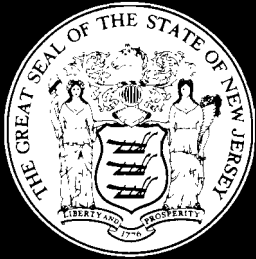


NEW JERSEY



REGISTER

THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor
Howard H. Kestin, Director,
Office of Administrative Law
G. Duncan Fletcher, Assistant Director
for Administrative Publications
Norman Olsson, Editor
Richard Dana Krebs, Rules Analyst,
Administrative Filings

VOLUME 13 **NUMBER 13**
Dec. 7, 1981 **Indexed 13 N.J.R. 861-912**
(Includes rules filed through November 18, 1981)

The New Jersey Register supplements the New Jersey Administrative Code. See the Index of Adopted Rules on Page 900 for the Registers that should be retained as an update to the Administrative Code.

INDEX OF RULES IN THIS ISSUE

RULE PROPOSALS

CIVIL SERVICE	
Pre-layoff actions	862(a)
COMMUNITY AFFAIRS	
Temporary appointments of municipal code officials ..	863(a)
New home warranty and mixed-use property	863(b)
ENVIRONMENTAL PROTECTION	
"Affordable housing" and coastal development	864(a)
Recycling of municipal solid waste	865(a)
Emmission averaging and high sulfur fuels	870(a)
HUMAN SERVICES	
"Less than effective" drugs: Reimbursement	873(a)
Limitation on diagnostic dental services	875(a)
Special medical equipment in long-term care	877(a)
County welfare board minutes	877(b)
General Assistance rate for residential care	879(a)
Home energy assistance (Concurrent with adoption) ...	888(a)
INSURANCE	
Sale of auto club service contracts	879(b)
LAW AND PUBLIC SAFETY	
Oral hygiene schools: Admissions	880(a)
ENERGY	
Recycling of municipal solid waste	865(a)
TRANSPORTATION	

Reduced Fare Transportation Program	881(a)
TREASURY-GENERAL	
Credit unions and direct deposit agreements	883(a)
TREASURY-TAXATION	
Underground gas station tanks as real property	883(b)

RULE ADOPTIONS

CIVIL SERVICE	
Recodification of CSPM into N.J.A.C.	885(a)
Inspection of performance ratings	885(b)
Examination procedure for late arrivals	885(c)
COMMUNITY AFFAIRS	
Uniform Construction Code	885(d)
Construction Code interpretations and opinions	886(a)
Plan review of casino construction	886(b)
Creditable building trade experience	886(c)
ENVIRONMENTAL PROTECTION	
Construction grants for wastewater treatment	886(d)
1982-83 Fish Code	887(a)
Upstream fishing lines	887(b)
Mercury vapor lamps	887(c)
HUMAN SERVICES	
Drug capitation fee for long-term care	887(d)

(Continued on Back Cover)

RULE PROPOSALS

(a)

CIVIL SERVICE COMMISSION

Pre-Layoff Actions Procedures Prior to Layoff Implementation

Proposed New Rules: N.J.A.C. 4:1-16.1A

Authorized By: Civil Service Commission, S. Howard Woodson, Jr., President.
Authority: N.J.S.A. 11:6-2e.

The agency proposal follows:

Summary

N.J.A.C. 4:1-16.1A is a new rule that suggests actions that appointing authorities may implement to minimize department disruption and employee stress related to impending layoffs. The rule itemizes six initial measures to lessen the necessity of laying off permanent employees including: abolishing vacant positions; initiating a hiring and promotion freeze; separating provisional employees; returning provisional employees to their permanent titles; reassigning employees; and assisting employees in securing transfers. After these measures have been taken, if it is still necessary to lay off permanent employees, appointing authorities are to prepare the required notices and identify the titles that will be affected so that the implementation of layoff actions will be efficient and expeditious. We are requiring this information be submitted 30 days before any notices are issued to give this department sufficient time to provide better service and to assist in limiting the scope of the layoff.

Social Impact

The purpose of N.J.A.C. 4:1-16.1A is to minimize negative social impact and employee stress. If the appointing authority adopts the suggested actions, the number of employees affected will be reduced; there will be less speculation leading to tension and agency disruption; overall stress will thereby be minimized.

Economic Impact

Employees' rights will be determined earlier enabling them to exercise their options expeditiously and minimize personal adverse economic impact. This rule will create a shift in management prior-

ity and work load; however, it will result in a long term economic saving since efficiency, productivity and employee morale will be maintained at a high level. Personnel offices will emphasize a pre-layoff work effort decreasing the extreme concentration of work and expense after layoff procedures are initiated.

Full text of the proposed new rule follows.

4:1-16.1A Pre-layoff actions

(a) The appointing authority should lessen the possibility of a layoff or demotion of permanent employees by taking the following preventive actions:

1. Abolish non-essential vacant positions;
2. Initiate a temporary hiring and/or promotion freeze;
3. Separate temporary or provisional employees without permanent status;
4. Return provisional employees to their permanent titles;
5. Reassign employees within the department;
6. Assist potentially affected employees, based on seniority, in securing transfers to other departments.

(b) If all preventive measures have been considered and it is still necessary to abolish positions filled by permanent classified employees, the permanent titles of the employees in positions earmarked for abolition must be identified.

(c) When the appointing authority decides to institute layoff actions, the following information concerning the impending layoff should be sent to the Department of Civil Service, Director, Division of Classification and Compensation (State service) or to the Director, Division of Local Government Services (local service) 30 days before the 45-day layoff notices are issued to employees:

1. The reason for the layoff;
2. The projected effective date of layoff;
3. Sample copies of the proposed general 45-day notice and the individual notice, including the projected date for issuance;
4. The department, names, current titles, status, and permanent titles of employees initially affected.

(d) The Division of Classification and Compensation or the Division of Local Government Services shall review the sample notices to ascertain whether they include the necessary information. If there are deficiencies in the notices, the appointing authority shall be advised of the necessary corrective measures.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1982. These

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.

Material published in the New Jersey Register is the property of the State of New Jersey. However, it may be copied, reproduced or republished by any person for any purpose whatsoever without the permission of the Assistant Director for Administrative Publications, providing that no such reproduction or republication shall bear the title "New Jersey Register" or "Official Rules Publication" without the written permission of the Director, Office of Administrative Law.

The New Jersey Register (USPS 442-950) is published the first and third Monday of each month by Administrative Publications of the Office of Administrative Law, CN 301, Trenton, New Jersey 08625. Telephone: (609) 292-6060. Subscriptions, payable in advance, are one year, \$40.00 monthly; monthly back issues when available, \$3.50. Make checks payable to Administrative Publications.

POSTMASTER: Send address changes to: New Jersey Register, CN 301, Trenton, New Jersey 08625. Second Class Postage paid at Trenton, New Jersey and additional mailing offices.

The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same office. 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.

submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-333.

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING

Uniform Construction Code Acting Appointments

Proposed Amendments: N.J.A.C. 5:23-4.3

Authorized By: Joseph A. LeFante, Commissioner,
 Department of Community Affairs.
 Authority: N.J.S.A. 52:27D-124.

The agency proposal follows:

Summary

Provision is made for temporary appointment of construction and subcode officials. However, the department must be notified of any such appointment for more than 30 days and its written consent must be obtained for any such appointment for more than 60 days.

Social Impact

The rules governing temporary appointments will impose reasonable limits intended to insure the integrity of the licensing system and better protect the public.

Economic Impact

There may be an adverse economic effect upon any individual whose right to hold office on a temporary basis is limited by these rules.

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

5:23-4.3 Enforcing agencies; municipal

(a) (No change.)

(b) Rules concerning organization are:

1. The municipality shall organize its enforcing agency in accordance with the ordinance adopted pursuant to [subsection](a) [of this section] **above** and to meet the following additional requirements:

i.-v. (No change.)

vi. [A municipality may designate a subcode official or the municipal engineer to act as a construction official, or an assistant or other municipal official to act as a subcode official, for a period not exceeding 30 consecutive calendar days or 60 calendar days in a calendar year, even if such temporary official is not certified by the commissioner. However, employees of private on-site inspection agencies shall not act as a construction official;] **Acting appointments: A municipality shall appoint an acting construction official or subcode official any time the absence of such official will impede**

orderly administration of the Uniform Construction Code and other duties mandated by the municipality; but in no event may the time period exceed the statutory period of 20 business days. Acting appointments shall be accomplished by any mechanism acceptable to the municipality providing however that a written record of the appointment shall be kept. Notice to the department shall be kept. Notice to the department shall be provided within seven days any time an appointment is made for more than 30 days. Acting appointments may not be made for longer than 60 days nor may they be extended or renewed beyond 60 days unless specific authority to do so is granted in writing by the department.

(1) Only an individual licensed as a construction official may be appointed as an acting construction official and only an individual licensed as a subcode official in a particular subcode may be appointed as an acting subcode official for that subcode. The technical license level of an acting construction or subcode official shall be superior or parallel to the enforcing agency classification of the municipality or such municipal classification shall be downgraded to the technical license level of the acting official for the period of time in the position. Employees of private on-site inspection agencies shall not serve as acting construction officials.

(2) Acting appointments shall not constitute the statutory four-year term for construction and subcode officials or any portion thereof.

(3) Conflict of interest provisions set forth in this subchapter shall apply to acting officials.

(4) Nothing in (b) of this section shall be interpreted as prohibiting licensed officials from serving in more than one municipality in regular or acting appointments.

(c) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-332.

(b)

DIVISION OF HOUSING

New Home Warranty and Builders' Registration Warranty Coverage for Mixed-Use Properties

Proposed Amendment: N.J.A.C. 5:25-3.1

Authorized By: Joseph A. LeFante, Commissioner,
 Department of Community Affairs.
 Authority: N.J.S.A. 46:3B-10.

The agency proposal follows:

Summary

The amendment makes it clear that only the residential portion of a mixed use new home is covered by the new home warranty.

Social Impact

The home buying public is put on notice that any portion of a new home that is used for nonresidential purposes will be excluded from warranty coverage and will be able to plan accordingly.

Economic Impact

Removal of nonresidential use areas from warranty coverage will reduce the exposure of the State and private warranty plans to some extent.

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

5:25-3.1 Warranty applicability

(a)-(e) (No change.)

(f) In any case of mixed residential and nonresidential use, the warranty specified in this section shall be applicable only to that portion of a new home that is used exclusively for residential purposes, unless it can be shown that a defect in the nonresidential portion is or will be the proximate cause of a defect in the residential portion of the new home.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-331.

ENVIRONMENTAL PROTECTION**(a)****DIVISION OF COASTAL RESOURCES****Rules on Coastal Resource and Development Policies****Affordable Housing Policy****Proposed Amendments: N.J.A.C. 7:7E-7.2**

Authorized By: Jerry Fitzgerald English, Commissioner,
Department of Environmental Protection.

Authority: N.J.S.A. 13:10-9, 13:19-10, 13:9A-2 and
12:5-3.

DEP Docket No.: 054-81-10

The agency proposal follows:

Summary

The Division of Coastal Resources proposes to amend its rule on Coastal Resource and Development Policies pertaining to affordable housing. The proposed amendment will define affordable housing, and specify under what conditions developers are required to provide affordable housing. The amendment makes the policy more

specific and is based upon the precedents stated in recent permit decisions under the Coastal Area Facility Review Act. N.J.S.A. 13:19-1 et seq.

Social Impact

This proposed amendment will make an existing rule more specific, rather than adding new substantive requirements. The refinement of the existing rule requiring the provision of least cost housing should make the rule a more precise tool in requiring such housing where it is most needed.

Economic Impact

Because this proposed amendment will make an existing rule more specific, rather than adding new substantive requirements, it is not expected to have a significant economic impact.

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

7:7E-7.2 Housing use policies

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

(e) [Fair Share Housing] **Affordable Housing:**

1. Definitions:

i. **"Affordable" means housing with monthly carrying costs which are no greater than 25 percent of a household's gross monthly income for rental housing, and no greater than 30 percent of a household's gross monthly income for housing offered for sale.**

ii. **"Affordable housing" means housing which is affordable by low or moderate income households.**

iii. **"Low income household" means a household eligible for Section 8 housing (income less than 80 percent of the region's median income adjusted for household size, as determined by the U.S. Department of Housing and Urban Development).**

iv. **"Moderate income household" means a household eligible for Section 235 housing (income less than 95 percent of the region's median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development).**

[1.] **2. Policy:** [Residential development is encouraged to help municipalities to accommodate their fair share of the regional need for low and moderate income housing, as defined in "A Revised Statewide Housing Allocation Report for New Jersey" (Department of Community Affairs, Division of State and Regional Planning, Bureau of Urban Planning, May, 1978). Residential developments shall provide least cost housing where feasible, especially in Development Regions and in municipalities not presently providing their fair share of low and moderate income housing.]

i. **New residential developments shall provide an appropriate amount of affordable housing for low and moderate income households, where needed and feasible.**

ii. **The number of bedrooms in the affordable housing shall be appropriate to the size of the families needing affordable housing in the region.**

iii. **Appropriate agreements shall ensure that the sale, resale and rental of affordable housing is limited to households eligible for low and moderate income housing, and that the units remain affordable.**

iv. In determining the need for affordable housing, the following factors shall be considered:

(1) The present and projected future shortage of affordable housing in the region, normally at least in a county.

(2) The number of jobs for low and moderate income people in the region.

(3) The number of existing affordable housing units in the municipality and the need for additional units in the municipality and region.

v. In determining the feasibility of providing affordable housing the following factors shall be considered:

(1) The size and type of the development;

(2) The mix of unit types being built;

(3) Whether the size of affordable units would be comparable to established standards for minimum floor space for the bedroom size involved;

(4) The absence of frills or unnecessary cost generating features from the unit;

(5) The allocation of land costs and on-site improvements among the affordable units and the other units;

(6) Whether the developer can make a fair return on the entire development if affordable housing is required;

(7) The availability of federal and state housing subsidies;

(8) The availability of special financing for affordable housing through agencies such as county improvement authorities;

(9) The developer's commitment to building least cost units on-site or affordable units off-site, if affordable units on-site are infeasible.

[2.]3. Rationale:

i. Parts of the coastal zone, are experiencing increasing employment opportunities for low and moderate income workers without similar increases in housing opportunities for such workers. The result is extreme competition for existing affordable housing, continued occupation of substandard housing, and energy consumptive long distance commutation. This situation is most severe in Atlantic County, but shortages of affordable housing also occur elsewhere in the coastal zone.

ii. In March 1975, the New Jersey Supreme Court, in Southern Burlington County NAACP v. The Township of Mount Laurel 67 N.J. 151 (1975) declared that a municipality must "presumptively make realistically possible an appropriate variety and choice of housing ... at least to the extent of the municipality's fair share of the present and prospective regional need ..." In April 1976, the Governor issued Executive Order No. 35, (amended by Executive Order No. 46 of December 1976) which directed the Division of State and Regional Planning in the Department of Community Affairs to prepare a statewide fair share housing allocation plan. [Developments in the coastal zone that contribute to meeting judicial intent concerning municipal fair shares are encouraged.] **This Affordable Housing Policy implements this State objective by requiring that new residential developments provide affordable housing to the maximum extent appropriate and feasible, given the particular circumstances of the development.**

iii. In recent CAFRA decisions, the Department of Environmental Protection has determined that major developments of more than 500 units on the Atlantic County mainland must provide at least 10 percent of the units at prices affordable by moderate income households and at least 10 percent at prices affordable by low income households as an appropriate contribution of affordable housing to comply with this policy and the policy on Large Scale Residential Development (N.J.A.C. 7:7E-7.2(i)).

iv. To insure that the requirements are feasible and will not deprive the developer of a fair return on investment, the appropriate contribution will vary by region and by size of development in response to the criteria of this policy.

v. Since the land areas acceptable for residential development have been deliberately restricted by these Rules on Coastal Resource and Development Policies as part of the coastal management

strategy required by N.J.S.A. 13:19-16 (CAFRA) which has the unintended side effect of making it more difficult for low and moderate income households to afford housing in the coastal zone, this Affordable Housing Policy is a necessary land use planning technique to offset this unintended effect and promote the public health, safety, and welfare' and recognize the economic aspirations of the inhabitants of the coastal area, as required by N.J.S.A. 13:19-2 (CAFRA).

vi. Atlantic City is a unique case in that it has more than its fair share of least cost housing' but as casinos increase the demand for and cost of housing, it is necessary that new least cost housing be provided in the city and its surrounding coastal region to accommodate persons forced out of housing by rising costs as well as people attracted to the region by new jobs.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

John R. Weingart, Chief
Bureau of Coastal Planning and Development
Division of Coastal Resources
Department of Environmental Protection
CN 401
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-330.

(a)

THE COMMISSIONER

Recycling Grants and Loans Program

Proposed New Rules: N.J.A.C. 7:26-15 and 14A:3-15

Public Hearing: January 8, 1982.

Authorized By: Jerry Fitzgerald English, Commissioner, Department of Environment Protection, and Joel R. Jacobson, Commissioner, Department of Energy .

Authority: P.L. 1981, c.278, N.J.S.A. 13:1E-6a(2) and 52:27F-11q.

Department Docket Nos.: DEP 057-81-11 and DOE 011-81-12.

The agencies joint proposal follows:

Summary

The State of New Jersey enacted the Recycling Act, P.L. 1981, c.278, in order to encourage the development of recycling programs with a view toward recycling approximately 25 percent of the municipal solid waste stream by the year 1986.

These regulations are promulgated jointly by the Departments of Energy and Environmental Protection in order to implement the legislative mandate of the Recycling Act. They establish criteria and outline procedures for awarding the various grants, loans and loan guarantees made available under the Recycling Act.

The recycling grants will provide incentives to municipalities to develop recycling programs and increase their involvement in recycling. In order to qualify for an initial grant a municipality must demonstrate that at least one type of eligible material is recycled

within its borders. In subsequent years the municipality will be required to show that two or more eligible materials are recycled and that there was an increase in tonnage recycled over the previous year.

The loans and loan guarantees provide eligible applicants with capital for the development and expansion of recycling businesses and industries within the State. In addition, the regulations establish the procedures for distributing Program and Planning Grants and Educational Grants to New Jersey municipalities and counties.

The amount of solid waste which is presently being deposited in landfills in New Jersey is at an unacceptable and nearly unmanageable level. The proposed regulations are intended to increase public awareness of recycling as a necessary and effective approach to solid waste management and to provide both the public and private sector with incentives for the development of recycling programs.

Social Impact

The increase in the amount of solid waste presently landfilled in New Jersey, the annual decrease in available landfill space and the rapid depletion of energy and natural resources all point to the need to develop a balanced solid waste management system for the State. Such a system must include not only environmentally safe landfill sites and efficient energy recovery systems but also well organized and operated materials recycling programs.

The proposed regulations will encourage the development of recycling programs by providing incentives to both the public sector and private business. Although these regulations do not directly govern the conduct of private parties with regard to recycling, they will ultimately have some effect on such parties. In the event that municipalities choose to implement recycling programs the public will be asked, and in some cases required, to separate recyclable materials from their garbage, and to prepare the materials for collection at curbside or delivery to a collection depot.

Material recovery from solid waste is an important factor in resolving the economic and environmental problems associated with New Jersey's limited landfill space. In view of this fact the commitment required of the public by the proposed regulations is not unduly burdensome. Recycling programs already operating in various municipalities have not overly burdened the residents in those municipalities.

Economic Impact

The Departments attribute several benefits to an increased recycling rate within the State. Recycling of materials from the solid waste stream will result in a reduction in the amount of land used for landfilling and the capacity needed for waste-to-energy facilities. These reductions translate into savings in terms of both land used for waste disposal and dollars expended for construction of waste facilities and for landfill disposal. Those municipalities which have already instituted multi-material recycling programs have found that recycling reduces the costs of collecting and disposing of regular solid waste.

The Departments anticipate that by encouraging the use of recyclable materials as industrial feedstock New Jersey will conserve energy used in the manufacturing process. In addition the sale of recyclable materials will generate additional revenues for local recycling programs and create new employment opportunities for citizens of the State.

In order to administer the proposed regulations the Departments of Energy and Environmental Protection will be required to expand their staffs. The increase in the Departments' personnel will not be great, however, because much of the staff is already in place. The Economic Development Authority will incur certain costs in order to administer the loan programs. Municipalities will need to keep records evidencing the amount of recycling carried out by the community in order to qualify for the recycling grants available pursuant to these regulations.

Full text of the proposed new rule follows.

(DEP) SUBCHAPTER 15. RECYCLING GRANTS AND LOANS PROGRAM

(DOE) SUBCHAPTER 15. RECYCLING GRANTS AND LOANS PROGRAM

7:26-15.1 (14A:3-15.1) Scope

This subchapter shall constitute the joint rules of the Departments of Energy and Environmental Protection governing the disposition of grants and loans pursuant to the Recycling Act, P.L. 1981, c. 278.

7:26-15.2 (14A:3-15.2) Construction

(a) This subchapter shall be liberally construed so as to permit the NJDEP and NJDOE to discharge their statutory functions and effectuate the purposes of the law.

(b) The Commissioners may, from time to time, jointly amend, expand or repeal this subchapter in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

7:26-15.3 (14A:3-15.3) Practice where these rules do not govern

The Commissioners shall exercise discretion in respect to any matters not explicitly covered by this subchapter.

7:26-15.4 (14A:3-15.4) Definitions

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

"Act" means the Recycling Act, P.L. 1981, c.278.

"Collection" means any of a number of procedures by which recyclable materials are collected from residential or commercial sources.

"Commercial source" means apartment buildings with 10 or more dwelling units, farms and wholesale, retail or service establishments including but not limited to restaurants, markets, retail and wholesale outlets, theaters, hotels, warehouses, schools, hospitals, institutions, research facilities, public and private offices, and gas stations.

"Commissioners" means the Commissioners of the Department of Environmental Protection and the Department of Energy.

"Conversion" means the physical or chemical process by which recyclable materials are made into an economically valuable raw material or product other than fuel.

"County" means any of the 21 counties in New Jersey.

"Departments" means the New Jersey Department of Energy and New Jersey Department of Environmental Protection.

"EDA" means the New Jersey Economic Development Authority.

"Education Fund" means the portion of the State Fund specified by Section 5(b)(5) of the Act.

"Education Grant" means grants awarded by the Departments from the Education Fund.

"Market" means a purchaser of recyclable materials.

"Municipality" means any of the forms of local government subdivisions below the county level, including cities, townships, towns, boroughs, or villages located in New Jersey.

"NJDOE and NJDEP" means the New Jersey Departments of Energy and Environmental Protection.

"Planning and Program Fund" means the portion of the State Fund specified by Section 5(b)(4) of the Act.

"Planning and Program Grant" means any grant awarded by the Departments from the Planning and Program Fund.

"Processing" means preparing recyclable materials so as to conform to market specifications, including but not limited to such steps as separating materials by type, grade or color, crushing, grinding, shredding or baling, or removing contaminants.

"Recyclable materials" means materials generated by residential and commercial sources which can be separated from the solid waste stream for the purpose of recycling.

PROPOSALS

"Recycling" means a process or processes by which materials which would otherwise enter the solid waste stream are collected, separated or processed for conversion into economically valuable raw materials or products.

"Recycling business and industry" means a for-profit business which collects, processes, sells, purchases or converts recyclable materials.

"Recycling Business Loan" means a loan or loan guarantee made from the Recycling Business Loan Fund.

"Recycling Business Loan Fund" means the portion of the State Fund specified by Section 5(b)(2) of the Act.

"Recycling coordinator" means a person designated to organize, supervise or coordinate recycling programs and activities within a county.

"Recycling Grant" means any grant awarded by the Departments from the Recycling Grant Fund.

"Recycling Grant Fund" means the portion of the State Fund specified by Section 5(b)(1) of the Act.

"Recipient" means any person to whom monies have been identified or allocated by the Departments from any of the Funds established pursuant to the Act, whether or not said person has actually received monies.

"Regional recycling coalition" means an intermunicipal recycling coordinating agency organized under the InterLocal Services Act (N.J.S.A. 40:8A-1 et seq.) or through a joint purchasing agreement under the Local Public Contracts Law (N.J.S.A. 40A:11-10), or a county-sponsored recycling program serving two or more municipalities within the county.

"Residential source" means houses and apartment buildings with nine or fewer dwelling units, yards and vehicles used for personal transportation.

"State Fund" means the State Recycling Fund established by Section 5(a) of the Act.

"State Program Fund" means the portion of the State Fund specified by Section 5(b)(3) of the Act.

7:26-15.5 (14A:3-15.5) Application and award procedures for Recycling Grants

(a) Eligible applicants for Recycling Grants shall be limited to municipalities, except that a municipality may, upon vote of the appropriate governing body, authorize a regional recycling coalition to apply on its behalf; provided that:

1. All materials recycled within a municipality and claimed for the purposes of this Act shall be submitted on one application form;

2. The municipality has conformed to all restrictions, prohibitions and obligations of the Act as set forth therein and in this subchapter, including but not limited to the following:

i. Grant funds shall not be used for the purchase, construction or operation of equipment or machinery that will be used to bale waste paper or to shear, bale or shred ferrous or non-ferrous metals.

ii. No municipality shall enact an ordinance which requires that recyclable materials already collected and recycled under a contract between a commercial source and a recycling business or industry be collected instead by the municipality or its agent, if such contract is in existence on the effective date of such ordinance.

iii. The first time an applicant applies for a Recycling Grant, it shall demonstrate that one or more types of materials specified in (c)1 below were recycled during the previous year.

iv. The second and subsequent times an applicant applies for a Recycling Grant it shall demonstrate that at least two types of materials specified in (c)1 below are currently recycled, or will be recycled during the calendar year in which the grant is awarded, and that the following minimum quantities shall be recycled:

- (1) All paper products: 15 pounds per capita per year;
- (2) All glass products: 15 pounds per capita per year;
- (3) All other products: one pound per capita per year.

(b) Applications for Recycling Grants shall be accepted by the Departments between January 1 and March 31 of each grant year beginning in 1983 and ending in 1987. Applications shall be made on

ENVIRONMENTAL PROTECTION

such forms as provided by the Departments and shall be submitted in triplicate to:

NJDEP and NJDOE
Office of Recycling
Grant and Loan Officer
101 Commerce Street
Newark, New Jersey 07102

(c) Eligible municipalities shall be entitled to receive Recycling Grants based on the tonnage of recyclable material generated by and recovered for recycling from residential and commercial sources within the municipality.

1. Recyclable material generated by residential and commercial sources shall include:

- i. All types and grades of paper and paperboard products;
- ii. All types and grades of glass;
- iii. Ferrous and non-ferrous metals;
- iv. Textiles;
- v. Food;
- vi. Yard materials;
- vii. Plastics;
- viii. Rubber products;
- ix. Used oil; and

x. Additional solid or liquid materials which are non-hazardous which are approved by the Departments upon application by the municipality.

2. Only recyclable material which is collected on a regular or organized basis consistent with all applicable regulation and permit procedures, using one or more of the following procedures shall be considered to be generated within the municipality and eligible for the purposes of this grant:

i. Curbside pick-up: When the recyclable materials are separated by the source and collected at the curbside by a public agency or its contractor, a commercial recycling business, or a volunteer agency, the material shall be credited to the municipality in which the collection occurs.

ii. Drop-off centers: When the recyclable materials are separated by the source and delivered to a municipal or volunteer drop-off center, the material shall be credited to the municipality in which the center is located. However, when the center is sponsored by a county or other regional agency and is specifically designated to serve more than one municipality, the operator(s) of the center shall allocate the quantity of material recycled among the participating municipalities based on the best available data.

iii. Transfer stations and resource recovery facilities: In order for materials separated from mixed solid waste at a transfer station or resource recovery facility to qualify, the approved county solid waste district management plan shall specifically designate such facility to be the recipient of a municipality's solid waste, and shall specifically require that the separation and recovery of recyclables shall occur prior to incineration, fuel production or disposal. In these instances, the municipalities which generate the material shall be proportionally credited for recycling tonnages based on the best available data.

iv. Markets: When recyclable material is separated and delivered by the source directly to a market, the municipality in which such materials are generated shall receive credit provided that the tonnage is documented in accordance with (d) below.

3. Recyclable material which is generated and collected as specified in (c)1 and (c)2 above shall not be eligible for the purposes of this grant if it is:

- i. Landfilled;
- ii. Dumped;
- iii. Burned or otherwise used for direct energy recovery;
- iv. Converted to a fuel or fuel product, except as specifically permitted by the Departments upon application by a municipality; or
- v. Subject to a deposit or tax imposed by the county or municipality to ensure its return to a collection center.

(d) The tonnage of recycled materials claimed by the municipality shall be accurately reported to the Departments. Records verifying

tonnage claimed shall be maintained by the applicant for a minimum of five years following each grant period. For the purpose of this grant, the following records shall be acceptable subject to review and approval by the Departments on a case-by-case basis:

1. Copies of sales or weight slips showing the type and quantity of recyclable materials delivered, the name of the collector, processor or converter to whom the materials were sold or delivered and the date of sale or delivery of the material;
2. A written statement from the commercial generator supported by verifiable information including the type and quantity of material sold to the collector for recycling during the grant period, the name and address of the collector and the date of collection of the material; or
3. In the case of food and yard materials converted to and used for feed, compost, mulch or fertilizer, a written estimate of the quantity of materials collected and recycled and an explanation of the procedure used by the municipality to estimate the tonnage.

(e) The size of the Recycling Grants to be awarded to each municipality shall be determined in the following manner:

1. In the calendar year 1983, grants awarded shall be based on the number of tons of eligible recyclable material recycled during the calendar year 1982 and shall be calculated in accordance with the following formula, provided that no municipality shall receive more than \$25.00 per ton:

$$\text{Municipal Award} = R \times T_m / T_S$$

where Municipal Award = Dollar value of award to a given municipality for calendar year 1982

R = Total dollar amount allocated to the Recycling Grant Fund as of January 1, 1983

T_s = Total tonnage of eligible recyclable material collected within the State during the calendar year 1982 and claimed by all municipalities

T_m = Total tonnage of eligible recyclable material recycled within a given municipality during calendar year 1982.

