3.2	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-3.2	Amend work registration procedures in general assistance program	R.1980 d.122	12 N.J.R. 195(b)
10:85-3.2	Amend application on behalf of a critically ill or hospitalized client by an authorized agent	R.1980 d.152	12 N.J.R. 278(b)
10:85-3.2	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-3.2	Amend out-of-State individuals entering New Jersey medical facilities	R.1980 d.245	12 N.J.R. 418(b)
10:85-3.2	Amend GAM	R.1980 d.252	12 N.J.R. 419(a)
10:85-3.3	Allowance schedule	R.1980 d.310	12 N.J.R. 483(a)
10:85-3.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-3.3	Treatment of funds in trust or joint accounts in GA eligibility	R.1980 d.388	12 N.J.R. 599(f)
10:85-3.3(c)	Amend determination of monthly income for persons employed on a contractual basis	R.1980 d.84	12 N.J.R. 127(d)
10:85-3.3(g)	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:85-3.4	Treatment of funds in trust or joint accounts in GA eligibility	R.1980 d.388	12 N.J.R. 599(f)
10:85-3.4	Amend GAM: Savings	R.1980 d.452	12 N.J.R. 664(d)
10:85-3.5	Amend work registration procedures in general assistance program	R.1980 d.122	12 N.J.R. 195(b)
10:85-3.5	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-3.6	GAM: Overpayments and underpayments	R.1980 d.391	12 N.J.R. 600(b)
10:85-4.6(b)	Amend emergency assistance and victims of domestic violence	R.1980 d.167	12 N.J.R. 279(a)
10:85-4.8	Amend payment of burial and funeral costs	R.1980 d.436	12 N.J.R. 663(c)
10:85-5.2	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-5.2, 5.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-5.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-5.3, 5.4	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-5.3, 5.5	Amendments on medical payments	R.1979 d.495	12 N.J.R. 43(a)
10:85-5.8, 5.9	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-6.3	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-6.8	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-7.1—7.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-7.3	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-7.6	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-10	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-App. C	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:85-App. C	Amend GAM: Income and allowance standards	R.1980 d.295	12 N.J.R. 482(a)
10:87-2.1	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-2.21, 2.29	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-3.18(b)	Amend criteria for student exemption from work registration	R.1980 d.30	12 N.J.R. 86(e)
10:87-3.18, 4.7	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-4.8	Amend exclusion of resources	R.1980 d.220	12 N.J.R. 323(d)
10:87-5.8	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-5.10	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)

10:87-5.10	FSM: Shelter cost deductions	R.1980 d.387	12 N.J.R. 599(e)
10:87-6.9, 6.11 6.13, 6.15	Amend Food Stamp Manual	R.1980 d.459	12 N.J.R. 40(c)
10:87-6.16	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-7.18, 9.1	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-9.7	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-10	Amend Food Stamp Manual	R.1980 d.121	12 N.J.R. 195(a)
10:87-10.1	Amend retention period for source documents	R.1980 d.117	12 N.J.R. 194(b)
10:87-11.15, 11.20	Amend Food Stamp Manual	R.1979 d.422	12 N.J.R. 559(d)
10:87-12	Amend Tables in Food Stamp Manual	R.1979 d.477	12 N.J.R. 42(a)
10:87-12	Amend Food Stamp allotment and income	R.1980 d.296	12 N.J.R. 482(b)
10:87-12.1	Amend income deduction table	R.1980 d.154	12 N.J.R. 278(d)
10:87-12.1	Emergency amend FSM: Standard utility allowance	R.1980 d.418	12 N.J.R. 663(b)
10:90	Repeal Handbook for Home Services	R.1980 d.208	12 N.J.R. 323(a)
10:94-4.33	Amendments concerning Medicaid Only income eligibility levels	R.1980 d.223	12 N.J.R. 324(b)
10:94-5.8	Amend living allowance deductions	R.1980 d.187	12 N.J.R. 322(b)
10:94-5.8	Amend exemption of institutionalized individual's wages	R.1980 d.188	12 N.J.R. 322(c)
10:94-5.8(a)	Amendments concerning living allowance deductions	R.1980 d.27	12 N.J.R. 86(b)
10:99	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:100-1.23	Amend SSI payments	R.1980 d.221	12 N.J.R. 323(e)
10:100-3.5, 3.6, 3.7	Amend payment of burial and funeral costs	R.1980 d.246	12 N.J.R. 418(c)
10:102	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:104-1.19	Pre-adoption home studies in cases of foreign born children	R.1979 d.457	12 N.J.R. 40(b)
10:105	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:107	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:108	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:109-App.I, II	Salary increases for county welfare agencies' employees	R.1980 d.386	12 N.J.R. 599(d)
10:120- Foreword	Amend DYFS administrative foreword	R.1980 d.308	12 N.J.R. 482(c)
10:122	Amend child care standards	R.1980 d.314	12 N.J.R. 483(d)
10:122A	Recodify AFDC Foster Care	R.1980 d.314	12 N.J.R. 483(d)
10:122B	Recodify Family Day Care	R.1980 d.314	12 N.J.R. 483(d)
10:123-2	Boarding homes	R.1980 d.371	12 N.J.R. 586(c)
10:123-3	Adopt personal needs allowance	R.1980 d.358	12 N.J.R. 536(e)
10:130	Dependent/neglected children's shelters	R.1980 d.446	12 N.J.R. 664(a)

(Title 10, Transmittal 13 dated Nov. 13, 1979 includes all rules through Dec. 6, 1979 N.J. Register.)

CORRECTIONS — TITLE 10A

10A:32	Manual of standards for juvenile detention facilities	R.1980 d.14	12 N.J.R. 87(b)
10A:33	Repeal parole regulations	R.1980 d.367	12 N.J.R. 600(e)
10A:35	Repeal parole regulations	R.1980 d.367	12 N.J.R. 600(e)
10A:70-1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-1.11	Temporary postponements of certain provision of Parole Act of 1979	R.1980 d.174	12 N.J.R. 335(a)
10A:70-1.11	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-8.1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71-3	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)
10A:71-3.3, 3.4, 3.19	Amended Rules of State Parole Board	R.1980 d.226	12 N.J.R. 335(b)
10A:71-7.15	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)
10A:71-7.16	Amend State Parole Board rules	R.1980 d.226	12 N.J.R. 335(b)
10A:71-7.18	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)

(Title 10A, Transmittal 4 dated Nov. 13, 1979 includes all rules through Jan. 10, 1980 N.J. Register.)

INSURANCE — TITLE 11

11:4-16.8(b)	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-16	Minimum standards for health insurance	R.1980 d.176	12 N.J.R. 342(c)
11:4-17.6, 17.7	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-18	Minimum standards for health insurance	R.1980 d.176	12 N.J.R. 342(c)
11:4-21	Life insurance policies—limited death benefit as alternative to underwriting	R.1980 d.265	12 N.J.R. 423(c)
11:5-1.15	Amend real estate business cards	R.1980 d.279	12 N.J.R. 484(d)
11:5-1.15(l)	Amend advertising	R.1980 d.52	12 N.J.R. 128(a)
11:5-1.15(m)	Amend advertising	R.1980 d.213	12 N.J.R. 343(a)
11:5-1.16	Amend listing agreements and contracts of sale	R.1980 d.408	12 N.J.R. 665(c)
11:5-1.16	Emergency amend contracts of sale and listing agreements	R.1980 d.409	12 N.J.R. 665(d)
11:5-1.16(c)	Amend advertising	R.1980 d.51	12 N.J.R. 127(e)

11:5-1.16(c)	Amend listing agreements and contracts	R.1980 d.214	12 N.J.R. 342(d)
11:5-1.16(c)	Amend contracts of sale and listing agreements	R.1980 d.274	12 N.J.R. 423(d)
11:5-1.28	Amend approved schools requirements	R.1980 d.441	12 N.J.R. 665(e)
11:5-1.32	Amend rental location operations	R.1980 d.447	12 N.J.R. 666(a)

(Title 11, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

LABOR AND INDUSTRY — TITLE 12

12:15-1.5	Contribution rates of governmental entities	R.1980 d.354	12 N.J.R. 543(a)
12:15-1.3	Maximum weekly benefit rates	R.1980 d.355	12 N.J.R. 543(b)
12:15-1.4	Taxable wage base under Unemployment Compensation	R.1980 d.356	12 N.J.R. 543(c)
12:35	Assignment of employable general assistance recipients to worksites	R.1980 d.162	12 N.J.R. 280(b)
12:57	Amend wage orders for minors	R.1980 d.431	12 N.J.R. 666(d)
12:56	Amend Wage and Hour Law	R.1980 d.430	12 N.J.R. 666(c)
12:58	Amend child labor rules	R.1980 d.432	12 N.J.R. 666(e)
12:60	Emergency amend prevailing wage rate determination	R.1980 d.410	12 N.J.R. 666(b)
12:105	Arbitration	R.1980 d.397	12 N.J.R. 605(a)
12:200	Amend liquefied petroleum gases	R.1980 d.143	12 N.J.R. 280(a)
12:235-1.5	Amend benefit rates	R.1980 d.357	12 N.J.R. 543(d)

(Title 12, Transmittal 12 dated January 17, 1980 includes all rules through April 10, 1980 N.J. Register.)

LAW AND PUBLIC SAFETY — TITLE 13

13:2-4, -40	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-20, -23, -24	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-26	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-26.1	Amend Division rules	R.1980 d.72	12 N.J.R. 156(a)
13:2-33, 36	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-40	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:20-28	Inspection of new passenger vehicles and motorcycles	R.1980 d.345	12 N.J.R. 551(c)
13:21-4.1	Amend statements of origin	R.1980 d.112	12 N.J.R. 209(c)
13:21-14	Amend bus drivers	R.1980 d.114	12 N.J.R. 209(e)
13:25-8.5	Amend motorized bicycles	R.1980 d.113	12 N.J.R. 209(d)
13:28-1.54	Amend beauty culture notice requirements	R.1980 d.94	12 N.J.R. 208(b)
13:28-1.56	Beauty shop price posting	R.1980 d.229	12 N.J.R. 433(b)
13:28-2.6	Amend names of schools	R.1980 d.261	12 N.J.R. 434(c)
13:28-2.11	Amend non-English speaking student enrollment	R.1980 d.109	12 N.J.R. 209(a)
13:28-2.24	Amend student standards and requirements	R.1980 d.262	12 N.J.R. 434(d)
13:28-2.24	Repeal of part of rule exempting male beauty students from performing manicuring and facial work	R.1980 d.228	12 N.J.R. 433(a)
13:28-2.33	Amend beauty culture curriculum	R.1980 d.94	12 N.J.R. 208(b)
13:29-3.13	Repeal competitive bidding for services	R.1980 d.429	12 N.J.R. 672(c)
13:30-8.3	Amend general anesthesia rules	R.1980 d.423	12 N.J.R. 672(b)
13:30-8.4	Announcements of practice in special area of dentistry	R.1980 d.368	12 N.J.R. 609(a)
13:30-8.8	Amend emergency dental patient records	R.1980 d.457	12 N.J.R. 672(f)
13:33-1.11, 1.12, 1.15, 1.16	Amend licensure requirements	R.1980 d.201	12 N.J.R. 348(c)
13:35-6.16	Uses of amphetamines and sympathomimetic amines	R.1980 d.380	12 N.J.R. 609(c)
13:35-6.16(a)	Uses of amphetamines and sympathomimetic amines	R.1980 d.379	12 N.J.R. 609(b)
13:35-6.18	Provision of radiological services	R.1980 d.344	12 N.J.R. 551(b)
13:37-3.6, 4.1	Amend rules on foreign nurses and licensure by endorsement	R.1980 d.416	12 N.J.R. 671(a)
13:38-2.2	Amend examination equipment	R.1980 d.202	12 N.J.R. 348(d)
13:39-5.7, 5.11, 5.15	Amend reciprocal licensure	R.1980 d.259	12 N.J.R. 434(a)
13:39-6.9	Availability of records	R.1980 d.260	12 N.J.R. 434(b)
13:40-6.1	Repeal engineers' and surveyors' fee for transmittal of grades or certification	R.1980 d.417	12 N.J.R. 671(b)
13:41-1.2, 1.3	Amend rules governing use of seals	R.1980 d.445	12 N.J.R. 672(e)
13:41-3.2	Annual license fees and charges	R.1980 d.179	12 N.J.R. 348(a)
13:45A-9	Amend merchandise advertising	R.1980 d.200	12 N.J.R. 348(b)
13:45A-14.4, 14.5	Amend unit pricing of consumer commodities in retail establishments	R.1980 d.444	12 N.J.R. 672(d)
13:45A-16	Home improvement practices	R.1980 d.111	12 N.J.R. 209(b)
13:47A-25.3	Amend disclosure of material terms to wire services	R.1980 d.155	12 N.J.R. 284(a)
13:47C-1.1, 3.1	Amend firewood and cordwood rules	R.1980 d.421	12 N.J.R. 672(a)
13:47C-5	Precious metals sales	R.1980 d.420	12 N.J.R. 671(c)
13:70-12	Amend claiming requirements	R.1980 d.95	12 N.J.R. 208(c)
13:70-29.56	Pick-Six pool	R.1980 d.286	12 N.J.R. 494(a)

(Title 13, Transmittal 15 dated February 15, 1980 includes all rules through March 6, 1980 N.J. Register.)

PUBLIC UTILITIES — TITLE 14

ENERGY — TITLE 14A

14:3-7.9	Amend utility bill form	R.1980 d.299	12 N.J.R. 495(d)
14:3-7.9(b)	Estimated bills for residential customers	R.1980 d.44	12 N.J.R. 156(d)
14A:3-2.2, 2.11	Amend energy conservation	R.1980 d.281	12 N.J.R. 495(a)
14A:3-4.2, 4.4	Repeal gas burning ignition	R.1980 d.280	12 N.J.R. 494(c)
14A:3-8.2, 8.4, 9.2, 9.3, 9.4	Amend energy conservation	R.1980 d.281	12 N.J.R. 495(a)
14A:3-10	Energy conservation certificate of compliance	R.1980 d.282	12 N.J.R. 495(b)
14A:3-11	Used oil	R.1980 d.283	12 N.J.R. 495(c)

(Title 14, Transmittal 13 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

(Title 14A, Transmittal 5 dated January 17, 1980 includes all rules through July 10, 1980 N.J. Register.)

STATE — TITLE 15

15:15-10	Amend Administrative hearings	R.1980 d.275	12 N.J.R. 362(a)
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(Title 15, Transmittal 11 dated May 17, 1979 includes all rules through June 5, 1980 N.J. Register.)

