NEW JERSEY REGISTER

IN THIS ISSUE
*"INDEX OF ADOPTED RULES"**

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RULE PROPOSALS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice for Contested Cases Reaching the Merits

Proposed Amendment: N.J.A.C. 1:1-1.3

Authorized By: Howard H. Kestin, Director, Office of Administrative Law.
Authority: N.J.S.A. 52:14F-5e, f and g.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Steven L. Lefelt, Deputy Director
Office of Administrative Law
88 East State Street
Trenton, NJ 08625

The Office of Administrative Law 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 1983-463.

The agency proposal follows:

Summary

The purpose of the proposed amendment is to emphasize that contested cases should be heard on their merits whenever possible. Dismissal of a case for procedural reasons is discouraged, and should be used only when necessary in the "interests of justice."

Social Impact

The proposed amendment embodies some general principles of administrative law. Procedural requirements in administrative adjudication are generally more relaxed and flexible than in private civil litigation. In private litigation, dismissal of a case does not ordinarily affect a public interest. In administrative law, dismissal of a case does ordinarily affect some public interest, and should be avoided whenever possible. This rule encourages the application of the social policy and substantive law of the State agencies in contested cases, and discourages the determination of a case solely on the violation of a contested case procedure by an agency or a private litigant. However, procedural violations could result in a substantive determination against a party.

Economic Impact

The proposed amendment should have virtually no economic impact. On the one hand, litigating more cases on their merits could result in some greater litigation costs for some cases. But, on the other hand, litigating these cases on their merits could save the costs of re-litigating some cases which were procedurally dismissed.

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

1:1-1.3 Construction and relaxation; parties appearing without attorneys (pro se); parties represented by non-lawyers ; **policy to reach the merits**

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

(c) This chapter shall be construed to reach the merits of a case wherever possible, so that:

1. In applying these rules, a judge shall order, to the greatest extent possible, the relief most likely to result in an adjudication on the merits;

2. Dismissals resulting from considerations other than on the merits of the case are disfavored and should only be entered where other remedy or relief would not be in the interests of justice.

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(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice for Contested Cases
Placement of Case on Inactive List

Proposed Amendment : N.J.A.C. 1:1-3.2

Authorized By: Howard H. Kestin, Director, Office of Administrative Law.
Authority: N.J.S.A. 52:14F-5e, f and g.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Steven L. Lefelt, Deputy Director
Office of Administrative Law
88 East State Street
Trenton, NJ 08625

The Office of Administrative Law 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 1983-464.

The agency proposal follows:

Summary

The proposed amendments clarify the language and procedures of the inactive list rule.

Aside from rearranging the provisions of the rule, the amendments do three things:

1. Elaborate on the reasons that a case may be placed on the inactive list, and specifying physical or mental disability or other substantial excuse as reasons;
2. Eliminate the need for legally "competent" proof of these reasons, which would forbid proof by hearsay from a friend or relative of a disabled person, requiring instead "adequate" proof;
3. Clarify that a case will automatically return to active status, following its specified period of inactivity, unless a party moves to keep the case inactive for another specified period.

Social Impact

The proposed amendments more clearly and strictly delineate the requirements for placing a case on the inactive list. As such, fewer cases should be placed on the inactive list and more cases should more quickly reach a final administrative determination.

Economic Impact

The proposed amendments should help expedite the conclusion of some contested cases, which should save litigants and the state agencies from maintaining open files and awaiting action on some cases.

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

1:1-3.2 Expedition; settlement conferences; special time requirements; inactive list

(a)–(d) (No change.)

[(e) If the judge determines by affidavit or other compent proof that a party to a pending case is unable to prosecute or defend without substantial inconvenience, the case may be placed on an inactive list established for this purpose for a period not to exceed six months. The clerk shall return this case to an active status after six months have expired unless by affidavit or other competent proof a party indicates that the party's inability to proceed continues. The clerk shall notify all parties and the agency of any action taken under this section.]