2. In the calendar years 1984 to 1987, inclusive, the Recycling Grant Fund shall be divided into three equal parts. Grants awarded shall be based on the increase in municipal tonnage over the previous year in each of three categories: paper products, glass, and all other materials and shall be calculated in accordance with the following formula, provided that no municipality shall receive more than \$25 per ton for any of the three categories:

$$\text{Municipal Award} = (P_m / (3 \times R \times P_s)) + (G_m / (3 \times R \times G_s)) + (O_m / (3 \times R \times O_s))$$

where R = Total dollar amount in the Recycling Grant Fund in each of the calendar years 1984 to 1987, inclusive

P_s = Increase in State paper tonnage recycled

P_m = Increase in municipal paper tonnage recycled

G_s = Increase in State glass tonnage recycled

G_m = Increase in municipal glass tonnage recycled

O_s = Increase in State other tonnage recycled

O_m = Increase in municipal other tonnage recycled.

(f) Applications shall be made on forms provided by the Departments and shall include the following:

1. The name and address of applicant;
2. The name of municipality for which application is made;
3. A description of the recycling program(s), including:
 - i. Name(s) and address(es) of recycler(s) (collectors or sellers as appropriate);
 - ii. Date of commencement of the recycling program;
 - iii. Type of material(s) collected;
 - iv. Quantity collected by type of materials in year prior to grant year;
 - v. Quantity collected by type, in previous years;
 - vi. Method of collection;
 - vii. Manner of disposal of material(s) (e.g., name of purchaser);
 - viii. Value of material recycled (if available); and
 - ix. Enforcement procedures, if program is mandatory.
4. A short description indicating the manner in which the grant

shall be used.

5. Municipal certifications regarding:
 - i. Tonnage recycled;
 - ii. Origin of materials; and
 - iii. Non-diversion from a pre-existing commercial recycling program.

6. Other information as required by the Departments.

(g) Recycling Grants may be credited to the general treasury of the municipality and may be used for recycling activities or other municipal purposes subject to the restrictions in (a)2 above.

7.26-15.6 (14A:3-15.6) Application and award procedures for Recycling Business Loans

(a) This portion of the Act shall be administered jointly by the Departments and the EDA.

(b) Eligible applicants for Recycling Business Loans shall be limited to recycling businesses and industries located in New Jersey. Applicants shall conform to all restrictions, prohibitions, and obligations of the Act, applicable EDA regulations and guidelines, and all other relevant acts as set forth therein and in this subchapter.

(c) Applications may be made at such times as announced and on such forms as provided by the Departments and shall be submitted in triplicate to:

NJDEP and NJDOE
Office of Recycling
Grant and Loan Officer
101 Commerce Street
Newark, New Jersey 07102

(d) Loans and loan guarantees may be used for the creation or expansion of any legitimate commercial activity involved with the collection, separation, transportation, processing or conversion of recyclable materials as determined by the Departments and EDA.

(e) Loans and loan guarantees shall be awarded in accordance with such terms and conditions as set forth by the Departments and EDA. No single applicant or project may receive a loan or loan guarantee which commits more than 20 percent of the total annual balance of the fund.

(f) Loans and loan guarantees shall be awarded on a competitive basis. The criteria used to evaluate applications shall include but not be limited to a determination that:

1. The project promotes the goals and objectives set forth in the State Recycling Plan and applicable county solid waste management plans;
2. All necessary permits have been obtained or applied for;
3. The goals, objectives and implementation strategy of the project are clearly stated;
4. The type, quantity and value of recyclable material to be recovered by the project are reasonable in relation to the investment required;
5. The applicant is able to repay the loan;
6. The applicant has previous experience in recycling;
7. The applicant has the ability to manage the project; and
8. The project substantially increases the quantity of recyclable material removed from the waste stream for recycling.

(g) Applications shall be made on forms provided by the Departments and EDA and shall include but not be limited to the following:

1. The name and address of the applicant;
 2. The names and addresses of the applicant's principal owners and officers;
 3. A detailed description of how and where the funds are to be used;
 4. A description of the type and quality of material to be recycled as a result of the loan or loan guarantee;
 5. A detailed budget;
 6. An estimate of the quantity and value of the materials to be recovered over the life of the equipment or project to be financed; and
 7. A description of any pre-existing or pending arrangement between the applicant and a municipal or county recycling program.
- (h) Applicants receiving loans or loan guarantees shall file an an-

nual status report with the Departments for as long as the loan is outstanding, describing the progress being made towards the goals and objectives set forth in the application.

7:26-15.7 (14A:3-15.7) Application and award procedures for Planning and Program Grants and Education Grants

(a) Municipalities, counties, or regional recycling coalitions shall be eligible to apply for Planning and Program Grants and Education Grants, provided that:

1. The county has, or will have as a result of such grants a recycling coordinator;
2. The municipality has, or will have in place as a result of this grant a mandatory multi-material recycling program;
3. In the case of a regional recycling coalition, an ordinance or resolution, as appropriate, authorizing the application shall have been made by the appropriate governing bodies of its member municipalities;
4. Applications have been determined by the county recycling coordinator to be in conformance with the appropriate solid waste district management plans;
5. Where feasible, counties and municipalities applying directly for such grants shall recycle paper, glass, oil or metal materials generated in county and municipal offices and facilities;
6. Requests for Planning and Program Grants shall not exceed 50 percent of the direct project costs; or
7. Requests for Education Grants shall not exceed 75 percent of the direct project costs; and
8. Applicants conform to all restrictions, prohibitions and obligations of the Act as set forth therein and in this subchapter.

(b) Applications for Planning and Program Grants and Education Grants shall be made at such times as announced and on such forms as provided by the Departments, and shall be submitted in triplicate to:

NJDOE and NJDEP
Office of Recycling
Grant and Loan Officer
101 Commerce Street
Newark, New Jersey 07102

(c) Planning and Program Grants shall be used for administrative, planning or operating expenses associated with publicly sponsored recycling programs including but not limited to:

1. Staff salaries and fringe benefits, subject to such education or training requirements as may be stipulated by the Departments;
2. Office expenses;
3. Equipment purchases;
4. Enforcement; and
5. Publicity.

(d) Education Grants shall be used for all direct expenditures associated with recycling and litter abatement publicity, information and education programs, including:

1. Printing and distribution expenses;
2. Advertising expenses; and
3. Other costs essential to the successful implementation of a public information and education program.

(e) Applicants may receive either a Planning and Program Grant or Education Grant, or both.

(f) Grants awarded pursuant to this section shall be awarded on a competitive basis. The criteria used to evaluate applications shall include but not be limited to determinations that:

1. The project will further the goals and objectives of the State Recycling Plan;
2. The project's goals, objectives and implementation strategy are clearly stated;
3. The project is practical and has a high probability of success;
4. The value of the materials to be recovered will be comparable to the size of the grant; and
5. The project substantially increases the quantity of recyclable materials removed from the waste stream and actually recycled.

(g) Applications shall be made on forms provided by the Departments and shall include but not be limited to the following information:

1. The name and address of the applicant;
2. A description of the manner in which the funds will be used;
3. A description of the manner in which the project to be funded will promote recycling within the applicant's municipality, including specific program goals and objectives;
4. For subsequent grants, a progress report showing the extent to which the previous year's goals were met; and
5. A detailed budget.

(h) Applicants receiving either Planning and Program Grants or Education Grants shall file semiannual progress reports with the Departments during the grant year and for two years following receipt of the grant.

7:26-15.8 (14A:3-15.8) Execution of award documents

(a) As concerns Recycling Grants, Planning and Program Grants and Education Grants, the Departments shall prepare and transmit an original and three copies of the award document to the applicant. The applicant shall execute the award document and return it to the Departments with an ordinance or resolution of the appropriate governing body, authorizing the signing of the document, naming the person authorized to sign the document and committing the applicant to use the funding in accordance with the terms and conditions of the award document, this subchapter and the Act.

(b) As concerns loans or loan guarantees made pursuant to the Act, the applicant shall execute the award document and return it to the EDA with the signature of the person(s) having authority to commit the entity receiving the monies to the terms and conditions of the loans or loan guarantees.

(c) The award document shall be deemed to incorporate all requirements, provisions, and information in this subchapter, the Act and all documents and papers submitted to the Departments in the application process.

(d) At the time of execution of the award document by the Departments and the applicant, the grant, loans or loan guarantees shall become effective and shall constitute an obligation on the Recycling Fund in the amount and for the purposes stated in the award document.

7:26-15.9 (14A:3-15.9) Unused monies

(a) All monies which remain unused or unexpended by the Departments at the close of the calendar year or which have been withheld or rescinded by the Departments shall remain with or be returned to the Fund.

1. Unused monies derived or allocated from the Recycling Grant Fund, Recycling Business Fund or Education Fund shall be added to their respective Funds.

2. Unused monies derived or allocated from the State Program Fund and Planning and Program Fund may be added to their respective funds or to any of the funds in (a)1 above, as the Departments in their discretion deem appropriate.

7:26-15.10 (14A:3-15.10) Debarment

(a) Any person or corporation who is debarred, suspended or disqualified from State contracting pursuant to N.J.A.C. 7:1-5 shall be ineligible to receive State grants, loans or loan guarantees under this subchapter, whether directly or through a contract with a recipient of State Fund monies.

(b) Recipients shall insert in every contract for work on a project a clause stating that the contractor may be debarred, suspended or disqualified from contracting with the recipient if the contractor commits any of the acts listed in N.J.A.C 7:1-5.2.

(c) Bid specifications prepared by the recipient shall require submission of a sworn statement by the bidder, or an officer or partner of the bidder, indicating whether or not the bidder is, at the time of the bid, included on the State Treasurer's List of Debarred, Suspended and Disqualified Bidders as a result of action by a State agency other than the Departments.

(d) Any person included on the Treasurer's List as a result of action by a State agency other than the Departments, who is or may become a bidder, or any contractor who is or will be funded by a grant or loan under this subchapter may present information to the Departments, indicating why this section should not apply to such person. If the Commissioners determine that an exception is essential to the public interest and file a finding thereof with the Attorney General, the Commissioners may grant such exceptions in keeping with the provisions of N.J.A.C. 7:1-5.9.

(e) The Departments may suspend or debar any such person, or take such other action as may be appropriate pursuant to N.J.A.C. 7:1-5.

7:26-15.11 (14A:3-15.11) Discriminatory practices

The applicant shall certify that its contractors and their subcontractors are in compliance with the discrimination and affirmative action provisions of N.J.S.A. 10:2-1 to 10:2-4 and the rules and regulations promulgated pursuant thereto.

7:26-14.13 (14A:3-15.12) Procedure for withholding or rescission of grants

(a) The Departments may, in addition to any other rights or remedies available pursuant to law, withhold a grant or any portion thereof, for good cause. The term "good cause" shall include, but not be limited to the following:

- 1. Failure to comply with the provisions of this subchapter, the Act or other applicable State laws or regulations;
- 2. Failure to meet any condition or specification of the grant;
- 3. Submission of false or misleading information to the Departments.

(b) The Departments shall give written notice to the recipient of its intent to withhold or rescind the grant in whole or in part.

(c) The Departments shall afford the recipient an opportunity for consultation prior to withholding or rescission of the grant.

(d) The Departments, may, after affording the recipient opportunity for consultation, withhold or rescind the grant in whole or in part. The withholding or rescission shall be in writing and effective on the date such action is taken.

(e) The determination to withhold or rescind a grant shall be solely within the discretion of the Departments.

7:26-15.13 (14A:3-15.13) Return of grants

(a) The recipient of a grant which has been withheld or rescinded by the Departments shall refund or credit to the Departments the amount of grant monies withheld or rescinded.

(b) The Departments shall, upon receipt of the monies, return same to the appropriate Fund in accordance with the provisions of section 9 of this subchapter.

(Rule Continued on Page 884)

(a)

DIVISION OF ENVIRONMENTAL QUALITY

Bureau of Air Pollution Control
Sulfur in Fuels

Proposed Amendments: N.J.A.C. 7:27-9.1 et seq.

Public Hearing: January 20, 1982.

Authorized By: Jerry Fitzgerald English, Commissioner,
Department of Environmental Protection.

Authority: N.J.S.A. 13:1D-1 et seq. N.J.S.A. 26:2C-8.
DEP Docket Number: 055-81-10

The agency proposal follows:

Summary

The proposed revisions to N.J.A.C. 7:27-9 entitled "Sulfur in Fuels", will allow for the averaging of sulfur dioxide emissions between more than one stack at a facility, subject to specified conditions. This mechanism, commonly known as a "bubble", is designed to protect the ambient air quality standards while providing economic benefits to the regulated community. The proposal also includes an incentive provision to allow the use of higher sulfur fuel for up to two years at a facility which will be converted to burn coal or municipal solid waste with specified air pollution controls. When the conversion is complete, sulfur dioxide emission must be equivalent to emission limits for low sulfur oil combustion.

Social Impact

By encouraging fuel conversions to coal or municipal solid waste, dependency on oil will be reduced. Also, to the extent the incentive encourages the use of municipal solid waste for generating steam, the solid waste disposal problem will be mitigated.

Economic Impact

The proposed mathematical combination of emissions provision would give industry and utility companies greater flexibility in selecting cost-effective emission control strategies. Further, the incentive provision for conversion to coal or fuel derived from municipal solid waste will permit the accumulation of capital by the regulated community which can be applied to the cost of the air pollution control equipment required to burn the new fuels cleanly. Additional savings will be realized through the air quality modeling waiver also proposed in this revision.

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

7:27-9.1 Definitions

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

.....
["Carbon Dioxide (CO₂)" means a colorless, odorless gas at standard conditions, having a molecular composition of one carbon atom and two oxygen atoms.]
.....

"Mathematical combination" means the summation of the emissions from two or more stacks or chimneys and the regulation of those emissions as if they came from the same sources venting through a single stack.

"Municipal Solid Waste (MSW)" means waste consisting of household waste from private residences; commercial waste which originates in wholesale, retail, or service establishments such as restaurants, stores, markets, theatres, hotels and warehouses; and institutional waste originating in schools, hospitals, research institutions and public buildings.

"Oxygen (O₂)" means a colorless, odorless gas at standard conditions, having a molecular composition of two oxygen atoms.

7:27-9.2 Sulfur content standards

(a) No person shall store, offer for sale, sell, deliver or exchange in trade for use in New Jersey fuel which contains sulfur in excess of a percentage by weight set forth in Table 1[.], of this section, except as provided in (c), (d) and (e) below.

(b) No person shall use fuel which contains sulfur in excess of a percentage by weight set forth in Table 1[.], of this section except as provided in (c), (d), and (e) below.

TABLE 1

MAXIMUM ALLOWABLE SULFUR IN FUEL

(No change in text of TABLE 1.)

(c) (No change.)

TABLE 2

MAXIMUM ALLOWABLE SULFUR DIOXIDE EMISSIONS

Typical Grades of Fuel Oil No. 2	Classification by SSU Viscosity at 100° F	SO ₂ Emissions (lbs./10 ⁶ BTU)			
		Zone 1	Zone 2 & Zone 5	Zone 3	Zone 4 & Zone 6
No. 2	Less than or equal to 45	0.32	0.32	0.21	0.21
No. 4	Greater than 45 but less than 145	2.10	0.74	0.32	0.32
No. 5, No. 6 & heavier	Equal to or greater than 145	2.10	1.05	0.53	0.32

(d) The provisions of (a) and (b) above shall not apply to fuels included in an alternative emission control plan based on a mathematical combination approved by the Department. Application for such approval shall be made to the Department in writing and must include:

1. Certification that all source operations to be included in the mathematical combination are under the control of, or operated by, one person; and

2. Certification that the total sulfur dioxide emissions from the mathematical combination during each 24-hour period will not exceed the quantity of sulfur dioxide expressed in pounds per million BTU gross heat input set forth in Table 2 of this section; and

3. Identification of each fuel burning unit and stack to be included in the mathematical combination; and

4. Identification of the grades of fuel to be burned in each unit, the maximum sulfur content of each fuel to be burned in each unit, the maximum gross heat input rate for each unit, the higher heating value of each fuel, and the annual fuel use and operating hours per year for each unit; and

5. Applications for Permits to Construct and Certificates to Operate, pursuant to the requirements of N.J.A.C. 7:27-8, for any fuel burning unit which must be altered or for any fuel burning unit in which fuel is to be burned having a sulfur content in excess of the applicable limits specified in Table 1 of this section; and

6. A demonstration by air quality simulation modelling acceptable to the Department including aerodynamic downwash modelling, unless waived in accordance with the provisions of N.J.A.C. 7:27-9.4, that the alternative emission control plan will not cause a violation of any ambient air quality standard for SO₂ or total suspended particulate matter, and that there will be no exceedance of threshold increases as set forth in N.J.A.C. 7:27-18; and

7. Sufficient information to evaluate aerodynamic downwash effects including a site plan, heights of all structures within 1000 feet of the stacks in the mathematical combination, and the topography of the area within 1000 feet of the stacks in the mathematical combination; and

8. A guarantee that fuel analyses will be submitted at intervals specified by the Department.

(d) (e) The provisions of [subsections] (a), (b), [and] (c) and (d) above [of this section] shall not apply whenever a person responsible for the discharge of sulfur dioxide from a facility caused by the combustion of a combination of fuels, conforming with the standards set forth in Tables 1 and 2[,] of this section, in combination with facility by-products or facility by-products alone can demonstrate to the Department that [his] the facility's emissions are predictable and will in no case exceed 310 ppm by volume adjusted to [12]seven percent [carbon dioxide] oxygen by volume. In such cases, the Department may establish conditions as it deems appropriate including, but not limited to, requiring sampling and analysis of emissions of sulfur dioxide, periodic fuel analysis and the periodic submission of data.

Renumber (e) and (f) as (f) and (g).

7:27-9.3 Exemptions

(a) (No change.)

(b) The provisions of section 9.2(a), (b) and (c) of this subchapter

shall not apply to persons storing, offering for sale, and delivering or exchanging in trade, fuels that are being used in compliance with the provisions of Table 2 and/or section 9.2(d) of this subchapter.]

Renumber (c) as (b).

7:27-9.4 Waiver of air quality modelling

(a) The Department may waive the air quality simulation modelling requirements of N.J.A.C. 7:27-9.2(d) if the applicant demonstrates that:

1. The effective heights, as determined in accordance with the provisions of (b) below, of the stacks to be included in the mathematical combination are equal, or that the emissions from the fuel having the greatest sulfur content will be discharged to the atmosphere from the stack having the greatest effective height; and

2. The total maximum SO₂ emission rate for all source gases to be included in the mathematical combination is no greater than 800 pounds per hour (363 Kg/hr); and

3. No stack in the mathematical combination is separated from any other stack by a distance, measured from the stack center lines, greater than three times the least effective stack height of any stack included in the mathematical combination; and

4. No stack in the mathematical combination is separated from any other stack by a distance greater than the allowable separation as determined from Figure 1 of this section.

(b) Procedure For Using Figure 1:

1. Determine the effective stack height in accordance with the provisions of (c) below.

2. Locate the least effective stack height on the left side of Figure 1 of this section.

3. Find the intersection of the least effective stack height and maximum total SO₂ emission rate. Interpolation is permitted.

4. Draw a vertical line from this point to the bottom of the chart to find the maximum allowable separation of the stacks.

(c) The effective stack height of a given stack for the purposes of this subchapter is the lesser of the following values:

1. 650 feet; or

2. The sum of the physical stack height and the plume rise.

Plume rise is calculated from the formula:

$$h = \frac{2.9}{u} \left(\frac{vd^2 T - 68}{T + 460} \right)^{0.75}$$

where:

h is the plume rise in feet,

u is 12 if the physical stack height is less than 65 feet; u is 5 for physical stack heights of 65 feet or greater,

v is the actual exit velocity of the stack gas in feet per second,

d is the inside diameter of the stack exit in feet, and

T is the temperature of the stack gas at the stack exit, in degrees Fahrenheit.

7.27-9.5 Incentive for conversion to coal or municipal solid waste

(a) The Department may authorize the use of fuel oils having a sulfur content in excess of the maximum allowable amounts set forth in Table 1 of N.J.A.C. 7:27-9.2 provided that:

1. The fuel burning unit in which the high-sulfur oil is used, or a unit of comparable capacity, will be converted to burn coal or municipal solid waste (MSW) in accordance with a schedule approved by the Department; and

2. The high-sulfur oil will be burned for no longer than a period of two years; and

3. The applicant demonstrates by ambient air quality modeling or other methods acceptable to the Department that increases in the emissions of sulfur dioxide and particulates resulting from the use of the high sulfur oil will not cause any relevant ambient air quality standard to be exceeded or, in areas

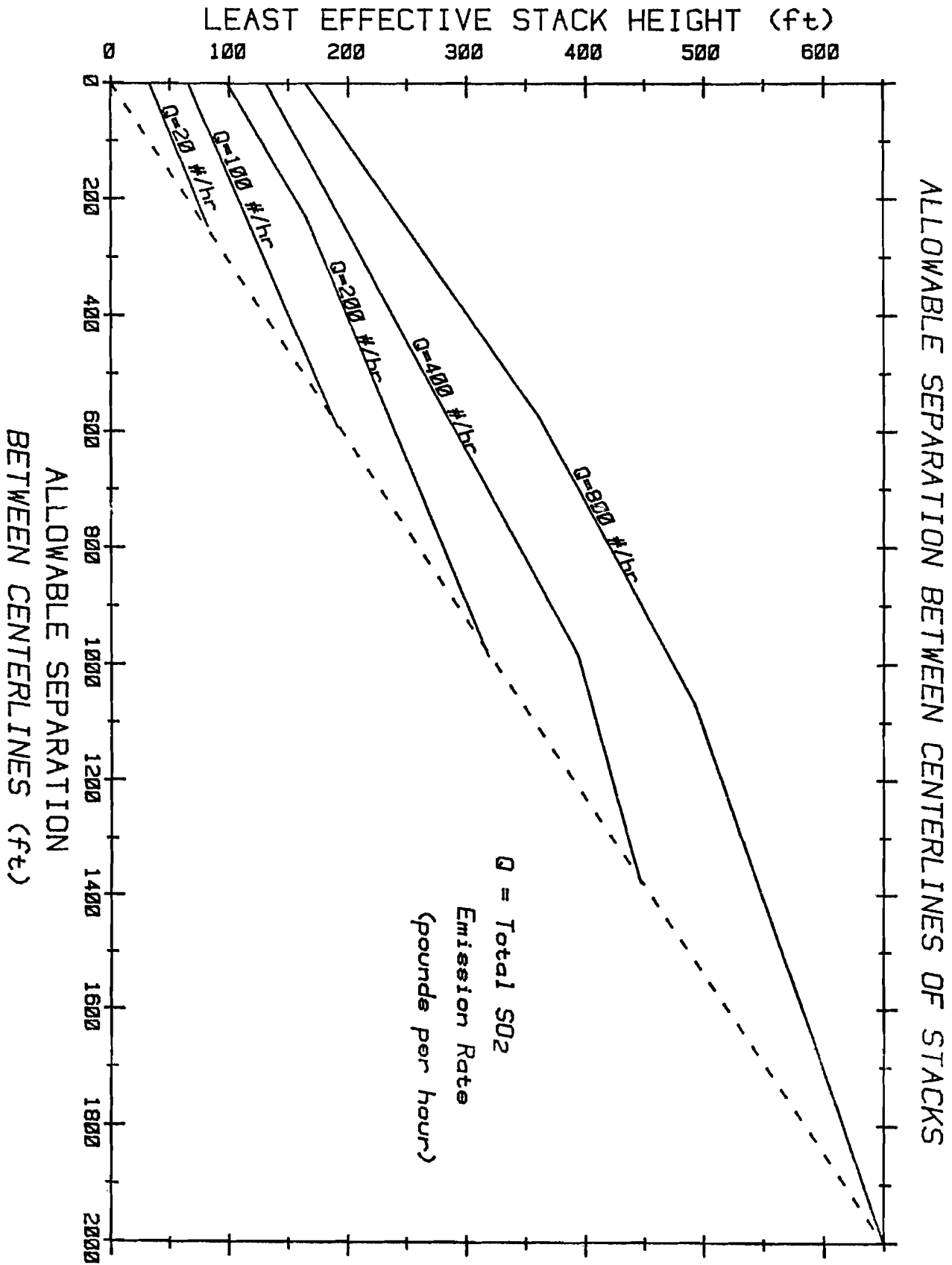


Figure 1

where an ambient air quality standard is already exceeded, will not cause an increase in ambient air concentrations greater than the threshold increases set forth in Table 1 of N.J.A.C. 7:27-18.3; and

4. The sulfur dioxide emissions from the burning of coal or MSW will not exceed 0.3 pounds of sulfur dioxide per million BTU gross heat input; and

5. The applicant obtains an approved Permit to Construct and Certificate to Operate in accordance with the provisions of N.J.A.C. 7:27-8 for the conversion to coal or MSW; and

6. If the conversion does not take place pursuant to (a)1 above, the applicant will pay to the Department a sum of money equivalent to the difference between the cost of the high-sulfur oil used pursuant to the provisions of this section and the cost of the same grade oil which would otherwise be required under the provisions of N.J.A.C. 7:27-9.2; and

7. The applicant will furnish to the Department a written monthly report stating the quantity of high-sulfur oil used, the cost of such oil, and the cost of an equivalent quantity of the same grade oil which conforms to the provisions of N.J.A.C. 7:27-9.2; and

8. The applicant attest to his commitment to honor and comply with all of the provisions of this section and any other provisions the Department deems appropriate, by entering into a Consent Order, which shall so state, with the Department; and

9. Such Consent Order shall be subject to modification or revocation by the Department if the Department determines that the emissions from the burning of high-sulfur oil contribute to a contravention of any applicable ambient air quality standard, or significantly degrade ambient air quality, or that the applicant has failed to honor or comply with its provisions in part or in whole.

Copies of this notice, of the proposed regulations, and of the basis and background document are being deposited and will be available for inspection during normal office hours from at least 30 days prior to the hearing until the closing of the hearing record on January 22, 1982 at:

Atlantic County Health Department
1200 Harding Highway
Mays Landing, New Jersey 08330

N.J. Bureau of Air Pollution Control
Room 1108, Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

N.J. Bureau of Air Pollution Control
Metropolitan Field Office
1259 Route 46
Parsippany, New Jersey 07054

N.J. Bureau of Air Pollution Control
Southern Field Office
100 Larwin Road
Cherry Hill, New Jersey 08002

Warren County Health Department
151 West Washington Avenue
Washington, New Jersey 07882

N.J. Bureau of Air Pollution Control
Newark Field Office
1110 Raymond Boulevard - Fifth Floor
Newark, New Jersey 07102

A public hearing concerning this proposal will be held on January 20, 1982 from 9 A.M. until the end of testimony at:
New Jersey State Museum Auditorium
205 West State Street
Trenton, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before January 22, 1982, or appear at the public hearing to offer relevant testimony. These submissions, and any inquiries related thereto or concerning the public hearing, should be addressed to:

Herbert Wortreich, Assistant Director
Division of Environmental Quality
Department of Environmental Protection
CN027
Trenton, New Jersey 08625

The Department of Environmental Protection thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption. Pursuant to N.J.S.A. 26:2C-8, this rule becomes operative 60 days after adoption, provided that notice of the adoption has been published in the New Jersey Register pursuant to N.J.A.C. 1:30-4.5.

This proposal is known as PRN 1981-226.

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Pharmaceutical Services Manual Less Than Effective Drugs

Proposed Amendments: N.J.A.C. 10:51-1.13, 1.14, 1.19, 5.16 and 5.19

Authorized By: Timothy Carden, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 30:4D-6b(6)-7, and -24.

The agency proposal follows:

Summary

This rule amends current Medicaid regulations to implement section 2103 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

This proposal prevents pharmacy providers from being reimbursed for prescription drugs and drug products that have been classified as "less than effective" by the Federal Food and Drug Administration (FDA) pending the outcome of the Notice of Opportunity for Hearing (NOOH). (Said hearing is conducted by the Federal Government). If the end result of the NOOH is a final determination of ineffectiveness of the drug(s), the drug(s) will be removed from the market by the FDA and cannot be dispensed by pharmacies. Conversely, if NOOH results in a determination of effectiveness of the drug(s), the drug(s) will then be reinstated, and pharmacies will be reimbursed.

This proposal will apply to both the Medicaid (Title XIX and PAA) programs. However, the Medicaid portion of the rule has already been adopted by an emergency rule effective December 3, 1981.* The text of the rule which appears in N.J.A.C. 10:51-1.14(a)16i, and ii below is taken verbatim from 42 CFR 441.25. Similar language is also included in N.J.A.C. 10:51-5.16(a)10i, but references to FFP (Federal Financial Participation) have been deleted.

*OFFICE OF ADMINISTRATIVE LAW NOTE: At the time of the receipt and preparation of this notice of proposed rule, the emergency rule referred to by the agency had not been filed.

Social Impact

The effect of this rule will mean that Medicaid recipients, and PAA beneficiaries, will not be able to obtain the drugs and drug products that have been classified as "less than effective", unless they want to pay privately. Nevertheless, alternate means of drug therapy, reimbursable by either Medicaid or PAA, is available.

Economic Impact

The cost to the Medicaid and PAA programs cannot be determined at this time. There might be some savings because the Division of Medical Assistance and Health Services will not have to pay for certain drugs; however, any savings might be offset by reimbursement for substitute drug products.

Pharmacy providers will still be reimbursed for appropriately dispensed drugs.

Medicaid recipients and PAA beneficiaries will not be required to pay for drugs that are classified as "less than effective" unless they choose to purchase them voluntarily. If alternate drug products are prescribed, then the only obligation is the \$2.00 copayment imposed on the PAA beneficiary.

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

10:51-1.13 Services requiring prior authorization

(a) The therapeutic classes and dosage forms listed below require prior authorization, obtained by the prescriber from the local Medicaid unit. If the prior authorization request is approved, an authorization number will be provided and must appear on the prescriber's original or valid transcribed prescription. The space labeled "Check if Prior Authorized Service" on the Prescription Claim Form (MC-6) must be checked and the "prior authorization" number provided must be entered in the proper space.

1.-5. (No change.)

6. Compound prescriptions containing drugs not eligible for reimbursement under N.J.A.C. 10:51-1.14(a)16.

10:51-1.14 Services not eligible for reimbursement

(a) (No change.)

1.-15. (No change.)