PUBLIC ADVOCATE — TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978 includes all rules to date.)

TRANSPORTATION — TITLE 16

16:19	Repeal Traffic Operations Program to Increase Capacity and Safety	R.1980 d.415	12 N.J.R. 675(c)
16:21	State aid to counties and municipalities	R.1980 d.127	12 N.J.R. 215(a)
16:22	Urban revitalization, special demonstration and emergency projects	R.1980 d.333	12 N.J.R. 553(b)
16:28-1.11	Speed limits: Terrill Road	R.1980 d.145	12 N.J.R. 289(c)
16:28-1.72, 1.77	Speed zones on Routes U.S. 206, N.J. 29	R.1980 d.346	12 N.J.R. 553(d)
16:28-1.81	Speed zones on Route N.J. 49	R.1980 d.346	12 N.J.R. 553(d)
16:28A-1.2	Amend restricted parking on U.S. Routes 1 and 9	R.1980 d.413	12 N.J.R. 675(a)
16:28A-1.7	Amend restricted parking	R.1980 d.292	12 N.J.R. 496(d)
16:28A-1.9	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.19, 1.20	Amend restricted parking	R.1980 d.290	12 N.J.R. 496(b)
16:28A-1.21	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.21	Restricted parking: Route 30	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.22, 1.25	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.26	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.26	Amend restricted parking	R.1980 d.290	12 N.J.R. 496(b)
16:28A-1.32, 1.33	Amend restricted parking	R.1980 d.291	12 N.J.R. 496(c)
16:28A-1.33	Emerg. amend restricted parking on Route 47	R.1980 d.414	12 N.J.R. 675(b)
16:28A-1.35	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.46, 1.51	Restricted parking: Routes 130, 168	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.61	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.61	Restricted parking: Route 41	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.61—1.63	Amend restricted parking	R.1980 d.292	12 N.J.R. 496(d)
16:30-3.1(c)	Amend lane usage on Route 35	R.1980 d.342	12 N.J.R. 553(c)
16:30-5.1	Amend traffic and parking at Metro Park Train Station	R.1980 d.128	12 N.J.R. 289(b)
16:31-1.4, 1.7	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)
16:31-1.15	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)

(Title 16, Transmittal 13 dated March 20, 1980 includes all rules through April 10, 1980 N.J. Register.)

TREASURY-GENERAL — TITLE 17

17:1-1.3	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-4.13	Amend pension cash purchase discounts	R.1980 d.302	12 N.J.R. 497(d)
17:1-8.7, 8.8, 8.12	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:3-1.4	Amend teachers' pension member-trustee election	R.1980 d.405	12 N.J.R. 678(a)
17:3-3.4	Amend contributory insurance rate of contribution	R.1980 d.175	12 N.J.R. 354(a)
17:4-1.8, 1.11 3.3, 4.10, 6.7, 6.8, 6.12, 6.14	Amend Police and Firemen's Retirement System	R.1980 d.135	12 N.J.R. 290(a)
17:5-1.7	Amend State Police Retirement System	R.1980 d.209	12 N.J.R. 355(d)
17:5-5.7, 5.8	Amend State Police Retirement	R.1980 d.209	12 N.J.R. 355(d)
17:8-2.10, 2.11	Repeal Supplemental Annuity reports and remittances	R.1980 d.419	12 N.J.R. 678(b)
17:9-2.15	Amend major medical reimbursement	R.1980 d.300	12 N.J.R. 497(b)
17:12-1.1, 2.4, 2.5, 2.7, 2.8, 3.3	Amend administrative procedures of Purchase Bureau	R.1980 d.142	12 N.J.R. 293(a)
17:12-7.2(a)	Amendments concerning debarment, suspension and disqualification of a person	R.1980 d.141	12 N.J.R. 292(a)
17:16-5.5	Amend fund classification	R.1980 d.315	12 N.J.R. 497(e)
17:16-31.7— 31.12	Amend common Treasury Fund A	R.1980 d.235	12 N.J.R. 436(a)
17:16-41	Amend Cash Management Fund	R.1980 d.443	12 N.J.R. 679(a)
17:20-5.10	Emergency amend agent's compensation	R.1980 d.460	12 N.J.R. 681(a)
17:21-1.4	3-Of-A-Kind Instant Lottery	R.1980 d.372	12 N.J.R. 619(b)
17:21-8.1	Emergency amend unclaimed prize money	R.1980 d.459	12 N.J.R. 680(b)
17:21-12.1, 13.1	Emergency amend Pick-It and Pick-4 Lotteries	R.1980 d.458	12 N.J.R. 680(a)
17:21-15	Pick-6 (Lotto) Lottery	R.1980 d.136	12 N.J.R. 290(b)

(Title 17, Transmittal 14 dated March 20, 1980 includes all rules through April 10, 1980 N.J. Register.)

TREASURY-TAXATION — TITLE 18

18:5-6	Amend Cigarette Tax Act	R.1980 d.194	12 N.J.R. 354(b)
18:7-3.6	Amend Corporation Business Tax Act and method of company tax and net income base	R.1980 d.146	12 N.J.R. 293(b)
18:12-1.1	Amend categories of nonusable deed transactions	R.1980 d.62	12 N.J.R. 162(a)
18:12-6, -6A	Amend home improvement exemptions	R.1980 d.253	12 N.J.R. 436(b)
18:12-6A.6	Adoption on home improvement exemption	R.1980 d.335	12 N.J.R. 554(c)
18:12-9	Moratorium on taxation of mobile homes as real property	R.1980 d.147	12 N.J.R. 293(c)
18:12A-1.7(c)	Amend filing fees and county boards of taxation	R.1980 d.148	12 N.J.R. 293(d)
18:18-12.5	Amend the Motor Fuels Tax Act	R.1980 d.195	12 N.J.R. 354(c)
18:24-7.18	Amend sales and use tax; commercial motor vehicles	R.1980 d.197	12 N.J.R. 355(a)
18:24-7.19	Taxation of mobile homes	R.1980 d.149	12 N.J.R. 293(e)
18:24-14.3	Deletion of part of rule on hospital sales of meals	R.1980 d.196	12 N.J.R. 354(d)
18:24-16.1, 16.2 16.5—16.7	Amend coin-operated vending machines and appropriate sales tax	R.1980 d.150	12 N.J.R. 293(f)
18:24-22.1, 22.3	Amend floor covering and the Sales and Use Tax Act	R.1980 d.102	12 N.J.R. 224(d)
18:25	Emergency rules on Atlantic City Luxury Tax	R.1980 d.437	12 N.J.R. 678(c)
18:26	Amend transfer inheritance tax	R.1980 d.198	12 N.J.R. 355(b)
18:26-3.10, 5.14, 5.15	Amend transfer inheritance	R.1980 d.287	12 N.J.R. 497(a)
18:26-8.9, 9.14, 10.5, 11.15, 12.9	Amend transfer inheritance	R.1980 d.287	12 N.J.R. 497(a)
18:37	Spill Compensation and Control Act	R.1980 d.199	12 N.J.R. 355(c)

(Title 18, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

TITLE 19 SUBTITLES A-L — OTHER AGENCIES (Except Casino Control Commission)

19:4-6.28	Amend district zoning regulations	R.1980 d.43	12 N.J.R. 164(a)
19:8-2.11	Amend concerning Garden State Arts Center	R.1980 d.189	12 N.J.R. 355(e)
19:8-7.3(b)	Amendments concerning inspection and obtaining authority records regarding State Police reports	R.1980 d.131	12 N.J.R. 294(a)
19:25	Election activity	R.1980 d.348	12 N.J.R. 557(a)
19:25	Lobbying	R.1980 d.350	12 N.J.R. 558(a)
19:25-8	Rules on lobbying disclosure	R.1980 d.349	12 N.J.R. 557(b)
19:25-19.1-19.6	Interim public financing of gubernatorial primary elections	R.1980 d.411	12 N.J.R. 681(b)

(Title 19, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

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(c) In the administration of these policies, no credit toward a baccalaureate degree may be awarded for basic skills courses. Colleges may grant credit toward the baccalaureate for satisfactory performance in college-level academic courses that have an additional skills component.

9:2-8.2 The Meaning of the baccalaureate degree

(a) A baccalaureate degree holder should be able to deal creatively and realistically with personal, community, national, and international concerns. A college graduate should be able to think logically, to act rationally, and to make appropriate decisions about the future based on past and present conditions and circumstances. He should also possess an understanding of ethics and aesthetics as a foundation for the development of a value system that can be translated into effective participation in society.

(b) To qualify for the baccalaureate degree, a student must:

1. Achieve mastery in the use of the English language;
2. Understand and be able to apply the scientific method and basic scientific and mathematical concepts;
3. Gain a perspective of the social sciences, knowledge about the interaction of human groups, about world and U.S. history and institutions, and about comparative economic systems;
4. Have acquired basic knowledge and competencies in the humanities, such as literature, philosophy, and the arts, and a knowledgeable appreciation of the value of the humanities to the individual and to society; and
5. Achieve mastery of a subject or interdisciplinary field and be aware of his specialty's relationship to a career or graduate school experience.

(c) These competencies must be carefully and appropriately evaluated.

9:2-8.3 Distribution standards for the baccalaureate degree

(a) Baccalaureate programs at the State colleges comprise general education, major concentration, and elective coursework.

[9:2-8.2 General education]

(b) The Board considers that the role of an institution of higher education is to provide broad knowledge of the world in which we live by study of the major divisions into which man's accumulated knowledge has traditionally been organized. This would imply [two things: the organization of the college courses along the lines of the principal disciplines, and] some substantial exposure to several disciplines before a student may be awarded a baccalaureate degree. [At least] Approximately one-half of the student's time during a [four-year] baccalaureate program should be devoted to acquiring a solid base of understanding of the [scope] accumulated store of [man's] knowledge. An exception may be made for specialized degree programs as hereinafter indicated. In all cases, this broad general educational base can be [accomplished by] established through survey courses, inter-disciplinary programs which relate major fields or bodies of knowledge, and depth courses in the various disciplines taught by specialists and carefully chosen because of the insight these particular courses can provide into the nature of the larger discipline.

[9:2-8.3 Depth in a discipline]

(c) A student should pursue [some one] a discipline or course of study in sufficient depth to be acquainted with both the basic body of knowledge therein and the frontiers to which [the discipline] it reaches. [Thus, it

TITLE 19 SUBTITLE K — CASINO CONTROL COMMISSION

19:41-8.6	Amend withdrawal of applications	R.1980 d.159	12 N.J.R. 295(a)
19:41-8.8	Reapplication by natural persons	R.1980 d.160	12 N.J.R. 295(b)
19:45-1.11	Amend casino licensee's organization	R.1980 d.232	12 N.J.R. 447(c)
19:47	Amend rules of the games	R.1980 d.132	12 N.J.R. 294(c)
19:47	Corrected version of amendments to rules of the games	R.1980 d.136	12 N.J.R. 357(a)
19:47-5.7(d)	Amend minimum wagers on Big-Six Wheel	R.1980 d.133	12 N.J.R. 294(d)
19:54	Amendments concerning the gross revenue tax	R.1980 d.134	12 N.J.R. 294(e)

(Title 19 Subtitle K, Transmittal 1 dated January 17, 1980 includes all rules through April 10, 1980 N.J. Register.)

would seem appropriate that another fourth of the student's time during his college career should be devoted to this concentration in a major academic field.] The credit requirements for major areas of concentration will vary according to type of program:

1. Within a Bachelor of Arts program, major courses should represent one-quarter to one-third of the degree program.

2. Within a Bachelor of Science program, up to one-half of the degree may be taken in major or required collateral courses.

3. Within specialized degree programs, such as the B.F.A. and the B.Mus., major course requirements may exceed one-half of the total required for the degree. While the major component of some specialized degree programs requires a heavy commitment, in no case should the curriculum be so specialized that the aims of a liberal undergraduate education are relegated to a position of secondary importance.

[9:2-8.4 Professional and elective courses]

(d) [The Board believes that] Within the remaining [fourth] portion of the curriculum the student's time should be devoted to [pre-professional, professional, and] elective subjects.

[9:2-8.9] 9:2-8.4 Campus initiative

While the Board understands that there will be variations in the baccalaureate degree distribution pattern among colleges and programs, it expects the colleges to adhere to the substance of the guidelines. The Board also wishes to underscore [what has been noted before] its belief that the primary responsibility for the development of curricula and for the academic health of the institution lies with the faculty, administration and trustees of the individual college. The Board of Higher Education is keenly interested in [these developments at the several colleges] the improvement of academic standards and through the Chancellor and the Department expects to be kept currently informed so that it may exercise its proper responsibility within the system. In this context, the Board will support wholeheartedly, to the limit of its ability, efforts by each of the colleges to improve the quality of education and expand educational opportunity.

(9:2-8.5, 8.6, 8.7, 8.8 and 8.10 are repealed in their entirety.)

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 26, 1980 to:

Mr. Eric M. Perkins
Special Assistant to the Chancellor
Department of Higher Education
225 West State Street
P.O. Box 1293
Trenton, New Jersey 08625

The Board of Higher Education may thereafter adopt the proposed amendments without further notice.

(a)

HIGHER EDUCATION

STUDENT ASSISTANCE BOARD

Proposed Amendments on Academic Eligibility For Undergraduate Grants

The Student Assistance Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-26.8, proposes to amend N.J.A.C. 9:7-4.6 concerning aca-

ademic eligibility for undergraduate grants in the Garden State Scholarship Program.

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

9:7-4.6 Academic eligibility for undergraduate [grants] scholarships

(a) There are three methods by which the academic eligibility can be determined by New Jersey collegiate institutions. These are prescribed in this section.

(b) [(a)] Academic Index computation rules [are as follows.]

1. - 3. (No change in text.)

[(b)] To qualify for a Garden State Scholarship, an applicant must attain a minimum A1 of [200 except for those applicants who rank in the top 10% of their graduating classes. Students ranking in the top 10% shall be eligible regardless of test scores.] 210. Applicants with a rank in class in the lowest quartile shall be ineligible for a Garden State Scholarship regardless of A1.

(c) Applicants who rank in the top 10% of their high school graduating classes shall be eligible regardless of test scores.

(d) Students who have not attended high school for a period of at least two years prior to entering college shall be allowed to meet the academic eligibility criterion by earning a 3.6 grade point average (GPA) on a 4.0 grading scale during their first semester of full-time college attendance. Students selected by this means shall begin receiving their scholarships at the beginning of the following academic year.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 26, 1980 to:

Eric M. Perkins
Administrative Practice Officer
N.J. Department of Higher Education
225 West State Street
Trenton, N.J. 08625

The Student Assistance Board may thereafter adopt rules concerning this subject without further notice.