(e) Where a party to a pending case is mentally or physically incapable of proceeding or is with other just excuse unable to proceed without substantial inconvenience or inordinate expense, that party or any other interested person may move to place the case on the inactive list.

1. Upon affidavit or other adequate proof, the judge may determine to place the case on an inactive list established for this purpose for as brief a period as possible not to exceed six months.

2. The clerk shall maintain the inactive list and shall return the case to an active status after the specified period has expired unless, upon motion and further proof, the judge determines that the party is still with just excuse unable to proceed.

3. A judge may order a case to continue on the inactive list for successive brief periods, each not to exceed six months.

4. The clerk shall notify all parties and the agency of any action taken under this section.

(b)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice for Contested Cases
Interlocutory Review

Proposed Amendment: N.J.A.C. 1:1-9.7

Authorized By: Howard H. Kestin, Director, Office of Administrative Law.
Authority: N.J.S.A. 52:14F-5e, f and g.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Steven L. Lefelt, Deputy Director
Office of Administrative Law
88 East State Street
Trenton, NJ 08625

The Office of Administrative Law 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 1983-465.

The agency proposal follows:

Summary

The purposes of the proposed amendments are twofold:

1. The language in N.J.A.C. 1:1-9.7(a) defining which matters may be interlocutorily reviewed is being deleted because it may cause some unnecessary confusion among litigants. The language was taken from the New Jersey Supreme Court's decision in **In the Matter of the Appeal of Certain Sections of the Administrative Procedural Rules,** which remains the controlling decision on the issue.
2. The time for an agency head to determine whether or not to undertake an interlocutory review has been enlarged from five working days to 10 calendar days at the request of the Office of the Attorney General. The Attorney General claims that agency heads

and their staffs need the extra time to properly review requests for relief.

Social Impact

In lengthening the time for the agency head to decide whether to interlocutorily review a matter, the proposed amendments may lengthen somewhat the hearing process in a small number of cases.

Economic Impact

If the lengthened time period for agency head review results in a better review of the interlocutory appeals, the hearing process in some cases should thereby be rendered more efficient.

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

1:1-9.7 Interlocutory review

(a) Except [as] **for the special review procedures** provided in N.J.A.C. 1:1-9.6 **(Emergency relief)**, and 13.13(b) **(partial summary decision)**, [any] **an** order or ruling [affecting the status of the parties, the number and nature of claims or defenses, the identity and scope of issues, the presentation of evidence, the decisional process or otherwise affecting the outcome of the case] may be reviewed interlocutorily by an agency head at the request of a party pursuant to this section.

(b) (No change.)

(c) Within [five working] **10 calendar** days of the request for interlocutory review, the agency head shall notify the parties and the Clerk whether the order or ruling will be reviewed. If the agency head does not so act within **10 calendar** [five working] days, the request for review shall be considered denied. Informal communication by telephone or in person to the parties or their representatives and to the Clerk within the required [five working] **10 calendar** day period will satisfy this notice [of] requirement, provided that a written communication or order promptly follows.

(d)-(i) (No change.)

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice for Contested Cases
Notice of Opportunity to Intervene or Participate

Proposed New Rule: N.J.A.C. 1:1-12.4

Authorized By: Howard H. Kestin, Director, Office of Administrative Law.
Authority: N.J.S.A. 52:14F-5e, f and g.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Steven L. Lefelt, Deputy Director
Office of Administrative Law
88 East State Street
Trenton, NJ 08625

The Office of Administrative Law 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 1983-466.

The agency proposal follows:

Summary

The purpose of this rule is to clarify that a judge may order a potential party to be notified of a pending hearing, so that the person may apply for intervention or participation in the hearing. This procedure would help join in the hearing all the parties necessary for a full and fair adjudication.