16. Drugs for which Federal Financial Participation (FFP) is not available.

i. FFP is not available in expenditures for the purchase or administration of any drug product that meets all of the following conditions:

(1) The drug product was approved by the Food and Drug Administration (FDA) before October 10, 1962;

(2) The drug product is available only through prescription;

(3) The drug product is the subject of a notice of opportunity for hearing issued under section 505(e) of the Federal Food, Drug, and Cosmetic Act and published in the Federal Register on a proposed order of FDA to withdraw its approval for the drug product because it has determined that the product is less than effective for all its labeled indications;

(4) The drug product is presently not subject to a determination by FDA, made under its efficacy review program (see 21 CFR 310.6 including all subsequent supplements and amendments, for an explanation of this program), that there is a compelling justification of the drug product's medical need.

ii. FFP is not available in expenditures for the purchase or administration of any drug product that is identical, related, or similar, as defined in 21 CFR 310.6 (including all subsequent amendments and supplements), to a drug product that meets the conditions of (a)16i above.

iii. The initial list of drugs and related drug products classified as "less than effective" by the FDA pending outcome of the NOOH appears at 21 CFR 301.6. Subsequent revisions to this list which are adopted and incorporated by reference hereby, will appear in the Federal Register. Payment will be governed by the regulation as cited in N.J.A.C. 10:51-1.14(a)16.

10:51-1.19 Compounded prescriptions

(a) Any prescription containing two or more ingredients in usually accepted therapeutic dosage and combined by a pharmacist at the time of dispensing is a compounded prescription and shall be charged as follows:

1.-3. (No change.)

4. Compound prescriptions containing drugs not eligible for reimbursement under 10:51-1.14(a)16 will require prior authorization.

10:51-5.16 Pharmaceutical services not eligible for payment

(a) The following classes of prescription drugs will not be honored for payment.

1.-9. (No change.)

10. "Less than effective drugs" subject to a Notice of Opportunity for Hearing (NOOH) by the Federal Drug Administration (FDA).

i. Reimbursement is not available in expenditures for the purchase or administration of any drug product that meets all of the following conditions:

(1) The drug product was approved by the Food and Drug Administration (FDA) before October 10, 1962;

(2) The drug product is available only through prescription.

(3) The drug product is the subject of a notice of opportunity for hearing issued under section 505(e) of the Federal Food, Drug, and Cosmetic Act and published in the Federal Register on a proposed order of FDA to withdraw its approval for the drug product because it has determined that the product is less than effective for all its labeled indications;

(4) The drug product is presently not subject to a determination by FDA, made under its efficacy review program (see 21 CFR 310.6 including all subsequent amendments and supplements, for an explanation of this program), that there is a compelling justification of the drug product's medical need.

ii. Reimbursement is not available in expenditures for the purchase or administration of any drug product that is identical, related, or similar, as defined in 21 CFR 301.6 (including all subsequent amendments and supplements), to a drug product that meets the conditions of (a)10i above.

iii. The initial list of drugs and related drug products classified as "less than effective" by the FDA pending outcome of the NOOH appears at 21 CFR 301.6. Subsequent revisions to this list which are adopted and incorporated by reference hereby, will appear in the Federal Register. Payment will be governed by the regulation as cited in N.J.A.C. 10:51-1.16(a)10.

10:51-5.19 Compounded prescriptions

(a) Any prescription containing two or more ingredients, one of which must be a legend drug, in usually accepted therapeutic dosage and mixed by the pharmacist at the time of dispensing is a compounded prescription.

1.-2. (No change.)

3. Compounded prescriptions containing drugs not eligible for reimbursement under 10:51-5.16 (a)10 will not be reimbursed.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
 Division of Medical Assistance
 and Health Services
 CN-712
 Trenton, N.J. 08625

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

This proposal is known as PRN 1981-339.

(a)

MEDICAL ASSISTANCE AND HEALTH SERVICES

**Dental Services Manual
 Diagnostic Services**

**Proposed Amendments: N.J.A.C. 10:56-1.14,
 1.15, and 3.4**

Authorized By: Timothy Carden, Commissioner,
 Department of Human Services.
 Authority: N.J.S.A. 30:4D-6b(4) and 30:4D-6c.

The agency proposal follows:

Summary

The Division plans to limit the frequency of certain dental services for Medicaid recipients. The services are dental examinations, fluoride applications, and prophylaxis. Current regulations allow recipients to receive these services once every six months. This proposal will limit these services to once every 12 months, unless there is a medical need for more frequent treatment, which will have to be prior authorized.

In addition, periapical and bitewing X-rays will be limited to a set number of films annually. The limitations are set forth in the proposed sections below.

Social Impact

Medicaid recipients will still be able to receive dental services, and providers will be reimbursed for rendering these services, provided they comply with the time frames specified in the sections below.

Recipients who need examinations and treatment more frequently than annually can still receive these services, provided they are prior authorized.

Economic Impact

The Division's total expenditures for 1980 (for dental examinations, fluoride applications, prophylaxis, and the X-rays listed) was approximately five million dollars. The Division estimates a savings of two million dollars by imposing these limitations.

The impact on individual providers of dental services will vary, depending on the number of Medicaid recipients being treated. Providers will still be reimbursed for services appropriately rendered.

There will be no economic impact on Medicaid recipients, who will not be required to pay for these services.

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

10:56-1.14 Diagnostic services

(a) Examination rules are:

1. A complete examination of the oral cavity must be a comprehensive and thorough inspection of the oral cavity to include diagnosis, charting, and recording of the recommended treatment. It should permit a Dental Consultant (with accompanying X-rays) to determine the appropriateness of the treatment plan.

i. This dental examination is reimbursable only when part of a total treatment plan, unless the examination discloses no need for treatment, in which case this must be indicated by placing the statement, "No other treatment necessary (N.O.T.N.)" in the Diagnosis box on the Dental Form (MC-10). ii. For reimbursement purposes, a complete dental examination shall be limited to once every [six] 12 months unless [prior] authorized.

2. (No change.)

3. The dentist who examines a long-term care facility patient must provide the treatment necessary unless the examination indicates that a specialist is needed.

4. Handicapping Malocclusion Assessment examination (refer to [section 21 of this subchapter].) **N.J.A.C. 10:56-1.21).**

[3i.] i. For reimbursement purposes, a Handicapping Malocclusion Assessment Examination is limited to the Orthodontist who is a qualified specialist (**refer to 10:56-1.1**). This examination is limited to once every [six] 12 months unless [prior] authorized.

(b) Radiography rules are as follows:

1. Radiological procedures are limited to those normally required to make a diagnosis[.] **and as may be dentally appropriate.** Radiographs must be taken to show all areas where treatment is anticipated.

i. (No change.)

2. (No change.)

[3. In accordance with good dental practice, the following guidelines must be adhered to:

i. A complete series radiographic study, at least 14 periapical plus two posterior bite-wing films is limited to once every three years without prior authorization for those patients 15 years of age or older.

ii. For those under the age of 15 years, the maximum number of diagnostic X-rays reimbursable as a single radiographic study every three years without prior authorization is as follows:

(1) Up to and including age six-eight films (six periapical plus two bite-wing films).

(2) Age seven, up to and including age 14-12 films (10 periapical films, plus two bite-wing films).

Note: The need for additional films in such a study must be substantiated and specific authorization obtained from the dental consultant before reimbursement will be considered.]

3. Reimbursement for dental X-rays will be limited according to the following guidelines.

i. A complete series radiographic study is defined and limited by age. It represents the maximum number of diagnostic X-rays reimbursable as a single radiographic study every three years without prior authorization as follows:

(1) **Up to and including age six---eight films (six periapical plus two bitewing films);**

(2) **Age seven, up to and including age 14---12 films (10 periapical films, plus two bitewing films);**

Note: The need for additional films in (b)3i(1) and (2) above must be substantiated and specific authorization obtained from the Dental Consultant.

(3) **For those patients 15 years of age or older---16 X-rays (at least 14 periapical plus two posterior bitewing films).**

Note: The three year limitation in (b)3i(1), (2), and (3), above will continue to apply even though there should be an age change that would transfer the patient from one age category to another. For example, a patient who has eight X-rays at age six is not eligible for the 12 film series until age nine and three years have passed.

4. [Posterior bite-wing and single anterior films may be taken as needed as part of an examination subject to limitations in this section.] **Annual reimbursement will be limited to four intra-oral X-rays, bitewing or periapical, as appropriate,**

without authorization.

5. [In order to establish a diagnosis, an X ray(s) may be taken at any time, as appropriate. **If a complete series radiological study is repeated within the three year limitation period without prior authorization, reimbursement will be subject to limitations in N.J.A.C. 10:56-1.14(b)4.**

6. **In an emergency situation, in order to establish a Diagnosis (which must be recorded in Item 16 of Dental Claim Form MC-10) an X-ray may be taken at any time as dentally appropriate.**

7. **A panoramic X-ray may be taken in lieu of a periapical X-ray(s) without authorization, but reimbursement will be limited to the equivalent number of periapical X-rays that would satisfy the situation, e.g., for one tooth treated the equivalent of one periapical X-ray, two teeth treated, two periapical X-rays, etc.—or as may be determined appropriate by a Dental Consultant. Total reimbursement may not exceed the maximum allowable fee for a single panoramic X-ray. This same panorex may be used and billed for in conjunction with subsequent services using the original date of service and for a one year period thereafter, but the total cumulative reimbursement may not exceed the maximum allowable fee for a single panoramic X-ray.**

8. **In lieu of a complete series radiological study (see N.J.A.C. 10:56-1.4(b)1.) a panoramic X-ray alone or with up to four intra-oral X-rays, bitewing, or periapical, as appropriate, may be taken without prior authorization. Reimbursement will be subject to the same limitations as cited in (b)1, 3, 4 and 5 above.**

9. **X-rays on an edentulous patient are not reimbursable unless a definite need can be documented, in which case either a panoramic X-ray or two occlusal X-rays are reimbursable. If periapical X-rays are taken, reimbursement may not exceed the lesser of the alternatives above. Such X-rays require documentation and authorization.**

Renumber 6. as 10.

[7.] **11. The originals of [All] all X-ray films must be forwarded to the dental consultant when procedures requiring prior authorization are requested. It is recommended that the two film packet be used or a copy made by all dentists who wish to retain a set of X-ray films on their offices at all times.**

Renumber 8. as 12.

[9.] **13. The originals of [All] all X-rays must be available to authorized representatives of the New Jersey Medicaid Program or other agencies of the State of New Jersey as approved by the New Jersey Medicaid Program. [They] Such X-rays will be reviewed by dental consultants of the Medicaid program and/or dentists representing organized dentistry, if appropriate.**

Renumber 10. as 14.

(c)-(e) No change in text.

10:56-1.15 Preventive dental care

(a) **In addition to a dental examination every [six] 12 months, preventive dental care encompasses the following recommended services:**

- 1. Prophylaxis:
 - i. (No change.)
 - ii. **For reimbursement purposes, dental prophylaxis shall be limited to once every [six] 12 months unless prior authorized.**

Fluoride Treatment:

- i. and Note (No change.)
- ii. **Reimbursement for topical fluoride treatment shall be limited to once every [six]12 months without prior authorization for persons 20 years of age and under.**

Note: (No change.)

iii. **Oral fluoride medication may be prescribed (see [section 22 of this chapter] N.J.A.C. 10:56-1.22).**

3.-4. (No change.)

10:56-3.4 Radiographs

(a) (No change.)

(b) **Intra oral radiographs[:](Periapical Bitewing / Occlusal)-Including Panoramic Equivalents-** have the procedure codes and maximum allowance as follows:

1.-7. (No change.)

MAXIMUM ALLOWANCE
S NS

- 8. 0208 Eight films (Maximum number of films reimbursable—up to and including age six [(6)] without authorization) \$9.00 9.00
 - i. **0327 Panoramic radiograph—maxillary and mandibular single film – equivalent in service to 0208.** 7.00 7.00
 - ii. **0331 Panoramic film plus one intra-oral film (bitewing or periapical) – Equivalent in service to 0208.** 8.00 8.00
 - iii. **0332 Panoramic film plus two or more intra-oral films (bitewing or periapical – Equivalent in service to 0208.** 9.00 9.00

9.-11. (No change.)

- 12. 0212 Twelve films (maximum number of films reimbursable—age seven up to and including age [fourteen] 14 without authorization) 13.00 13.00

- i. **0328 Panoramic radiograph – maxillary and mandibular—single film equivalent in service to 0212.** 10.00 10.00

- ii. **0333 Panoramic film plus one intra-oral film (bitewing or periapical) – Equivalent in service to 0212.** 11.00 11.00

- iii. **0334 Panoramic film plus two intra-oral films (bitewing or periapical) – Equivalent in service to 0212.** 12.00 12.00

- iv. **0335 Panoramic film plus three intra-oral films (bitewing or periapical)—Equivalent in service to 0212.** 13.00 13.00

13.-15. (No change.)

- 16. 0216 Sixteen films (Maximum number of films reimbursable – age 15 or older – without authorization.) 17.00 17.00

- i. **0329 Panoramic radiograph – maxillary and mandibular single film. Equivalent in service to 0216.** 10.00 10.00

- ii. **0336 Panoramic film plus one intra-oral film (bitewing or periapical) – Equivalent in service to 0216.** 11.00 11.00

- iii. **0337 Panoramic film plus two intra-oral films (bitewing or periapical) – Equivalent in service to 0216.** 12.00 12.00

- iv. **0338 Panoramic film plus three intra-oral films (bitewing or periapical) – Equivalent in service to 0216.** 13.00 13.00

- v. **0339 Panoramic film plus four or more intra-oral films (bitewing or periapical)—Equivalent in service to 0216.** 14.00 14.00

17. (No change.)

(c) Extraoral radiographs, have the procedure codes and maximum allowance as follows:

1.-5. (No change.)

- 6. **[†]0330 Panoramic radiograph – maxillary and mandibular – single film** 10.00 10.00

7.-8. (No change.)

†Denotes those procedures which normally require prior authorization in order to be eligible for reimbursement under the New Jersey Medicaid Program.

Copies of the proposed changes are available for public inspection at the Local Medical Assistance Units, or by contacting the Administrative Practice Officer at the address listed below.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-340.

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Long Term Care Services Manual
 Ownership of Special Medical Equipment**

Proposed Amendments: N.J.A.C. 10:63-1.4

Authorized By: Timothy Carden, Commissioner,
 Department of Human Services.
 Authority: N.J.S.A. 30:4D-6b(6)(12) and 30:4D-7.

The agency proposal follows:

Summary

This regulation is similar to a provision contained in the Medical Supplier Manual (N.J.A.C. 10:59-1.9(c)). The Division wants to be certain that long term care facilities, and recipients residing in such facilities, are aware of this policy.

The proposed regulation requires that special medical equipment, which is owned by the Division, be returned to the Division when the recipient no longer needs the equipment.

It is sometimes less expensive for the Division to purchase equipment than to rent it. Consequently, the Division becomes the owner, with the recipient having a possessory interest.

This regulation will not apply to equipment that is being rented.

Social Impact

There should be no social impact. Medicaid recipients will still be able to use social medical equipment as long as there is a medical need.

Economic Impact

There is no economic impact on either providers and/or Medicaid recipients.

Long term care facilities have never been reimbursed for special equipment because they do not issue such equipment.

Those providers who do supply the special equipment are reimbursed in accordance with Medicaid policies, procedures, and fee schedules.

Recipients are not required to pay towards the cost of the equipment.

There might be some cost saving to the Division if the equipment can be used more than once.

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

10:63-1.4 Additional Services

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

(c) Special medical equipment: When unusual circumstances require special medical equipment not usually found in a LTCF, such special equipment may be reimbursable with prior authorization from the Local Medical Assistance Unit (LMAU) serving the county where facility is located. [Any equipment so purchased is the property of the patient for whom it was authorized.]

1. When special medical equipment is authorized and purchased on behalf of a Medicaid recipient, ownership of such equipment will vest in the Division of Medical Assistance and Health Services. The recipient will be granted a possessory interest for as long as the recipient requires use of the equipment. When the recipient no longer needs such equipment, possession and control will revert to the Division. The recipient agrees to this when he/she signs the "patient's certification" section on the claim form.

(d)-(k) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
 Division of Medical Assistance
 and Health Services
 CN-712
 Trenton, N.J. 08625

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

This proposal is known as PRN 1981-279.

(b)

DIVISION OF PUBLIC WELFARE

**Public Assistance Manual
 Welfare Board Minutes**

Proposed Amendments: N.J.A.C. 10:81-1.14

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

The agency proposal follows:

Summary

This rule sets forth the minimum requirements for minutes of meetings of county welfare boards where such boards exist. Covered are requirements for preparation, content, retention, attachments, and transmittal of copies to the State office. Also covered are provisions for segregation and secured handling of the minutes of "closed" or "executive" sessions of the respective boards.

Social Impact

This material deals with internal administrative matters. Even if changes in areas, identified above, occur, none will impact the public. Because these regulations only set down minimums which are in fact already being met, no increase in administrative burden is expected. A reduction in paperwork could reduce internal processing in those county welfare agencies which now do more than the minimum and decide to reduce activity. Whether to continue to do more for local purposes is left as a local option and cannot be predicted.

Economic Impact

This rule does not influence the flow of program funds in any way. An administrative cost saving could occur in a welfare board which now does more than the prescribed minimum and in which local officials decide to discontinue some or all of the excess. Assuming that local officials are now required only that which is necessary for local decision making, the Department foresees no significant reductions in activity.

Full text of the proposed new rule follows.

10:81-1.14 Welfare board minutes

(a) The county welfare board in each county in which a welfare board exists shall maintain in permanent archives formal minutes of the proceedings of all regular and special meetings.

(b) Purpose: The maintenance of minutes is legally and administratively essential to:

1. Serve as the official and permanent record of all action duly authorized by the board and of all policy decisions, whether of general or special nature, established by the board for the governing of staff operations;

2. Establish the validity of executive acts of the director and ministerial acts of staff members in carrying out the board's authorization and policies;

3. Provide an official medium for monthly reporting to the State office of those actions of which the State office must be apprised in order to accomplish its functions and for which no other reporting medium is prescribed.

(c) Preparation, attest, maintenance:

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

i. Prepare the minutes or supervise and direct their preparation; and

ii. Attest by personal signature to the official character and correctness of the minutes; and

iii. Provide for and supervise the retention of one official copy in the permanent archives of the agency; and

iv. Provide for and supervise the retention of attachments to the minutes as directed elsewhere in this section.

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

1. Time and place of meeting.

2. Roll call: Identification of members in attendance and establishment of a legal quorum. Also, identification of guests of the board; counsel, if present; staff members; consultants; and others in attendance, including representatives of interest groups with identification of the groups.

3. Sunshine Law compliance: A statement in a form prescribed by counsel as required under the Sunshine Law (Open Public Meetings Act).

4. Previous minutes: Approval or correction of minutes of the previous meeting.

5. Disposition of cases: Record of action on all case determinations including those already disposed of by authorization of the director. Individual case identification is required only for individual case determinations.

6. Fund requisitions: Authorization for the secretary-treasurer to requisition from the State and county treasurers specified amounts of funds for assistance and administration.

7. Disbursements: Approvals and authorizations for payments from the various accounts maintained by the agency.

8. Communications: Record of receipt and disposition, where appropriate, by the board of all communications addressed specifically to the board or otherwise requiring board attention.

9. Personnel transactions: Record of all personnel actions accomplished, proposed, or discussed including appointments, leaves, separations, suspensions, promotions, salary changes, reclassifications, reassignments, etc.

10. Asset and recovery transactions: Record of transactions authorized and intermediate decisions and instructions for executive guidance developed by the board in matters of claims, assets, and recoveries.

11. Staff reports: Record of receipt of regular or special staff reports and of actions taken.

12. Reports of special projects, grants or programs with approvals of expenditures and of decisions made as appropriate.

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

14. Adjournment with announcement, if appropriate, of time and place of next meeting.

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

(f) Transmittal to State office: A copy of the complete minutes with attachments of each regular and special meeting of the board shall be transmitted to the State office on or before the fifth working day after the date of the meeting. Such submittal and subsequent review by State staff does not in any way mean that the contents of the minutes are approved by the State office.

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

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-329.

(a)

DIVISION OF PUBLIC WELFARE

General Assistance Manual
Increase Boarding Rate in Residential Health
Care Facilities

Proposed Amendments: N.J.A.C. 10:85-3.3

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

The agency proposal follows:

Summary

The rate paid for General Assistance recipients in Residential Health Care Facilities (RHCF) has in the past been maintained at the same level as that paid for recipients of the Federal Supplemental Security Income program for the same class of service. This revision maintains the alignment by raising the General Assistance rate from \$369.00 to \$408.50 per month. Since the Division of Youth and Family Services (DYFS) now has authority to regulate personal needs allowances (PNA) in the RHCFs, the reference in this regulation to a specific dollar allowance is being deleted. The DYFS regulation increased the allowance to \$44.00.

Social Impact

The increase will help to assure that the RHCFs will remain available to those General Assistance recipients who need them.

Economic Impact

The operators of the RHCFs will, except for the DYFS mandated change in PNA, receive the entire increase as an offset to increasing costs. There being an estimated 50 cases Statewide, the cost to the public treasury is estimated at \$23,700 per year, of which 75 percent will come from State funds; 25 percent from municipal funds.

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

10:85-3.3 Financial eligibility

(a)-(e) (No change.)

(f) Assistance allowance standards are as follows.

1.-3. (No change.)

4. Room and board living arrangements: When an individual is purchasing a room and board living arrangement, the following shall apply:

i. 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 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 \$40.00 per month], shall not exceed [~~\$369.00~~] **\$408.50, 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.-iv. (No change.)

(g) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-324.

INSURANCE

(b)

Division of Administration

Disclosure Agreements for Motor Club Service
Contracts Sold in Connection with Insurance
Policies

Proposed New Rules: N.J.A.C. 11:1-13

Authorized By: James J Sheeran, Commissioner.
Department of Insurance.

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:22-6.16 and 6.18.

The agency proposal follows:

Summary

The proposed rules concern insurance licensees who sell motor club service contracts in connection with the sale of automobile or other insurance policies. They require the licensee to negotiate a written agreement with the applicant for a motor club service contract which clearly describes its costs and benefits. This agreement shall also make clear that the motor club service contract is separate and distinct from any insurance policy which may be sold and that the availability of insurance to the consumer is in no way contingent on its purchase.

Social Impact

By requiring the provision of full and specific information about motor club service contracts, these rules will enable insureds or prospective insureds to make a reasonable assessment of any motor club service contract which may be offered to them. In this way the regulation will serve to avoid the sale of motor club service contracts to individuals who do not understand the nature of the contract into which they are entering or, in some cases, do not even realize that they are purchasing such a contract.

Economic Impact

The cost to licensees of providing this information and of negotiating the required agreement will be minimal. However, the savings to the consumers who would otherwise purchase motor club service contracts of which they have no need are likely to be significant.

The Department of Insurance will not require additional personnel to enforce the regulation or to handle consumer complaints. The anticipated reductions in complaints to the Department concerning motor clubs should result in savings. Any costs of enforcing the regulation through administrative action are expected to be substantially outweighed by its benefits to the public.

Full text of the proposed new rule follows.

SUBCHAPTER 13. DISCLOSURE AGREEMENTS FOR MOTOR CLUB SERVICE CONTRACTS SOLD IN CONNECTION WITH INSURANCE POLICIES

11:1-13.1 Purpose

(a) This subchapter requires full disclosure of the terms and conditions of motor club service contracts which are sold in connection with automobile or other insurance policies. The purposes of requiring this disclosure are to:

1. Prevent misrepresentation of the cost of automobile or other insurance policies;
2. Prohibit making the availability of automobile or other insurance dependent on the purchase of a motor club membership;
3. Prohibit the comingling of monies intended for the payment of insurance premiums with motor club fees; and
4. Avoid inducing the insured or prospective insured to finance premiums which would not otherwise be necessary but for the motor club costs, unless there is full disclosure.

11:1-13.2 Application

This subchapter applies to all licensed insurance representatives including those licensed for surplus lines when writing or soliciting New Jersey risks or residents.

11:1-13.3 Definitions

"Motor club" means any person, firm, association, partnership, corporation or other legal entity, whether or not residing, domiciled, or incorporated in this State, engaged in selling, furnishing or procuring, for a consideration, motor club services. Such services may include, but are not limited to, community traffic safety service, travel and touring service, emergency road service, theft or reward service, map service, towing service, bail bond service, legal fee reimbursement service in the defense of traffic offenses and the participation in an accident and sickness or death insurance benefit program.

"Motor club representative" means a person who solicits the purchase of or transmits a contract or application for or aids in any manner in the negotiation, sale, renewal or continuance of the motor club service contract.

"Motor club service contract" means any agreement whereby a motor club, for a consideration, promises to render, furnish or procure for any person a motor club service.

11:1-13.4 Motor club sales

(a) Any licensee who acts as a motor club representative or receives any compensation, directly or indirectly, for or on account of the sale of a motor club service contract purchased in connection with the negotiation or sale of an insurance policy or contract shall:

1. Obtain for the file of the insured or prospective insured a dated written agreement, separate and apart from any other agreements, signed by both the licensee and the insured or prospective insured, containing the following information:
 - i. That the motor club service contract is not an insurance contract;
 - ii. The motor club service contract is optional and is not required to be purchased by the insured or prospective insured as a condition of obtaining insurance coverages;

iii. That the motor club membership fee is not related to or included in the insurance premium charge, and cannot lawfully be included in a premium finance agreement entered into by the insured or prospective insured;

iv. A clear statement separately delineating both the motor club fee and the insurance premium charge;

v. Identification of the person(s) and/or vehicles covered by the motor club service contract and the term of the contract.

vi. The name and location of the motor club and the benefits and/or services provided by the motor club service contract.

2. Furnish the insured or prospective insured with a copy of this written agreement at the time of completing the agreement. The licensee shall also maintain a copy of the written agreement in the insured's or prospective insured's file.

(b) Noncompliance with this subchapter constitutes violation of N.J.S.A. 17:22-6.16 including willful violation of insurance law and conduct demonstrating unworthiness.

Office of Administrative Law Note: Provided that a notice of adoption has previously been published in the New Jersey Register (see N.J.A.C. 1:30-4.5), the Department of Insurance intends to make this subchapter operative 60 days after its adoption by the Commissioner.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Morgan Shumake
Executive Assistant
Department of Insurance
CN-325
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-338.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS

Schools of Oral Hygiene Entrance Requirements

Proposed Amendments: N.J.A.C. 13:30-6.9(a)

Authorized By: New Jersey State Board of Dentistry,
Herman H. Weiss, President.
Authority: N.J.S.A. 45:6-50.

The agency proposal follows:

Summary

The proposed amendment provides that both men and women may attend schools of oral hygiene.

Social Impact

The proposed amendment repeal assures that both qualified men and women may freely attend Schools of Oral Hygiene, thus eliminating an unnecessary and unreasonable restriction in the current rule.

Economic Impact

At first blush this proposal would appear to impact the licensees and the Board economically by increasing the number of persons having to be licensed as dental hygienists by the Board and reducing job opportunities available to other licensees. However, in actuality this proposal will have no economic effect on either the licensees or the Board because it accomplishes what has always been the practice of the Board. The proposed amendment has never been enforced by the Board because of its discriminatory impact upon men and women.

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

- [(a) The school of oral hygiene shall be open to women only.]
- [(b)](a) (No change.)
- [(c)](b) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert J. Siconolfi
 Executive Secretary
 Division of Consumer Affairs
 New Jersey State Board of Dentistry
 1100 Raymond Boulevard, Room 321
 Newark, New Jersey 07102

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

This proposal is known as PRN 1981-337.

TRANSPORTATION

(a)

NEW JERSEY TRANSIT CORPORATION

Reduced Fare Transportation Program Elderly and Handicapped

Proposed Recodification: N.J.A.C. 16:51 to 16:73

Proposed Amendments: N.J.A.C. 16:51 (to be recodified as 16:73)

Proposed Repeal: N.J.A.C. 16:51-4

Authorized By: New Jersey Transit Corporation, Jerome C. Premo, Executive Director.

Authority: N.J.S.A. 27:25-5(e) and (n); and 27:1A-68.

The agency proposal follows:

Summary

The proposed amendments provide for:

1. An updating of the original regulations to reflect certain institutional changes such as the creation of the New Jersey Transit Corporation (NJ TRANSIT) and the transfer of autobus regulatory responsibilities from the Board of Public Utilities to the New Jersey Department of Transportation; and

2. The use of the Medicare Card as an alternative to using the existing reduced fare identification card.

The delegation of the powers of the Commissioner of Transportation to NJ TRANSIT with respect to the promulgation of these regulations, is authorized by N.J.S.A. 27:1A-65(a). Pursuant to this statute, the Commissioner has entered into an Agreement dated September 2, 1981, which Agreement has provided for the delegation of all the Commissioner's powers and duties with regard to the reduced fare program for senior citizens and the handicapped to NJ TRANSIT.

Social Impact

The proposed amendments will eliminate the need for all senior citizens with valid Medicare Cards to apply for, carry, and use the existing reduced fare identification card.

Economic Impact

The proposal will have no adverse economic impact on the participants or the participating autobus carriers. However, NJ TRANSIT will no longer incur much of the cost of printing, processing and distribution of reduced fare identification cards. In addition, participants for the most part, will no longer be required to expend the time or money associated with travel to an application center to obtain an identification card.

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

CHAPTER [51] 73

REDUCED FARE TRANSPORTATION PROGRAM

SUBCHAPTER 1. INTRODUCTION

[16:51-1.1]16:73-1.1 Definitions

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

"Established routes" means all regular intrastate routes of the participating carriers authorized by the [Board of Public Utility Commissioners, the Commuter Operating Agency] **Office of Regulatory Affairs of the Department of Transportation, NJ TRANSIT, [or] a municipality, or any other regulatory agency** and interstate routes [between this State and points in adjacent states] authorized by the Interstate Commerce Commission, **NJ TRANSIT, or any other regulatory agency.** "Established routes" does not include those trips to and from Atlantic City locations when the user receives from any source, money or other gratuities in addition to the transportation purchased.

"NJ TRANSIT" means the Executive Director of the New Jersey Transit Corporation or his designee.