(b)

HIGHER EDUCATION

EDUCATIONAL OPPORTUNITY FUND BOARD

Proposed Amend EOF Guidelines and Program Support Regulations

The Educational Opportunity Fund Board in the Department of Higher Education, pursuant to the authority of N.J.S.A. 18A:71-34, proposes to amend N.J.A.C. 9:11-1.8, 1.9; 9:12-1.1, 1.2, 1.4, 1.6, 1.7, 1.9, 1.11, 1.15, and 1.16 concerning EOF guidelines and program support regulations.

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

9:11-1.8(c) The E.O.F. Board of Directors shall annually review the state grant amounts of E.O.F. students and make adjustments if necessary. The minimum, standard awards, and Hold Harmless maximum range for adjustments to Graduate and Undergraduate E.O.F. grants for each type of institution follows:

	Mini- mum	Stand- ard	Hold Harm- less Maxi- mums for Grand- fathering
Undergraduate			
2-Year Public Colleges	\$200	\$ 350	\$ 750
4-Year Public Colleges			
Commuter	200	350	950
Residential	200	600	1,200
Rutgers, N.J.I.T.			
Commuter	200	350	950
Residential	200	600	1,200
Independent Colleges	200	1,200	2,000
[Out-of-State Colleges Renewal Students Only]	[200]	[1,000]	
	Mini- mum	Stand- ard	
Graduate			
4-Year Public Colleges	\$200	\$1,500	
4-Year Independent Colleges	200	2,500	
Rutgers, N.J.I.T.	200	2,500	
C.M.D.N.J./F.D.U.			
Dental School	200	4,000	

9:11-1.9(a) No student shall be eligible for undergraduate E.O.F. for more than 12 semesters or its equivalent of undergraduate study. Students in an established five year undergraduate course of study shall be eligible for an additional two semesters beyond the 12 semesters as stipulated above. Graduating seniors in their last semester of study, may take less than 12 credits (full-time status) and remain eligible for E.O.F.

CHAPTER 12. PROGRAM SUPPORT

...

PREFACE

N.J.S.A. 18A:71-39 provides that the Chancellor of Higher Education shall develop, establish and maintain programs of remedial and supplementary education for students who receive assistance under the Educational Opportunity Fund. These regulations govern the process by which institutions receive and utilize funds pursuant to this statutory authority. E.O.F. students, as students of the institution who pay tuition and for whom the institution receives state support other than EOF, are entitled to all services available to all other students at the institution. EOF funds are intended to supplement and not supplant existing services provided by the institution. The EOF program may not be charged directly nor through the institutional match provision of these regulations for services which are not over and above those provided to the general student population.

9:12-1.1 Institutional eligibility

(a) Any undergraduate institution in New Jersey which enrolls students who receive grants under the EOF Program is eligible to apply for program support funds in accordance with regulatory provisions of this section.

(b) Programs must serve only matriculated students who are working toward a degree.

9:12-1.2 Eligible EOF Program requirements

(a) Any program shall be eligible for funding consideration which increases access to higher education for students eligible for EOF grants, improves EOF student academic performance and promotes student retention, promotes student progress toward graduation within the established period of program eligibility and within the academic regulations of the institution, and provides ef-

fective administrative support for the operation of the EOF Program within the institution. All programs must meet all of these objective mandates for funding under this provision. Such programs may include—but are not limited to: [academic and financial advisement, personal and career counseling, tutoring and remediation services and experimental projects for research and development of innovative practices.]

1. Recruitment and screening of prospective students for college enrollment;
2. Testing of prospective and admitted students;
3. Academic and financial advisement;
4. Personal and career counseling;
5. Tutorial services;
6. Remedial/developmental instruction;
7. A structured summer orientation program with academic and counseling support services;
8. Financial assistance;
9. Experimental projects for research and development of innovative practices;
10. Administration of the above services.

9:12-1.4 Institutional commitment

(a) Institutions which participate in the EOF Program are expected to provide a broad range of supportive services to students enrolled in the program. [Institutions shall provide funding equivalent to no less than 50% of the proposed total cost of each program to be supported by EOF grant funds. The Executive Director may authorize funding equivalent to no less than 40 percent during the 1978-79 academic year, in cases where such action is warranted.]

1. Matching funds:

i. A minimum 50 percent match of the EOF grant is required from institutional resources. Institutional accounts must be structured to reflect this contribution by appropriate line item.

ii. Federal and State grant funds may not be used for matching purposes.

iii. It is expected that high level institutional officers who are required to serve all students will normally not be included as part of the institutional match. In cases where these individuals are included, a detailed justification must accompany the proposal. The justification should include services provided to the EOF students which would not normally accrue to the student as a result of his/her tuition payment.

iv. Generally, personnel who provide direct services to students will be allowed but must meet the above criteria for institutional match.

2. Indirect expenses: Indirect expenses may not exceed 10 percent of the total grant in meeting the match. (e.g., space, light, heat, etc.)

[(b) The proposed institutional share of program costs shall include both cash or in-kind contributions to the program. A "cash" contribution is defined as funds to be allocated and disbursed by the institution to the program (i.e., salaries, services, office rental). An "in-kind" contribution may be defined as real property owned by, donated or loaned to the institution; non-expendable personal property; or the value of goods and services directly provided to the program.]

(b) [(c)] The EOF Executive Director shall conduct a review of any exceptional items to determine acceptability of in-kind contributions on all proposal applications and make recommendation to the EOF Board of Directors. Institutions may appeal this decision by submitting written request to the EOF Executive Director within a review of the appeal and make appropriate recommendation to the Board of Directors.

1. The institutional share may consist of:

i. Program cost financed with funds contributed or donated to the institution by public agencies, private organizations and individuals.

[ii. Program costs for volunteered personal services.]

[iii.] ii. (No change in text.)

[iv.] iii. (No change in text.)

2. (No change in text.)

9:12-1.6 (a) Each participating institution with 16 or more students which receives program support funds under Article IV is required to have a full-time Director responsible for the administration of the EOF Program. [EOF Article IV awards will allow for 50 percent of the cost of the Director's salary to insure maximum administrative support to the program.] Working procedures with the various deans, the admissions office and the financial aid office must be delineated.

9:12-1.7 Recruitment and admission

(a) Each participating institution shall develop and implement an annual plan for the recruitment of potential students for the EOF Program. This plan shall be appended to the proposal application. The plan will identify a significant pool of potential students from specific disadvantaged groups in the geographic region. Target populations shall include significant numbers of students with a background of historical poverty (in the black, Puerto Rican, and other Hispanic communities, as well as other disadvantaged ethnic groups of the region). In addition, the plan shall identify a significant pool of potential non-traditional students such as welfare recipients, unemployed or underemployed adults, and participants enrolled in CETA and Veterans Programs, as well as various social rehabilitation services in the community. The recruitment plan shall include [sufficient data to support specific objectives and recruitment procedures for the target populations.] the timetable, goals, objectives and selection process for EOF students at the participating institution.

(b) The institution, through its admissions and EOF staff, has the inherent responsibility for the recruitment of EOF students. The staff must have the requisite skills and information to accurately convey the goals and objectives of the EOF institutional program. EOF staff will give support to the primary recruitment program (i.e., assist in identifying, interviewing and selecting prospective program participants) but, ultimately, the institution is to be held accountable for the recruitment yield on an annual basis.

9:12-1.9(a)2 Counseling: Each institution shall provide counseling programs designed to assist students [in improving academic performance. Such counseling programs may also include financial and personal advisement on various aspects of a student's life, and career planning after graduation.] to realize their personal and educational goals.

i. Each program shall maintain counseling records. Included shall be student background information, academic data (transcripts, grade reports, warning notices), enrollment data (termination forms, leaves of absence), financial aid awards, and counseling logs.

9:12-1.9(a)3. Tutoring: Each institution shall provide well-defined programs of tutoring and study supervision [directed toward the correction of academic difficulty.] to assist students to resolve learning difficulties.

i. The program shall maintain detailed tutorial records for accounting and evaluation.

9:12-1.9(b) Record keeping and data collection:

1. Data collection is essential to the identification of target populations and the development of admissions criteria. Data to support recruitment and admissions should include student's high school, home address, home county, sex, ethnicity, family income, standardized test scores, high school transcript (rank, average, coursework, and the type of diploma), other educational experience records (GED, transfers), renewal status. Other component data should include recruitment schedule, number of applications received, number eligible or ineligible, number admitted, number matriculating.

2. Each institution participating in this program shall maintain thorough academic and financial aid files on program participants. This information shall include, but not be limited to the following:

i. Data and assessment of student performance in the area of basic skills;

ii. Data and assessment of counseling programs designed to assist students in improving academic performance;

iii. Data and assessment of tutorial services directed toward the resolution of academic difficulty;

iv. Data and assessment of the career and graduate placement assistance provided to program participants.

3. Periodic reports will be requested. Failure to submit reports in a timely manner may result in cancellation or non-payment of the grant award.

9:12-1.9(c) Students for whom English is second language:

1. Supportive services which serve to enhance and strengthen the academic performance of students for whom English is a second language must be established to address the needs of students who are recruited and admitted to the program. The supportive services should include:

i. Counseling, tutorial and diagnostic services designed to address the unique needs of the target population;

ii. Bilingual personnel who are knowledgeable and sensitive to the culture and language of the target population;

iii. Courses and programs designed to meet the language and academic deficiencies of students.

2. The combination of all those services listed in 1 above should facilitate and promote the academic success of students and develop knowledge and skills commensurate with those of the regular student population. The institution, in cooperation with the program director must establish minimum standards for these programs, develop guidelines for their evaluation, conduct periodic student performance and program reviews.

9:12-1.11(c) EOF students must be matriculated as full-time students according to the institutional definition.

9:12-1.15(c) EOF funds must not be used for the following items:

1. Employee benefits for student assistants;

2. Equipment;

3. Indirect expenses (e.g., over-head cost - space, heat, lights).

9:12-1.15(d) E.O.F. grant funds may not be transferred between and among budget categories without prior written approval from the Executive Director. Failure to follow this procedure will result in a disallowance of the unapproved expenditure. Such transfer may only be negotiated in accordance with the established EOF Required Submission Timetable. No transfers will be honored or approved beyond the close of the contract period (June 30).

9:12-1.15(e) Institutional matching funds may be transferred between line items in amounts not to exceed 10 percent of any line item without approval. Amounts in excess of the above provision must receive prior approval of the Executive Director. This provision refers only to the cash portions of the institutional contribution and does not apply to in-kind (non-cash) contributions.

9:12-1.16(d) Grants may be suspended because of the failure of an institution to carry out the conditions as stipulated in the approved proposal. Grants already made may also be recovered by withholding a like amount from any other State aid otherwise due the institution in the event the institution does not carry out the program or does not comply with the requirements of the grant.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 26, 1980 to:

Rupert Jemmott
Executive Director
Educational Opportunity Fund
4 Quakerbridge Plaza
P.O. Box 1417
Trenton, New Jersey 08625

The Educational Opportunity Fund Board may thereafter adopt rules concerning this subject without further notice.

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Resident/Non-Resident Tuition At Public Colleges and Universities

On September 26, 1980, the Board of Higher Education in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:62-4 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:5-1.1, 1.2, 1.3 and 1.4 concerning resident/non-resident tuition charges at public colleges and universities as proposed in the Notice published July 10, 1980 at 12 N.J.R. 408(a) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed and became effective on October 3, 1980 as R.1980 d.428.

(b)

HIGHER EDUCATION

STUDENT ASSISTANCE BOARD

Tuition Aid Grant and Garden State Scholarship Programs

On October 16, 1980, Luis Nieves, Acting Chairman of the Student Assistance Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-48 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:7-2.12 concerning refunds and repayment of grant and scholarship funds in the event a student withdraws or is dismissed from an institution during the period of

his or her grant or scholarship award as proposed in the Notice published March 6, 1980 at 12 N.J.R. 117(c) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed and became effective on October 16, 1980 as R.1980 d.461.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Hospital and Special Hospital Manual on Professional Standards Review Organization

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:52-1.1 and 1.4 and 10:53-1.1 and 1.4 concerning the Professional Standards Review Organization (PSRO).

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

10:52-1.1 Definitions

"PSRO" means a federally designated Professional Standards Review Organization which has a signed and federally approved Memorandum of Understanding (M.O.U.) with the New Jersey Medicaid Program to perform the specific functions authorized by the Federal Regional Office of the Health Care Financing Administration of the United States Department of Health and Human Services.

"PSRO Hospital" means a New Jersey Hospital approved as a Medicaid provider which has signed a Memorandum of Understanding (M.O.U.) with a New Jersey PSRO and for which New Jersey Medicaid has been relieved of liability from Federal surveys and audits regarding Physician Certification, Plan of Care, and Review of Admission and Continued Stay.

10:52-1.4(a)9. In a PSRO hospital, the certification by the PSRO as to the medical necessity for both the admission and continued length of stay shall be accepted as binding for payment purposes. Submission of physician certification and/or recertifications is not necessary.

i. Exception—Psychiatric treatment in an approved PSRO general hospital.

(1) Length of stay: reimbursement for inpatient care shall be based upon the medical necessity of the admission as determined by the PSRO but may not exceed 40 days unless supported by prior authorization.

(2) Prior Authorization:

(A) When more than 40 days of inpatient care is deemed necessary by the attending physician, a letter of request for prior authorization for the continued stay must be submitted no later than the 30th hospital day. The request must specify in detail why continued hospitalization is necessary for the patient and is to be submitted to:

Chief, Mental Health Service
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

(B) The request must specify the actual number of days for which authorization is requested.

(C) Failure to obtain prior authorization will result in

non-payment of the hospital's claim for all days beyond the 40th day, and all physicians claims for the corresponding period will also be denied for payment.

10:53-1.1 Definitions

“PSRO” means a federally designated Professional Standards Review Organization which has a signed and federally approved Memorandum of Understanding (M.O.U.) with the New Jersey Medicaid Program to perform the specific functions authorized by the Federal Regional Office of the Health Care Financing Administration of the United States Department of Health and Human Services.

“PSRO Hospital” means a New Jersey Special Hospital approved as a Medicaid provider which has signed a Memorandum of Understanding (M.O.U.) with a New Jersey PSRO and for which New Jersey Medicaid has been relieved of liability from Federal surveys and audits regarding Physician Certification, Plan of Care, and Review of Admission and Continued Stay.

10:53-1.4(a)8. In a PSRO hospital, the certification by the appropriate PSRO as to medical necessity for both the admission and continued length of stay shall be accepted as binding for payment purposes. Submission of physician certifications and/or recertifications is not necessary.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 26, 1980 to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Physicians and Psychologists Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:54-1.5 and 10:67-1.8 concerning prior authorization for psychiatric and psychological services rendered in long-term care facilities and sheltered boarding homes.