"Reduced Fare" means one half of the regular adult one way fare as set forth in the tariffs of the carrier filed with the [Board of Public Utility Commissioners, Commuter Operating Agency;] **Office of Regulatory Affairs of the Department of Transportation, NJ TRANSIT, Interstate Commerce Commission, a municipality or any other regulatory agency.**

[16:51-1.2]16:73-1.2 Purpose

The "Reduced Fare Transportation Program" is designed to provide intrastate and interstate autobus and rail passenger service for handicapped and senior citizens during off peak times on regular routes of the participating carriers at one half of the regular adult one way fare as set forth in the tariffs of the carrier filed with the [Bureau of Public Utility Commissioners, Commuter Operating

Agency, or] **Office of Regulatory Affairs of the Department of Transportation, NJ TRANSIT, Interstate Commerce Commission, a municipality or any other regulatory agency.**

[16:51-1.3] **16:73-1.3 Exclusions**

Handicapped and senior citizens are not permitted to ride at a reduced fare on intrastate and interstate school, charter, demand activated special or excursion motor bus or rail passenger services[.], and trips to or from Atlantic City locations when the user receives, from any source, money or other gratuities in addition to the transportation purchased.

SUBCHAPTER 2. IDENTIFICATION AND REGISTRATION

[16:51-2.1] **16:73-2.1 Registration of Senior Citizen for NJ TRANSIT Reduced Fare [i]Identification [c]Card**

(a) A valid Medicare Card in the possession of the person to whom it has been issued shall be a valid NJ TRANSIT Reduced Fare Identification Card (Identification Card). No further registration is necessary.

[(a)] (b) [In order to participate in the "Reduced Fare Transportation Program", the prospective senior citizen must complete an application form for a reduced fare identification card.] A senior citizen who does not have a Medicare Card will need an Identification Card. [These] Applications for the Identification Card are available at most banks, savings and loan associations or County Offices on Aging which serve as application centers.

[(b) Bring the following information to any participating bank, savings and loan association or county office on aging:]

[1. Proof of age: For example, driver's license, birth certificate, high school diploma, passport, military discharge papers (DD214), or any other valid legal document.] The applicant should bring proof of age to the application center. Any valid legal document will serve as proof of age. Examples are: Driver's license, birth certificate, passport, military discharge papers (DD214), etc.

(c) Authorized personnel of the [participating local bank or county office on aging] application centers will examine the required documents and application. The [participating bank or the county office on aging] application centers will then forward the completed application to [the New Jersey Department of Transportation NJDOT] NJ TRANSIT for processing.

(d) [The NJDOT will process the application and mail an authorized Reduced Fare Card to the senior citizen.] NJ TRANSIT shall issue an Identification Card to each qualified applicant. The Identification Card shall be valid for a period of four years from date of issue. Most senior citizens will have a Medicare Card by the time their Identification Card expires. Therefore, NJ TRANSIT will not establish an automatic renewal procedure. If a senior citizen wishes to renew the Identification Card, a new application must be completed at an application center.

[16:51-2.2] **16:73-2.2 Registration of handicapped persons for NJ TRANSIT reduced fare [i]Identification [c]Cards**

(a) Persons must write or call [Special Programs, New Jersey Department of Transportation] the NJ TRANSIT Registration Unit for a handicapped persons application form. [They will be sent a physician application.]

(b) [Physician application must be completed by] Applicants will fill out the first part of the application form and give it to a registered physician or doctor of osteopath who will complete the application and mail it to NJ TRANSIT. The Final decision on eligibility will be made by [the Commissioner] NJ TRANSIT.

(c) [The NJDOT] NJ TRANSIT will process the application, and mail an [authorized reduced fare] Identification Card to the handicapped person. The Identification Card will be valid for four years from date of issue, unless it has been determined that the applicant has a temporary disability in which case the length may be less than four years.

(d) NJ TRANSIT will establish an automatic renewal system for Identification Cards issued to permanently disabled persons.

[16:51-2.3] **16:73-2.3 Use of Medicare and Identification Cards**

(a) The handicapped or senior citizen must present a properly validated Medicare or [i] Identification [C]card to the motor bus or rail passenger [operation] operator or ticket agent as proof of being qualified to participate in the "Reduced Fare Transportation Program". [Presentation of a validated Identification Card is all that is required for rail passenger travel.]

(b) For motor bus services, the handicapped or senior citizens must present to the motor bus operator or ticket agent one Reduced Fare Ticket and a valid Medicare or Identification Card for each ride; together with the proper Reduced Fare.

(c) Presentation of a validated Medicare or identification card together with the proper Reduced Fare is all that is required for rail passenger travel.

[(b)] (d) The [i]Identification [c]Card which is not transferrable, may be used only by the person to whom it is issued, and must be kept in that person's possession during the entire ride.

[(c)] (e) If the [i]Identification [c]Card is lost or stolen, an application for a replacement card may be made as prescribed in [sections 1 and 2 of this chapter] N.J.A.C. 16:73-2.1 and 2.2.

[16:51-2.4] **16:73-2.4 Reduced fare tickets**

[(a) In order to use motor bus services, the handicapped or senior citizen must present to the motor bus operator one Reduced Fare Ticket and a valid identification card for each ride.]

[(b)] (a) To obtain a book of [r]Reduced [f]Fare [t]Tickets, the handicapped or senior citizen will complete an application for one book of [r]Reduced [f]Fare [t]Tickets at [a participating bank or county office on aging] an application center and present the application with a valid Medicare or [i]Identification [c]Card. An authorized person will examine the application and issue a book of [r]Reduced [f]Fare [t]Tickets.

[(c)] (b) The New Jersey [r]Reduced [f]Fare [t]Ticket Book and the tickets therein are nontransferrable, and may be used only by the person to whom it is issued. The unauthorized transfer of [r]Reduced [f]Fare [t]Tickets is fraudulent and will be prosecuted in accordance with the laws of the State of New Jersey.

SUBCHAPTER 3. AGREEMENTS WITH CARRIERS FOR SERVICES AND PAYMENT

[16:51-3.1] **16:73-3.1 [Operating contracts] Agreements with carriers**

(a) [The NJDOT shall] NJ TRANSIT may enter into contractual agreements with [any] a carrier which desires to participate in the Reduced Fare Transportation Program. Each contract shall contain conditions, terms and provisions as [the Commissioner] NJ TRANSIT may require, including but not limited to provisions permitting or relating to:

1.-5. (No change.)

6. Any such other matters as [the Commissioner] NJ TRANSIT deems to be in the public interest.

[16:51-3.2] **16:73-3.2 Method of Payments to Carriers (No change in text.)**

[SUBCHAPTER 4. DELEGATION OF POWERS FOR SENIOR CITIZENS AND HANDICAPPED CITIZENS REDUCED FARE INTRASTATE AND INTERSTATE MOTER BUS AND RAIL TRANSPORTATION PROGRAMS] (RESERVED)

[16:51-4.1 Motor bus transportation service
Pursuant to the authority delegated by N.J.S.A. 27:1A-65(a) the Assistant Commissioner for Public Transportation is hereby authorized to exercise all the powers and duties conferred upon the Commissioner of Transportation by N.J.S.A. 27:1A-64 et seq. (P.L. 1973, c.126 as amended by P.L. 1975, c.271) with regard to senior citizens and handicapped citizens reduced fare intrastate and interstate rail and motor bus transportation services.]

[16:51-4.2 Rail Transportation Services
Pursuant to the authority delegated by N.J.S.A. 27:1A-65(a) the Commuter Operating Agency of the New Jersey Department of Transportation is hereby authorized to exercise all the powers and duties conferred upon the Commissioner of Transportation by N.J.S.A. 27:1A-69 et seq. (P.L. 1973, c.126) as amended by P.L. 1975, c.271) with regard to senior citizens and handicapped citizens reduced fare intrastate and interstate rail transportation services.]

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Albert R. Hasbrouck, III
Assistant Executive Director for Legal Affairs
New Jersey Transit Corporation (NJ TRANSIT)
P.O. Box 10009
Market Street & McCarter Highway
Newark, New Jersey 07101

NJ TRANSIT thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.
This proposal is known as PRN 1981-335.

TREASURY-GENERAL

(a)

DIVISION OF PENSIONS

**Endorsements
Credit Unions and Direct Deposit
Agreements**

Proposed Amendments: N.J.A.C. 17:1-1.15

Authorized By: William J. Joseph, Director, Division of Pensions.
Authority: N.J.S.A. 52:18A-96 and Chapter 213, Laws of 1981.

The agency proposal follows:

Summary

The proposed amendments reflect the changes mandated by the provisions of Chapter 213, Laws of 1981, which now allow certain credit unions to act as depositories in direct deposit agreements involving pensioners.

Social Impact

These amendments will allow retired public employees to have

direct deposit agreements regarding their pension checks with certain credit unions that were previously prohibited from entering such direct deposit agreements.

Economic Impact

These amendments will not have any adverse economic impact on the pensioner or the State. They merely allow an additional type of depository to become involved in direct deposit agreements.

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

17:1-1.15 Endorsements
(a)-(b) (No change.)
(c) Under certain conditions, the division will honor an agreement executed between a retirant or beneficiary and a bank, **savings and loan association, insured Federal credit union or insured State chartered credit union**, with [the bank] **such institution** assuming full responsibility for the receipt and collection of the pension checks in the absence of the personal endorsement of the retirant or beneficiary. The agreement must be consummated on the appropriate approved form which will be provided for this purpose by the retirement system. The agreement cannot be executed where a retirant or beneficiary is mentally or physically incompetent or where the allowance will be deposited in an account other than their personal account.
(d)-(e) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph
Director, Division of Pensions
20 West Front St.
CN 295
Trenton, NJ 08625

The Division of Pensions thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.
This proposal is known as PRN 1981-325.

TREASURY-TAXATION

(b)

DIVISION OF TAXATION

**Sales and Use Tax
Sale and Installation of Gasoline Service
Station Equipment**

Proposed Amendments: N.J.A.C. 18:24-24.2.

Authorized By: Sidney Glaser, Director, Division of Taxation.
Authority: N.J.S.A. 54:32B-24.

The agency proposal follows:

Summary

This proposed amendment will clarify the application of the Sales

and Use Tax Act with regard to the classification of property whether real or personal with regard to underground tanks and concrete poured for the purpose of preventing underground tanks from floating with respect to motor fuels service stations. This policy is in accordance with a directive that the Director of the Division of Taxation sent to all assessors and county boards of taxation advising them that underground fuel storage tanks are to be assessed locally as real property as of January 1, 1982 and not as personal property for New Jersey business personal property tax purposes. Therefore, all three taxes will be consistent.

Social Impact

Motor fuel service station owners and lessees will be able to determine that underground tanks and concrete poured for the purpose of preventing underground tanks from floating will be taxed by their municipality as real property and not taxed in any manner by the State of New Jersey as personal property. The impact on the assessors of all municipalities and county boards of taxation will be the lessening of confusion as to whether the above items are to be taxed as real or personal property.

Economic Impact

Basically, the economic impact on the owner of the underground tanks and concrete poured for the purpose of preventing underground tanks from floating will be either the observance of a tax benefit if the real property tax is lower or the owner will have to pay an additional local property tax if the local tax is higher than the business personal property tax or sales tax imposed upon the purchase of said items.

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

18:24-24.2 Items subject to sales tax

(a) The following items are deemed to be personal property for the purposes of the sales tax act:

1. (No change.)
2. [Underground tanks;] **(Reserved)**
- 3.-14. (No change.)

(b) The following charges are also deemed to be connected with the installation of tangible personal property, and taxable as such:

1. [Concrete poured for the purpose of preventing underground tanks from floating;] **(Reserved)**
- 2.-3. (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein
 Chief Tax Counselor
 Division of Taxation
 West State and Willow Streets
 Trenton, New Jersey 08646

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

This proposal is known as PRN 1981-323.

(Continued From Page 870)

7:26-15.14 (14A:3-15.14) Procedure for termination of loans and loan guarantees

(a) Loans and loan guarantees authorized or created by the Act may be terminated by the EDA according to the procedures and guidelines established by that agency in the event of default by the holder of the loan. The term default shall include but not be limited to:

1. Non-payment of failure to make timely repayment of the loan;
2. Bankruptcy by the holder of the loan;
3. Use of loan or items financed by the loan for purposes other than those stated in the application;
4. Failure to comply with the provisions of this subchapter, the Act or other applicable State laws or regulations; or
5. Submission of false or misleading information to the Departments or EDA.

(b) In the event that a loan or loan guarantee is terminated the monies shall be returned to the Recycling Business Loan Fund.

7:26-15.15 (14A:3-15.15) Severability

If any section, subsection, provision, clause or portion of this subchapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining portions of this subchapter shall not be affected thereby.

A public hearing concerning this proposal will be held on January 8, 1982 at 1:00 P.M. Persons wishing to testify are asked to bring three copies of their statement with them to the hearing. The location of the hearing is:

RULE ADOPTIONS

CIVIL SERVICE

(a)

CIVIL SERVICE COMMISSION

Civil Service Personnel Manual

Adoption: CSPM (State & Local) into Title 4 of the New Jersey Administrative Code, Including the Revision of 24 CSPM Subparts and the Deletion of 43 CSPM Subparts

Proposed: September 10, 1981 at 13 N.J.R. 556(b).
Adopted: November 6, 1981 by Civil Service Commission, Peter J. Calderone, Director of Administrative Practices and Labor Relations.
Filed: November 12, 1981 as R.1981 d.458, **without change**.

Authority: N.J.S.A. 11:5-1a.

Effective Date: December 7, 1981.

(b)

CIVIL SERVICE COMMISSION

Inspection of Evaluations Inspection of Performance Ratings of Other Employees

Adopted Amendments: N.J.A.C. 4:1-20.4

Proposed: September 10, 1981 at 13 N.J.R. 556(a).
Adopted: November 5, 1981 by Civil Service Commission, Peter J. Calderone, Director of Administrative Practices and Labor Relations.
Filed: November 12, 1981 as R.1981 d.459, **without change**.

Authority: N.J.S.A. 11:1-7a., 11:5-1a. and 11:13-3.

Effective Date: December 7, 1981.

(c)

CIVIL SERVICE COMMISSION

Time and Place of Examinations Late Arriving Applicants

Adopted Amendment: N.J.A.C. 4:1-8.11 Adopted Repeal: N.J.A.C. 4:2-8.10 and 4:3-8.9 (formerly C.S.P.M. 8-11-101, State and Local)

Proposed: September 10, 1981 at 13 N.J.R. 554(a).
Adopted: November 5, 1981 by Civil Service Commission, Peter J. Calderone, Director of Administrative Practices and Labor Relations.
Filed: November 16, 1981 as R.1981 d.461, **without change**.

Authority: N.J.S.A. 11:9-1.

Effective Date: December 7, 1981.

OFFICE OF ADMINISTRATIVE LAW NOTE: Rules concerning the subject of this notice were originally proposed for repeal as CSPM 8-11.101 (State and Local) at 13 N.J.R. 554(a). They were proposed for integration into the New Jersey Administrative Code as N.J.A.C. 4:2-8.10 and 4:3-8.9 at 13 N.J.R. 556(b).

The adoption of these two notices of proposed rule, by notices of adoption appearing in this issue of the Register is an effective repeal of N.J.A.C. 4:2-8.10 and 4:3-8.9. These two sections will be marked "Reserved".

COMMUNITY AFFAIRS

(d)

DIVISION OF HOUSING

Uniform Construction Code Construction Permits; Licenses

Adopted Amendments: N.J.A.C. 5:23-2.5, 5.3, and 5.5

Proposed: July 9, 1981 at 13 N.J.R. 390(a).
Adopted: November 16, 1981 by James A. Sinclair, Deputy Commissioner, Department of Community Affairs.
Filed: November 17, 1981 as R.1981 d.462, **without change**.

Authority: N.J.S.A. 52:27D-124.

Effective Date: December 7, 1981.

(a)

DIVISION OF HOUSING

Uniform Construction Code
Interpretations and Opinions

Adopted Amendment: N.J.A.C. 5:23-3.3

Proposed: September 10, 1981 at 13 N.J.R. 561(a).
Adopted: October 27, 1981 by James A. Sinclair, Deputy
Commissioner, Department of Community Affairs.
Filed: November 2, 1981 as R.1981 d.454, **with substantive
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 52:27D-124.

Effective Date: December 7, 1981.

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

5:23-3.3 General provisions

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

(g) **Rules concerning interpretations and opinions** are:

1. Whenever the commissioner shall, **in accordance with applicable provisions of the Administrative Procedure Act**, make any **rule constituting** an interpretation of any provision of the regulations, such shall be binding provided, however, that such interpretations shall be prospective in nature. Such interpretations shall not alter the ruling of a subcode official already rendered in a specific instance relating to a specific permit ***[of]* ***or*** structure. **Requests for interpretations shall be in the form, and submitted in accordance with the procedure, set forth in N.J.A.C. 5:29.** [Notice of interpretations, stating their effective date, will be published in the New Jersey Register.]**

2. **In response to a written inquiry or request setting forth a specific factual situation, ***or upon its own initiative,*** the Bureau of Construction Code Enforcement may issue a formal ***technical* opinion ***to clarify provisions of the adopted subcodes* ***[as to the proper application of the regulations]*.** Such formal ***technical* opinion** shall be signed by the Chief or the Assistant Chief of the Bureau and shall be binding ***[only with respect to the factual situation presented and only]*** upon the Bureau ***and upon other code enforcement agencies and licensed officials.** Formal technical opinions shall be prospective in nature, shall be based upon adopted subcodes or upon authoritative test results or standards incorporated by reference into an adopted subcode and shall not alter the ruling of a licensed official already rendered in a specific instance relating to a specific permit or structure, except that any such formal technical opinion may be considered in the context of an appeal from any such ruling*.******

3. (No change from proposal.)

(h)-(k) (No change from proposal.)

(b)

DIVISION OF HOUSING

Uniform Construction Code
Casino Hotels

Adopted Amendments: N.J.A.C. 5:23-3.3

Proposed: September 10, 1981 at 13 N.J.R. 561(b).
Adopted: November 4, 1981 by James A. Sinclair, Deputy
Commissioner, Department of Community Affairs.
Filed: November 6, 1981 as R.1981 d.455, **without
change.**

Authority: N.J.S.A. 52:27D-124.

Effective Date: December 7, 1981.

Agency Note: The summary and impact statements published with the notice of proposed rule stated that the exclusive jurisdiction of the Department of Community Affairs would extend to all aspects of construction code enforcement in casino hotels. As the rule makes clear, however, the exclusive jurisdiction is limited to plan review.

(c)

DIVISION OF HOUSING

Uniform Construction Code
Building Trade Experience

Adopted Amendments: N.J.A.C. 5:23-5.5

Proposed: October 8, 1981 at 13 N.J.R. 635(a).
Adopted: November 16, 1981 by James A. Sinclair, Deputy
Commissioner, Department of Community Affairs.
Filed: November 17, 1981 as R.1981 d.463, **without
change.**

Authority: N.J.S.A. 52:27D-124.

Effective Date: December 7, 1981.

ENVIRONMENTAL PROTECTION

(d)

DIVISION OF WATER RESOURCES

Construction Grants for Wastewater
Treatment
Natural Resources Bond Fund

Adopted Amendments: N.J.A.C. 7:22

Proposed: August 6, 1981 at 13 N.J.R. 481(d).
Adopted: October 8, 1981 by Jerry Fitzgerald English,
Commissioner, Department of Environmental
Protection.

ADOPTIONS

Filed: November 6, 1981 as R.1981 d.456, **without change.**

Authority: N.J.S.A. 58:10A-5d and P.L. 1980 c.270.

Effective Date: December 7, 1981.

(a)

DIVISION OF FISH, GAME AND WILDLIFE

1982-83 Fish Code

Adopted Amendments: N.J.A.C. 7:25-6

Proposed: August 6, 1981 at 13 N.J.R. 483(a).
Adopted: October 6, 1981 by Fish and Game Council,
Russell A. Cookingham, Director.
Filed: November 19, 1981 as R.1981 d.470, **without change.**

Authority: N.J.S.A. 13:1B-34.

Effective Date: December 7, 1981.
DEP Docket No.: 033-81-06.

(b)

DIVISION OF FISH, GAME AND WILDLIFE

Fishing Defining Lines Upstream of Which a License is Required

Adopted Amendments: N.J.A.C. 7:25-16.1

Proposed: August 6, 1981, at 13 N.J.R. 484(a).
Adopted: October 6, 1981 by Fish and Game Council,
Russell A. Cookingham, Director.
Filed: November 19, 1981 as R.1981 d.469, **without change.**

Authority: N.J.S.A. 23:1-2, 23:3-1, and 23:9-1.

Effective Date: December 7, 1981.
DEP Docket No.: 032-81-06

(c)

BUREAU OF RADIATION PROTECTION

Mercury Vapor Lamps

Adopted New Rules: N.J.A.C. 7:28-41

Proposed: January 8, 1981 at 13 N.J.R. 9(b).
Adopted: November 10, 1981 by Jerry Fitzgerald English,
Commissioner, Department of Environmental
Protection.
Filed: November 17, 1981 as R.1981 d.464, **with**

HUMAN SERVICES

substantive changes not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1D-1 et seq. and 26:2D-1 et seq.

Effective Date: December 7, 1981.

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

7:28-41.2 Definitions

.....
"Self-extinguishing mercury vapor lamp" means a mercury vapor lamp which shall cease operation within a cumulative operating time not to exceed 15 minutes following breakage or removal of at least three square centimeters of contiguous surface of the outer envelope. ***Self-extinguishing lamps manufactured prior to September 7, 1981 shall cease operation within a cumulative operating time not to exceed 15 minutes following complete breakage or removal of the outer envelope.***

.....

7:28-41.3 General requirements for indoor installations

(a) (No change from proposal.)
(b)*[The provisions of this section shall be effective immediately for all new facilities and all replacements at existing facilities. For existing facilities presently utilizing mercury vapor lamps for illumination, the provisions of this section shall be fully met within one year after the effective date of this subchapter.]* ***The provisions of this section shall be fully met within one year after the effective date of this subchapter.***

HUMAN SERVICES

(d)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Pharmaceutical Services Manual Capitation of Dispensing Fee for Legend Drugs Dispensed by LTC Pharmacy Providers

Adopted Amendments: N.J.A.C. 10:51-3.15

Proposed: September 10, 1981 at 13 N.J.R. 577(b).
Adopted: November 16, 1981 by Jerry Fitzgerald English,
Commissioner, Department of Environmental
Protection.
Filed: November 17, 1981 as R.1981 d.465. **without change.**

Authority: N.J.S.A. 30:4D-6b(6) and 30:4D-7 and 7b.

Effective Date: December 7, 1981.
Operative Date: January 1, 1982.

The Department wishes to correct a statement that appeared in the summary section of the notice of proposed rule, The last sentence should read: "This rule will become operative on January 1, 1982".

(a)

DIVISION OF PUBLIC WELFARE

Home Energy Assistance Handbook

Adopted Emergency Amendments and Concurrent Proposal: N.J.A.C. 10:89

Emergency Amendments Adopted: November 12, 1981 by Timothy Carden, Commissioner, Department of Human Services.

Emergency Amendments Filed: November 17, 1981 as R.1981 d.466.

Authority: N.J.S.A. 30:4B-2 and P.L.97-35.

Emergency Amendments Effective Date: November 17, 1981.

Emergency Amendments Expiration Date: January 18, 1982.

The agency emergency adoption and concurrent proposal follows:

Summary

The New Jersey Department of Human Services is authorized under the Low Income Energy Assistance Act of 1981 to operate the Home Energy Assistance program for fiscal year (FY) 1982. These amendments provide more streamlined policy parameters for the operation of the program.

Under these revisions the majority of payments will be made directly to eligible applicant households. Payments will not be made to any vendors except public utilities on behalf of a household as in the previous program. Eligible households who pay public utilities for heating fuel will receive a two party check drawn in the name of the head of household and the public utility. Eligibility standards have been increased to conform to increased Federal poverty standards.

These regulations continue cooling assistance as a program benefit but revise the method for granting benefits to individuals in residential health care facilities. These individuals will now receive automatic payments. Eligible AFDC households which receive automatic payments will not be required to file a supplemental application to receive full entitlement. Automatic payments to SSI households will be continued. However, since the computer tapes from the Social Security Administration do not provide sufficient information, SSI households which pay for fuel directly will be required to apply for supplemental benefits in addition to their automatic payment.

The Tenants Lifeline Credit received by SSI recipients and the Medicare Part B premium paid by Social Security recipients will not be considered in the computation of eligibility. For the first time county welfare agencies will be authorized to make the majority of eligibility decisions at the time of application. Previously all applications were submitted for computer processing for such decisions.

Benefit tables have been revised and additional assistance will be provided to residents of Sussex and Warren counties which are colder.

Social Impact

Approximately 175,000 households were assisted by the program during FY 1981 and it is anticipated that close to the same number will receive benefits under this revised program. This low income population will receive the most direct benefit since they are the ones to receive the supplement to assist them in meeting their heating costs. These revised regulations should ensure that this low income population will receive aid more promptly.

The general public will receive an indirect benefit since assisted households will be better able to pay their heating costs without turning to public assistance programs, private charities or friends and relatives for aid.

Economic Impact

There will be no direct economic impact upon New Jersey taxpayers since the entire cost of assistance and administration is Federally funded. There will be an indirect benefit to the public as a whole since there will be an influx of Federal dollars into the State's economy. The program received \$63 million for assistance costs for FY 1981. We anticipate the same level of funding will prevail in FY 1982.

The direct beneficiaries of the program will be the approximately 175,000 households anticipated to be assisted by the FY 1982 program. Fuel suppliers which previously received direct vendor payments on behalf of certain eligible households will be affected by the revision which eliminated vendor payments and provides that all eligible households will receive payments directly. This revision may have an adverse affect upon those fuel suppliers and their low income customers where the supplier generally requires payment upon delivery but previously would deliver to HEA recipients and await payment from the State. Offsetting this, however, is the benefit which will be realized by the majority of applicant households which will receive notification of the decision on their eligibility more promptly. Additionally, payments will be made in a more timely manner with the result that eligible households will be able to pay cash upon delivery of fuel.

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

FOREWORD

The Low Income Energy Assistance Act of 198[0]I (Title [III]XXVI of [Public Law 96-223]Omnibus Budget Reconciliation Act of 1981) authorizes grants to States to provide assistance to eligible low income households to offset rising costs of home energy that are excessive in relation to household income.

DPW is working with representatives of the American Indian population of New Jersey to determine the number of eligible households in this group and to ensure that they are adequately serviced.

10:89-2.1 General

In order to receive Home Energy Assistance benefits, the household must meet the eligibility requirements fund in this chapter and must make application [for special energy assistance, emergency energy assistance, or cooling assistance] in accordance with N.J.A.C. 10:89-4 (Application Process) or be entitled to automatic payments in accordance with N.J.A.C. 10:89-3.1.

10:89-2.2 Eligibility requirements

(a) (No change.)

(b) The household must pay for its own heating/cooling costs or be eligible as a renter who pays its landlord according to usage or whose heating/cooling costs are included in its rent.

(c) [Except for automatic payments] For all households including those receiving automatic payments (N.J.A.C. 10:89-3.1), the household's income must be less than or equal to the allowable gross monthly income eligibility limits for the applicable household size (N.J.A.C. 10:80-2.3 (g)). Those denied can apply for special assistance again if their income is reduced.

(d) (No change.)

10:89-2.3 Income eligibility

(a) In order to be income eligible for the program, [(except for automatic payments, as described in N.J.A.C. 10:89-3.1)], a house-

hold's monthly gross earned and unearned income may not exceed the monthly allowable gross income limit for the household size as found in (g) below. The income of all household members is counted toward the limit except that income specifically excluded by (e) below.

(b) Regardless of income eligibility, the following households are not eligible for program benefits:

1. Persons residing in [public or other housing and receiving a rent subsidy (i.e. HUD payments under Section 8, 101 or RAP)] **publicly operated housing unless the household can demonstrate that it has direct responsibility for payment of its heating costs;**

2. (No change.)

3. Residents of any licensed medical facility (hospital, skilled nursing facility or intermediate care facility) or publicly operat[ing]ed community residence; and

4. (No change.)

(c) No change.)

(d) Unearned income defined: Unearned income refers to the receipt, by the household, of any property or service not included in [(e)] (c) above which the household may apply, either directly or by sale or conversion, to meet basic needs for food, clothing, and shelter. Included in this definition are returns from capital investment such as dividends and interest, benefits and pensions, annuities, contributions, compensation payments, and receipts from the rental of property. (See N.J.A.C. 10:82-4.12 in the Assistance Standards Handbook to determine countable income from the rental of property.)

(e) (No change.)

[1. Earned income of a child under the age of 18;

2. Earned income of an individual who is not a parent, aged 18 through 21, and who is a full-time student, or is a part-time student who is not a full-time employee (see N.J.A.C. 10:82-4.7 in the Assistance Standards Handbook);]

Renumber 3.-6. as 1.-4.

[7.] **5. Benefits provided under the State Lifeline Program including supplemental payments under the Tenants Lifeline Assistance program which are included in the SSI check; [and]**

[8.] **6. Income excluded by law:**

i. Federal [R]relocation [R]reimbursements: Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970.

ii. Payments to [V]olunteers: Any payment under Title II (RSVP, foster grandparents, and other) and Title III (SCORE and ACE) of the Domestic Volunteer Services Act of 1973, as amended, shall be excluded.

iii. (No change.)

iv. Payments from [C]ertain [Y]outh [P]rojects: Payments received from the Youth Incentive Entitlement Pilot Projects, the Youth Community Conservation and Improvement Projects, and the Youth Employment and Training Programs under Title IV of the Comprehensive Employment and Training Act Amendments of 1978 (Public Law 95- 524)[.];and

7. Medicare Part B Buy-In which is withheld from the household's Social Security check.

(f) Income computation: Gross monthly earned and unearned income shall be established in accordance with procedures in N.J.A.C. 10:82-2.14 through 2.18 in the Assistance Standards Handbook. If the household's total gross monthly income is equal to or less than the gross income limit for the household size, the household is income eligible for Home Energy Assistance.

1. (No change.)

2. Tax dependent college students who are absent from the household solely because of college attendance must be included in the household size for the determination of eligibility.

3. Foster children placed with a family by DYFS are to be included in the household size and the allowance paid by DYFS is to be included in the household's income.

4. Roomer-boarders residing with an applicant household are not to be included in the household size and the income of such

individuals is not to be considered in the eligibility determination. However, in accordance with N.J.A.C. 10:82-4.3(c) in the Assistance Standards Handbook, any income to the household in excess of \$96.00 per month shall be considered in determining the household's gross monthly income.

i. The only exception to (f)4 above will occur if the roomer-boarder is a spouse, parent or child of a household member. In such instances, the roomer-boarder shall be included in the household size and his/her gross monthly income considered as part of the household's income in determination of eligibility.

5. If a household member receives Social Security benefits and/or SSI the CWA must determine the countable income as follows:

i. For individuals receiving Social Security benefits the net amount of the monthly check is countable. If the household presents an award letter rather than a check as evidence of income, the CWA must determine if the individual pays a Medicare Part B premium and deduct that amount from the gross amount of the benefit. The resulting balance shall be considered as income to the household.

ii. For individuals receiving SSI the CWA shall deduct the \$12.50 supplemental payment from the Tenants Lifeline Credit program which is included in the SSI check. The balance shall be considered as income to the household.

iii. The CWA shall not consider as income the \$62.50 retroactive payment from the Tenants Lifeline Credit program paid to individuals receiving SSI.

(g) Gross Income Eligibility Limits for Home Energy Assistance:

Household Size	Monthly Allowable Gross Income Limit
1	[\$395] 449
2	[522] 593
3	[649] 737
4	[776] 880
5	[903] 1024
6	[1030] 1168
7	[1157] 1312
8	[1284] 1456
9	[1412] 1600
10	[1539] 1744
Each Additional Member	[127] 144

10:89-3.1 Automatic payments to certain households

(a) [Aid to Families with Dependent Children (AFDC)] Recipient [H]ouseholds:

1. Certain households eligible for and receiving AFDC[, or SSI (with the exceptions noted in (a)ii[i] below) during [the months of December, January, February, and/or March **October** will receive [an automatic \$50.00 payment for each of those months for which they receive an AFDC payment] **the first of two payments based on [household] eligible unit size, income and responsibility for heating costs in November. The second payment will be made in January.** A notice explaining that the [\$50.00] automatic payment is a supplement to assist the household [in meeting]meet its heating costs will be included with the payment.

i. Automatic payments [to each eligible AFDC family shall not exceed a total of \$200.00] **will only be made between Novemver and January. Households which do not receive automatic payments by January 31, must submit an application by February 15th to receive HEA.**

ii. The following households are not eligible for automatic [energy] payments:

(1) Persons residing in [public]publicly operated [or other] housing [and]or receiving a rent subsidy [(i.e. HUD payments under Section 8, 101 or RAP)] **which includes all heating costs;**

(2) Persons for whom nonhousehold members pay [for costs of the]heating/cooling [fuel] costs;

(3) Households in which there are no adults in the AFDC eligible

unit (such households may apply for special energy assistance, see N.J.A.C. 10:80-3.2);]

[(4)](3) Households consisting entirely of students who are tax dependents of another household; and

(4) Households whose total income, including any AFDC, GA or SSI grants, exceeds the total income eligibility standards in N.J.A.C. 10:89-2.3(g).

[(5) Households which have previously received the maximum benefit to which it would be entitled under special energy assistance or emergency energy assistance.]

iii. Households which have received or are anticipated to receive automatic payments may be eligible for special energy assistance to the extent that the total of special and automatic assistance does not exceed the household's maximum benefit under special energy assistance (see N.J.A.C. 10:89-3.2). AFDC households must meet the income eligibility criteria in N.J.A.C. 10:89-2.3 in order to qualify for special energy assistance.

iv. Households applying for AFDC between the first and the 11th of the month and subsequently determined eligible during that period are entitled to an automatic payment for the month of application. Households applying after the 11th of the month will not establish eligibility for automatic payments until the following month.]

2. AFDC households: The Division of Public Welfare will determine eligibility for automatic payments based on the information regarding heating arrangements and fuel type contained in its computer records for all AFDC households. Where the household receives Food Stamps (FS) as a public assistance (PA) household and the PA-FS household size is greater than the AFDC eligible unit, the automatic payment shall be based on the PA-FS household size. This information will be collected from the head of the household at each application, reapplication or recertification for AFDC or FS and will be updated whenever the household reports a change. However, once a household has been determined eligible for automatic payments, only an address change will be reflected in HEA records.

3. SSI households: The Division of Public Welfare will determine eligibility for automatic payments for SSI households based on the information contained in the State Data Exchange (SDX) computer tape provided by the Social Security Administration. Automatic payments for SSI households will be based on Schedule C. Such households may submit an application for supplemental benefits in accordance with N.J.A.C. 10:89-4.1(c).

i. In addition to the criteria established in (a)1ii above, SSI households which meet any of the following descriptions are not eligible for automatic payments:

(1) Persons determined for SSI purposes to be receiving support and maintenance from others (Federal living arrangement "B"). Households including such persons may be income eligible in accordance with N.J.A.C. 10:89-2.3;

(2) Children receiving SSI (households including such children may apply for special energy assistance; see N.J.A.C. 10:89-3.2);

(3) Residents of any licensed medical facility (hospital, skilled nursing facility or intermediate care facility) or publicly operated community residence; and

4. Residents of Residential Health Care Facilities (RHCF): Automatic payments will be made to eligible SSI recipients who reside in residential health care facilities (RHCFs). The Division of Public Welfare will determine eligibility for automatic payments to RHCF residents based on information contained in the SDX computer tape and supplementary computer records assembled by the Division. RHCF residents are identified by Federal living arrangement A, State living arrangement A.

[(b) Supplemental Security Income (SSI) recipients: Certain persons eligible for and receiving SSI (with the exceptions noted in (b)1ii below) during the months of January and/or February will receive an automatic payment for each of those months for which they

receive an SSI payment. A notice explaining that the payment is a supplement to assist the individual/household in meeting increased heating costs will be included with the payment.

i. Maximum automatic payments:

(1) Maximum automatic payments to SSI eligible individuals shall be \$100.00 (\$50.00 a month for each payment month.)

(2) Maximum automatic payments to SSI eligible couples and to SSI eligible individuals with an ineligible spouse shall be \$200.00 (\$100.00 a month for each payment month.)

ii. The following persons receiving SSI are not eligible for automatic payments:

(1) Persons residing in public or other housing and receiving a rent subsidy (i.e., HUD payments under Section 8, 101, or RAP);

(2) Persons determined for SSI purposes to be receiving support and maintenance from other (Federal living arrangement "B") (such persons may be income eligible in accordance with N.J.A.C. 10:89-2.3);

(3) Children receiving SSI (such households may apply for special energy assistance, see N.J.A.C. 10:89-3.2);

(4) Residents of any licensed medical facility (hospital, skilled nursing facility or intermediate care facility) or publicly operated community residence;

(5) Persons residing in residential health care facilities (see N.J.A.C. 10:89-3.3.);

(6) Households consisting entirely of students who are tax dependents of another household; and

(7) Persons who have previously received the maximum benefit to which they would be entitled under special energy assistance and emergency assistance.

iii. Persons who have received or are anticipated to receive automatic payments may be eligible for special energy assistance to the extent that the total of special and automatic assistance does not exceed the household's maximum benefit under special energy assistance (see N.J.A.C. 10:89-3.2). AFDC households must meet the income eligibility criteria in N.J.A.C. 10:89-2.3 in order to qualify for special energy assistance.]

10:89-3.2 Special energy assistance

(a) Upon application at the CWA, or outreach site, eligible households which have not received or will not receive automatic benefits in accordance with N.J.A.C. 10:89-3.1, above shall receive special energy assistance in accordance with this section. In order to be eligible for special energy assistance, the household must be income eligible (see N.J.A.C. 10:89-2.3).

(b) (No change.)

(c) No special assistance shall be authorized to households residing in [public or other housing and receiving a rent subsidy (i.e., HUD payments under Section 8, 101, or RAP)] publicly operated housing unless the household can demonstrate that it has direct responsibility for payment of its heating costs.

(d)-(e) (No change.)

[(f) No special energy assistance may be authorized on behalf of a household if the household's fuel supplier has not signed a contract with the Division of Public Welfare.

(g) All special energy assistance shall be reduced by the amount of any automatic payments (see N.J.A.C. 10:89-3.1) already received or anticipated to be received by the household and by the amount of any emergency energy assistance for the purchase of fuel received by the household (see N.J.A.C. 10:89-3.5).]

[(h)](f) Households responsible for heating costs:

1. Households which are directly responsible for primary fuel costs associated with residential heat shall receive a [maximum] benefit [of :] based on the appropriate benefit level in Schedule A, B or C of this chapter for the household's size, income, fuel type, and heating region.

[i. Four hundred dollars for oil, electricity, liquid propane, or bottled gas used for heat; or

ii. Three hundred dollars for natural gas or any other fuels used for heat.]

2. For program purposes a household's [is considered directly responsible for fuel costs associated with residential heat if] **benefit will be determined as follows:**

i. If [T]the household is directly responsible to the fuel vendor for payment **the benefit will be based on Schedule A or B of this chapter, as appropriate;** [or]

ii. If [T]the household is directly responsible for payment of the fuel charge (e.g., the landlord bills the household as a separate charge from rent for fuel use although the landlord remains responsible to the fuel vendor) **the benefit will be based on Schedule C of this chapter[.]; or**

iii. **If heat is included in a single monthly rental charge the benefit will be based on Schedule C of this chapter.**

3. (No change.)

4. A household directly responsible to a public utility for payment of heating costs will receive the special energy benefit in the form of a two party check in the name of the head of household and the utility. The check will be mailed to the household which will be responsible for endorsing and forwarding to the utility.

[4]5. A [H]household[s] directly responsible for payment of heating costs to [the fuel] any supplier of any fuel except electricity or natural gas [for heating costs] will receive the special energy benefit in the form of [a vendor invoice sent to the fuel supplier which will establish a line of credit. Those households which are eligible for special energy assistance but which are not directly responsible to the vendor will receive the benefits payable to the household] **direct payments.**

[(i) Heat included in rent:

1. Income eligible households whose heating costs are included in a single monthly rental charge or who are only responsible for secondary sources of heat are eligible for maximum special energy payments of:

- i. One hundred dollars for a one person household; or
- ii. Two hundred dollars for a household of more than one.

2. The household is responsible for providing evidence that its heating costs are included in the rent. Residents of residential health care facilities are not eligible for these rental payments.

10:89-3.3 Payments to residential health care facilities (RHCF)

(a) Payments will be made to the facility operator on behalf of eligible SSI individuals residing in residential health care facilities during January 1981.

1. RHCF payments determination:

i. Payment determination will be based on 50 percent of the per capita heating cost of the facility for each of the months of December, January, February, and March. That amount multiplied by the number of SSI recipients residing in the facility on the last day of each month will be the payment amount for that month. In no event will payment to the RHCF exceed \$5000 for the facility or \$60.00 for each SSI resident (whichever is less) living in the RHCF during the entire period, December 1, 1980 through March 31, 1981.

2. Operators must apply to DPW for such assistance before April 15, 1981, must assist in establishing eligibility of their residents, and must certify that the benefit will accrue to the residents.]

10:89-3.[4]3 Cooling assistance

(a) Eligible households for which there is medical evidence that the health of at least one household member will be seriously endangered unless the household's living quarters are cooled, shall receive a one-time benefit in the amount of \$100.00 subject to the following provisions. This benefit is available in addition to any other benefits made under this program **and will be paid directly to the household.**

1.-2. (No change.)

[i. Households directly responsible to the fuel vendor for cooling costs will receive the benefit in the form of a vendor invoice establishing a line of credit with the fuel supplier.

ii. Households which are otherwise directly responsible for cooling costs (e.g., the landlords bills, the household according to usage or the household's cooling costs are included in a single monthly rental charge) will receive the benefit payable to the household.]

3. The following households are not eligible for cooling assistance payments:

i. Households residing in [public] publicly operated [or other] housing [and]or receiving a rent subsidy [(i.e., HUD payments under Section 8, 101, or RAP)] **which includes all cooling costs;**

ii.-iv. (No change.)

v. Residents of [R]residential [H]health [C]care [F]facilities.

[4. Households desiring cooling assistance may apply for such benefit, no later than January 30, 1981, to ensure that funds will be available for payment during June 1981.]

10:89-3.[5]4 Emergency energy assistance

(a) Emergency energy assistance is available to income eligible households and is subject to the following conditions:

1. (No change.)

2. The emergency must be verified by [collateral contact or] client affidavit **and collateral contact where this is possible and deemed necessary by the CWA.**

3. The amount of any emergency assistance shall be the lowest amount charged for the service performed by the household's energy supplier or [\$100.00] for the emergency purchase of fuel [oil or its equivalent in other fuels], **but shall not exceed \$200.00 for the purchase of fuel oil, \$100.00 for the purchase of bottled gas, kerosene, wood or coal or \$50.00 for the restoration of utility service.**

4. **The client shall be required to provide the CWA with a receipt for fuel purchased with emergency energy funds.**

Renumber 4-5 as 5-6.

(b) It is intended that emergency energy assistance be authorized in the form of [an emergency vendor invoice made out to the fuel/service supplier. However, there may be instances when the issuance of a check payable to the supplier is the only method of remedying the emergant situation. In such circumstances the CWA shall, in accordance with the regulations in this section, and with prior authorization by DPW, issue a check drawn] **a direct payment to the client from the CWA [on]from Administrative Account No. 80 (Miscellaneous Nonmatchable Account). The CWA will subsequently be reimbursed by DPW for such payments.**

(c) Emergency purchase of fuel:

1. The CWA is authorized to issue a one-time emergency [vendor invoice made out to the supplier on behalf of an eligible household,] **payment for the purchase of up to [\$100.00] 150 [worth]gallons of fuel oil or its equivalent in other fuel** used for residential heating.

2. (No change.)

3. The CWA must obtain prior approval from the Division of Public Welfare, Home Energy Assistance Unit, before authorizing a **second** payment for **any** emergency energy assistance [to eligible households which have already received the maximum energy assistance benefits for which they were eligible].

(d) Emergency energy assistance for specific services:

1. Emergency energy assistance is authorized through the CWA when a household is without heat or is in danger of being without heat. Payments shall not be authorized for households unless the household owns and resides in the residence requiring the service, and may be made only for the following services:

- i. Furnace restart **not to exceed \$50.00;**
- ii. Minor furnace repairs up to \$50.00; or
- iii. Correction of infiltration of cold air (**not to exceed \$50.00**);

(e) Emergency temporary rehousing:

1. Payment may be authorized for income eligible households which have been temporarily rehoused by [the State Police Emergency Management Unit] **an emergency response unit.**

2. (No change.)

3. The [State Police Emergency Management Unit] **emergency**

response unit will be reimbursed retroactively for emergency assistance provided to eligible households.

4. (No change.)

(f) Restoration of utility service:

1. Emergency energy assistance is authorized by a CWA to restore utility service for an eligible household under the following conditions:

- i. The service provided by the utility is essential to the maintenance of the household's heating source;
- ii. The utility company agrees to restore service but requests a fee for reconnection;
- iii. The household is without the means to pay the reconnection fee; and
- iv. The household is directly responsible to the utility for payment of the bill.

10:89-3.5 Maximum program benefit

(a) An eligible household may receive a maximum of \$750.00 in program benefits to include automatic or special payments plus any emergency assistance benefits. A household which receives more than \$750.00 is subject to recoupment procedures in accordance with N.J.A.C. 10:89-5.3.

10:89-3.6 Payment schedule

[Payment schedule by household size.

"A" means oil, electricity, bottled gas, kerosene.

"B" means all other fuels, renters who pay for heat as part of their rent, all AFDC and SSI automatic payments.

Gross Annual Income	Household Size							
	1	2	3	4	5	6	7	8
\$ 0-3,000	A 300	350	400	450	500	600	650	Or 475
	B 219	256	292	329	365	402	438	475
\$ 3,001-6,000	A 256	306	356	406	456	506	556	606
	B 187	223	260	296	333	369	406	442
\$ 6,001-9,000	A 262	312	362	412	462	512	562	
	B 191	228	264	301	337	374	410	
\$ 9,001-12,000	A 318			368	418	468	518	
	B 232			269	305	342	378	
\$ 12,001-15,000	A 374				424	474		
	B 273				310	346		
\$ 15,001- A								430]

(a) Schedule A: Fuel oil:

HOUSEHOLD SIZE Region Designation Monthly Income	1 or 2		3 to 5		6 or more	
	Blue	Red	Blue	Red	Blue	Red
\$0-\$417.00	428	372	572	496	684	596
\$417.01-\$667.00	356	312	476	412	572	496
\$667.01-\$917.00	-	-	380	332	456	396
\$917.01-\$1167.00	-	-	-	-	344	296
\$1167.01-\$1583.00	-	-	-	-	228	200

"Blue" means Sussex and Warren counties.

"Red" means all other counties.

(b) Schedule B: All other fuel:

HOUSEHOLD SIZE Region Designation Monthly Income	1 or 2		3 to 5		6 or more	
	Blue	Red	Blue	Red	Blue	Red
\$0-\$417.00	268	232	356	312	428	372
\$417.01-\$667.00	224	192	296	260	356	312
\$667.01-\$917.00	-	-	240	208	284	248
\$917.01-\$1167.00	-	-	-	-	216	188
\$1167.01-\$1583.00	-	-	-	-	144	124

"Blue" means Sussex and Warren counties.

"Red" means all other counties.

(c) Schedule C: Renters and SSI or RHCF automatic payments:

HOUSEHOLD SIZE Region Designation Monthly Income	1 or 2		3 to 5		6 or more	
	Blue	Red	Blue	Red	Blue	Red
\$0-\$417.00	216	188	284	248	344	296
\$417.01-\$667.00	180	156	236	208	284	248
\$667.01-\$917.00	-	-	192	164	228	200
\$917.01-\$1167.00	-	-	-	-	172	148
\$1167.01-\$1583.00	-	-	-	-	116	100

"Blue" means Sussex and Warren counties.

"Red" means all other counties.

10:89-4.1 Opportunity and decision to apply

(a) Any individual(s) who believes he/she or his/her household is eligible for [special energy assistance, cooling assistance or emergency energy assistance] HEA must be given the opportunity to apply without delay. Applicants will be informed about eligibility requirements and their rights and obligations in applying for and receiving assistance. The decision to apply rests with the applicant. The applicant has the right to withdraw the application before eligibility or ineligibility has been determined. Upon completion of the application process, the application form shall be forwarded to DPW in accordance with (e) below.

1. For purposes of this program, the applicant shall be the adult household member who is billed for payment of heating/cooling [fuel] costs or responsible for payment of the rent.

i. (No change.)

(b) [Households eligible for automatic payments (see N.J.A.C. 10:89-3.1) need not apply for those benefits.] AFDC households which have received or will receive automatic benefits but submit a separate application will have that application denied by the CWA.

(c) SSI households which have received automatic payments based on the Schedule C in N.J.A.C. 10:89-3.6, but are directly responsible to the vendor for payment of fuel costs may file an application to receive a supplemental payment. This supplemental payment will be the difference between the automatic payment and the household's entitlement based on Schedule A or B in N.J.A.C. 10:89-3.6, as appropriate.

[(c)](d) Households desiring [special energy assistance, emergency energy assistance or cooling assistance] HEA must complete a separate Form EP-1, Home Energy Assistance Application [for each such benefit]. The application must be completed and signed at sites designated by the CWA of the county in which the household resides. The application shall be signed by the household member responsible for payment of heating or cooling costs or his/her authorized representative.

1. (No change.)

2. The CWA shall provide home visits to accept applications from those households which are not eligible to apply by mail but cannot apply in person at the CWA (e.g., the applicant is ill, bedridden, or [due to remoteness,] for whom access to the CWA is difficult).

3. The CWA shall document the date [the] of application by recording on the application form the date it was received by the CWA. The period for determination of program eligibility or ineligibility and notification of the household of the determination is calculated from the date the application is filed.

4.-5. (No change.)

[(d)](e) At the time of application, the CWA shall advise the household of all program eligibility requirements and the method by which assistance will be provided. Additionally, the CWA shall assist the household in completing the application and explain what elements of eligibility must be verified. The CWA must advise the household what verification is required and explain that the case will be denied if verification is not provided.

1. Verification requirements: The CWA shall assist the household in obtaining the required verification.

i. Required documentation: The following must be verified and documented by the CWA prior to forwarding the application to DPW:

(1)-(9) (No change.)

(10) For emergency energy payments, the emergent situation. This shall be accomplished by collateral contact [or]and client affidavit, **if required.**

ii. (No change.)

[(c)](f) The CWA shall forward the original of Form EP-1 to DPW within four working days of receipt of the completed application and retain a copy in the case record.

1. (No change.)

2. [Form EP-1 will also be returned to the CWA if it does not pass the computer edit because of coding error, possible duplicate payment or an indication that the household is ineligible.] **Each CWA will receive a listing of its cases which were rejected upon data entry. The CWA must review the listed cases for the reason for rejection and submit a corrected page one of Form EPI for each listed case.**

3. After data entry, **all accepted** Form EP-1 will be [returned to the CWA for retention] **retained by DPW.**

[(f)](g) In certain instances, the CWA may not be able to submit Form EP-1 for data entry because the household has not completed the application or it has not provided or refuses to provide verification which the CWA cannot otherwise obtain. In such instances, the CWA [must] **shall advise the household of the consequences of its noncooperation** and hold the application, including mail applications, until the last working day before the expiration of the 30 day limit for action on the application **to give the household an opportunity to cooperate.** Form EP-1 shall then be appropriately coded and forwarded to DPW. The CWA must record the specifics of the situation requiring this action.

1. Once the CWA has clearly established either that the household will not cooperate further or that the household believes it has provided sufficient verification, the application should be appropriately coded and forwarded to DPW. The household must receive a notice of denial and may contest this denial at a fair hearing.

(h) **CWA Responsibility for eligibility determinations: Generally, applications will be processed through the CPW computer system to a decision. However the CWA will be responsible for screening each HEA application to determine the following:**

1. The household's gross monthly income meets the monthly income eligibility standards in N.J.A.C. 10:89-2.3(g);

2. The household is responsible for payment of its heating/cooling costs in accordance with N.J.A.C. 10:89-2.2(b);

3. The household meets the definition of "resident" provided in N.J.A.C. 10:89-2.2(a)1;

4. The household's request for emergency assistance has been denied by DPW; or

5. The household refuses to cooperate in the determination of eligibility.

(i) If the CWA determines, based on the provisions of (g) above, that the household is ineligible, the household must be advised that its application will be denied.

(j) If a household's application is denied by the CWA, the CWA must code the application appropriately and submit it to DPW at the time of the denial.

(k) DPW will issue an adverse action notice to the household upon processing of the CWA denied application.

10:89-5.1 Establishment of Home Energy Assistance Units

(a) (No change.)

(b) CWAs must also comply with the following requirements:

1.-4. (No change.)

5. Provide adverse action notices to those households whose payments are held by the CWA in accordance with (b)6 below.

6. Review all payments issued by DPW to ensure that payments are not issued to ineligible households or that households have not exceeded the maximum benefit established in Federal regulations.

10:89-5.2 Notice requirements

(a) (No change.)

(b) The Division of Public Welfare **or the CWA, as appropriate,** will generate notices (Notice of Home Energy Assistance Action, Form EP-2) informing the household of the action taken on its application. The CWA is responsible for promptly mailing Form EP-2 to the household.

1. For households determined eligible, Form EP-2 will advise the household of the amount of assistance **to which they are entitled.**

2. (No change.)

(c) Households receiving automatic payments shall receive a notice, (Notice of Eligibility for Home Energy Assistance, Form EP-3) included with the energy payment explaining that it is a supplement to assist the household to meet its rising heating costs and of the availability of [special energy assistance, cooling assistance and] emergency assistance.

1. (No change.)

2. CWAs will insert Form EP-3 with [each] **the** automatic energy payment.

10:89-5.3 [Reporting changes] **Recoupment of overpayments**

[(a) CWAs must advise the household of its obligation to report all changes. Such changes include:

1. Change of head of household;
2. Address;
3. Heating/cooling fuel type and supplier;
4. Income;
5. Household size;
6. Living arrangement;
7. Authorized representative; or
8. Any other change in circumstances.

(b) A change reported for AFDC or Food Stamp purposes is considered reported for the purposes of this program.

(c) CWAs shall complete a new EP-1, Home Energy Assistance Application, indicating the change(s), coding it according to DWP instructions, and forwarding it to DPW.

1. Changes must be verified and documented in the case record.]

(a) **Households which receive more than \$750.00 in HEA benefits shall be considered to have been overpaid and will be required to repay the excess benefit. Upon discovery of an overpayment the CWA shall take action in accordance with the procedures in this section. The CWA shall seek recovery of all overpayments regardless of fault including overpayments caused by administrative error.**

1. The amount of the overpayment shall be the difference between the total HEA benefit paid to the household and \$750.00.

2. Immediately upon discovery of an overpayment, the CWA shall inform the household in writing of amount overpaid, how the overpayment was calculated and request repayment.

3. If the household makes repayment the amount recovered shall be treated in accordance with procedures established by DPW's Bureau of Business Services.

4. If the household refuses to repay, does not respond to the repayment request or fails to make scheduled repayments is shall be advised that the amount will be recovered from any future HEA benefits to which the household may be entitled.

5. The CWA shall institute action to recover the full amount of the over-payment by reducing the household's HEA entitlement in the succeeding program year.

6. Recoupment of overpayments from future HEA benefits is subject to adequate notice in accordance with N.J.A.C. 10:89-5.2.

10:89-5.4 Lost or stolen checks

(a) Households [or vendors] whose energy check has been lost or stolen must report the loss to the CWA.

1.-2. (No change.)

10:89-5.5 [Lost or stolen emergency vendor invoices] (**Reserved**)

[(a) CWAs shall establish administrative controls to ensure the security of blank emergency vendor invoices used for emergency energy vendor payments (i.e., a control log should be developed listing the prenumbered emergency vendor invoice, the name of the vendor to whom it was issued, the name of the household on whose behalf it was issued, and the household's case number).

1. A household reporting that its emergency vendor invoice has been lost or stolen shall sign an affidavit at the CWA attesting to that fact. The affidavit shall be retained in the case record.

2. Upon notification by a household that its emergency vendor invoice has been lost or stolen, the CWA shall:

- i. Notify the fuel vendor of the emergency vendor invoice number and that the invoice will not be honored;
- ii. Issue the household a replacement emergency vendor invoice; and
- iii. Report the loss to DPW.]

10:89-5.6 Outreach requirements

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

(c) CWA outreach responsibilities shall include, at a minimum, the following:

1. Distribution of copies of the Home Energy Assistance Fact Sheet to all appropriate cooperating groups, agencies and organizations including those involved in Food Stamp Program [Outreach] **informational** activities, e.g., county offices on aging, community action agencies, municipal welfare departments, Social Security Administration district offices, public education, library and media facilities, police and fire departments, religious organizations, migrant organizations, [the Powhatan Lenape Indian Tribe,] **American Indian organizations** and home energy suppliers;

2.-4. (No change.)

5. **Contact with each home energy supplier within the county to advise them of the existence of the HEA program and to encourage them to make information regarding HEA available to their customers.**

(d)-(e) (No change.)

(f) CWAs must submit a report describing all outreach efforts undertaken to the Outreach Coordinator, Home Energy Assistance Unit, Division of Public Welfare, by December 1, [1980.] **of the appropriate program year.**

10:89-5.7 Referral to weatherization

(a) (No change.)

(b) At the time of application, CWAs will discuss with applicants the advantages and availability of weatherization programs.

1. Applicants interested in weatherization will be referred directly to the local [community action agency] CAA for evaluation and service, if appropriate.

2. (No change.)

3. Energy applications will be coded to indicate to which [community action agency] CAA the applicant was referred.

4. This referral will be followed-up by a computer generated report listing all weatherization referrals. This report will be shared with DCA, the CAA and the CWA.

10:89-5.8 [Budget counseling] (**Reserved**)

[CWAs are funded under Title XX of the Social Security Act to provide a range of services including budget counseling. Such services will be made available to applicants for energy assistance.]

OFFICE OF ADMINISTRATIVE LAW NOTE: Forms EP-1, 2, 3 and 101 were submitted with this rule, but are not reproduced in this notice. Copies may be obtained from:

Division of Public Welfare
CN 716
Trenton, New Jersey 08625

or

Office of Administrative Law
Administrative Filings
CN 301
Trenton, New Jersey 08625

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The readoption becomes effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

This proposal is known as PRN 1981-344.

INSURANCE

(a)

DIVISION OF CONSUMER SERVICE

Insurance Claims

Unfair Claims Settlement Practices

Notice of Correction: N.J.A.C. 11:2-17 (13 N.J.R. 774(c))

Take notice that the operative date for rules concerning unfair claim settlement practices (N.J.A.C. 11:2-17) adopted by notice appearing at 13 N.J.R. 774(c) is January 15, 1982.

This notice is published as a matter of public information.

LABOR AND INDUSTRY

(b)

THE COMMISSIONER

Unemployment Compensation and Temporary Disability

Maximum Weekly Benefits and Taxable Wage Base

Notice of Correction: N.J.A.C. 12:15-1.3 and 1.4 (13 N.J.R. 777(a) and (b))

Take notice that the operative date for amendments to N.J.A.C. 12:15-1.3 and 1.4, adopted at 13 N.J.R. 777(a) and (b) respectively, is January 1, 1982.

This notice is published as a matter of public information.

ENERGY**(a)****THE COMMISSIONER****Energy Conservation
Seven-Day, Day-Night Thermostats in Public
Buildings****Adopted Repeal: N.J.A.C. 14A:3-5**

Proposed: October 8, 1981 at 13 N.J.R. 680(a).
 Adopted: November 16, 1981 by Joel R. Jacobson,
 Commissioner, Department of Energy.
 Filed: November 18, 1981 as R.1981 d.468, **without
 change.**

Authority: N.J.S.A. 52:27F-11q.

Effective Date: December 7, 1981.
 DOE Docket No.: 009-81-10.

TRANSPORTATION**(b)****TRANSPORTATION OPERATIONS****Turns
No Left Turn Along Route 79****Adopted New Rule: N.J.A.C. 16:31-1.16**

Proposed: September 10, 1981 at 13 N.J.R. 614(d).
 Adopted: November 10, 1981 by David W. Gwynn,
 Chief Engineer, Transportation Operations & Local
 Aid.
 Filed: November 13, 1981 as R.1981 d.460, **without
 change.**

Authority: N.J.S.A. 27:1A-5 and 6, 27:1A-44 and 39:4-
 183.6.

Effective Date: December 7, 1981.

OTHER AGENCIES**(c)****HACKENSACK MEADOWLANDS
DEVELOPMENT COMMISSION****District Zoning Regulations
Official Zoning Map****Adopted Amendments: N.J.A.C. 19:4-6.28**

Proposed: September 10, 1981 at 13 N.J.R. 624(a).