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

10:54-1.5(b)2i (1) **Exception:** After an initial evaluation, prior authorization is required under all circumstances for psychiatric services rendered to Medicaid eligible recipients in long-term care facilities and sheltered boarding homes.

10:67-1.8(b) 1. **Exception:** After an initial evaluation, prior authorization is required under all circumstances for psychological services rendered to Medicaid eligible recipients in long-term care facilities and sheltered boarding homes.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 26, 1980, to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Independent Clinic Manual: Procedure Codes

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:66-3.3 in the Manual for Independent Clinic Services concerning procedure codes for certain Medicaid services.

The following procedure codes have been amended.

1. Excision—0164
2. Destruction—0401, 0403, 0405, 0406
3. Lower Extremities—7314
4. Miscellaneous studies—7451, 7452

Copies of the three pages of the full text may be obtained from the person and address below.

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 26, 1980 to the above address.

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend GAM: Rate Increases For GA Recipients in Residential Health Care Facilities

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 proposes to amend N.J.A.C. 10:85-3.3 and 5.3 of the General Assistance Manual concerning rate increases applicable to general assistance recipients living in residential health care facilities.

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

10:85-3.3(f)4. Room and board living arrangements: When an individual is purchasing a room and board living arrangement, the following shall apply:

i. [Licensed boarding home] Residential Health Care Facility: When an individual who is in need of extensive personal services on a regular and continuous basis is purchasing a room and board living arrangement in a [Licensed Boarding Home for Sheltered Care] Residential Health Care Facility (licensed by the N.J. Department of Health for purposes other than the care or treatment of drug or alcohol abuse), the monthly assistance payment, including a personal allowance of [up to \$30] \$40 per month, shall not exceed \$[339] 369, less any countable income. However, the cost of purchasing such living arrangement shall not exceed the minimum amount which the establishment customarily charges to or for other guests not dependent on public assistance, for the same accommodations and/or services.

ii. Other boarding homes: When an individual other than a spouse or dependent child under 18 of the operator is purchasing room and board in a group facility or a boarding home (including a private home) other than a [Licensed Boarding Home for Sheltered Care] Residential Health Care Facility as in (f)4i above, or a center for treatment of drug or alcohol abuse as in (f)4iv. below, the total monthly allowance shall be the amount for a single individual as given in Schedule I or Schedule II, as appropriate, less any countable income.

10:85-5.3(b)1. Place of service: Payment shall be authorized when services are rendered in the patient's home (or in the home of a person other than the patient), in the provider's office, in a skilled nursing home, an intermediate care facility, a center for treatment of drug or alcohol abuse, or in a [licensed boarding home for sheltered care] Residential Health Care Facility.

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 26, 1980 to:

G. Thomas Riti, Director
 Division of Public Welfare
 Box 1627
 Trenton, New Jersey 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend Income and Resource Eligibility for Medicaid Only Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and 30:4D-7 proposes to amend N.J.A.C. 10:94-4, 5, and 8 in the Medicaid Only Manual concerning the determination of income and resource eligibility for Medicaid Only as it relates to the aged, blind, and disabled. The proposed amendments, which replace existing text, revise the evaluation of resources, implement new deeming of income procedures, and clarify other eligibility policy.

Copies of the full text of the proposed amendments may be obtained from or made available for review by writing to the address below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 26, 1980 to:

G. Thomas Riti, Director
 Division of Public Welfare
 Box 1627
 Trenton, New Jersey 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Emergency Amend FSM: Standard Utility Allowance

On September 24, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 10:87-12.1 in the Food Stamp Manual concerning the standard utility allowance.

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

10:87-12.1 Income deduction table

Income Deductions	
Standard Deduction	\$ 75
Child Care/Shelter Deduction	\$ 90
Standard Utility Allowance] 154] \$259
Uniform Telephone Allowance	\$ 7.96

An order adopting this rule was filed September 26, 1980 to become effective on November 1, 1980 as R.1980 d.418.

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Payment of Burial and Funeral Costs

On October 1, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-4.8 in the General Assistance Manual concerning payment of burial and funeral costs as proposed in the Notice published April 10, 1980 at 12 N.J.R. 191(b).

An order adopting this rule was filed and became effective on October 7, 1980 as R.1980 d.436.

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amend ASH: Savings

On October 8, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:82-3.2 in the Assistance Standards Handbook

concerning savings as proposed in the Notice published September 4, 1980 at 12 N.J.R. 534(a) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed October 10, 1980 to become effective on November 1, 1980 as R.1980 d.442.

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Dependent/Neglected Children's Shelters

On October 10, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4C-4d, 30:1-14 and 30:1-15 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 10:130 concerning the operation of shelters for dependent/neglected children utilized by the Division of Youth and Family Services as proposed in the Notice published January 10, 1980 at 12 N.J.R. 39(b) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed October 10, 1980 to become effective on March 1, 1981 as R.1980 d.446.

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

PAM: Identification of Resources

On October 24, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:81-3.37 and 3.38 in the Public Assistance Manual concerning identification of resources as proposed in the Notice published September 4, 1980 at 12 N.J.R. 522(a).

An order adopting this rule was filed October 16, 1980 to become effective on November 1, 1980 as R.1980 d.450.

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Repeal ASH: Rules on Resources

On October 14, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 10:82-3.1(c) in the Assistance Standards Handbook concerning resources as proposed in the Notice published September 4, 1980 at 12 N.J.R. 522(b).

An order adopting this rule was filed October 16, 1980 to become effective on November 1, 1980 as R.1980 d.451.

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

GAM: Savings

On October 14, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.4 of the General Assistance Manual concerning savings as proposed in the Notice published September 4, 1980 at 12 N.J.R. 535(a).

An order adopting this rule was filed October 16, 1980 to become effective on November 1, 1980 as R.1980 d.452.

(e)

CORRECTIONS

STATE PAROLE BOARD

Proposed Amend Parole Board Rules

Christopher Dietz, Chairman of the State Parole Board, pursuant to authority of N.J.S.A. 30:4-123.48(d), proposes to amend N.J.A.C. 10A:71-3.3 concerning program participation reductions granted in young adult offender's parole eligibility dates.

Full text of the proposed amendments follows (additions indicated in boldface thus).

10A:71-3.3(f)1. If such inmate's level of program participation is above average, the reduction shall be at the rate of 15 days for every month of the primary eligibility term less jail credits.

2. If such inmate's level of program participation is average, the reduction shall be at the rate of 10 days for every month of the primary eligibility term less jail credits.

3. If such inmate's level of program participation is below average, the reduction shall be at the rate of 5 days for every month of the primary eligibility term less jail credits.

4. - 5. (No change.)

10A:71-3.3(g)1. Upon the expiration of one-half of the inmate's primary eligibility term less jail credits or upon incarceration for a one year period, whichever is earlier, it shall be the responsibility of the chief executive officer of the institution of incarceration to report in writing to the young adult Board panel the extent of the inmate's program participation and the level of progress achieved by the inmate.

Interested persons may present statements or arguments in writing relevant to the above proposal on or before November 26, 1980 to:

Christopher Dietz, Chairman
New Jersey State Parole Board
P.O. Box 7387, Whittlesey Road
Trenton, N.J. 08628

The State Parole Board may thereafter adopt rules concerning this subject without further notice.

(a)

CORRECTIONS

PAROLE BOARD

State Parole Board Rules

On October 1, 1980, the State Parole Board, pursuant to authority of N.J.S.A. 30:4-123.48 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:71-3, -7.15, and -7.18 concerning the consideration of juvenile parole cases, parole revocation matters and the Board's institutional infraction schedule which provides for the alteration of parole eligibility dates as proposed in the Notice published September 4, 1980 at 12 N.J.R. 537(c) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed and became effective on October 7, 1980 as R.1980 d.434.

(b)

INSURANCE

THE COMMISSIONER

List of Municipalities Requiring Insurance Companies to Pay Unpaid Liens

On September 23, 1980, James J. Sheeran, Commissioner of Insurance, pursuant to authority of P.L. 1978, c. 184, as amended by P.L. 1979, c. 369, filed a list of municipalities that have passed an ordinance requiring insurance companies writing fire insurance on risks located in that municipality to pay unpaid liens out of any claimed payments in excess of \$2,500.

Full text of the additions to the prior list follows.

The Township of South Orange Village 07079 (Essex County)	August 19, 1980
The Township of Fairfield 07006 (Essex County)	August 21, 1980
The Town of Kearny 07032 (Hudson County)	August 26, 1980
The Borough of Hightstown 08520 (Mercer County)	September 3, 1980
The City of Passaic 07055 (Passaic County)	September 4, 1980
The Township of Aberdeen 07747 (Monmouth County)	September 8, 1980

This list was filed on September 23, 1980, as R.1980 d.407. Such list is not subject to codification but will appear in Title 11 for informational purposes.

(c)

INSURANCE

REAL ESTATE COMMISSION

Listing Agreements and Contracts of Sale

On September 23, 1980, Joan Haberle, Director of the

Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-17 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:5-1.16(c) concerning listing agreements and contracts of sale as proposed in the Notice published June 5, 1980 at 12 N.J.R. 340(b) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed and became effective on September 23, 1980 as R.1980 d.408.

(d)

INSURANCE

REAL ESTATE COMMISSION

Emergency Amend Contracts of Sale and Listing Agreements

On September 24, 1980, Joan Haberle, Director of the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 11:5-1.16(c) concerning contracts of sale and listing agreements.

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

11:5-1.16(c) The commission clause or provision in all listing agreements for the sale of one to four family dwelling units, or interest therein, or in all contracts for such sales, if there is no listing agreement, shall contain in print larger than the predominant size print in the writing, the language: "As seller you have the right to individually reach an agreement on any fee, commission, or other valuable consideration with any broker. No fee, commission or other consideration has been fixed by any governmental authority or by any trade association or multiple listing service." Nothing herein is intended to prohibit an individual broker from independently establishing a policy regarding the amount of fee, commission or other valuable consideration to be charged in transactions by the broker. Presently licensed individuals, partnerships, firms or corporations shall have until January 2, 1981, to bring all listing agreements and contracts into compliance with these subsections.

An order adopting these amendments was filed and became effective on September 24, 1980 as R.1980 d.409 (Exempt, Emergency Rule).

(e)

INSURANCE

REAL ESTATE COMMISSION

Approved Schools Requirements

On October 9, 1980, Joan Haberle, Director of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-17 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:5-1.28

concerning approved schools requirements as proposed in the Notice published June 5, 1980 at 12 N.J.R. 341(a) but with substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed and became effective on October 10, 1980 as R.1980 d.441.

(a)

INSURANCE

REAL ESTATE COMMISSION

Rental Location Operations

On October 8, 1980, Joan Haberle, Director of the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-17 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:5-1.32 concerning rental location operations as proposed in the Notice published July 10, 1980 at 12 N.J.R. 422(a) but with substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed October 10, 1980 to become effective on January 1, 1981 as R.1980 d.447.

(b)

LABOR AND INDUSTRY

THE COMMISSIONER

Emergency Amend Prevailing Wage Rate Determination

On September 22, 1980, the Division of Workplace Standards in the Department of Labor and Industry, pursuant to authority of N.J.S.A. 34:11-56.25 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 12:60 concerning prevailing wage rate determination.

An order adopting this rule was filed and became effective on September 24, 1980 as R.1980 d. 410 (Exempt, Procedural Rule).

(c)

LABOR AND INDUSTRY

DIVISION OF WORKPLACE STANDARDS

Wage and Hour Law

On October 2, 1980, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:11-56a19 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 12:56 concerning wages and hours as proposed in the Notice published August 7, 1980 at 12 N.J.R. 484(e) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed October 6, 1980 to become effective on November 1, 1980 as R.1980 d.430.

(d)

LABOR AND INDUSTRY

THE COMMISSIONER

Wage Orders for Minors

On October 2, 1980, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:11-52 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 12:57 concerning minimum wage law orders for minors as proposed in the Notice published August 7, 1980 at 12 N.J.R. 485(a) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed October 6, 1980 to become effective on November 1, 1980 as R.1980 d.431.

(e)

LABOR AND INDUSTRY

THE COMMISSIONER

Child Labor

On October 2, 1980, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:2-21.2, 21.3, 21.15, 21.17, 21.19 and 21.64 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 12:58 concerning child labor as proposed in the Notice published September 4, 1980 at 12 N.J.R. 538(d) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed October 6, 1980 to become effective on November 1, 1980 as R.1980 d.432.

(f)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amend Waiver of Driving Test

Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-10, proposes to amend N.J.A.C. 13:21-8.17 concerning waiver of driving test.

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

13:21-8.17 Waiver of driving test

(a) The driving test may be waived [by the Sergeant or Officer-in-Charge of the Driver Qualification Center] if the applicant:

1. (No change.)
2. Is in the United States Armed Forces and holds a license for the type or general class of vehicles he desires to drive;
3. Has returned from foreign service and holds a license issued by the United States Military Government. Appli-

ation in such cases must be made within 60 days of re-entry to this country; [or]

4. Holds a valid license issued by his native country, subject to reciprocal agreements and any translation as may be necessary[.]; or

5. Produces evidence of having held a valid New Jersey driver license for the type or general class of vehicle he desires to drive within three years of the date of application for a New Jersey driver license.

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 26, 1980 to:

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles may thereafter adopt rules concerning this subject without further notice.

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Rule on Specifications for Driver Licenses

Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-10g, proposes to adopt a new rule to be cited as N.J.A.C. 13:21-8.24 concerning specifications for driver licenses with color photographs of licenses thereon.

Full text of the proposed new rule follows.

13:21-8.24 Specification for driver licenses with color photographs

(a) The color photographs shall be of the "instant" type.

(b) The photo-driver license shall be a composite consisting of a color photograph of the applicant's full head and neck and Initial Application card bearing his name, address, weight, height, eye color, driver license number, driver license classification and driver license issue and expiration dates. The driver license applicant and Initial Application card shall be photographed simultaneously on the same exposure.

(c) The Director's signature shall be over-printed on the photo-driver license in such a manner as to overlap the color photograph and identification portion of the license.

(d) The photo-driver license shall be laminated on both sides. The laminate shall be bonded to the photo-driver license so as to prevent the removal of the laminate in any way without destroying the license. A highly reflective coating shall be applied to the laminate to prevent photographic duplication of the license.

(e) The size of the photo-driver license, including lamination, shall not be smaller than 2¾ inches long and 1¾ inches wide nor larger than 3⅝ inches long and 2⅝ inches wide. The applicant's color photograph shall be approximately 1¼ inches wide and 1¼ inches long.