Adopted: November 16, 1981 by Hackensack Meadowlands
 Development Commission, Gary S. Rosensweig,
 Director of Administration.
 Filed: November 18, 1981 as R.1981 d.467, **without
 change.**

Authority: N.J.S.A. 13:17-6(i) and 11(b).

Effective Date: December 7, 1981.

(d)**NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION****Legislative Activity
Financial Disclosure by Lobbyists and
Legislative Agents****Adopted Amendments: N.J.A.C. 19:25-8**

Proposed: October 8, 1981 at 13 N.J.R. 695(a).
 Adopted: November 18, 1981 by New Jersey Election
 Law Enforcement Commission, Scott Weiner, Executive
 Director.
 Filed: November 19, 1981 as R.1981 d.471, **with
 substantive changes** not requiring additional public
 notice and comment (see N.J.A.C. 1:30-3.5).

Authority: P.L. 1981, c.150, section 5.

Effective Date: December 7, 1981.

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

Social Impact

It has been determined by the Legislature that such financial disclosure by those who attempt to directly influence the legislative process is an effective means by which to [ventilate, and thus] protect[,] the integrity, vitality and free functioning of the legislative process. In addition, the federal courts and the courts of this state have consistently held that there is a public interest in the disclosure of the sources and uses of money to affect legislation which is sufficiently compelling to outweigh any possible infringement on the activities of lobbyists. **Lobbying provides essential information to the legislative decision-making process.** Disclosure of the sources and use of what the courts in New Jersey have referred to as "the significant flow of substantial wealth aimed at affecting the legislative process" **however, is deemed to be** of value to both the electorate and the legislators themselves in providing information as to [the source of] many of the motivating forces and special interests behind legislation in this State.

Economic Impact

These rules will require recordkeeping by reporting lobbyists and legislative agents sufficient to permit audit by the Commission as to the correctness of the annual reports. [, the] Much of the information required to be included in the reports is generally included in records which the reporting lobbyists or legislative agents would generally keep in the normal course of their business. **Other required information may necessitate additional recordkeeping by the reporting entities. Recognizing that P.L. 1981, Chapter 150 sets forth the reporting requirements pursuant to which**

these regulations are promulgated, [I] it is [,therefore,] anticipated that the economic impact of the reporting requirements under these rules will be [minimal.] **moderate for most lobbyists or legislative agents.**

19:25-8.2 Definitions

“Direct, express and intentional communication with legislators or the Governor or his staff undertaken for the specific purpose of affecting legislation” (hereinafter sometimes referred to as “Direct Communication”) shall mean any oral or written communication initiated by a [lobbyist or] legislative agent [for such lobbyist] to the Legislature or the Governor or his staff (including telephone, correspondence, radio, advertising or use of other communications media), regardless of whether the communication is in person or through an agent, having the effect of transmitting information, opinions or ideas which reasonably can be said to be intended to influence legislation.

“Influence legislation” shall mean to make any attempt, whether successful or not, to secure or prevent the initiation of any legislation or to secure or prevent the passage, defeat, amendment or modification thereof by the Legislature, including efforts to influence the preparation, drafting, content, introduction and consideration of any bill, resolution, amendment, report[,] or nomination, [or other legislative matter,] or the approval, amendment or disapproval thereof by the Governor in accordance with his constitutional authority. **Rulemaking is not covered under this definition except to the extent that such rules come before the Legislature as part of the legislative review process.**

“Legislative agent” shall mean any person who receives or agrees to receive, directly or indirectly, compensation, in money or anything of value (including reimbursement of his expenses where such reimbursement exceeds \$100.00 in any three-month period), to influence legislation by communication, personally or through any intermediary, to the Legislature or the Governor or his staff, or who holds himself out as engaging in the business of influencing legislation by such means, or who incident to his regular employment engages in influencing legislation by such means; provided, however, that a person shall not be deemed a legislative agent who, in relation to the duties or interests of his employment or at the request or suggestion of his employer, communicates to the Legislature or the Governor or his staff concerning any legislation, if such communication is an isolated, exceptional or infrequent activity in relation to the usual duties of his employment.

1. Except as hereinafter provided below, for the purposes of the definition of “legislative agent” and of reporting under the Act, a person’s communication or communications shall not be deemed to be “isolated, exceptional or infrequent activity” if, in relation to the usual duties of his employment, he spends, over the course of a reporting year, a total of [three percent] **10 percent** of his time or [50] **180** hours, whichever is less, in such activity on behalf of his employer.

2. Notwithstanding the above, **and solely for the purpose of determining whether the employer of such employee is a lobbyist as defined below**, if the employee of any organization which has [reportable] receipts or expenditures **of the kind described in N.J.A.C. 19:25-8.6 and 8.7 exceeding** [or more than] \$2,500 in any calendar year, makes a Direct Communication in such calendar year, [then the activity of such employee,] regardless of the amount of time spent, **then such employee** shall be deemed [not to be “isolated, exceptional or infrequent activity” for purposes of reporting under the Act and these regulations. Solely for purposes of determining whether the employer of such employee is a lobbyist as defined below, such employee shall be deemed to be a legislative agent.] **to be a legislative agent.**

1. Example:

(1) ABC Corporation expends, over the course of the calendar

year, \$200,000 for direct lobbying on legislators (including expenditures on mailings to legislators, food, beverages and football tickets for legislators, and a video presentation to the legislature). ABC did not hire an outside contract lobbyist, nor did any of its employees who participated in direct lobbying activity expend 180 hours or 10 percent of their time on such activity. One of these employees, Smith, its vice-president, communicated directly with Senators X and Y, urging the passage of certain legislation of interest to ABC Corporation. This direct communication by Smith, when combined with any other direct lobbying activity engaged in by him over the course of the year on behalf of ABC Corporation did not, however, exceed 180 hours or 10 percent of his employment time. Under these circumstances, ABC Corporation is a lobbyist with an annual reporting obligation and Smith is its legislative agent for such purpose. ABC Corporation must list Smith as its legislative agent on its annual report, but no accounting and valuation of Smith’s time is required since he did not meet the 180 hour/10 percent of time threshold.

“Lobbyist” shall mean any person, partnership, committee, association, corporation, labor union, or any other organization that employs, retains, designates, engages or otherwise uses the services of any legislative agent to influence legislation. [If any person, partnership, committee, association, corporation, labor union or other organization has in its employ more than one regular employee engaged in the activities of attempting to influence legislation on behalf of such organization, which activities, if done by one employee, would qualify that employee as a legislative agent, the organization employing such employees shall be deemed to employ a legislative agent for purposes of reporting under this Act.]

19:25-8.3 Exemptions from the Act

(a) The provisions of the Act regarding attempts to influence legislation shall not apply to the following activities:

1. The acts of the government of the United States or of the State of New Jersey or of any other state or of any of the political subdivisions **or authorities or commission** of any of the foregoing, or any interstate authority or commission, or any official, employee, counsel or agent of any of the above when acting in his official capacity.

2.—4. (No change from proposal.)

19:25-8.6 Calculation of receipts

(a) The above calculation shall include, without limitation, the following receipts which relate to direct, express and intentional communication with legislators or the Governor or his staff for the specific purpose of affecting legislation:

1. (No change from proposal.)

2. Contributions, loans (except for loans from financial institutions made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons) or membership fees or dues received by a lobbyist [, except that such receipts by a lobbyist shall not be deemed to be related to Direct Communication for the purpose of affecting legislation, for the purpose of reporting under the Act and these regulations, unless made to a lobbyist expressly for such purpose, or unless made] **may be reportable, depending upon whether such contributions, loans, fees or dues are made** to a lobbyist whose major purpose is to engage in such communication. For purposes of (a)2 of this section, a lobbyist shall be deemed to engage in Direct Communication as its major purpose for any calendar year in which expenditures related to such activity constitute more than 50 percent of its total expenditures. **If, under the above test, it is not the major purpose of the lobbyist to engage in Direct Communication, the contributions, loans, fees and dues received by the lobbyist are not reportable by such organization, unless made to the lobbyist for the express purpose of Direct Communication (in which case they are reportable as outlined below). If the major purpose of the lobbyist is to engage in Direct Communi-**

cation, [Such] the contributions, loans, membership fees or dues [(other than those expressly made for the purpose of Direct Communication)] received by the lobbyist shall be reportable hereunder **in the aggregate** in the same proportion as the activities of the lobbyist are related to Direct Communication, [.] [Contributions, loans, membership fees and dues made expressly for the purpose of Direct Communication shall be reported in full. Contributions, fees or dues required to be reported pursuant to this paragraph shall be reported in aggregate,] along with the name and address of the contributor(s) [and the date and amount of contributions, fees or dues contributed by any contributor or member,] whose contribution(s), allocated as outlined above, aggregate more than \$100.00 during the calendar year.

i. Example:

(1) Trade Association XYZ engages in a wide range of activities, including trade shows, public relations, newsletters to its members, etc., and lobbying. This lobbying is done through a paid contract lobbyist in Trenton as well as by direct communication by employees of the Trade Association. XYZ expends over \$2,500 during the course of the calendar year on this direct lobbying activity, although this expense constitutes less than 10 percent of its total expenditures for that year. Trade Association XYZ is a lobbyist required to file an annual report. However, it need not report its contributions at all.

(2) Trade Association EFG has the same fact situation as above, except that Trade Association EFG's direct lobbying expenses constitute more than 50 percent (e.g., 80 percent) of its expenditures for the year. EFG must file an annual report as a lobbyist, including therein an aggregate allocated figure for lobbying contributions made to it (80 percent of each contribution must be allocated to lobbying for reporting purposes; the aggregate is then reported). EFG must also report the name and address of all those contributors whose contributions, after being allocated to lobbying, exceeds \$100.00.

19:25-8.7 Calculation of expenditures

(a) The reporting calculation shall also include, without limitation, the following expenditures which relate to direct, express and intentional communication with legislators or the Governor or his staff for the specific purpose of affecting legislation:

1. Fees, allowances, retainers, salary or other compensation in full, or that pro rata share related to Direct Communication paid to a legislative agent. Compensation required to be reported pursuant to this [subparagraph] (a)1 of this section shall be detailed as to amount, to whom paid and for what purpose and shall include consulting, legal or other fees, for services performed or to be performed, as well as expenses incurred in rendering such services. In the case of a volunteer, the above calculation shall not include any calculation of the value of the time for such volunteer, but shall include only that amount reimbursed to the volunteer for expenditures related to Direct Communication on behalf of the lobbyist.

2. Pro rata share of salary or other compensation paid to an employee of any organization whose activities on behalf of that organization qualify him as a legislative agent.

i. Example:

(1) Jones engages in lobbying activity in New Jersey and Pennsylvania for ABC Corporation. He spends one-half of his time in direct lobbying activity in New Jersey. Jones' total salary, as reported on his W-2 form, is \$30,000 per year. Since 180 hours or 10 percent of his time is spent on direct lobbying in New Jersey, Jones is a legislative agent for ABC Corporation and one-half of his salary, \$15,000, is allocable to direct lobbying. ABC Corporation is a reporting lobbyist and must include this amount as an expense.

(2) Smith, another ABC Corporation employee, has spent only five percent of his time on direct lobbying on behalf of his employer. Since he has spent less than 180 hours or 10 percent of his time on such activity, a pro rata share of his salary is not reportable by ABC Corporation.

3. Contributions or membership fees or dues paid by the lobbyist, except that such contributions or fees shall not be deemed to be related to Direct Communication for the purpose of reporting under the Act and this subchapter unless made to a lobbyist or legislative agent expressly for such purpose, or unless made to a lobbyist or legislative agent whose major purpose is to engage in such communication. For the purpose of (a)(3) of this section, a lobbyist or legislative agent shall be deemed to engage in Direct Communication as its major purpose for any calendar year in which expenditures related to such activity constitute more than 50 percent of its total expenditures. Such contributions, fees and dues (other than those made expressly for the purpose of Direct Communication) made by a lobbyist to an organization, association or union, shall be reportable hereunder in the same proportion as the activities of the organization, association or union are related to Direct Communication. Contributions, fees or dues made expressly for the purpose of Direct Communication shall be reported in full. Contributions, fees or dues required to be reported pursuant to this paragraph shall be reported in the aggregate, along with the name of any organization, association or union to whom the lobbyist made a contribution in excess of \$100.00 for the calendar year (when allocated as set forth above) as well as the date [and amount] of each such contribution, fee or dues.

4. Costs of preparation and distribution of material by a lobbyist or legislative agent, including all disbursements for preparation and distribution of printed materials, correspondence[, newsletters] flyers, publications, films, slides, audio and video recordings, and video tapes.

[5. Costs of purchase and preparation of media (e.g., billboards, newspapers, radio, television) including production expenses and expenses of time and space.]

[6.]5. Travel and lodging for the legislative agent.

6. Allocated cost of support personnel for the lobbyist or legislative agent. The allocated cost of any support personnel for the lobbyist or legislative agent shall be included hereunder if, in relation to the usual duties of their employment, such personnel, individually, spend, over the course of the reporting year, a total of 25 percent of their time or 450 hours, whichever is less, in activity supporting the Direct Communication of the lobbyist or legislative agent.

i. Example:

(1) Smith is in the government affairs department at ABC Corporation, a reporting lobbyist, and spends all of her time engaged in activity related to direct lobbying. Brown, her secretary, spends his time doing work supporting Smith's activities. Jones, an analyst in the financial department at ABC Corporation, spends 50 percent of his time analyzing legislation for Smith and preparing memoranda to be used in Smith's lobbying activity. King, an attorney in ABC's legal department, occasionally does some drafting of proposed legislation for Smith. Over the course of the year, however, this accounts for only about 10 percent of his time at work. ABC Corporation, in its annual report, must include Smith's full salary ((a)(2) above), as well as Brown's full salary and one-half of Jones' salary, as the cost of support personnel. None of King's salary will have to be included on ABC's report.

(b) The following expenditures by a lobbyist or legislative agent shall be deemed to be related to direct, express and intentional communication with legislators or the Governor or his staff for the specific purpose of affecting legislation [whether by the lobbyist or legislative agent, if the legislative agent makes such a communication within the same reporting year as the expenditure is made.] if the communication is made within the same reporting year as the expenditure is made. It shall be evidence that such expenditures are not related to Direct Communication if the cost of such expenditure is not reimbursed by or to the lobbyist or legislative agent or if such cost is not deducted as a business expense on any state or Federal tax return of the lobbyist or legislative agent.

1. (No change from proposal.)

2. Food and beverages provided to legislators or the Governor or his staff, paid for by a lobbyist or legislative agent.[, as well as] **This shall include** food and beverages for the legislative agent when in the company of the legislator, [and] **or the Governor or his staff, but only if the lobbyist or legislative agent pays for the legislator or the Governor or his staff. Also included are** payments by lobbyists or legislative agents [of] for food or beverages of legislators **or the Governor or his staff** at conferences, conventions, banquets or other similar functions.

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

19:25-8.9 Annual report

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

(c) Expenditures required to be reported pursuant to N.J.A.C. 19:25-8.7(b) shall be listed in the aggregate by category, and shall be detailed as set forth below.

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

4. For the purposes of calculation for (c)1 and 2 above, such expenditures made on behalf of staff and assistants assigned to a legislator or the Governor and his staff shall also be counted toward the aggregate of such expenditure for such legislator or the Governor. [; however, expenditures made on behalf of members of the Governor's cabinet shall not be included in such aggregate, but shall be calculated separately and reported separately with regard to such cabinet members.]

(d) (No change from proposal.)

19:25-8.11 Responsibilities for filing annual reports; certification

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

(c) Every legislative agent which has a filing obligation pursuant to this subchapter is not relieved of that obligation by virtue of the fact that the organization engaging, retaining or employing it has or may have a filing obligation as a lobbyist or that the legislative agent has been designated by which organization to file a report for it; except that any [two or more legislative agents retained, engaged or employed by the same lobbyist may file jointly reports required under N.J.A.C. 19:25-8.9 on forms provided by the Commission regarding their reportable activity on behalf of such lobbyist.] **lobbyist organization required to file a report pursuant to the Act which employs or otherwise engages or uses a legislative agent or agents whose only reportable lobbying activity is on behalf of such organization, may file a single annual report required under N.J.A.C. 19:25-8.9 on behalf of its own lobbying activity and the activities of such legislative agent or agents, provided that any violation of the Act shall subject the lobbyist alone to the penalties provided by this Act and this subchapter.**

(d) Every report filed with the Commission by a lobbyist or legislative agent shall be certified as to the correctness of the report[.] **by the legislative agent or, in the case of a lobbyist, by a legislative agent employed by the lobbyist or a responsible financial or government affairs officer of the lobbyist.**

19:25-8.14 [Foreign agents]Nonresident legislative agents or lobbyists

(No change in text from proposal.)

(a)

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

Targeting of Authority Assistance Basis of Eligibility

Adopted Amendments: N.J.A.C. 19:30-4.2

Proposed: September 10, 1981 at 13 N.J.R. 625(b).

Adopted: October 20, 1981 by New Jersey Economic Development Authority, James J. Hughes, Jr., Executive Director.

Filed: November 10, 1981 as R.1981 d.457, **without change.**

Authority: N.J.S.A. 34:1B-5.

Effective Date: December 7, 1981.

MISCELLANEOUS NOTICES

AGRICULTURE

(a)

THE SECRETARY

Results on 1981 Sweet Potato Referendum

Public Notice

Take notice that the Department of Agriculture has issued the following notice of the results of the 1981 sweet potato referendum.

Based on the 1981 referendum of 100 percent of the affected sweet potato growers in this State, as required by N.J.S.A. 54:47E-17, provided for the continuation of the sweet potato promotion program.

The specific results of the referendum completed and calculated on October 30, 1981:

1981 SWEET POTATO REFERENDUM				
	Votes – Per Cent		Acreage – Per Cent	
Yes	49	72.00	1325	78.00
No	19	28.00	384	22.00
Total affected	68	100.00	1709	100.00

This Notice is published as a matter of public information.

ENVIRONMENTAL PROTECTION

(b)

THE COMMISSIONER

State Certifications of Draft NPDES Permits

Public Notice

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, New Jersey 08625.

LAW AND PUBLIC SAFETY

(c)

DIVISION OF MOTOR VEHICLES

Bulk Commodities Application

Public Notice

Take notice that Joan H. Wiskowski, Director, Division of Motor Vehicles, hereby lists the name and addresses of applicants who have filed an application for a common carrier's certificate of public convenience and necessity and/or a contract carrier permit to engage in the business of transporting bulk commodities in intrastate commerce.

COMMON CARRIER (NON-GRANDFATHER)

Russell H. Bellis Trkng.
33 Wantage Ave.
Branchville, N.J. 07826

C & K Petroleum Transporters, Inc.
Church Lane
Middle Island, N. Y. 11953

Ross Fogg Gas Co.
182 Yorke St.
Salem, N.J. 08079

William Alston
2715 W. Bangs Ave.
Neptune, N.J. 07753

Paul Jakobsen, Inc.
125 Harcourt Ave.
Bergenfield, N.J. 07621

Enright Oil
P.O. Box 376 Delsea Dr.
Deptford, N.J. 08096

Any or all the above applications may be inspected in full by interested parties at the office of the Division of Motor Vehicles, Bureau of Motor Carriers, 137 E. State Street, Trenton, New Jersey 08666, on business days between 9:00 A.M. and 4:00 P.M. Protests in writing and verified under oath may be presented by interested parties to the Director of Motor Vehicles within 20 days following the publication date of an application.

This Notice is published pursuant to the requirements of N.J.S.A. 39:5E-11a.

INDEX OF RULES ADOPTED SUPPLEMENTING THE NEW JERSEY ADMINISTRATIVE CODE

The New Jersey Register supplements the New Jersey Administrative Code. The New Jersey Register should be used in the same way as a pocket part, to complete the Code with rules promulgated between the most recent update of each Code title and the most recent Register.

Each rule promulgated subsequent to the most recent update of the Code is listed below in order of its Code citation. At the bottom of the listings for each title is the date of the most recent update for that title. Accompanying the Code citation for each rule is a brief description of its contents, its Office of Administrative Law (OAL) document citation (which should be used if ordering from OAL a copy of the rule), and the Register citation for its adoption notice.

The adoption notice citation can be used to find, in the pertinent Register, the Register citation for the rule as it was proposed and the substance of any changes in the proposed rule upon adoption.

The full text of the proposed rule plus the changes in the proposed rule upon adoption constitute an official copy of the promulgated rule. If the full text of the proposed rule was not printed in the Register, it is available for a fee from:

Administrative Publications
CN 301
Trenton, New Jersey 08625

The complete index will appear in the first issue of each month, with a supplemental index appearing in the second issue of each month (covering only rules adopted in that issue).

In order to be sure that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with July 5, 1979.

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW—TITLE 1			
1:1-1.1	Applicability of OAL rules	R. 1981 d. 118	13 N.J.R. 254(a)
1:1-1.5	Nature of a contested case	R. 1981 d. 116	13 N.J.R. 254(b)
1:1-3.5	Attorneys obstruction	R. 1981 d. 443	13 N.J.R. 842(a)
1:1-3.7	Appearances and representation in conteted cases	R. 1981 d. 442	13 N.J.R. 842(b)
1:1-3.10	Interpreters	R. 1981 d. 441	13 N.J.R. 842(c)
1:1-9.7, 11.2, 11.3	Finality of procedural decisions	R. 1981 d. 55	13 N.J.R. 114(a)
1:1-11.5	Time for discovery	R. 1981 d. 444	13 N.J.R. 842(d)
1:1-12.3	Standards for intervention in administrative hearings	R. 1981 d. 119	13 N.J.R. 255(a)
1:1-12.4	Finality of procedural decisions	R. 1981 d. 55	13 N.J.R. 114(a)
1:1-14.1	Motions to consolidate	R. 1981 d. 120	13 N.J.R. 255(b)
1:1-14.1, 14.2	Motions to consolidate	R. 1981 d. 117	13 N.J.R. 255(c)
1:1-14.3, 15.2	Finality of procedural decisions	R. 1981 d. 55	13 N.J.R. 114(a)
1:30	Rules of agency rulemaking	R. 1981 d. 83	13 N.J.R. 171(a)
(Title 1, Transmittal 1 dated July 17, 1980)			
AGRICULTURE—TITLE 2			
2:2-2.2	Official calfhood brucella vaccination	R. 1981 d. 173	13 N.J.R. 318(a)
2:2-2.3	Vaccination of female bovines	R. 1981 d. 288	13 N.J.R. 471(a)
2:2-2.4	Amend conformity of brucellosis tests with Federal standards	R. 1980 d. 422	12 N.J.R. 627(b)
2:2-2.16	Slaughtering of market cattle and goats	R. 1981 d. 40	13 N.J.R. 115(b)
2:3-2.3, 2.4	Brucellosis and tuberculosis tests for cattle	R. 1981 d. 39	13 N.J.R. 115(a)
2:3-4.1	Amend movement of livestock	R. 1981 d. 41	13 N.J.R. 115(c)
2:5-1	Repeal hog cholera quarantines	R. 1981 d. 42	13 N.J.R. 115(d)
2:48-5	Restrictions on coupons in milk promotion	R. 1980 d. 519	13 N.J.R. 6(a)
2:48-5.1	Use of coupons in milk promotion	R. 1981 d. 166	13 N.J.R. 318(b)
2:53-1, 3.1	Repeal minimum prices on fluid whole milk and amend sales below cost	R. 1980 d. 472	12 N.J.R. 686(b)
2:53-4.1	Amend notice of intent to change source of supply	R. 1980 d. 473	12 N.J.R. 686(c)
2:54-1.1	Milk marketing order	R. 1981 d. 416	13 N.J.R. 753(a)
2:69-1.11	Commercial values of primary plant nutrients	R. 1981 d. 172	13 N.J.R. 318(c)
(Title 2, Transmittal 17 dated July 17, 1980)			
BANKING—TITLE 3			
3:1-1.1	Emergency amend interest rates	R. 1981 d. 429	13 N.J.R. 753(b)
3:1-2	Procedural rules	R. 1981 d. 258	13 N.J.R. 382(b)
3:1-12	Multiple-party deposit accounts	R. 1980 d. 480	12 N.J.R. 686(d)
3:2-2.1-2.3	Plain language in consumer contracts	R. 1981 d. 259	13 N.J.R. 383(a)
3:6-1	Repeal reporting of 10 year dormant accounts	R. 1980 d. 435	12 N.J.R. 627(c)
3:6-1.1	Savings bank parity rule	R. 1981 d. 352	13 N.J.R. 551(b)
3:6-10	Sale of unsecured days funds by savings banks	R. 1980 d. 559	13 N.J.R. 62(c)
3:6-11	Asset valuation of common trust fund	R. 1980 d. 560	13 N.J.R. 62(d)
3:6-12.1	Commercial bank parity	R. 1981 d. 351	13 N.J.R. 552(a)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
3:8-3.1	Amend required reserve	R. 1980 d.481	12 N.J.R. 688(a)
3:8-5	Repeal savings banks reserves	R. 1980 d.482	12 N.J.R. 688(b)
3:11-10.1, 10.2	Savings banks participation in credit card operations	R. 1981 d.91	13 N.J.R. 185(b)
3:17-4.4,-7	Small loan licensees	R. 1981 d.257	13 N.J.R. 384(a)
3:17-7.1, 7.3	Permits to small loan licensees	R. 1981 d.430	13 N.J.R. 754(a)
3:19-1.6	Amend required use of home repair contractor's license number	R. 1980 d.556	13 N.J.R. 62(b)
3:19-2	Energy rules on home repair financing	R. 1981 d.29	13 N.J.R. 116(a)
3:21-1.8	Emergency amend loan interest rates	R. 1981 d.12	13 N.J.R. 62(e)
3:21-2	State chartered credit unions	R. 1981 d.414	13 N.J.R. 754(b)
3:30-2.1	Reserve requirements	R. 1981 d.90	13 N.J.R. 185(a)
3:38-1.1	Mortgage bankers and brokers license fees	R. 1981 d.260	13 N.J.R. 384(b)
3:41	Cemetery rules	R. 1980 d.449	12 N.J.R. 628(a)

(Title 3, Transmittal 15 dated September 18, 1980)

CIVIL SERVICE-TITLE 4

4:1	CSPM into Title 4	R. 1981 d.458	13 N.J.R. 885(a)
4:1-1.10	Petitions from interested persons	R. 1981 d.413	13 N.J.R. 754(c)
4:1-2.1	Employee Advisory Service	R. 1981 d.233	13 N.J.R. 387(a)
4:1-8.6	Promotional examinations	R. 1981 d.92	13 N.J.R. 186(c)
4:1-8.11	Time and place of examinations	R. 1981 d.461	13 N.J.R. 885(c)
4:1-8.22, 8.23	Emergency rules: Handicapped accommodation and test waiver	R. 1981 d.401	13 N.J.R. 754(d)
4:1-12.15	Extension of certification list	R. 1981 d.127	13 N.J.R. 257(a)
4:1-16.7	Suspension, fines and demotions for disciplinary purposes	R. 1981 d.107	13 N.J.R. 257(b)
4:1-20.2, 20.3	Employee Advisory Service	R. 1981 d.233	13 N.J.R. 387(a)
4:1-20.4	Inspection of evaluations	R. 1981 d.459	13 N.J.R. 885(b)
4:1-20.8	Employee Advisory Service	R. 1981 d.233	13 N.J.R. 387(a)
4:2, 3, 4, 5, 6	CSPM into Title 4 of N.J.A.C. and revision and repeal of subparts	R. 1981 d.458	13 N.J.R. 885(a)

(Title 4, Transmittal 15 dated November 10, 1980)

COMMUNITY AFFAIRS-TITLE 5

5:10	Amend maintenance of hotels and multiple dwellings	R. 1981 d.95	13 N.J.R. 189(d)
5:10-1.3, 2.2	Hotels and multiple dwellings	R. 1981 d.363	13 N.J.R. 704(a)
5:10-19.11	Amend maintenance of hotels and multiple dwellings	R. 1980 d.500	13 N.J.R. 7(c)
5:10-19.11	Emerg. amend fire protection	R. 1980 d.536	13 N.J.R. 7(f)
5:10-25.3	Hotels and multiple dwellings	R. 1981 d.363	13 N.J.R. 704(a)
5:11-7.1-7.5	Amend eviction and relocation	R. 1981 d.69	13 N.J.R. 189(b)
5:11-9.2	Relocation assistance hearings	R. 1981 d.183	13 N.J.R. 332(a)
5:12	Repeal State aid for urban renewal projects	R. 1981 d.180	13 N.J.R. 333(a)
5:12-1.1, 1.2	Plain language review of consumer contracts	R. 1981 d.424	13 N.J.R. 782(b)
5:17	Expiration date for retirement community disclosure requirements	R. 1981 d.425	13 N.J.R. 782(c)
5:23	Amend Uniform Construction Code	R. 1980 d.508	13 N.J.R. 7(d)
5:23-1.4, -2	Uniform Construction Code	R. 1981 d.134	13 N.J.R. 258(b)
5:23-2.5	Uniform Construction Code	R. 1981 d.133	13 N.J.R. 258(c)
5:23-2.5	Uniform Construction Code	R. 1981 d.462	13 N.J.R. 885(d)
5:23-2.6	Uniform Construction Code inspections	R. 1981 d.182	13 N.J.R. 333(b)
5:23-2.7	Amend UCC: Certificate of occupancy	R. 1981 d.45	13 N.J.R. 123(a)
5:23-3	Uniform Construction Code	R. 1981 d.132	13 N.J.R. 258(d)
5:23-3.2	Uniform Construction Code	R. 1981 d.133	13 N.J.R. 258(c)
5:23-3.3	Emerg. amend Uniform Construction Code	R. 1980 d.537	13 N.J.R. 8(a)
5:23-3.3	Uniform Construction Code interpretations	R. 1981 d.454	13 N.J.R. 886(a)
5:23-3.3	Uniform Construction Code: Casino hotels	R. 1981 d.455	13 N.J.R. 886(b)
5:23-4.8	Uniform Construction Code	R. 1981 d.133	13 N.J.R. 258(c)
5:23-5.2	Uniform Construction Code	R. 1981 d.134	13 N.J.R. 258(b)
5:23-5.3, 5.5	Uniform Construction Code	R. 1981 d.462	13 N.J.R. 885(d)
5:23-5.5	Uniform Construction Code	R. 1981 d.463	13 N.J.R. 886(c)
5:23-5.11	Uniform Construction Code	R. 1981 d.134	13 N.J.R. 258(b)
5:24-1.3	Condominium and cooperative conversion	R. 1981 d.131	13 N.J.R. 258(e)
5:24-1.4, 1.5, 1.12	Condominium and cooperative conversion	R. 1981 d.354	13 N.J.R. 562(a)
5:25	Readopt New Home Warranty and Builders' Registration	R. 1980 d.522	13 N.J.R. 7(e)
5:25-5.5	New home warranties and builders' registration	R. 1981 d.181	13 N.J.R. 333(d)
5:26	Readopt planned real estate development full disclosure	R. 1981 d.70	13 N.J.R. 189(c)
5:26	Planned Real Estate Development Full Disclosure Act	R. 1981 d.130	13 N.J.R. 259(a)
5:26-2.4, 3.1, 10.5	Planned real estate development full disclosure	R. 1981 d.365	13 N.J.R. 704(b)
5:27	Rooming and boarding houses	R. 1981 d.359	13 N.J.R. 704(c)
5:27-1.6, 3.2	Rooming and boarding houses licenses and discrimination	R. 1981 d.435	13 N.J.R. 842(e)
5:27-5.2, 5.8	Emerg. amend rooming and boarding houses	R. 1980 d.546	13 N.J.R. 71(a)
5:28	State Housing Code (1980)	R. 1981 d.68	13 N.J.R. 189(a)
5:29	Petitions for rules	R. 1981 d.242	13 N.J.R. 395(a)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
5:30-1.11	Realized revenue analysis report	R. 1981 d.381	13 N.J.R. 755(a)
5:30-3.4	Filing of municipal budget amendments	R. 1981 d.216	13 N.J.R. 395(b)
5:30-4.4	Amend capital budgets and improvement programs	R. 1981 d.3	13 N.J.R. 73(b)
5:30-9.1	Financial administration	R. 1981 d.2	13 N.J.R. 73(a)
5:30-9.2	Form of tax collection record	R. 1981 d.122	13 N.J.R. 260(a)
5:30-9.3	Tax collector examination	R. 1981 d.121	13 N.J.R. 260(b)
5:37	Emerg. rules on Deferred Compensation Program for county and municipal employees	R. 1980 d.456	13 N.J.R. 633(b)
5:37	Emergency amend deferred compensation	R. 1980 d.557	13 N.J.R. 71(b)
5:71	County offices on aging	R. 1981 d.356	13 N.J.R. 563(a)
5:80-4.1	NJHFA: Debarment and suspension	R. 1981 d.255	13 N.J.R. 397(a)

(Title 5, Transmittal 15 dated September 18, 1980)

EDUCATION-TITLE 6

6:11-3.3	Amend teacher certification fees	R. 9181 d.82	13 N.J.R. 191(a)
6:11-3.18	Amend teacher education and academic credentials	R. 1981 d.22	13 N.J.R. 123(b)
6:20-2.3	Budget and cost distribution records	R. 1981 d.353	13 N.J.R. 563(b)
6:24-1.3	Format of petition for controversies and disputes	R. 1981 d.265	13 N.J.R. 397(b)
6:66	Archives and history records management	R. 1981 d.202	13 N.J.R. 397(c)

(Title 6, Transmittal 17 dated November 10, 1980)

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-1.5	Fees for 90-day construction permits	R. 1981 d.187	13 N.J.R.M'334(b)
7:1C-1.13	90-day construction permits	R. 1981 d.48	13 N.J.R. 128(b)
7:1D	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:1G	Pinelands Comprehensive Management Plan	R. 1980 d.370	12 N.J.R. 575(c)
7:1G	Emergency rules concerning drought crisis	R. 1981 d.93	13 N.J.R. 195(c)
7:1G	Water rationing plan	R. 1981 d.203	13 N.J.R. 397(d)
7:1G-3.1	Drought crisis	R. 1981 d.147	13 N.J.R. 334(c)
7:1G-3.3	Emergency amendments on drought emergency	R. 1981 d.105	13 N.J.R. 204(a)
7:1G-3.7, 3.8	Rules of Drought Coordinator	R. 1981 d.222	13 N.J.R. 399(a)
7:1G-3.8	Water rationing plan	R. 1981 d.266	13 N.J.R. 400(a)
7:1G-4.1	Emergency adoption: Use of fresh water for horticulture	R. 1981 d.159	13 N.J.R. 335(a)
7:1G-5.4-5.7	Drought crisis	R. 1981 d.147	13 N.J.R. 334(c)
7:1G-5.8	Landlord/tenant: Excess use charges	R. 1981 d.217	13 N.J.R. 400(b)
7:1H	County environmental health services	R. 1980 d.362	12 N.J.R. 514(a)
7:2-11.22	Amend Swimming River Natural Area map	R. 1981 d.4	13 N.J.R. 91(a)
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)
7:7-2	Waterfront development permits	R. 1981 d.355	13 N.J.R. 564(b)
7:7D-2.3, 2.5, 2.8	CAFRA procedural rules	R. 1981 d.267	13 N.J.R. 401(b)
7:7E	Waterfront and coastal resource development	R. 1980 d.375	12 N.J.R. 576(a)
7:7E	Coastal resource and development policies	R. 1981 d.186	13 N.J.R. 338(a)
7:8	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:9-3	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:9-4, -5, -6	Water quality standards	R. 1981 d.80	13 N.J.R. 194(b)
7:9-13.3, 13.5, 13.6	Sewer extension ban	R. 1981 d.224	13 N.J.R. 402(a)
7:9-15	Grants for restoring publicly owned freshwater lakes	R. 1980 d.374	12 N.J.R. 575(e)
7:10-8	Repealed: See 7:18	R. 1981 d.279	13 N.J.R. 481(c)
7:12-1.1, 1.3,	Condemnation of certain shellfish beds	R. 1981 d.190	13 N.J.R. 339(b)
7:12-1.3	Condemnation of certain shellfish areas	R. 1981 d.431	13 N.J.R. 755(b)
7:12-2	Shellfish waters condemnation	R. 1981 d.190	13 N.J.R. 339(b)
7:13-1.11	Amend flood plain delineation along Mullica River	R. 1981 d.8	13 N.J.R. 91(c)
7:13-1.11	Amend flood plain delineation along Cedar Creek	R. 1981 d.9	13 N.J.R. 91(d)
7:13-1.11	Amend flood plain delineation of Great Egg Harbor River	R. 1981 d.88	13 N.J.R. 194(d)
7:13-1.11	Amend flood plain delineation of Mullica River and tributaries	R. 1981 D.89	13 N.J.R. 194(e)
7:13-1.11	Flood hazard area delineations	R. 1981 d.144	13 N.J.R. 339(c)
7:13-1.11	Flood hazard area delineations	R. 1981 d.145	13 N.J.R. 340(a)
7:14	Amend pollutant discharge and waste management	R. 1981 d.84	13 N.J.R. 194(c)
7:14-1.4	New definition of "treatment works"	R. 1980 d.424	12 N.J.R. 642(b)
7:14A	Conditions for users of DTW	R. 1981 d.84	13 N.J.R. 194(c)
7:14A-4	Industrial waste management facilities	R. 1981 d.373	13 N.J.R. 705(a)
7:14A-13.4	Pollutant discharge and waste management	R. 1981 d.214	13 N.J.R. 403(a)
7:15	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:17	Hard clam depuration pilot plant program	R. 1981 d.56	13 N.J.R. 194(a)
7:18	Laboratory certification and standards of performance	R. 1981 d.279	13 N.J.R. 481(c)

**N.J.A.C.
CITATION**

**DOCUMENT
CITATION** **ADOPTION NOTICE
(N.J.R. CITATION)**

7:21	Water policy and supply council	R. 1981 d.366	13 N.J.R. 705(b)
7:22	Natural Resources Bond Fund	R. 1981 d.456	13 N.J.R. 886(d)
7:23-2	Flood control bond grants	R. 1981 d.223	13 N.J.R. 403(b)
7:24	Dam restoration grants	R. 1981 d.104	13 N.J.R. 195(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	Game Code	R. 1981 d.253	13 N.J.R. 403(c)
7:25-6	1981 Fish Code	R. 1980 d.400	12 N.J.R. 577(a)
7:25-6	1982-1983 Fish Code	R. 1981 d.470	13 N.J.R. 887(a)
7:25-7.2	Oyster seed beds recodification	R. 1981 d.189	13 N.J.R. 304(b)
7:25-7.3	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:25-7.4	Repeal rules prohibiting oyster dredging	R. 1980 d.369	12 N.J.R. 575(b)
7:25-7.10	Taking of oysters	R. 1981 d.199	13 N.J.R. 403(d)
7:25-7.13	Crab dredging	R. 1980 d.396	12 N.J.R. 576(e)
7:25-7.13	Crab dredging	R. 1981 d.200	13 N.J.R. 404(a)
7:25-9.2	Penalties for shellfish law violations	R. 1980 d.395	12 N.J.R. 576(d)
7:25-9.2	Hard clam harvest penalties	R. 1981 d.362	13 N.J.R. 706(a)
7:25-9.4	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:25-9.4	Bay scallops	R. 1981 d.256	13 N.J.R. 404(c)
7:25-10	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:25-12.1	Amend preservation of clam resource	R. 1980 d.521	13 N.J.R. 11(b)
7:25-12.1	Sea clam harvesting (emergency adoption)	R. 181 d.448	13 N.J.R. 843(a)
7:25-14	Atlantic Coast crabbing	R. 1981 d.299	13 N.J.R. 546(a)
7:25-14.9	Penalties for shellfish law violations	R. 1980 d.395	12 N.J.R. 576(d)
7:25-16.1	Upstream line revisions	R. 1981 d.469	13 N.J.R. 887(b)
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	List of nongame wildlife species of New Jersey	R. 1980 d.390	12 N.J.R. 576(b)
7:25-21	Terrapin	R. 1981 d.198	13 N.J.R. 405(a)
7:25A-1.1	Emergency rule on oyster dredging license moratorium	R. 1981 d.94	13 N.J.R. 195(a)
7:25A-1.1, 1.2	Oyster dredging licenses	R. 1981 d.188	13 N.J.R. 340(c)
7:25A-2.1-2.7	Oyster management in Delaware Bay	R. 1981 d.197	13 N.J.R. 405(b)
7:25A-3.1	Oyster seed beds recodification	R. 1981 d.189	13 N.J.R. 340(b)
7:25-1	Solid waste administration	R. 1981 d.281	13 N.J.R. 484(b)
7:26-1	Hazardous waste management	R. 1981 d.370	13 N.J.R. 706(b)
7:26-1.1	Amend pollutant discharge and waste management	R. 1981 d.84	13 N.J.R. 194(c)
7:26-3.2,4,7	Amend solid waste collection and haulage	R. 1981 d.49	13 N.J.R. 129(a)
7:26-5.4	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:26-7, -8	Solid waste administration	R. 1981 d.281	13 N.J.R. 484(b)
7:26-9	Hazardous waste management	R. 1981 d.370	13 N.J.R. 706(b)
7:26-11	Resource recovery grants	R. 1981 d.184	13 N.J.R. 340(d)
7:26-11, -12	Hazardous waste management	R. 1981 d.370	13 N.J.R. 706(b)
7:27-2	Control and prohibition of open burning	R. 1981 d.135	13 N.J.R. 264(a)
7:27-10	Sulfur in coal	R. 1981 d.185	13 N.J.R. 341(a)
7:27A-1.4	Repeal of various rules	R. 1981 d.185	12 N.J.R. 643(a)
7:28-41	Mercury vapor lamps	R. 1981 d.464	13 N.J.R. 887(c)
7:36-2.2, 3.2, 5.5, 6.4	Amend Green Acres Program	R. 1981 d.7	13 N.J.R. 91(b)
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)
7:50	Pinelands Comprehensive Management Plan	R. 1981 d.13	13 N.J.R. 91(c)

(Title 7, Transmittal 15 dated July 17, 1980)

HEALTH-TITLE 8

8:21-10	Amend designated fluid milk products	R. 1980 d.539	13 N.J.R. 13(f)
8:22-1	State Sanitary Code-Campgrounds	R. 1981 d.161	13 N.J.R. 342(a)
8:22-2	Repeal mobile home park rules	R. 1980 d.499	13 N.J.R. 13(c)
8:30	Amend expiration date	R. 1981 d.283	13 N.J.R. 485(b)
8:31-26.4	Child abuse and neglect	R. 1981 d.157	13 N.J.R. 342(b)
8:31-27	Certificate of need: Megavoltage radiation (recodified as 8:33I)	R. 1981 d.406	13 N.J.R. 756(b)
8:31-28.1, 28.3	Amend certification of need and designation of regional services	R. 1980 d.528	13 N.J.R. 13(d)
8:31-30.1	Amend Plan Review Fee multiplier	R. 1981 d.284	13 N.J.R. 486(a)
8:31A-7	1982 SHARE regulations	R. 1981 d.325	13 N.J.R. 571(c)
8:31B-2.2, 2.4	Uniform Bill-Patient Summary (Inpatient)	R. 1981 d.404	13 N.J.R. 756(c)
8:31B-3	Amend hospital procedural and methodological regulations	R. 1980 d.455	12 N.J.R. 645(c)
8:31B-3.20D	Rate of return: For-profit hospitals	R. 1981 d.290	13 N.J.R. 486(c)
8:31B-4	Amend hospital financial elements and reporting regulations	R. 1980 d.453	12 N.J.R. 645(a)
8:31B-4.62	Amend excluded health care services	R. 1981 d.10	13 N.J.R. 92(a)
8:33	Certificate of Need application changes	R. 1981 d.296	13 N.J.R. 487(b)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
8:33I	Megavoltage raditation units (recodified from 8:31-27)	R. 1981 d.406	13 N.J.R. 756(b)
8:37	Amend expiration date	R. 1981 d.283	13 N.J.R. 485(b)
8:39-1	Foreword: Amend operational dates	R. 1981 d.283	13 N.J.R. 485(b)
8:39-1.1	Amend long term care standards	R. 1981 d.285	13 N.J.R. 495(a)
8:39-1.35	Amend operational dates	R. 1981 d.283	13 N.J.R. 485(b)
8:42-1.8	Child abuse and neglect	R. 1981 d.157	13 N.J.R. 342(b)
8:42A	Alcoholism treatment facilities	R. 1981 d.236	13 N.J.R. 411(a)
8:43-2.13	Amend Manual for Licensure of Residential Health Care Facilities	R. 1980 d.529	13 N.J.R. 13(e)
8:43-3.3, 3.20, 3.22	Residential health care standards	R. 1981 d.297	13 N.J.R. 495(b)
8:43-3.22	Residential health care: Fire protection	R. 1981 d.402	13 N.J.R. 756(d)
8:43-4.13, 4.14	Residential health care standards	R. 1981 d.297	13 N.J.R. 495(b)
8:43-6.9	Amend Manual for Licensure of Residential Health Care Facilities	R. 1980 d.529	13 N.J.R. 13(e)
8:43A-3.1	Child abuse and neglect	R. 1981 d.157	13 N.J.R. 342(b)
8:43B-1.13	Child abuse and neglect	R. 1981 d.157	13 N.J.R. 342(b)
8:57-1.1-1.18	Amend reportable disease rules	R. 1980 d.498	13 N.J.R. 13(b)
8:65-7.8	CDS prescription filling requirements	R. 1981 d.452	13 N.J.R. 845(a)
8:65-7.10	CDS: Prescriptions in LTCF's	R. 1981 d.453	13 N.J.R. 845(b)
8:65-8.7	Controlled dangerous substances	R. 1981 d.238	13 N.J.R. 411(b)
8:65-10.1, 10.2	Emergency amend controlled dangerous substances	R. 1981 d.50	13 N.J.R. 132(b)
8:65-10.4, 10.8	Emergency amend controlled dangerous substances	R. 1981 d.50	13 N.J.R. 132(b)
8:71	Amend interchangeable drug products	R. 1980 d.454	12 N.J.R. 645(b)
8:71	Amend interchangeable drug products	R. 1981 d.25	13 N.J.R. 131(b)
8:71	Amend interchangeable drug products	R. 1981 d.26	13 N.J.R. 131(c)
8:71	Emergency amend interchangeable drug products	R. 1981 d.27	13 N.J.R. 132(a)
8:71	Amend list of interchangeable drug products	R. 1981 d.81	13 N.J.R. 217(d)
8:71	Interchangeable drug product list	R. 1981 d.364	13 N.J.R. 706(c)
8:71	Interchangeable drug list	R. 1981 d.405	13 N.J.R. 757(a)
8:71	List of interchangeable drugs	R. 1981 d.403	13 N.J.R. 757(b)

(Title 8, Transmittal 14 dated September 18, 1980)

HIGHER EDUCATION-TITLE 9

9:1-1.1	Amend definition of "college"	R. 1980 d.524	13 N.J.R. 14(a)
9:1-4.6	Post-master's level programs	R. 1981 d.392	13 N.J.R. 757(c)
9:2-1.1, 1.2	Amend admission and baccalaureate degree standards for State Colleges	R. 1981 d.19	13 N.J.R. 133(a)
9:2-2.8	Amend "visiting specialist" title at State colleges	R. 1980 d.525	13 N.J.R. 14(b)
9:2-3	State College reduction in force policies	R. 1981 d.38	13 N.J.R. 133(b)
9:2-8.1-8.10	Amend admission and degree standards for State Colleges	R. 1981 d.19	13 N.J.R. 133(a)
9:2-11.7	Veteran's Tuition Credit Program	R. 1981 d.449	13 N.J.R. 845(c)
9:4-1.2	Establishment of a Community College	R. 1981 d.391	13 N.J.R. 758(a)
9:4-3.57	County college work load data	R. 1981 d.215	13 N.J.R. 412(a)
9:4-3.61	State aid to county colleges	R. 1981 d.271	13 N.J.R. 496(a)
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	Student assistance	R. 1981 d.232	13 N.J.R. 412(b)
9:7-2.12	Amend Tuition Aid Grant and Garden State Scholarship Programs	R. 1980 d.461	12 N.J.R. 661(b)
9:7-3.1	Tuition Aid Grant Program	R. 1981 d.415	13 N.J.R. 758(b)
9:7-4.4,-6	Graduate fellowships	R. 1980 d.462	12 N.J.R. 694(d)
9:7-4.6	Amend academic eligibility for undergraduate grants	R. 1981 d.99	13 N.J.R. 220(b)
9:9-1.3	Guaranteed student loan program	R. 1981 d.275	13 N.J.R. 496(b)
9:11-1.8,1.9	EOF guidelines and program support regulations	R. 1981 d.100	13 N.J.R. 220(c)
9:11-1.13,1.22	Amend student refunds and repayment	R. 1980 d.523	13 N.J.R. 13(g)
9:12-1	EOF guidelines and program support regulations	R. 1981 d.100	13 N.J.R. 220(c)
9:16-1.3-1.5	Physician-dentist loan redemption program	R. 1981 d.60	13 N.J.R. 220(a)

(Title 9, Transmittal 15 dated September 18, 1980)