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 28, 1980 to:

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, N.J. 08666

The Division of Motor Vehicles may thereafter adopt rules concerning this subject without further notice.

(b)

LAW AND PUBLIC SAFETY

BOARD OF ARCHITECTS

BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

BOARD OF PROFESSIONAL PLANNERS

Proposed Rules on Permissible Division of Responsibility in Preparation of Site Plans And Major Subdivision Plats

Sidney Schenker, John McCann, and Louis Goettelmann, respective Presidents of the State Board of Architects, State Board of Professional Engineers and Land Surveyors, and State Board of Professional Planners, in the Division of Consumer Affairs, in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:3-3 and N.J.S.A. 45:3-10 (Architects); N.J.S.A. 45:8-27 et seq., N.J.S.A. 45:8-39, and N.J.S.A. 45:8-45 (Professional Engineers and Land Surveyors); and N.J.S.A. 14A-2, and N.J.S.A. 45:14A-4 (Professional Planners), propose to adopt new rules to be cited as N.J.A.C. 13:27-6.1 (Architects), 13:40-7.1 (Engineers and Land Surveyors), and 13:41-4.1 (Professional Planners) concerning the permissible scope of practice of the professions of Architecture, Engineering, Land Surveying and Professional Planning in the preparation and submission of site plans and major subdivision plats.

Full text of the proposed new rules follows.

SUBCHAPTER 6. PERMISSIBLE DIVISION OF RESPONSIBILITY IN SUBMISSION OF SITE PLANS AND MAJOR SUBDIVISION PLATS

13:27-6.1 General provisions

13:40-7.1

13:41-4.1

(a) Definitions: All words, terms, and phrases shall be as defined in the Municipal Land Use Act, N.J.S.A. 40:55D et seq.

(b) Preparation and submission of the various elements of a preliminary or final site plan or maps subdivision plat shall be within the professional scope of the various professions as listed in this subchapter.

13:27-6.2 Depiction of existing conditions on a site plan

13:40-7.2

13:41-4.2

(a) Survey: Showing existing conditions and exact location of physical features including metes and bounds, topography, drainage, waterways, specific utility locations, and easements: By a licensed land surveyor.

1. Survey information may be transposed to the site plan if duly noted as to the date of the survey, by whom, and for whom.

(b) Vegetation, general flood plain determination, or general location of utilities, buildings, or structures: By an architect, planner, engineer, land surveyor, or other person acceptable to the reviewing governmental body.

13:27-6.3 Preparation of a site plan

13:40-7.3

13:41-4.3

(a) The location of proposed buildings and their relationship to the site and the immediate environs: By an architect or engineer.

(b) The location of drives; parking layout; pedestrian circulation; and means of ingress and egress: By an architect, planner, or engineer.

(c) Drainage facilities for site plans of ten acres or more; or involving slopes of five degrees or more; or traversed by a water course: By an engineer only.

(d) Other drainage facilities: By an architect or engineer.

(e) Utility connections and on tract extensions: By an engineer or architect.

(f) Off tract utility extensions: By an engineer only.

(g) On site sanitary sewage disposal or flow equalization facilities: By an engineer only.

(h) Preliminary floor plans and elevation views of buildings illustrating the architectural design of a project: By an architect, except when the building is incidental or supplemental to an engineering project, floor plans and elevation views may be by an engineer.

(i) Landscaping, signs, lighting, screening or other information not specified above: By an architect, planner, engineer, land surveyor, or other person acceptable to the reviewing governmental body.

(j) The general layout of a preliminary site plan for a multiple building project, showing the development elements including their relationship to the site and immediate environs: By an architect, planner or engineer.

13:27-6.4 Preparation of a major subdivision plan

13:40-7.4

13:41-4.4

(a) The general location of facilities, site improvements, and lot layouts: By an architect, engineer, land surveyor or planner.

(b) The design and construction details of all public improvements including street pavements, curbs, sidewalks, sanitary sewage, storm drainage facilities: By an engineer only.

(c) Final subdivision map with metes and bounds: By a land surveyor only.

13:27-6.5 Effect of local ordinances

13:40-7.5

13:41-4.5

(a) Informal site plans, not required by local ordinances are excluded from this rule.

(b) No municipal or county ordinance, policy or action purporting to define the scope of professional activity of architects, engineers, land surveyors or planners in the preparation of site plans or major subdivision shall reduce or expand the scope of professional practice recognized by the Boards.

Interested persons may present statements or arguments in writing relative to the proposed action on or before December 1, 1980 to:

New Jersey State Board of Architects
Room 327
1100 Raymond Boulevard
Newark, New Jersey 07102

New Jersey State Board of Professional
Engineers and Land Surveyors
Room 317
1100 Raymond Boulevard
Newark, New Jersey 07102

or New Jersey State Board of Professional Planners
Room 317
1100 Raymond Boulevard
Newark, New Jersey 07102

The Board of Architects, Board of Professional Engineers and Land Surveyors and Board of Professional Planners may thereafter adopt rules concerning this subject without further notice.

(a)

LAW AND PUBLIC SAFETY

BOARD OF DENTISTRY

Proposed Amend Professional Advertising

Samuel E. Furman, D.D.S., President of the Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. proposes to amend N.J.A.C. 13:30-8.6 concerning professional advertising by deleting the current text and substituting new text therefor. Proposed rules concerning the same subject were published on August 7, 1980 at 12 N.J.R. 490(c).

Full text of the proposed amendment follows (additions indicated in boldface thus).

13:30-8.6 Providing information to the public

(a) Definitions:

"Advertisement" shall refer to the attempt directly or indirectly by publication, dissemination, solicitation, endorsement or circulation or in any other way to attract directly or indirectly any person to enter into an express or implied agreement to accept dental services or treatment related thereto.

"Routine professional service" shall refer to a service which the advertising licensee, professional association or instituton providing dental care routinely performs.

"Print media" shall refer to newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers and other similar documents or comparable publications, the content of which is disseminated by means of the printed word.

"Electronic media" shall refer to radio and television stations which have been duly licensed by the Federal Communications Commission.

"Range of fees" shall refer to an expressly stated upper and lower limit on the fee charged for a professional service.

(b) A licensed dentist who is actively engaged in the practice of dentistry in the State of New Jersey may provide information to the public by advertising which is not false, fraudulent, misleading or deceptive through the use of the print or electronic media.

(c) A licensee who engages in the use of advertising which contains the following shall be deemed to be engaged in professional misconduct:

1. Claims that the service performed or the materials used are professionally superior to that which is ordinarily performed or used.

2. Promotion of a professional service which the licensee knows or should know is beyond the licensee's ability to perform.

3. Techniques of communication which appear to intimidate, exert undue pressure or undue influence over a prospective patient.

4. The use of any personal testimonial attesting to the quality or competence of a service or treatment offered by a licensee.

5. The communication of personally identifiable facts, data, or information about a patient without first obtaining written consent.

6. Offers to give, receive, or accept a fee or other consideration to or from a third party for the referral of a patient.

7. The use of any misrepresentation.

8. The knowing suppression, omission or concealment of any material fact or law.

9. Any format which directly or indirectly obscures a material fact.

10. Any format which appears to be essentially non-informational in nature and used primarily to gain attention.

(d) The Board may require a licensee to substantiate the truthfulness of any assertion or representation set forth in an advertisement. Failure of a licensee to provide factual substantiation to support a representation or assertion shall be deemed professional misconduct.

(e) Advertising making reference to setting forth a fee shall be limited to that which contains a fixed or a stated range of fees for a specifically described routine professional service. A licensee who advertises fees shall disclose all the relevant variables and considerations which are ordinarily included in such a service so that the fees will not be misunderstood. In the absence of such a disclosure, the stated fees shall be presumed to include everything ordinarily required for such a service. No additional charges shall be made for an advertised service unless the advertisement includes the following disclaimer: "Additional charges may be incurred for related services which may be required in individual cases." This disclaimer cannot be used for treatment where related services are ordinarily required.

(f) Offers of discounts or fee reductions shall indicate the fixed or stated range of fees against which said discount is to be made.

(g) Advertising which contains the name, address or telephone number of a professional service facility shall also include the names of all licensees who are officers, principals or partners of said facility.

(h) A licensee shall be presumed to have approved and shall be personally responsible for the form and contents of a paid advertisement which contains the licensee's name, office address, or telephone number. A licensee who employs or allows another to employ for his benefit an intermediary source or other agent in the course of advertising shall be personally responsible for the form and contents of said advertisement.

(i) The effective period during which a fee or discount shall remain in effect shall be set forth on the face of the advertisement. In the absence of such disclosure the licensee shall not be relieved of this requirement, but the effective period shall be deemed to last a reasonable length of time.

(j) A video and/or audio tape of every advertisement communicated by electronic media shall be retained by the licensee and made available for review upon request by the Board or its designee.

(k) A licensee shall be required to keep a copy of all advertisements for a period of three years. All advertisements in the licensee's possession shall indicate the accurate date and place of publication.

(l) Any person violating any provision of this regulation may be liable to a civil penalty of not more than \$2,500 for the first offense and not more than \$5,000 for the second and each subsequent offense.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1980 to:

Robert J. Siconolfi, Executive Secretary
New Jersey State Board of Dentistry
150 East State Street
Trenton, New Jersey 08625
Telephone: (609) 292-5416

The New Jersey State Board of Dentistry may thereafter adopt the above amendment substantially as proposed without further notice.

(a)

LAW AND PUBLIC SAFETY

BOARD OF DENTISTRY

Proposed Rule On Intravenous Sedation

Samuel E. Furman, D.D.S., President of the Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. proposes to adopt a new rule to be cited as N.J.A.C. 13:30-8.11 concerning the administration of intravenous sedation in a dental office.

Full text of the proposed new rule follows.

13:30-8.11 Administration of intravenous sedation

Every licensee who utilizes intravenous sedation in a dental office shall have sufficient auxiliary personnel including, but not limited to, Dental Hygienists, Registered Dental Assistants and Dental Assistants present during the administration of the procedure and shall certify to the Board upon request that said personnel are capable of assisting in and trained for assisting in this procedure.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1980 to:

Robert J. Siconolfi, Executive Secretary
New Jersey State Board of Dentistry
150 East State Street
Trenton, New Jersey 08625
Telephone: (609) 292-5416

The New Jersey State Board of Dentistry may thereafter adopt the above new rule substantially as proposed without further notice.

(a)

LAW AND PUBLIC SAFETY

BOARD OF MEDICAL EXAMINERS

Proposed Amend Prescriptions For Controlled Dangerous Substances

Edwin H. Albano, M.D., President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 proposes to amend N.J.A.C. 13:35-6.6 concerning requirements for issuing a prescription for controlled dangerous substances.

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

13:35-6.6(b) Physicians and podiatrists shall provide the following on all prescriptions:

1. (No change.)
2. (No change.)
3. Prescriber's DEA number when required for the dispensing of controlled dangerous substances. (Controlled Dangerous Substances Act of 1970)[;]. **Each prescription for a Controlled Dangerous Substance shall be written on a separate prescription blank;**
4. - 12. (No change.)

Interested persons may present statements or arguments by letter or other written form relevant to the proposed action on or before November 26, 1980 to:

Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08608

The New Jersey Board of Medical Examiners may thereafter adopt the above amendment substantially as proposed without further notice.

(b)

LAW AND PUBLIC SAFETY

BOARD OF MORTUARY SCIENCE

Proposed Amend Examinations

Maurice W. McQuade, Executive Secretary of the New Jersey State Board of Mortuary Science in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38, proposes to amend N.J.A.C. 13:36-3.5.

Full text of the proposed amendment concerning examinations follows (deletions indicated in brackets [thus]).

13:36-3.5[(b) Any applicant failing the first examination shall be entitled to three subsequent reexaminations in subjects previously failed and required to qualify for achieving a grade of at least 70 in each subject failed.]

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 28, 1980 to:

Maurice W. McQuade, Executive Secretary
State Board of Mortuary Science
1100 Raymond Blvd., Room 331
Newark, New Jersey 07102

The Board of Mortuary Science may thereafter adopt rules concerning this subject without further notice.

(c)

LAW AND PUBLIC SAFETY

BOARD OF MORTUARY SCIENCE

Proposed Amend Examination Review Procedure

Maurice W. McQuade, Executive Secretary of the New Jersey State Board of Mortuary Science in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38 proposes to amend N.J.A.C. 13:26-3.6 concerning examination review procedure.

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

13:36-3.6 Examination review procedure

An unsuccessful candidate may apply to the board for a review of his or her examination papers. Such application must be submitted to the board secretary in writing within [three] one month[s] following notification of examination results, and the secretary shall subsequently arrange a [mutually] convenient date for the candidate to review his or her examination papers and grades in the board office with an examiner.

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 28, 1980 to:

Maurice W. McQuade, Executive Secretary
State Board of Mortuary Science
1100 Raymond Blvd., Room 331
Newark, New Jersey 07102

The Board of Mortuary Science may thereafter adopt rules concerning this subject without further notice.

(d)

LAW AND PUBLIC SAFETY

BOARD OF OPTOMETRISTS

Proposed Amend Minimum Examination

Richard Appel, O.D., President of the Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:12-1 et seq., proposes to amend N.J.A.C. 13:38-2.1 concerning the minimum examination to be performed on all patients.

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

13:38-2.1 Minimum examination; record of conditions

(a) [As authorized under N.J.S.A. 45:12-11(v), an optometrist shall make a complete minimum examination and shall keep a record of the following conditions of every patient examined:

1. Complete history;
2. Naked visual acuity;
3. Detailed report of the external findings;
4. Ophthalmoscopic examination (media, fundus, blood vessels, etc.);
5. Corneal curvature measurements (dioptral);

6. Static retinoscopy;
7. Amplitude of convergence and accommodation;
8. Phoria and duction findings: horizontal and vertical, distance and near;
9. Subjective findings;
10. Fusion;
11. Stereopsis;
12. Color vision;
13. Visual fields (confrontation);
14. Visual fields, central (after age 40);
15. Prescription given and visual acuity obtained;
16. Corneal or scleral tonometry to be performed on every patient after 40 years of age unless contraindicated.]

As authorized under N.J.S.A. 45:12-11(v), the following procedures shall be done on each and every patient examined and the findings shall be duly recorded:

1. Complete history;
2. Complete visual acuity findings;
3. Complete examination of the external eye and adnexae;
4. Complete examination of the internal parts of the eye;
5. Corneal measurements (keratometry) must be taken at the time of the original examination;
6. Objective refractive findings;
7. Subjective refractive findings;
8. Extra-ocular measurement (EOM);
9. Fusion, stereopsis, and color vision testing at the time of the original examination;
10. Visual fields; measurement of central and peripheral vision on all patients where indicated and possible;
11. Tonometry on all patients where possible unless contraindicated.