HUMAN SERVICES-TITLE 10

10:38	Interim Assistance Procedures Manual	R. 1981 d.225	13 N.J.R. 412(c)
10:49-1.2	Amend recipient controls	R. 1980 d.549	13 N.J.R. 100(c)
10:49-1.3	Provider participation	R. 1981 d.393	13 N.J.R. 758(c)
10:49-1.5	Amend recipient controls	R. 1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Record keeping by providers	R. 1981 d.329	13 N.J.R.M 574(b)
10:49-1.7	Utilization of insurance benefits	R. 1981 d.123	13 N.J.R.M 272(a)
10:49-1.13,1.14	Providers using service bureaus of management agencies	R. 1981 d.246	13 N.J.R. 412(d)
10:49-1.17	Amend suspension of provider from Medicaid program	R. 1980 d.501	13 N.J.R. 17(a)
10:49-1.17	Suspended providers	R. 1981 d.315	13 N.J.R. 574(c)
10:49-1.17	Provider participation	R. 1981 d.393	13 N.J.R. 758(c)
10:49-1.26	Patient certification	R. 1981 d.331	13 N.J.R. 575(a)
10:49-1.27	Final audits	R. 1981 d.114	13 N.J.R. 273(a)
10:49-5.3,5.4	Amend recipient fair hearings	R. 1980 d.512	13 N.J.R. 17(f)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:49-5.6	Amend recipient fair hearings	R.1980 d.512	13 N.J.R. 17(f)
10:49-6.8	Compromising claims	R.1980 d.502	13 N.J.R. 17(b)
10:50	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:50-2.7	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:51	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:51-1.17	Legend drug dispensing fee	R.1981 d.411	13 N.J.R. 758(d)
10:51-App.B,D	Pharmaceutical Services Manual	R.1981 d.124	13 N.J.R. 274(a)
10:51-2	Pharmacy Manual billing procedures	R.1981 d.247	13 N.J.R. 415(a)
10:51-3	Pharmaceutical services in LTC facilities	R.1981 d.344	13 N.J.R. 577(a)
10:51-3.15	Capitation of fee for legend drugs dispensed by LTC pharmacy providers	R.1981 d.465	13 N.J.R. 887(d)
10:51-4.5	Repeal payments for pharmaceutical consultants	R.1981 d.101	13 N.J.R. 228(c)
10:51-5.28-5.33	Pharmaceutical Assistance to the Aged	R.1981 d.248	13 N.J.R. 415(c)
10:52	Hospital and special hospital manuals	R.1981 d.327	13 N.J.R. 578(a)
10:52-1.1	Amend Hospital and Special Services Manual: Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.3	Non-covered hospital services	R.1981 d.126	13 N.J.R. 291(a)
10:52-1.4	Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.17	Reimbursement for out-of-State inpatient hospital services	R.1981 d.162	13 N.J.R. 358(b)
10:52-1.18	Out-of-state hospital services	R.1981 d.293	13 N.J.R. 497(a)
10:52-2.13	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:53	Hospital and special hospital manuals	R.1981 d.327	13 N.J.R. 578(a)
10:53-1.1,1.4	Amend Hospital and Special Services Manual: Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:53-2.18	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-1	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:54-1.2	Routine chest X rays	R.1981 d.125	13 N.J.R. 292(b)
10:54-1.3	Record keeping by providers	R.1981 d.329	13 N.J.R. 574(b)
10:54-1.5	Amend Physicians and Psychologist Manual	R.1981 d.374	13 N.J.R. 706(d)
10:54-1.6	Physicians Manual: Reimbursement for anesthesia time	R.1981 d.220	13 N.J.R. 417(b)
10:54-1.22	Routine chest X rays	R.1981 d.125	13 N.J.R. 292(b)
10:54-2.1	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-2.4, 2.5	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:54-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-3	Amend Procedure Code Manual	R.1980 d.511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	R.1981 d.111	13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	R.1981 d.211	13 N.J.R. 418(c)
10:54-3	Procedure codes for mercury-zinc battery-powered pacemakers	R.1981 d.251	13 N.J.R. 430(a)
10:54-3	Procedure codes for physicians services	R.1981 d.305	13 N.J.R. 578(b)
10:54-3	Physician services procedure codes	R.1981 d.314	13 N.J.R. 578(c)
10:55	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:56	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:56-1.8,1.12	Dental Services Manual	R.1981 d.219	13 N.J.R. 430(b)
10:56-3.15	Orthodontics	R.1981 d.113	13 N.J.R. 299(b)
10:57-1.4	Podiatry services	R.1981 d.300	13 N.J.R. 579(a)
10:57-1.5	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:57-1.9	Podiatry services	R.1981 d.300	13 N.J.R. 579(a)
10:57-1.20, 2.5-2.7	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:59	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:59-1.7,1.8	Repair of durable medical equipment	R.1980 d.510	13 N.J.R. 17(d)
10:59-1.9	Medical Supplier Manual	R.1981 d.376	13 N.J.R. 707(a)
10:59-1.10	Repair of durable medical equipment	R.1980 d.510	13 N.J.R. 17(d)
10:59-1.10	IPPB equipment	R.1981 d.328	13 N.J.R. 579(b)
10:59-1.11	Repair of durable medical equipment	R.1980 d.510	13 N.J.R. 17(d)
10:59-2.6-2.8	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:59-2.11	Repair of durable medical equipment	R.1980 d.510	13 N.J.R. 17(d)
10:60	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:60-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:61-1.4	Record retention requirements	R.1981 d.110	13 N.J.R. 299(c)
10:61-1.4	Physician orders for laboratory services	R.1981 d.342	13 N.J.R. 579(c)
10:61-2.3	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:61-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:62	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:62-1.5	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:62-1.7	Procedure codes for ophthalmologists and optometrists	R.1981 d.280	13 N.J.R. 497(b)
10:62-3	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:63-1.4,1.8	Long Term Care Manual	R.1981 d.219	13 N.J.R. 430(b)
10:63-1.8	Amend clinical records in long-term care facilities	R.1981 d.33	13 N.J.R. 146(c)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:63-1.11	HCFA-1500 claim form	R. 1981 d.249	13 N.J.R. 417(a)
10:63-1.14	Retention of records in LTC facilities	R. 1981 d.345	13 N.J.R. 579(d)
10:63-1.19	Amend LTCSM: Termination of Medicaid eligibility	R. 1981 d.62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	R. 1981 d.23	13 N.J.R. 146(a)
10:63-3.1	Amend reimbursement to Long Term Care Facilities	R. 1981 d.87	13 N.J.R. 227(a)
10:63-3.8	LTC's nursing care costs	R. 1981 d.326	13 N.J.R. 579(e)
10:63-3.21	Rescission: Long-term care per diem reduction	R. 1981 d.375	13 N.J.R. 707(b)
10:65	Patient certification	R. 1981 d.331	13 N.J.R. 575(a)
10:65-2.1	Medical day care rates	R. 1981 d.318	13 N.J.R. 580(a)
10:66	Patient certification	R. 1981 d.331	13 N.J.R. 575(a)
10:66-2.10	Automated Data Exchange Billing	R. 1981 d.250	13 N.J.R. 418(a)
10:66-3.1-3.3	Independent clinic services procedure codes	R. 1981 d.313	13 N.J.R. 580(b)
10:66-3.3	Procedure codes for Medicaid	R. 1981 d.112	13 N.J.R. 299(e)
10:66-3.3	Independent Clinic Services Manual	R. 1981 d.212	13 N.J.R. 431(b)
10:67-1.2	HCFA-1500 claim form	R. 1981 d.249	13 N.J.R. 417(a)
10:67-1.8	Amend Physicians and Psychologist Manual	R. 1981 d.374	13 N.J.R. 706(d)
10:67-2.5,2.8	HCFA-1500 claim form	R. 1981 d.249	13 N.J.R. 417(a)
10:67-2.10	Psychological services procedure codes	R. 1981 d.305	13 N.J.R. 578(b)
10:68-2.5,2.7	HCFA-1500 claim form	R. 1981 d.249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	R. 1981 d.250	13 N.J.R. 418(a)
10:69A-5.6	PAA eligibility determinations	R. 1981 d.332	13 N.J.R. 580(c)
10:81	Emergency amend PAM: Federal Omnibus Reconciliation Act of 1981	R. 1981 d.397	13 N.J.R. 759(a)
10:81-2.7	Amend PAM: Deprivation of parental support in AFDC-C	R. 1981 d.28	13 N.J.R. 146(b)
10:81-7.1	AFDC: New or changed income	R. 1981 d.262	13 N.J.R. 432(b)
10:81-7.22	AFDC: Funeral or burial payments for children	R. 1981 d.447	13 N.J.R. 845(d)
10:82	Emergency rules re ASH: Federal Omnibus Reconciliation Act of 1981	R. 1981 d.396	13 N.J.R. 763(a)
10:82-2.14	Amend ASH: Established monthly earnings	R. 1981 d.47	13 N.J.R. 147(b)
10:82-2.14	AFDC: New or changed income	R. 1981 d.262	13 N.J.R. 432(b)
10:82-3.2	Amend ASH: HUD community development block grant	R. 1981 d.96	13 N.J.R. 227(b)
10:82-3.2,4.5	Exempt resources and disregard of earned income	R. 1981 d.282	13 N.J.R. 499(a)
10:82-4.15	Irregular and nonrecurring income in AFDC	R. 1981 d.287	13 N.J.R. 499(b)
10:82-5.3	ASH: Day care rates	R. 1981 d.243	13 N.J.R. 432(c)
10:82-5.10	Amend ASH: Emergency assistance	R. 1980 d.552	13 N.J.R. 101(a)
10:85-2.2	Amend GAM: Temporary and acting director of municipal welfare	R. 1980 d.505	13 N.J.R. 17(c)
10:85-2.2	Amend GAM: Local assistance board	R. 1981 d.98	13 N.J.R. 228(b)
10:85-3.1, 3.2	GAM: Referral and appeal procedures for prospective SSI recipients	R. 1981 d.160	13 N.J.R. 363(b)
10:85-3.2	Amend General Assistance application process	R. 1980 d.514	13 N.J.R. 18(a)
10:85-3.3	Amend GAM: Rate increases for recipients in residential health care facilities	R. 1980 d.547	13 N.J.R. 100(a)
10:85-3.3	Amend GAM: Financial eligibility	R. 1981 d.46	13 N.J.R. 147(a)
10:85-3.3	GAM: Food Stamps and medical payments	R. 1981 d.263	13 N.J.R. 433(a)
10:85-4.6	Amend GAM: Emergency grants	R. 1980 d.538	13 N.J.R. 18(d)
10:85-5.2	Amend GAM: Diagnostic-Related Group payments	R. 1980 d.515	13 N.J.R. 18(b)
10:85-5.2	GAM—Payments for inpatients hospital care	R. 1981 d.394	13 N.J.R. 768(a)
10:85-5.3	Amend submission of Form GA-18	R. 1980 d.531	13 N.J.R. 18(c)
10:85-5.3	Amend GAM: Rate increases for recipients in residential health care facilities	R. 1980 d.547	13 N.J.R. 100(a).
10:85-5.3	GAM: Food Stamps and medical payments	R. 1981 d.263	13 N.J.R. 433(a)
10:85-5.4	GAM: Procedure for payments of medical bills	R. 1981 d.417	13 N.J.R. 768(b)
10:85-6.5	Amend GAM: Repayment by SSI recipients	R. 1980 d.551	13 N.J.R. 100(d)
10:85-6.6	GAM: Food Stamps and medical payments	R. 1981 d.263	13 N.J.R. 433(a)
10:85-7.2	Amend GAM: Receipt of assistance	R. 1981 d.53	13 N.J.R. 147(d)
10:85-8.2	GAM: Food Stamps and medical payments	R. 1981 d.263	13 N.J.R. 433(a)
10:85-8.3	GAM: Referral and appeal procedures for prospective SSI recipients	R. 1981 d.160	13 N.J.R. 363(b)
10:87	Emergency amend Food Stamp Manual	R. 1981 d.64	13 N.J.R. 226(b)
10:87	Amend student participation in Food Stamps	R. 1981 d.97	13 N.J.R. 228(a)
10:87	Food Stamp Manual	R. 1981 d.316	13 N.J.R. 581(a)
10:87	Food Stamp Manual: Federal Omnibus Reconciliation Act of 1981	R. 1981 d.398	13 N.J.R. 769(a)
10:87-12.1, 12.2	Emergency amend Food Stamp Manual	R. 1980 d.558	13 N.J.R. 100(e)
10:87-12.3	Food Stamp Program maximum net income levels	R. 1981 d.400	13 N.J.R. 772(a)
10:87-12.3,12.4	Emergency adoption: Food Stamp income levels	R. 1981 d.278	13 N.J.R. 500(a)
10:87-12.4	Emergency amend Food Stamp Manual	R. 1980 d.558	13 N.J.R. 100(e)
10:89	Home energy assistance (emergency adoption)	R. 1981 d.466	13 N.J.R. 888(a)
10:89-3.6	Emergency rule on Home Energy Assistance	R. 1980 d.548	13 N.J.R. 100(b)
10:94-4,-5	Medicaid Only: Income and resource eligibility	R. 1981 d.177	13 N.J.R. 364(b)
10:94-5.4, 5.5, 5.6	Emergency amend Medicaid Only computation amounts	R. 1981 d.276	13 N.J.R. 501(a)
10:94-5.4, 5.5, 5.6	Readopt Medicaid Only computation amounts	R. 1981 d.385	13 N.J.R. 773(a)
10:94-8	Medicaid Only	R. 1981 d.177	13 N.J.R. 364(b)
10:100-1.23	Emergency amend SSI payment levels	R. 1981 d.277	13 N.J.R. 502(a)
10:100-1.23	Readopt SSI payment levels	R. 1981 d.386	13 N.J.R. 773(b)
10:109-1	Ruling 11	R. 1981 d.445	13 N.J.R. 846(b)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:109-3.2, 3.4	Ruling 11—Sick leave and leave without pay	R. 1981 d.395	13 N.J.R. 774(a)
10:121-5.1	Medical information form	R. 1981 d.63	13 N.J.R. 226(a)
10:121A	Adoption agency practices	R. 1981 d.298	13 N.J.R. 516(a)
10:123-3.1, 3.2	Personal needs allowance	R. 1981 d.423	13 N.J.R. 774(b)
10:132	Court actions and proceedings	R. 1981 d.434	13 N.J.R. 846(c)
(Title 10, Transmittal 15 dated November 10, 1980)			
CORRECTIONS—TITLE 10A			
10A:31-4	County jails emergency rule	R. 1981 d.270	13 N.J.R. 467(a)
10A:31-4	Readopt remission of time from sentence	R. 1981 d.538	13 N.J.R. 596(a)
10A:71	Parole Board rules	R. 1981 d.322	13 N.J.R. 597(a)
10A:71-3.3	Amend Parole Board rules	R. 1980 d.554	13 N.J.R. 101(c)
10A:71-3.19	Parole Board rules	R. 1981 d.179	13 N.J.R. 364(c)
10A:71-6.9	Discharge from parole supervision	R. 1981 d.324	13 N.J.R. 598(a)
10A:71-7.7	Notice for preliminary hearings	R. 1981 d.106	13 N.J.R. 302(a)
(Title 10A, Transmittal 6 dated November 10, 1980)			
INSURANCE—TITLE 11			
11:2-1.6	Independent testing service	R. 1981 d.433	13 N.J.R. 846(d)
11:2-17	Unfair claims-settlement practices	R. 1981 d.407	13 N.J.R. 774(c)
11:4-16.8(b)	Minimum standards for health insurance	R. 1980 d.343	12 N.J.R. 538(b)
11:4-17.6,17.7	Minimum standards for health insurance	R. 1980 d.343	12 N.J.R. 538(b)
11:5-1.2,1.3	Real Estate Commission rules	R. 1981 d.261	13 N.J.R. 440(c)
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)
11:5-1.28	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)
11:5-1.33-1.35	Real Estate Commission rules	R. 1981 d.261	13 N.J.R. 440(c)
11:5-1.36	Real Estate Guaranty Fund	R. 1981 d.252	13 N.J.R. 441(a)
11:12	Legal insurance	R. 1981 d.422	13 N.J.R. 776(a)
(Title 11, Transmittal 15 dated July 17, 1980)			
LABOR AND INDUSTRY—TITLE 12			
12:15-1.3	Maximum weekly benefit rates	R. 1980 d.355	12 N.J.R. 543(b)
12:15-1.3	Maximum weekly benefit rates	R. 1981 d.419	13 N.J.R. 777(a)
12:15-1.4	Taxable wage base under Unemployment Compensation	R. 1980 d.356	12 N.J.R. 543(c)
12:15-1.4	Taxable wage base for unemployment compensation	R. 1981 d.421	13 N.J.R. 777(b)
12:15-1.5	Contribution rates of governmental entities	R. 1980 d.354	12 N.J.R. 543(a)
12:15-1.5	Unemployment compensation contribution rates	R. 1981 d.418	13 N.J.R. 777(c)
12:17-10	Refund of unemployment benefits	R. 1980 d.468	12 N.J.R. 724(e)
12:17-11	Emergency rules on offset of unemployment benefits by pension income	R. 1980 d.561	13 N.J.R. 102(a)
12:51	Vocational rehabilitation facilities	R. 1981 d.289	13 N.J.R. 517(a)
12:56	Amend Wage and Hour Law	R. 1980 d.430	12 N.J.R. 666(c)
12:56-7.1	Emergency amend definition of "executive"	R. 1980 d.506	13 N.J.R. 37(a)
12:57	Wage orders for minors	R. 1981 d.226	13 N.J.R. 441(c)
12:57	Amend wage orders for minors	R. 1980 d.431	12 N.J.R. 666(d)
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)
12:235-1.5	Amend benefit rates	R. 1980 d.357	12 N.J.R. 543(d)
12:235-1.5	Workers' compensation benefit rates	R. 1981 d.420	13 N.J.R. 777(d)
(Title 12, Transmittal 13 dated July 17, 1980)			
LAW AND PUBLIC SAFETY—TITLE 13			
13:2-7.10	ABC rules	R. 1981 d.432	13 N.J.R. 777(e)
13:2-23.31	Amend employment of police officers; combination sales	R. 1980 d.526	13 N.J.R. 41(c)
13:2-24.1, 24.4	ABC rules	R. 1981 d.432	13 N.J.R. 777(e)
13:2-24.4	Amend various regulations	R. 1981 d.71	13 N.J.R. 238(b)
13:2-24.9	Amend employment of police officers; combination sales	R. 1980 d.526	13 N.J.R. 41(c)
13:2-38.1,39.3	Amend various regulations	R. 1981 d.71	13 N.J.R. 238(b)
13:2-41	Amend various regulations	R. 1981 d.71	13 N.J.R. 238(b)
13:19-5.1	Amend rules on convulsive seizures	R. 1981 d.18	13 N.J.R. 150(b)
13:19-10.3	Amend driver improvement school fees	R. 1980 d.494	12 N.J.R. 727(a)
13:20-25.2	Amend approval of safety glazing material	R. 1981 d.15	13 N.J.R. 149(d)
13:20-28	Inspection of new passenger vehicles and motorcycles	R. 1980 d.345	12 N.J.R. 551(c)
13:20-33.53	Amend motorcycle handlebars and grips	R. 1981 d.16	13 N.J.R. 149(e)
13:20-33.72	Repeal handhold devices	R. 1981 d.17	13 N.J.R. 150(a)
13:20-36	Special National Guard plates	R. 1981 d.31	13 N.J.R. 150(e)
13:21-2.3	Amend motor licensing statutory interpretation	R. 1980 d.495	12 N.J.R. 727(b)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
13:21-3	Repeal rules on dealer's temporary certificates	R. 1981 d. 14	13 N.J.R. 149(c)
13:21-7.2	Amend student permits	R. 1981 d. 66	13 N.J.R. 237(d)
13:21-8.2	Amend driver proof of identity and date of birth	R. 1980 d. 493	12 N.J.R. 726(e)
13:21-8.17	Amend waiver of driving test	R. 1981 d. 65	13 N.J.R. 237(c)
13:21-20	Motor home title certificates	R. 1980 d. 474	12 N.J.R. 726(b)
13:22	Amend motor vehicle race tracks	R. 1980 d. 464	12 N.J.R. 726(a)
13:24-4.1	Amend emergency vehicle equipment	R. 1980 d. 485	12 N.J.R. 726(c)
13:26-1.2, 3.11	Amend transportation of bulk commodities	R. 1981 d. 61	13 N.J.R. 237(b)
13:27-6	Division of responsibility in site planning	R. 1981 d. 320	13 N.J.R. 607(a)
13:28-1.3	Toilet facilities in beauty shops	R. 1989 d. 109	13 N.J.R. 308(a)
13:29-2.2	Amend examination for registered municipal accountant	R. 1981 d. 67	13 N.J.R. 238(a)
13:29-3.13	Repeal competitive bidding for services	R. 1980 d. 429	12 N.J.R. 672(c)
13:30-2.5, 2.10-2.17	Dental hygienists and assistants	R. 1981 d. 264	13 N.J.R. 442(a)
13:30-2.18	Application fees for dental hygienists	R. 1981 d. 378	13 N.J.R. 707(c)
13:30-8.1	Amend fee schedules	R. 1980 d. 527	13 N.J.R. 41(d)
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)
13:30-8.6	Amend professional advertising	R. 1980 d. 540	13 N.J.R. 103(a)
13:30-8.8	Amend emergency dental patient records	R. 1980 d. 457	12 N.J.R. 672(f)
13:30-8.9	Reporting of deaths and other medical incidents	R. 1980 d. 503	13 N.J.R. 40(a)
13:30-8.10	Display of names in dental offices	R. 1980 d. 509	13 N.J.R. 41(a)
13:30-8.11	Intravenous sedation rule	R. 1980 d. 541	13 N.J.R. 103(b)
13:30-8.12	Dental insurance forms and professional misconduct	R. 1981 d. 175	13 N.J.R. 366(a)
13:31-2.1	Repeal: Uniform penalty letter (electrical)	R. 1981 d. 372	13 N.J.R. 707(d)
13:33-1.41	Fee schedules	R. 1981 d. 148	13 N.J.R. 366(b)
13:35-1.4	Amend approval of colleges of chiropractic	R. 1980 d. 492	12 N.J.R. 726(d)
13:35-1.5	Military service in lieu of internship (podiatry)	R. 1981 d. 346	13 N.J.R. 608(a)
13:35-2.7	Military service in lieu of internship	R. 1981 d. 348	13 N.J.R. 608(b)
13:35-6.2	Guidelines for externship programs	R. 1981 d. 149	13 N.J.R. 367(b)
13:35-6.6	Amend prescriptions for controlled dangerous substances	R. 1981 d. 5	13 N.J.R. 104(c)
13:35-6.16	Use 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)
13:35-6.19, 6.20	Excessive fees for professional services	R. 1981 d. 237	13 N.J.R. 443(a)
13:35-9	Certified nurse/midwife	R. 1980 d. 535	13 N.J.R. 41(e)
13:35-9.3	Emergency amend certified nurse/midwife	R. 1981 d. 21	13 N.J.R. 150(c)
13:35-9.3(c)	Emergency amend operative date on certified nurse/midwife standards	R. 1981 d. 24	13 N.J.R. 150(d)
13:35-10	Recodified from 13:35-1.4	R. 1980 d. 492	12 N.J.R. 726(d)
13:36-3.5	Amend examinations	R. 1980 d. 543	13 N.J.R. 104(b)
13:36-3.6	Amend examination review procedure	R. 1980 d. 542	13 N.J.R. 104(a)
13:36-5.12	Advertising of funeral services and funeral establishments	R. 1981 d. 349	13 N.J.R. 609(a)
13:36-9.1	Uniform penalty letter	R. 1981 d. 347	13 N.J.R. 609(b)
13:37-1.26	Board of Nursing rule	R. 1981 d. 174	13 N.J.R. 370(a)
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)
13:38-1.9, 1.10	Optometric advertising	R. 1981 d. 295	13 N.J.R. 519(a)
13:39-9.12	Outdated or sample drugs	R. 1981 d. 350	13 N.J.R. 609(c)
13:39-9.17	Advertising and sale of prescription drugs	R. 1981 d. 377	13 N.J.R. 708(a)
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)
13:40-7	Division of responsibility in site planning	R. 1981 d. 320	13 N.J.R. 607(a)
13:41-1.2, 1.3	Amend rules governing use of seals	R. 1980 d. 445	12 N.J.R. 672(e)
13:41-4	Division of responsibility in site planning	R. 1981 d. 320	13 N.J.R. 607(a)
13:44-2.1	Veterinary prescriptions	R. 1981 d. 451	13 N.J.R. 847(a)
13:44-2.12	Patient records	R. 1981 d. 450	13 N.J.R. 847(b)
13:44-3.1	Repeal: Uniform penalty letter (veterinary)	R. 1981 d. 371	13 N.J.R. 708(b)
13:44A-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-17	Sale of advertising in quasi-official journals	R. 1981 d. 294	13 N.J.R. 520(b)
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)
13:47F	Repeal live poultry rules	R. 1980 d. 520	13 N.J.R. 41(b)
13:70-29.48	Emergency amend daily double pool	R. 1981 d. 32	13 N.J.R. 150(f)
(Title 13, Transmittal 16 dated July 17, 1980)			
PUBLIC UTILITIES—TITLE 14			
14:3-7.12, 7.13	Notice of discontinuance and bill disputes	R. 1980 d. 555	13 N.J.R. 105(b)
(Title 14, Transmittal 14 dated July 17, 1980)			
ENERGY—TITLE 14A			
14A:3-5	Seven-day, night-night thermostats in public buildings	R. 1981 d. 468	13 N.J.R. 895(a)
14A:3-11	Amend used oil rules	R. 1980 d. 513	13 N.J.R. 43(c)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.55	Restricted parking on State highways	R. 1981 d.338	13 N.J.R. 613(e)
16:28A-1.55	Restricted parking along Routes 15, 18 and U.S. 202	R. 1981 d.75	13 N.J.R. 243(e)
16:28A-1.57	Restricted parking along U.S.206	R. 1981 d.77	13 N.J.R. 244(a)
16:28A-1.57	Route US 206 parking	R. 1981 d.153	13 N.J.R. 373(d)
16:28A-1.57	Route US 206 parking	R. 1981 d.154	13 N.J.R. 374(a)
16:28A-1.57	Parking along U.S. 206	R. 1981 d.336	13 N.J.R. 613(c)
16:28A-1.60	Restricted parking on Route US 322-47	R. 1981 d.382	13 N.J.R. 779(b)
16:28A-1.64	Route 41 parking	R. 1981 d.155	13 N.J.R. 374(b)
16:28A-1.65	Route 15 parking	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.65,1.66	Restricted parking along Routes 15, 18, and U.S. 202	R. 1981 d.75	13 N.J.R. 243(e)
16:28A-1.66	Parking on Route 18	R. 1981 d.195	13 N.J.R. 452(b)
16:28A-1.67	Route 63 parking	R. 1981 d.155	13 N.J.R. 374(b)
16:28A-1.68	Route 93 parking	R. 1981 d.153	13 N.J.R. 373(d)
16:28A-1.69	Parking on Route 124	R. 1981 d.191	13 N.J.R. 453(a)
16:28A-1.22	No passing zones	R. 1981 d.78	13 N.J.R. 244(b)
16:29-1.23	No passing zones on Route 179	R. 1981 d.79	13 N.J.R. 244(c)
16:30-3.6	Readopt HOV lanes along Route 444	R. 1981 d.323	13 N.J.R. 614(b)
16:30-7.2	Amend limited access prohibition along U.S. 9 and Route 444	R. 1981 d.73	13 N.J.R. 243(d)
16:30-8	No trespassing zones	R. 1981 d.36	13 N.J.R. 159(b)
16:31-1.4,1.7	Turns along various State highways	R. 1980 d.412	12 N.J.R. 674(a)
16:31-1.10	Turns along Route U.S. 30	R. 1981 d.340	13 N.J.R. 614(c)
16:31-1.15	Turns along various State highways	R. 1980 d.412	12 N.J.R. 674(a)
16:31-1.16	No left turn along Route 79	R. 1981 d.460	13 N.J.R. 895(b)
16:31A	Amend prohibited right turns on red signals	R. 1980 d.518	13 N.J.R. 44(c)
16:41-16	Amend permits for use or occupancy of State-owned railroad property	R. 1981 d.103	13 N.J.R. 244(d)
16:54	Licensing of aeronautical facilities	R. 1981 d.141	13 N.J.R. 374(c)
16:56-3	Repeal aircraft registry logs	R. 1981 d.341	13 N.J.R. 616(b)
16:65-1.1	Amend definition of "prequalification committee"	R. 1981 d.72	13 N.J.R. 243(b)
16:65-9	Corporate reorganization of contractors	R. 1981 d.399	13 N.J.R. 779(c)
16:71	Recodified from 16:41-16	R. 1981 d.103	13 N.J.R. 244(d)
16:72	N.J. Transit procurement policies and procedures (Title 16, Transmittal 14 dated September 18, 1980)	R. 1981 d.176	13 N.J.R. 374(d)

TREASURY-GENERAL-TITLE 17

17:1-1.1	Administration and receipt of checks	R. 1981 d.427	13 N.J.R. 779(d)
17:1-1.3	Amend pension reporting	R. 1980 d.301	12 N.J.R. 497(c)
17:1-1.15	Amend administration	R. 1981 d.85	13 N.J.R. 247(c)
17:2-2.2	Alternate Benefit Program	R. 1981 d.239	13 N.J.R. 458(a)
17:1-2.6	Amend administration	R. 1981 d.85	13 N.J.R. 247(c)
17:1-2.18	Alternate Benefit Program	R. 1981 d.240	13 N.J.R. 458(b)
17:1-2.34	Alternate Benefit Program	R. 1981 d.213	13 N.J.R. 458(c)
17:1-2.35	Alternate Benefit Program	R. 1981 d.241	13 N.J.R. 458(d)
17:1-4.2	Amend administration	R. 1981 d.85	13 N.J.R. 247(c)
17:1-4.11	Purchase terms and employee liability	R. 1981 d.343	13 N.J.R. 617(a)
17:1-4.22	Amend availability of medical records	R. 1981 d.86	13 N.J.R. 247(d)
17:1-4.32	Administration	R. 1981 d.85	13 N.J.R. 247(c)
17:1-4.33	Leaves of absence for maternity	R. 1981 d.428	13 N.J.R. 779(e)
17:1-7.3	Administrative fees and investment earnings	R. 1981 d.291	13 N.J.R. 525(a)
17:1-8.1	Repeal responsibility of director for Social Security	R. 1981 d.1	13 N.J.R. 111(c)
17:1-8.3	Emergency rule on Social Security referendum	R. 1980 d.467	12 N.J.R. 728(b)
17:1-8.13,8.14	Administration	R. 1981 d.85	13 N.J.R. 247(c)
17:1-11.9	Repeal dental insurance coverage for covered dependents	R. 1980 d.487	12 N.J.R. 729(a)
17:2-2.1,2.3	Amend Public Employees' Retirement System: Enrollment	R. 1981 d.58	13 N.J.R. 247(b)
17:2-5.1,6.2	PERS-retirement and purchases	R. 1981 d.274	13 N.J.R. 525(b)
17:2-6.4	PERS loan repayments	R. 1981 d.303	13 N.J.R. 618(a)
17:2-6.6	PERS revisions	R. 1981 d.274	13 N.J.R. 525(b)
17:3-4.1	Amend creditable salary	R. 1981 d.30	13 N.J.R. 162(a)
17:3-6.6	Teachers' Pension and Annuity Fund: Retirement credit	R. 1981 d.140	13 N.J.R. 376(a)
17:4-2.6	Amend enrollment dates	R. 1981 d.57	13 N.J.R. 247(a)
17:4-3.6, 5.1, 6.2, 6.6, 6.14	Insurance purchases and retirement	R. 1981 d.292	13 N.J.R. 525(c)
17:5	Administration, insurance and death benefits, purchases, retirement and transfers	R. 1981 d.361	13 N.J.R. 708(e)
17:5-5.2, 5.6, 5.12	Effective dates, retirement credits, disability retirants	R. 1981 d.360	13 N.J.R. 708(f)
17:6-3.2, 3.6	Police-Firemen's Pension Fund	R. 1981 d.201	13 N.J.R. 462(a)
17:7-3.2	Prison Officers' Pension Fund	R. 1981 d.302	13 N.J.R. 620(b)
17:8-1.6	Amend variable benefit account and withdrawals	R. 1980 d.530	13 N.J.R. 47(b)
17:8-2.10,2.11	Repeal Supplemental Annuity reports and remittances	R. 1980 d.419	12 N.J.R. 678(b)
17:8-3.3	Amend variable benefit account and withdrawals	R. 1980 d.530	13 N.J.R. 47(b)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
17:9-2.16	Policy provisions adoption for State Health Benefits Program	R.1981 d.138	13 N.J.R. 376(b)
17:9-5.8	Medicare refunds	R.1981 d.139	13 N.J.R. 376(c)
17:10-5.3	Judicial Retirement System	R.1981 d.244	13 N.J.R. 462(b)
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)
17:21-8.1	Emergency amend unclaimed prize money	R.1980 d.459	12 N.J.R. 680(b)
17:21-11	Emergency rules on 10th Anniversary instant lottery	R.1981 d.11	13 N.J.R. 112(a)
17:21-11	Emergency adoption: Baseball instant lottery	R.1981 d.136	13 N.J.R. 312(a)
17:21-11	Readopt "Baseball" instant lottery game	R.1981 d.269	13 N.J.R. 529(a)
17:21-11	"Super Bingo" lottery	R.1981 d.286	13 N.J.R. 529(b)
17:21-11	Emergency Adoption: "Super Bingo" lottery	R.1981 d.171	13 N.J.R. 376(d)
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	Emergency amend Pick-6 (Lotto) lottery	R.1980 d.496	12 N.J.R. 730(a)
17:21-16	Emergency rules on Jersey Jackpot Lottery	R.1980 d.507	13 N.J.R. 45(a)

(Title 17, Transmittal 15 dated September 18, 1980)

TREASURY-TAXATION-TITLE 18

18:7-11.12	Emergency extension of time for filing corporate return	R.1981 d.163	13 N.J.R. 377(a)
18:12-6A.6	Adoption on home improvement exemption	R.1980 d.335	12 N.J.R. 554(c)
18:12-6A.7	Home improvement exemptions	R.1980 d.553	13 N.J.R. 111(b)
18:12-7.12	Emergency amend Homestead Rebate filing date	R.1980 d.517	13 N.J.R. 47(a)
18:12-9	Mobile homes tax moratorium (local property)	R.1981 d.207	13 N.J.R. 462(c)
18:12A	Amend county boards of taxation	R.1980 d.490	12 N.J.R. 731(a)
18:12A-1.20	County boards of taxation	R.1981 d.44	13 N.J.R. 165(a)
18:14-1.1, 2.2, 2.3, 2.4, 2.7, 2.8, 2.10, 3.4, 3.6, 3.9, 3.10	Local property tax senior citizens deduction	R.1981 d.426	13 N.J.R. 779(f)
18:24-2.3	Sales and Use Tax Act	R.1981 d.209	13 N.J.R. 465(a)
18:24-7.19	Sales and Use Tax Act	R.1981 d.206	13 N.J.R. 465(b)
18:24-12.4	Sales Tax exemptions	R.1981 d.210	13 N.J.R. 465(c)
18:24-15.2, 15.3, 15.6	Amend Sales and Use Tax Act	R.1980 d.489	12 N.J.R. 729(b)
18:24-27.1, 27.2	Sales and Use Tax Act	R.1981 d.208	13 N.J.R. 465(d)
18:24-28	Taxation of purchase or use of race horses	R.1981 d.436	13 N.J.R. 847(c)
18:25	Emergency rules on Atlantic City Luxury Tax	R.1980 d.437	12 N.J.R. 678(c)
18:35-1.14	Amend partnerships under the Gross Income Tax Act	R.1981 d.6	13 N.J.R. 111(d)
18:37	Emergency amend spill compensation and control tax	R.1980 d.484	12 N.J.R. 728(c)

(Title 18, Transmittal 15 dated July 17, 1980)

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

19:1-5	Home improvement loan program	R.1981 d.268	13 N.J.R. 529(c)
19:4-4.142, 6.25	Variances and appeals	R.1981 d.446	13 N.J.R. 847(d)
19:4-6.28	District zoning; change in zoning map	R.1981 d.467	13 N.J.R. 895(c)
19:8-2.11	Garden State Arts Center	R.1981 d.169	13 N.J.R. 378(a)
19:8-2.12	Emergency service	R.1981 d.115	13 N.J.R. 315(a)
19:8-3.1	Tolls on Garden State Parkway	R.1981 d.170	13 N.J.R. 378(b)
19:8-7.3	State Police motor vehicle accident reports	R.1981 d.387	13 N.J.R. 779(g)
19:8-8	Special permits for oversize vehicles	R.1980 d.476	12 N.J.R. 732(c)
19:9-3.1	Amend towing rates	R.1981 d.37	13 N.J.R. 165(c)
19:12	PERC: Negotiations and impasse procedures	R.1981 d.357	13 N.J.R. 625(a)
19:16	Firemen and Police: Negotiations and impasse procedures	R.1981 d.357	13 N.J.R. 625(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)
19:25-8	Financial disclosure by lobbyists and legislative agents	R.1981 d.471	13 N.J.R. 895(c)
19:25-15	Amend Public Financing of General Election for Governor	R.1981 d.54	13 N.J.R. 248(b)
19:25-16	Amend public financing of primary election for Governor	R.1980 d.491	12 N.J.R. 248(b)
19:25-19.1-19.6	Interim public financing of gubernatorial primary elections	R.1980 d.411	12 N.J.R. 681(b)
19:30-2.1-2.3	Economic Development Authority fees	R.1981 d.245	13 N.J.R. 465(e)
19:30-4.2	Targeting of authority assistance	R.1981 d.457	13 N.J.R. 898(a)
19:30-4.4	EDA: Targeting of Authority assistance	R.1981 d.168	13 N.J.R. 378(c)
19:30-5	Debarment of applicants and contractors	R.1981 d.167	13 N.J.R. 378(d)

(Title 19, Transmittal 15 dated July 17, 1980)

TITLE 19 SUBTITLE K-CASINO CONTROL COMMISSION

19:41-9	Amend license fees	R.1980 d.483	12 N.J.R. 732(a)
19:41-9.1, 9.4, 9.19	Casino assessments	R.1981 d.367	13 N.J.R. 739(a)
19:41-11.1, 11.2, 11.3	Casino licensee agreements	R.1981 d.439	13 N.J.R. 847(e)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
19:41-12.5	Casino assessments	R. 1981 d.367	13 N.J.R. 739(a)
19:43-1.1, 1.2	Casino licensing requirements	R. 1981 d.440	13 N.J.R. 848(a)
19:43-1.8	Casino service industry licenses	R. 1981 d.273	13 N.J.R. 534(a)
19:45	Amend casino accounting and internal controls	R. 1980 d.504	13 N.J.R. 48(a)
19:45	Accounting and internal controls	R. 1981 d.437	13 N.J.R. 848(b)
19:45-1.3, 1.8, 1.24, 1.44	Casino accounting and internal controls	R. 1981 d.272	13 N.J.R. 541(a)
19:46-1.3	Gaming chips	R. 1981 d.408	13 N.J.R. 779(a)
19:46-1.11, 1.26	Craps table and slot machine rules	R. 1981 d.388	13 N.J.R. 779(b)
19:47-1.2 1.4	Craps wagering	R. 1981 d.388	13 N.J.R. 779(b)
19:47-2.6, 2.8	Emergency Blackjack surrender revisions	R. 1981 d.301	13 N.J.R. 629(a)
19:47-2.6, 2.8	Readopt Blackjack wagering changes	R. 1981 d.368	13 N.J.R. 709(b)
19:47-2.12	Blackjack play	R. 1981 d.388	13 N.J.R. 779(b)
19:47-2.13	Emergency Blackjack wagering	R. 1981 d.301	13 N.J.R. 629(a)
19:47-2.13	Readopt Blackjack wagering	R. 1981 d.368	13 N.J.R. 709(b)
19:47-5.2	Roulette payout odds	R. 1981 d.388	13 N.J.R. 779(b)
19:47-5.7	Minimum and maximum wagering	R. 1981 d.368	13 N.J.R. 709(b)
19:50-1.6	Alcoholic beverage control	R. 1981 d.438	13 N.J.R. 849(a)
19:51-1.1-1.4	Advertising	R. 1981 d.409	13 N.J.R. 779(c)
19:52-1.3	Nightly entertainment	R. 1981 d.369	13 N.J.R. 709(c)

(Title 19 Subtitle K, Transmittal 2 dated July 17, 1980)

CONTENTS

(Continued From Front Cover)

Home energy assistance (Emergency)	888(a)
Correction: Operative date for unfair settlement practices	894(a)
LABOR AND INDUSTRY	
Correction: Operative date for unemployment compensation amendments	894(b)
ENERGY	
Repealed: Seven-day thermostat rules	895(a)
TRANSPORTATION	
Left turns on Route 79 in Freehold	895(b)
OTHER AGENCIES	
HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION	
Industrial Zoning	895(c)
ELECTION LAW ENFORCEMENT COMMISSION	
Financial disclosure of lobbying activities	895(d)
ECONOMIC DEVELOPMENT AUTHORITY	
Basis of assistance eligibility	898(a)
MISCELLANEOUS NOTICES	
AGRICULTURE	
1981 sweet potato referendum	899(a)
ENVIRONMENTAL PROTECTION	
Certification of draft NPDES permits	899(b)
LAW AND PUBLIC SAFETY	
Common carrier applicants	899(c)

Filing Deadlines

December 21 issue:	
Proposals	November 25
Adoptions	December 7
January 4 issue:	
Proposals	December 10
Adoptions	December 17