(b) The procedures specified below may be delegated to be performed by ancillary personnel under the doctor's supervision provided that such ancillary personnel have been trained, to the doctor's satisfaction, to perform such functions and only when the doctor is physically present on the premises and available for consultation. In addition, the doctor should maintain a record attesting to the type and extent of training provided to each individual employed as ancillary personnel under this section.

1. Complete history;
2. Determination of visual acuity with and without glasses or with pinhole;
3. Use of an electronic instrument for objective refractive findings;
4. Fusion, stereopsis, and color vision testing;
5. Visual fields;
6. Instillation of drops into a patient's eye for the purpose of examination;
7. Teaching the patient how to care for the contact lenses and how to insert and remove them.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1980 to:

Jan Flanagan
 Executive Secretary
 New Jersey State Board of Optometrists
 1100 Raymond Boulevard, Room 501
 Newark, New Jersey 07102
 Tel. No. (201) 648-2012

The New Jersey State Board of Optometrists may thereafter adopt the above rule as proposed without further notice.

(a)

LAW AND PUBLIC SAFETY

BOARD OF NURSING

Foreign Nurses and Licensure by Endorsement

On September 18, 1980, Dorothy DeMaio, President of the Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24(d)(19) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:37-3.6 and 4.1 concerning foreign nurses and licensure by endorsement as proposed in the Notice published July 10, 1980 at 12 N.J.R. 432(a).

An order adopting this rule was filed and became effective on September 25, 1980 as R.1980 d.416.

(b)

LAW AND PUBLIC SAFETY

BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Elimination of Fee for Transmittal Of Grades or Certification

On September 18, 1980, John T. McCann, President of the State Board of Professional Engineers and Land Surveyors in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:8-27 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, repealed in its entirety N.J.A.C. 13:40-6.1(a)7 concerning Board of Professional Engineers and Land Surveyors rules governing fees for transmitting grades, or certification of registration of licensees to other State boards or the National Council of Engineering Examiners as proposed in the Notice published August 7, 1980 at 12 N.J.R. 493(a).

An order adopting this rule was filed and became effective on September 25, 1980 as R.1980 d.417.

(c)

LAW AND PUBLIC SAFETY

OFFICE OF WEIGHTS AND MEASURES

Precious Metals Sales

On September 29, 1980, William J. Wolfe, Sr., Superintendent of Weights and Measures, State Office of Weights and Measures, Division of Consumer Affairs, Department of Law and Public Safety, pursuant to authority of P.L. 1980 Chapter 53 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 13:47C-5 concerning precious metals sales as proposed in the Notice published September 4, 1980 at 12 N.J.R. 551(a).

An order adopting this rule was filed and became effective on September 30, 1980 as R.1980 d.420.

(a)

LAW AND PUBLIC SAFETY

OFFICE OF WEIGHTS AND MEASURES

Firewood and Cordwood

On September 29, 1980, William J. Wolfe, Sr., Superintendent of Weights and Measures, State Office of Weights and Measures, Division of Consumer Affairs, Department of Law and Public Safety, pursuant to authority of N.J.S.A. 51:1-54 and 51:1-61 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:47C-1.1 and 3.1 concerning firewood and cordwood as proposed in the Notice published September 4, 1980 at 12 N.J.R. 550(a).

An order adopting this rule was filed and became effective on September 30, 1980 as R.1980 d.421.

(b)

LAW AND PUBLIC SAFETY

BOARD OF DENTISTRY

General Anesthesia

On August 6, 1980, Samuel E. Furman, D.D.S., President of the State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:30-8.3 concerning general anesthesia as proposed in the Notice published July 10, 1980 at 12 N.J.R. 430(a) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed and became effective on September 30, 1980 as R.1980 d.423.

(c)

LAW AND PUBLIC SAFETY

BOARD OF CERTIFIED PUBLIC ACCOUNTANTS

Repeal Competitive Bidding for Services

On September 19, 1980, the Board of Certified Public Accountants in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:2B-6g and in accordance with applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 13:29-3.13 concerning competitive bidding for services as proposed in the Notice published June 5, 1980 at 12 N.J.R. 346(a).

An order adopting this rule was filed and became effective on October 3, 1980 as R.1980 d.429.

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Unit Pricing of Consumer Commodities in Retail Establishments

On October 7, 1980, John J. Degnan, Attorney General of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:45A-14 concerning unit pricing of consumer commodities in retail establishments as proposed in the Notice published March 6, 1980 at 12 N.J.R. 130(a).

An order adopting this rule was filed and became effective on October 10, 1980 as R.1980 d.444.

(e)

LAW AND PUBLIC SAFETY

BOARD OF PROFESSIONAL PLANNERS

Rules Governing Use of Seals

On September 9, 1980, Louis H. Giettelmann, President of the State Board of Planners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14A-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:41-1.2 and 1.3 concerning Board of Professional Planners regulations governing the use of seals as proposed in the Notice published August 7, 1980 at 12 N.J.R. 493(b).

An order adopting this rule was filed and became effective on October 10, 1980 as R.1980 d.445.

(f)

LAW AND PUBLIC SAFETY

BOARD OF DENTISTRY

Dental Patient Records

On July 23, 1980, Samuel E. Furman, President of the State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 13:30-8.8 concerning dental patient records as proposed in the Notice published June 5, 1980 at 12 N.J.R. 347(a) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed and became effective on October 16, 1980 as R.1980 d.457.

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Amend Right Turns On Red Signals Prohibited

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 proposes to amend N.J.A.C. 16:31A concerning right turns on red signals prohibited.

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

16:31A-1.7 Route U.S. 9

(a) Right turns on red signals are hereby prohibited to and from Route U.S. 9 as follows:

1. - 3. (No change.)
4. Main Road (Pleasantville):
 - i. From south on Main Road to west on Route U.S. 40;
 - ii. From east on Route U.S. 40 to south on Main Road;]
5. Chestnut Street (Pleasantville): from north on Chestnut Street to east on Route U.S. 40.]
4. [6.] Doughty Road (Pleasantville): [From north on Doughty Road to east on Route U.S. 40;] **From south on Route U.S. 9 to west on Doughty Road;**
(Renumber 7. - 33. as 5. - 31.)

16:31A-1.9 Route 10

(a) Right turns on red signals are hereby prohibited to and from Route 10 as follows:

1. - 5. (No change.)
6. Canfield Road (Randolph Township): From both approaches of Route 10 to Canfield Road.]
7. Commerce Boulevard-Main Street (Roxbury Township): From south on Commerce Boulevard to west on Route 10;]
8. Hillside Avenue (Roxbury Township): From both approaches of Route 10 to Hillside Avenue;]
(Renumber 9. as 6.)

16:31A-1.15 Route U.S. 22

(a) Right turns on red signals are hereby prohibited to and from Route U.S. 22 as follows:

1. - 5. (No change.)
6. Bates Street-Ingersol Street (Phillipsburg Town):
 - i. From south on Ingersol Street to west on Route U.S. 22;
 - ii. **From east on Route U.S. 22 to south on Bates Street (when children are present);**
7. - 8. (No change.)

16:31A-1.17 Route 24

(a) Right turns on red signals are hereby prohibited to and from Route 24 as follows:

1. - 5. (No change.)
6. Hillside Avenue (Chatham Borough): [From all approaches]
 - i. From east on Route 24 to south on Hillside Avenue;
 - ii. From west on Route 24 to north on Hillside Avenue;
 - iii. **From south on Hillside Avenue to west on Route 24;**
7. - 8. (No change.)

16:31A-1.18 Route 27

(a) Right turns on red signals are hereby prohibited to and from Route 27 as follows:

1. - 31. (No change.)
32. South 11th Avenue (Highland Park Borough):
 - i. From north on Route 27 to east on South 11th Avenue;

- ii. **From west on South 11th Avenue to north on Route 27;**
33. - 35. (No change.)
36. 3rd Avenue (Highland Park Borough): [From both approaches of 3rd Avenue to Route 27;]
 - i. From east on 3rd Avenue to south on Route 27;
 - ii. **From west on 3rd Avenue to north on Route 27;**
 - iii. **From north on Route 27 to east on 3rd Avenue (7:00 A.M. to 5:00 P.M., Monday through Friday);**
 - iv. **From south on Route 27 to west on 3rd Avenue (7:00 A.M. to 5:00 P.M., Monday through Friday).**
37. 2nd Avenue (Highland Park Borough):
 - i. From east on 2nd Avenue to south on Route 27;
 - ii. **From west on 2nd Avenue to north on Route 27 (7:00 A.M. to 5:00 P.M., Monday through Friday);**
 - iii. **From north on Route 27 to east on 2nd Avenue (7:00 A.M. to 5:00 P.M., Monday through Friday);**
 - iv. **From south on Route 27 to west on 2nd Avenue (7:00 A.M. to 5:00 P.M., Monday through Friday).**
38. - 50. (No change.)
51. South 1st Avenue (Highland Park Borough): **From west on South 1st Avenue to north on Route 27 (7:00 A.M. to 5:00 P.M., Monday through Friday).**

16:31A-1.19 Route 28

(a) Right turns on red signal are hereby prohibited to and from Route 28 as follows:

1. - 2. (No change.)
3. Walnut Street (Roselle Park Borough): [From both approaches of Walnut Street to Route 28;]
 - i. From south on Walnut Street to west on Route 28;
 - ii. **From north on Walnut Street to east on Route 28;**
 - iii. **From east on Route 28 to south on Walnut Street (7:00 A.M. to 5:00 P.M., Monday through Friday).**
4. - 28. (No change.)
29. Marlborough Avenue-Garden Place (Middlesex Borough): **From both approaches of Route 27.**

16:31A-1.21 Route U.S. 30

(a) Right turns on red signal are hereby prohibited to and from Route U.S. 30 as follows:

1. - 35. (No change.)
35. Broadway-Main Road (Mammothton Town): **From west on U.S. 30 to north on Main Road-Broadway.**

16:31A-1.25 Route 35

(a) Right turns on red signal are hereby prohibited to and from Route 35 as follows:

1. - 30. (No change.)
31. Sycamore Avenue (Shrewsbury Borough):
 - i. - ii. (No change.)
 - iii. **From west on Sycamore Avenue to north on Route 35, 8:00 A.M. to 4:00 P.M., Monday through Friday.**
32. - 65. (No change.)

16:31A-1.26 Route 36

(a) Right turns on red signal are hereby prohibited to and from Route 36 as follows:

1. - 5. (No change.)
6. Middle Road (Hazlet Township): From east on Middle Road to south on Route 36, 6:00 A.M. to 9:00 A.M. and 5:00 P.M. to 8:00 P.M., Monday through Friday;
7. - 17. (No change.)

16:31A-1.27 Route 37

(a) Right turns on red signal are hereby prohibited to and from Route 37 as follows:

1. Fischer Boulevard (Dover Township): [From both approaches of Fischer Boulevard to Route 37] **From north on Fischer Boulevard to east on Route 37;**
2. - 6. (No change.)

16:31A-1.29 Route U.S. 40

(a) Right turns on red signal are hereby prohibited to and from Route U.S. 40 as follows:

1. - 10. (No change.)

11. **Main Street (Elmer Borough): From north on Main Street to east on Route U.S. 40.**

16:31A-1.38 Route 53

(a) Right turns on red signal are hereby prohibited to and from Route 53 as follows:

[1. Fox Hill Road (Denville Township): From south on Route 53 to west on Fox Hill Road.]

(Renumber 2. as 1.)

2. [3.] Indian Road-Hall Avenue (Denville Township):

i. From south on Route 53 to west on Indian Road[;], when children are present;

ii. (No change.)

16:31A-1.39 Route 54

(a) Right turns on red signals are hereby prohibited to and from Route 54 as follows:

1. (No change.)

2. Egg Harbor Road (Hammonton Town):

i. From south on Route 54 to west on Egg Harbor Road;

ii. **From north on Route 54 to east on Egg Harbor Road.**

16:31A-1.45 Route 71

(a) Right turns on red signal are hereby prohibited to and from Route 71 as follows:

1. - 7. (No change.)

[8. Cookman Avenue (Asbury Park City): On all approaches to and from Cookman Avenue;]

[9. Bangs Avenue (Asbury Park City): On all approaches to and from Bangs Avenue;]

[10. Summerfield Avenue (Asbury Park City): On all approaches to and from Summerfield Avenue;]

[11. Monroe Avenue (Asbury Park City): On all approaches to and from Monroe Avenue;]

[12. 1st Avenue (Asbury Park City): On all approaches to and from 1st Avenue.]

[13. 2nd Avenue (Asbury Park City): On all approaches to and from 2nd Avenue.]

8. [14.] 3rd Avenue (Asbury Park City): [On all approaches to and from 3rd Avenue] **From west on 3rd Avenue to north on Route 71;**

(Renumber 15. as 9.)

10. [16.] Asbury Avenue (Asbury Park City): [On all approaches to and from Asbury Avenue.]

i. **From south on Route 71 to west on Asbury Avenue;**

ii. **From west on Asbury Avenue to north on Route 71;**

[17. 4th Avenue (Asbury Park City):

i. From east on 4th Avenue to south on Route 71;

ii. From south on Route 71 to west on 4th Avenue;]

(Renumber 18. as 11.)

[19. 5th Avenue (Asbury Park City):

i. From both approaches of Route 71 to 5th Avenue

ii. From east on 5th Avenue to south on Route 71;]

[20. Sunset Avenue (Asbury Park City):

i. From north on Route 71 to east on Sunset Avenue;

ii. From both approaches of Sunset Avenue to Route 71;]

[21. 6th Avenue (Asbury Park City):

i. From west on 6th Avenue to north on Route 71;

ii. From south on Route 71 to west on 6th Avenue.]

(Renumber 22. and 23. as 12. and 13.)

14. [24.] Main Avenue (Neptune Township):

i. (No change.)

ii. From north on Route 71 to east on Main Avenue or the Boulevard.]

[25. 4th Avenue (Bradley Beach Borough): On all approaches to and from 4th Avenue.]

15. [26.] Brinley Avenue (Bradley Beach Borough): [On all approaches to and from Brinley Avenue] **From south on Route 71 to west on Brinley Avenue;**

[27. Ocean Park Avenue (Bradley Beach Borough): From Ocean Park Avenue approach onto Route 71;]

16. [28.] Evergreen Avenue (Bradley Beach Borough): [On all approaches to and from Evergreen Avenue;]

From west on Evergreen Avenue to north on Route 71;

17. [29.] La Reine Avenue (Bradley Beach Borough):

[i. From both approaches of Route 71 to La Reine Avenue;

ii. From west on La Reine Avenue to north on Route 71;]

From south on Route 71 to west on La Reine Avenue; (Renumber 30. and 31. as 18. and 19.)

[32. 5th Avenue (Belmar Borough):

i. From both approaches of 5th Avenue to Route 71;

ii. From north on Route 71 to east on 5th Avenue;]

(Renumber 33. as 20.)

[34. 7th Avenue (Belmar Borough): On all approaches to and from 7th Avenue;]

[35. 8th Avenue (Belmar Borough): On all approaches to and from 8th Avenue;]

(Renumber 36. - 44. as 21. - 29.)

16:31A-1.56 Route U.S. 130

(a) Right turns on red signal are hereby prohibited to and from Route U.S. 130 as follows:

1. - 14. (No change.)

15. Route 168 (Camden City and Haddon Township):

i. From north on U.S. 130 to south on Route 168;

ii. **From north on Route 168 to north on Route U.S. 130;**

16. - 24. (No change.)

16:31A-1.65 Route U.S. 206

(a) Right turns on red signal are hereby prohibited to and from Route U.S. 206 as follows:

1. - 11. (No change.)

[12. Eggerts Crossing Road (Lawrence Township): From south on Route U.S. 206 to west on Eggerts Crossing Road;]

[13. Rider College Entrance (Lawrence Township): From south on Route U.S. 206 to west into Rider College;]

(Renumber 14. - 16. as 12. - 14.)

[17. Beach Avenue-Trebor Drive (Hamilton Township): From south on Route U.S. 206 to west on Trebor Drive.]

(Renumber 18. - 19. as 15. - 16.)

Interested persons may, in writing, present relevant statements or arguments to the proposed action on or before November 26, 1980, to:

Charles L. Meyers

Administrative Practice Officer

Department of Transportation

1035 Parkway Avenue

Trenton, New Jersey 08625

The Department of Transportation may thereafter adopt these regulations substantially as proposed without further notice.

(a)

TRANSPORTATION

THE COMMISSIONER

Turns Along Various State Highways

On September 25, 1980, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to

be cited as N.J.A.C. 16:31-1.7(a)5, 1.15, 1.4(a)1.v and 1.4(a)1.vi, vii, viii concerning turn restrictions on various State highways as proposed in the Notice published September 4, 1980 at 12 N.J.R. 553(a).

An order adopting this rule was filed September 25, 1980 to become effective on September 26, 1980 as R.1980 d.412.

(a)

TRANSPORTATION

THE COMMISSIONER

Restricted Parking on U.S. Routes 1 and 9

On September 25, 1980, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.2 concerning restricted parking on U.S. Routes 1 and 9 as proposed in the Notice published September 4, 1980 at 12 N.J.R. 552(c).

An order adopting this rule was filed September 25, 1980 to become effective on September 26, 1980 as R.1980 d.413.

(b)

TRANSPORTATION

THE COMMISSIONER

Emergency Amend Restricted Parking on Route 47

On September 25, 1980, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an emergency amendment to N.J.A.C. 16:28A-1.33 concerning restricted parking along Route 47 in the Township of Maurice, County of Cumberland.

Note: This emergency amendment was first proposed as a non-exempt amendment in the October 9, 1980 New Jersey Register at 12 N.J.R. 613(a), and is adopted hereby without changes.

An order adopting this rule was filed and became effective on September 25, 1980 as R.1980 d.414 (Exempt, Emergency Rule).

(c)

TRANSPORTATION

THE COMMISSIONER

Repeal Traffic Operations Program To Increase Capacity and Safety

On September 25, 1980, Louis J. Gambaccini, pursuant to authority of N.J.S.A. 27:1A-5 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 16:19 concerning the traffic operations program to increase capacity and safety as proposed in the Notice published September 4, 1980 at 12 N.J.R. 552(b).

An order adopting this rule was filed September 25, 1980 to become effective on September 26, 1980 as R.1980 d.415.

(d)

TREASURY

TEACHERS' PENSION AND ANNUITY FUND BOARD OF TRUSTEES

Proposed Amend Creditable Salary

The Board of Trustees of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56 et seq., proposes to amend N.J.A.C. 17:3-4.1 concerning creditable salary.

Full text of the proposed amendment follows (additions indicated in boldface thus).

17:3-4.1(f) A member under 62 years of age will receive service credit for that base salary received during the period of his suspension in which he is awaiting a determination by the Commissioner of Education as provided under N.J.S.A. 18A:6-14. Service credit will not be granted for such salary after the first of the month following his attainment of age 62 when that salary will no longer be covered by Social Security.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 26, 1980 to:

Mary C. Conrey, Secretary
Board of Trustees
Teachers' Pension and Annuity Fund
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Board of Trustees of the Teachers' Pension and Annuity Fund may thereafter adopt rules concerning this subject without further notice.

(e)

TREASURY

COUNCIL OF THE SUPPLEMENTAL ANNUITY COLLECTIVE TRUST

Proposed Amend Variable Benefit Account and Withdrawals

William J. Joseph, Secretary, Council of the Supplemental Annuity Collective Trust in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-107 et seq., proposes to amend N.J.A.C. 17:8-1.6 and 17:8-3.3 concerning the variable benefit account and withdrawals.

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

17:8-1.6(c) In the event a participant elects a lump sum payment at retirement, the amount payable shall be the product of the number of equity units [transferred from] in his Variable Accumulation Account [to the Variable Benefit Account] multiplied by the value per equity unit as of the end of the month of retirement.

17:8-3.3(c) In the event that an eligible participant elects a lump sum payment of his or her account and the determination of the unit value is delayed past the normal

valuation date, the participant will be advised that an amount up to 75 per cent of his last computed equity may be paid initially and the balance paid, once the unit value has been established.

Interested persons may present statements or arguments in writing relevant to these proposals on or before November 26, 1980 to:

William J. Joseph, Secretary
 Council of the Supplemental Annuity
 Collective Trust
 Division of Pensions
 20 West Front Street
 Trenton, New Jersey 08625

The Council of the Supplemental Annuity Collective Trust may thereafter adopt rules concerning this subject without further notice.

(a)

TREASURY

DIVISION OF TAXATION

Proposed Rules on Partnership Under Gross Income Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:1-1, et seq., proposes to adopt new rules to be cited as N.J.A.C. 18:35-1.14 concerning partnerships under the Gross Income Tax Act.

Full text of the proposed new rules follows.

18:35-1.14 Partnerships

(a) Partnership and partner defined:

1. "Partnership" means and shall include two or more individuals, an association, syndicate, group, pool, joint venture and any other unincorporated organization through or by any means of which any business, financial operation or venture is carried on and which is not a corporation or trust or estate within the meaning of the New Jersey Gross Income Tax Act.

2. "Partner" means and shall include a member of such a syndicate, group, pool, joint venture or organization.

(b) Taxability of partners and members:

1. A partnership as such is not subject to tax. However, the individual members of a partnership or association shall be subject to tax as provided in these rules on his share of the income or gain, whether or not distributed, which was received or accrued by the partnership or association for its taxable year ending within or with the partner's or member's taxable year.

2. A partner or member who is a resident taxpayer of New Jersey shall report his entire share of the income or gain from a resident or nonresident partnership or association regardless of where such income or gain was earned.

3. A partner or member who is a nonresident taxpayer of New Jersey shall report only the income or gain of the partnership from sources within this State. Where a partnership's business is carried on solely within this State, all of the income or gain from the partnership would be derived from sources within this State. Where a partnership's business is carried on both inside and outside New Jersey, the income attributable to sources within New Jersey for the nonresident partner should be determined by use of the New Jersey gross income tax business allocation schedule, form NJ-1040-NR-A.

(c) Determination of distributive share of partnership income:

1. A partner or member of an association shall report, as provided in (c)5 below, his share of the income or gain of a partnership for its taxable year ending within or with the partner's or member's taxable year. A partner's share of the net income of a partnership shall include his share of guaranteed payments received from the partnership in the same manner as for federal income tax purposes.

2. Net income of a partnership or association shall be determined and reported on the basis of accepted accounting principles and practices after provision for all costs and expenses incurred in the conduct thereof. No deduction from gross income shall be allowed for:

- i. Taxes based on income;
- ii. Expenses unrelated to the production of taxable income.

3. The transfer of cash or property to a partner or member of a partnership or association in liquidation of his interest therein shall give rise to gain or loss to the extent of the difference between the cash and fair market value of other property received by the partner or member and the partner's or member's base for his partnership or association interest immediately before the distribution.

4. Each partner's share of partnership income shall be determined in the same manner as for federal income tax purposes and modified as required under the New Jersey Gross Income Tax Act to include income items such as interest income which is subject to tax in New Jersey, and to exclude income or loss items such as:

- i. Interest income which is not subject to tax in New Jersey; and
- ii. Gain or loss from the sale, exchange or other disposition of property which was reportable for federal income tax purposes but is not subject to tax for New Jersey Gross Income tax purposes; for example, the sale of federal obligations.

5. A partner shall report his share of partnership income for the taxable year within which or with which the taxable year of the partnership ends, whether or not distributed, as:

- i. A distributive share of partnership income;
- ii. Dividend income; and
- iii. Gain from the sale, exchange or other disposition of property.

Example 1: A partnership shows the following income on its Federal Partnership Return of Income (form 1065):

Partnership ordinary income of	\$25,000
Included in partnership ordinary income is interest income of \$500 from U.S. Treasury bills	
Excluded from partnership ordinary income is income of \$300 from State of New York bonds	
Dividend income from stock before exclusion	1,200
Long term capital gain on sale of capital assets	1,000
Total	\$27,200

Partner A has a 50 per cent interest in the partnership and is entitled to a 50 per cent share of partnership profits or losses. How does partner A report his share of the partnership income or gain on his New Jersey form NJ-1040?

Partner A reports as follows:

Distributive share of partnership ordinary income	\$12,500
Adjustment for New Jersey gross income tax purposes:	
Add: Interest on New York State Bonds	150
	<u>\$12,650</u>

Deduct: Interest on U.S. Treasury Bills	250
Partner A's distributive share of income—Line 41	\$12,400
Dividend income, before exclusion—Line 15	600
Gain from disposition of partnership property— Line 35	500
Total income from partnership as reported on New Jersey tax return	\$13,500

Example 2: A taxpayer has the following income:

Distributable share of partnership income including \$5,000 of guaranteed payments)	\$12,000
Share of Partnership Capital Gain	2,000
Salary and Wages from Employment Other than from Partnership	15,000
Capital loss on sale of individually owned stock	(4,000)

What is reportable as income for New Jersey gross income tax purposes on taxpayer's form NJ-1040?

The taxpayer will report income for New Jersey gross income tax purposes as follows:

Salary and wages from employment other than from partnership—Line 13	\$15,000
Distributable share of partnership income—Line 41	12,000
Loss on sale of individually owned stock	(\$4,000)
Less: Share of Partnership Gain	2,000
Line 50*	—0—
Total New Jersey gross income—Line 17c	\$27,000

*Note: The taxpayer may offset the loss on the sale of individually owned stock against his share of the partnership gain only to the extent of the loss within the same category and, therefore, can not report an excess of loss from the sale or exchange of property.

Example 3: A taxpayer has the following income:

Salary and wages from employment other than from partnership	\$10,000
Share of partnership ordinary loss	(3,000)
Share of partnership capital loss on sale of stock	(2,000)
Capital gain on sale of individually owned stock	5,000

What income is reportable for New Jersey gross income tax purposes on form NJ-1040?

Individual salary and wages other than from partnership—Line 13	\$10,000
Gain on sale of stock	\$5,000
Less: Share of partnership loss from disposition of property	(2,000)

Net gains or income from disposition of property— Line 35	3,000
Share of partnership ordinary loss—Line 41*	—0—
Total New Jersey gross income—Line 17c	\$13,000

*Note: The taxpayer cannot deduct his distributive share of the partnership ordinary loss. The taxpayer can only deduct a distributive share of a partnership loss from a distributive share of partnership income in another partnership. Losses within one category of gross income may be applied against other sources of gross income within the same category of gross income during the taxable year. A net loss in one category of gross income may not be applied against gross income in another category of gross income.

(d) Different taxable year:

1. Where a partner's taxable year differs from that of

the partnership, the partner's share of income or gain to be reported by the partner shall be based upon the income of the partnership for any taxable year of the partnership ending with or within the partner's taxable year.

i. Example: Where a partner's taxable year ends December 31, 1979, and the partnership fiscal year ends June 30, 1979, the partner reports his share of the income or gain derived from the partnership for the partnership taxable year ended June 30, 1979 on his 1979 return.

(e) Partnership filing requirements:

1. Partnerships having a resident taxpayer partner or having any income derived from New Jersey sources shall file a copy of the federal form 1065, U.S. Partnership Return of Income, along with the individual partners Schedule K-1 with the Division of Taxation, Trenton, New Jersey 08646, on or before the fifteenth day of the fourth month following the close of each taxable year.

2. Partnerships are required to make available to the individual partners the Schedule K-1, federal form 1065, a copy of which shall be attached to the individual partner's gross income tax return (form NJ-1040 or form NJ-1040-NR, whichever is applicable).

(f) Keogh Plan:

1. Contributions by a partnership to a Keogh Plan made on behalf of employees deductible as ordinary and necessary business expenses for federal income tax purposes are deductible for New Jersey gross income tax purposes in determining the net income of a partnership. The employees on whose behalf such contributions to a Keogh Plan were made by the partnership are not subject to gross income tax on such amounts contributed by their employer until withdrawals from the Keogh Plan are made by them. The employees are not deemed to have actually or constructively received the employer contributions at the time they were made to the Keogh Plan. At the time of withdrawal by an employee both the employer contribution and accumulated interest is subject to tax.

2. Contributions by the partnership to a Keogh Plan made on behalf of the partners are not a deductible business expense on the partnership return. Such Keogh contributions made by the partnership on behalf of the individual partners are taxable income to the individual partners for New Jersey gross income tax purposes. There is no provision in the gross income tax law for the deduction of such partnership Keogh contributions. These amounts are not subject to tax when subsequently withdrawn by the partners.

3. The interest income accumulated on the contributions made to a Keogh Plan on behalf of the partners is not subject to tax during the period of a partner's participation. Such interest shall become subject to tax at the time of withdrawal from the plan by the participant. When periodic withdrawals are made by a partner, the accumulated interest in the plan is subject to tax in the ratio that the interest bears to the total amount in the partner's account.

Example 1:

A partner's Keogh contribution amount	\$7,500
Accumulated interest	500
Total amount	\$8,000

Assume periodic payments to the partner from the account during the taxable year of \$1,600.

The amount of interest withdrawn would be calculated as follows:

$$\frac{\$ 500 \text{ or } 1}{\$8,000} \times \$1,600 = \$100 \frac{16}{16}$$

Note: Under the above facts, if a periodic withdrawal of \$1,600 was made by an employee during the taxable year, the full amount of \$1,600 is subject to tax since it was not includible in the employee's income at the time the partnership made the contribution on his behalf.

Example 2:

A partnership makes a contribution to a Keogh Plan on behalf of the partners for \$3,000 and on behalf of the employees for \$4,500. The partnership may deduct the \$4,500 contribution on behalf of the employees as a business expense for the taxable year and the employees will not include the \$4,500 as income until withdrawal is made from the Keogh Plan. The partnership cannot deduct the \$3,000 contribution made on behalf of the partners as a business expense for the taxable year. Each partner must include his share of the \$3,000 as a distributive share of partnership income in the taxable year the contributions are made. The \$3,000 will not be taxable to the partners when withdrawal is made by them.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 26, 1980 to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

The Department of the Treasury may thereafter adopt these rules substantially as proposed without further notice.

(a)

TREASURY

TEACHERS' PENSION AND ANNUITY FUND

BOARD OF TRUSTEES

Amend Election of Member-Trustee

On September 16, 1980, Mary C. Conrey, Secretary of the Teachers' Pension Annuity Fund Board of Trustees in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:3-1.4 concerning the election of member-trustee as proposed in the Notice published July 10, 1980 at 12 N.J.R. 435(b).

An order adopting this rule was filed and became effective on September 19, 1980 as R.1980 d.405.

(b)

TREASURY

COUNCIL OF THE SUPPLEMENTAL ANNUITY COLLECTIVE TRUST

Repeal of Reports and Remittances

On September 22, 1980, William J. Joseph, Secretary, Council of the Supplemental Annuity Collective Trust in the Division of Pensions in the Department of the Treasury, pursuant to authority of Chapter 123, Public Law 1963 and

in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 17:8-2.10 and 2.11 concerning reports and remittances as proposed in the Notice published August 7, 1980 at 12 N.J.R. 496(e).

An order adopting this rule was filed and became effective on September 30, 1980 as R.1980 d.419.

(c)

TREASURY

DIVISION OF TAXATION

Emergency Rules on Atlantic City Luxury Tax

On October 9, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency new rules to be cited as N.J.A.C. 18:25 concerning the Atlantic City luxury tax.

Full text of the adopted emergency rules follows.

CHAPTER 25

LUXURY TAX

SUBCHAPTER 1. SCOPE OF CHAPTER; DEFINITIONS; FORMS AND INSTRUCTIONS

18:25-1.1 Scope of chapter

This chapter is intended to clarify the application of the luxury tax to certain sales at retail or the hiring of property or services at retail, the receipts from which are subject to tax in Atlantic City.

18:25-1.2 Definitions

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

"Director" means the Director of the Division of Taxation, Department of Treasury, State of New Jersey.

"Luxury tax" means the Retail Sales Tax in Fourth Class Cities, N.J.S.A. 40:48-8.15, et seq. (P.L. 1947, c. 71).

"Sales tax" means the taxes imposed by the New Jersey Sales and Use Tax Act, N.J.S.A. 54:32B-1 et seq.

18:25-1.3 Luxury tax forms and instructions enumerated

(a) ST-250 Combined Atlantic City luxury tax/State sales tax monthly return.

(b) ST-250T Taxpayer's file copy of ST-250.

(c) ST-250A Instructions for filing ST-250.

SUBCHAPTER 2. ROOM AND APARTMENT RENTALS

18:25-2.1 Scope of subchapter

This subchapter is intended to clarify the application of the luxury tax to the rental of apartments or the hiring of rooms, with or without service, within the territorial limits of Atlantic City.

18:25-2.2 Luxury tax on room and apartment rentals

(a) The rental of a room or rooms, with or without service, in hotels, motels, rooming houses, inns, boarding houses or private homes is subject to luxury tax.

(b) The rental of apartments is subject to luxury tax. For the purposes of this subchapter, an apartment is defined to be a complete housekeeping unit of real property, either constructed or modified for such use, which

has as part of its permanent physical design, kitchen and bath facilities located within such unit.

18:25-2.3 Tax rates

(a) Luxury tax shall be imposed on the rental of a room or rooms and apartments as follows:

1. From July 1, 1980 through June 30, 1981 at a rate not to exceed four per cent.
2. On and after July 1, 1981 at a rate not to exceed three per cent.

18:25-2.4 Exemption from luxury tax on room and apartment rentals

(a) The following room and apartment rentals are exempt from luxury tax.

1. The rental of a room or rooms by a person who resides therein as a permanent resident of Atlantic City. A permanent resident is any person who:

- i. Will occupy a room or rooms under lease for a term of one year or more; or
- ii. Can show a permanency of residence through other objective factors; such as, voter registration, postal records, drivers license, work records, etc.

2. The rental of a room or rooms or an apartment by any person where the rent is paid directly by an agency of State, county or municipal government or by any agency of the United States of America. Where the rent is not paid directly by the governmental agency it is subject to the luxury tax.

i. For example: A State government employee is in Atlantic City on government business. He pays for the occupancy of a room in a motel, the expense to be reimbursed by an agency of State government. The rental is subject to luxury tax.

3. The room rents received by a church or bona fide charitable association not conducted for profit. This exemption is limited to rentals which are directly related to the purpose for which the church or association was organized.

4. The isolated rental of a room, apartment or single family dwelling by a person not engaged in a course of repeated and successive transactions of like character.

5. That portion of a room rental attributable to the provision of food service to the occupant or boarder; for example, American Plan.

6. The rental of apartments for a period of eight weeks or more.

(b) Every rental of a room or rooms and apartments is subject to luxury tax unless exempt from tax as provided in (a) above. There is no exemption from luxury tax by reason of an exemption from sales tax in this State.

1. For example: An organization holding a valid New Jersey exempt organization permit (Form ST-5A) arranges for the occupancy of rooms in a hotel for members attending a convention. The rental charge is invoiced to and directly paid by the organization. The room rentals are subject to luxury tax inasmuch as said tax does not provide an exemption for such organizations. However, the room rentals are not subject to the State sales tax provided the vendor is given an exempt organization certificate (Form ST-5) by the organization. (See N.J.A.C. 18:24-9.12.)

An order adopting these rules was filed and became effective on October 9, 1980 as R.1980 d.437 (Exempt, Emergency Rule).

(a)

TREASURY

STATE INVESTMENT COUNCIL

Amend Cash Management Fund

On October 1, 1980, Clifford A. Goldman, State Treasurer, on behalf of the State Investment Council, pursuant to authority of N.J.S.A. 52:18A-90.4 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:16-41 concerning the State Cash Management Fund.

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

17:16-41.1 Definitions

"Net income" shall be computed daily and will consist, for securities purchased on or after July 1, 1980, of [accrued] interest[,] received and accrued and amortization of premium or discount, [plus or] minus any market [gains or] losses[, less accrued fees and expenses.] in excess of reserves and less fees and expenses and credits to reserves. For securities purchased on or prior to June 30, 1980 "net income" will consist of interest received and accrued and amortization of premium or discount, plus or minus any market gains or losses, less expenses and credits to reserves.

"Participant" shall mean the individual funds or combined funds for which the Treasurer is custodian and the funds of Other-than-State entities, which include counties, municipalities and school districts in the State, whose funds are accepted by the Treasurer for investment purposes in the State of New Jersey Cash Management Fund.

17:16-41.3 Deposit and withdrawal of funds

(a) - (c) (No change.)

(d) Each participant may withdraw funds by depositing in his local bank a draft drawn against his Fund balance, said draft being payable to the participant's account at the local bank depository. The participant may if so desired, request a wire transfer of funds to his local bank. [A nominal charge for processing this outgoing wire may be made.]

17:16-41.4 Income

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

(c) Net income will be computed on balances from the date of receipt to the date of withdrawal as follows:

1. Where full availability of funds, whether transferred by wire or check, is established prior to noon, interest will accrue on these funds from 12:00 noon of the date of establishment of their full availability. For all funds where the full availability is established after 12:00 noon, interest may/will accrue from 12:00 noon of the next business day.

[If Federal funds are wired, interest income will accrue from 12:00 noon on the day of arrival. Interest on all other funds, whether transferred by wire or by check, will accrue from 12:00 noon on the day the funds are fully available.]

(d) With respect to securities purchased on or after July 1, 1980 [N]net income will consist of [accrued] interest received and accrued and amortization of premium or discount, [plus or] minus any [market gains or] realized market losses[, less accrued fees and expenses.] in

excess of reserves less expenses and credits to reserves. For securities purchased on or prior to June 30, 1980, net income will consist of interest received and accrued and amortization of premium or discount, plus or minus any market gains or losses, less expenses and credits to reserves.

...

17:16-41.5 Investments

(a) (No change.)

(b) All assets in the Fund purchased on or prior to June 30, 1980 will be valued daily on the following basis:

1. - 3. (No change.)

4. Cash on deposit—at full value[.];

5. Repurchase agreements—at cost.

(c) All assets in the Fund purchased on or after July 1, 1980 will be valued daily at cost.

17:16-41.6 Reserves and fees

(a) Other-than-State [P]participants[, other than the trust funds] for which the State Treasurer is custodian,] will be charged [at the rate of] up to 1/10 of 1 per cent per annum [until such time as] for a reserve [for] to be applied to possible losses due to [other causes than market fluctuations in the amount of \$1,000,000 has been created] the bankruptcy of any issuer whose securities are held by the Fund or losses realized on the sale of any assets purchased on or after July 1, 1980. In the event of any such [a] loss all Other-than-State participants at the time[, other than the Treasurer] will receive a pro rata distribution of the monies in the reserve, but in no event more than the amount of the loss. The money in the reserve will be invested and the net income produced thereby will be added to and retained in the reserve account. Furthermore, as to any assets purchased on or after July 1, 1980, any gains realized on the sale of such assets will be credited to the reserve account.

(b) Administrative costs will be charged to Other-than-State participants [other than the funds for which the State Treasurer is custodian,] on the basis of up to 1/10 of 1 per cent annum of the monies on deposit in the fund.

(c) (No change.)

17:16-41.7 Reports

(No change.)

An order adopting this rule was filed and became effective on October 10, 1980 as R.1980 d.443 (Exempt, Procedural Rule).

(a)

TREASURY

STATE LOTTERY COMMISSION

Emergency Amend Pick-It and Pick-4 Lottery

On October 14, 1980, Gloria A. Decker, Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amend-

ments to N.J.A.C. 17:21-12.1 and 13.1 concerning the Pick-It and Pick-4 lotteries.

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

17:21-12.1(a)10v. The breakage fund will accumulate to at least one-half of the total handle of an average sales day, and the accumulated surpluses exceeding the one-half total handle of an average day are to be dispersed either in the form of increased pari-mutuel prize allocation and/or to carry forward the breakage to the next subsequent Pick-4 drawing prize pool.

[v.] vi. If no bets of any type are placed on the winning number as drawn for any Pick-It Lottery day, the money in the pool shall be added to the next following Pick-4 Lottery pool.

17:21-13.1(a)10v. The breakage fund will accumulate to at least one-half of the total handle of an average sales day, and the accumulated surpluses exceeding the one-half total handle of an average day are to be dispersed either in the form of increased pari-mutuel prize allocation and/or to carry forward the breakage to the next subsequent Pick-It drawing prize pool.

[v.] vi. If no bets of any type are placed on the winning number as drawn for any Pick-It Lottery day, the money in the pool shall be added to the next following Pick-It Lottery pool.

An order adopting this rule was filed and became effective on October 16, 1980 as R.1980 d.458 (Exempt, Emergency Rule).

(b)

TREASURY

STATE LOTTERY COMMISSION

Emergency Amend Unclaimed Prize Money

On October 14, 1980, Gloria A. Decker, Executive Director of the New Jersey State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendment to N.J.A.C. 17:21-8.1 concerning unclaimed prize money.

Full text of the emergency adoption follows (additions indicated in boldface thus).

17:21-8.1 (c) Upon the conclusion of any specific game, when the prize allocation is in excess of the allocation necessary to sustain the payment of prizes within the prize pool, such excess shall be forfeited to the State upon the determination of the Director, unless the specific game rules make provisions for the dissemination of prize fund balances.

An order adopting this rule was filed and became effective on October 16, 1980 as R.1980 d.459 (Exempt, Emergency Rule).

(a)

TREASURY

STATE LOTTERY COMMISSION

Emergency Amend Agent's Compensation

On October 14, 1980, Gloria A. Decker, Executive Director of the New Jersey State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 17:20-5.10 concerning lottery agent's compensation.

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

17:20-5.10(c) [All claim centers shall be entitled to compensation for validation and redemption in the amount of \$0.50 per winning lottery ticket entitled to prizes not exceeding \$599.00 unless otherwise stipulated by specific game rules.] **Unless otherwise stipulated by rules of a specific game, each licensed agent shall be entitled to compensation for validation and redemption of winning lottery tickets at a rate of 7/10 of 1 per cent (0.7%) of total cash prizes paid by the agent. This rate shall apply to all cash prizes not exceeding \$599.00 per winning lottery ticket. Also, all claim centers shall be entitled to compensation in the amount of \$0.50 per completed claim form,**

with winning ticket attached, which is filed with the Lottery Commission in accordance with the procedure for use of claim forms by claim centers.

An order adopting this rule was filed and became effective on October 16, 1980 as R.1980 d.460 (Exempt, Emergency Rule).

(b)

ELECTION LAW ENFORCEMENT COMMISSION

Interim Public Financing of Gubernatorial Primary Elections

On September 25, 1980, the New Jersey Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules (interim) to be cited as N.J.A.C. 19:25-19.1 through 19.6 concerning public financing of Gubernatorial primary elections as proposed in the Notice published September 4, 1980 at 12 N.J.R. 555(a) but with subsequent substantive changes not detrimental to the public in the opinion of the Commission.

An order adopting this rule was filed and became effective on September 25, 1980 as R.1980 d.411.

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5 CODE TITLES UPDATED

Mailing was completed last month for the March 1980 update of five Titles of the New Jersey Administrative Code.

Titles included were 5—Community Affairs, 8—Health, 9—Higher Education, 16—Transportation, and 17—Treasury-General.

If subscribers have not received this update within two weeks, they should contact the Division of Administrative Procedure, CN 301, Trenton, New Jersey 08625 or phone: (609) 292-6060.

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