Social Impact

This procedure should eliminate some duplication of hearings, where persons who could and should have been joined in a single hearing were not notified of the opportunity. This procedure should also save the hearing rights of some persons, whose hearing rights might have been lost and whose substantive rights might have been effectively adjudicated through a hearing of which they were notified.

Economic Impact

The proposed rule should eliminate the costs of some otherwise duplicative hearings. The procedure may entail some extra mailing costs in order to notify potential parties.

Full text of the proposed new rule follows.

1:1-12.4 Notice of opportunity to intervene or participate

Where it appears to the judge that a full determination of a contested case may substantially, specifically and directly affect a person or entity who is not a party to the case, the judge, on motion of party or on his or her own initiative, may order that the clerk notify the person or entity of the proceeding and of the opportunity to apply for intervention or participation pursuant to these rules.

(b)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice for Contested Cases
Final Decisions; Orders of Remand

Proposed Amendment: N.J.A.C. 1:1-16.5

Authorized By: Howard H. Kestin, Director, Office of Administrative Law.
Authority: N.J.S.A. 52:14F-5e, f and g.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Steven L. Lefelt, Deputy Director
Office of Administrative Law
88 East State Street
Trenton, NJ 08625

The Office of Administrative Law 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 1983-467.

The agency proposal follows:

Summary

The purpose of the proposed amendment is to clarify the remand procedure under N.J.A.C. 1:1-16.5 and to respond to the discussion of the existing rule, contained in **In the Matter of William J. Kallen** ——— **N.J.** ——— (1983). In **Kallen**, the New

Jersey Supreme Court specifically urged the Office of Administrative Law (OAL) to review N.J.A.C. 1:1-16.5(c) because the rule was considered to give the OAL and/or an administrative law judge the final authority in deciding when a case may be remanded for further hearing.

In originally promulgating N.J.A.C. 1:1-16.5(c), the intent of the OAL was to establish some standards for the remand of contested cases and especially for those cases where the agency transmitting the case and finally deciding the case is also prosecuting the case. The rule was based on relevant New Jersey case law in the area. **Handlon v. Belleville** 4 **N.J.** 99, 106-7 (1950); **Burlington County Evergreen Pk. Mental Hosp. v. Cooper**, 56 **N.J.** 579, 600 (1970); **Ruvoldt v. Nolan**, 63 **N.J.** 171, 183 (1973); and **Skulski v. Nolan**, 68 **N.J.** 179, 195 (1975). This case law remains the legal basis for evaluating the propriety of any remand.

The proposed amendment to the remand rule clarifies that the agency head makes the final administrative decision as to the propriety of a remand. The language of the rule is thereby more clearly consistent with the opinion in **In the Matter of the Appeal of Certain Sections of the Uniform Administrative Procedural Rules** ——— **N.J.**——— (1982). The amendment also clarifies that an administrative law judge shall hear any remanded case but may make proposed findings and recommendations about the propriety of the remand. The rule thereby explicitly codifies the general OAL practice in remanded cases under N.J.A.C. 1:1-16.5(c). Under this practice, both the agency head and a reviewing court have the benefit of an indeoendent review of the agency's procedural actions in the case as well as its substantive proposals. The authority of the agency head to render tinal decisions is also clarified.

The OAL has consulted with the Office of the Attorney General in preparing this amendment, and the Attorney General supports the amendment.

Social Impact

The proposed amendment should eliminate some confusion as to the purpose and practice surrounding N.J.A.C. 1:1-16.5, and should help eliminate some unnecessary confusion and conflict as to the respective roles in contested cases of the Office of Administrative Law, the administrative law judge and the agency head.

Economic Impact

The proposed amendment should help clarify and expedite the hearing process in some contested cases.

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

1:1-16.5 Final decision

(a)–(b) (No change.)

(c) An agency head may enter an order remanding a contested case to the Office of Administrative Law for further action on issues or arguments not previously raised or incompletely considered. The order of remand shall specifically state **the reason and necessity for the remand,** the issues or arguments to be considered, **the** [their] scope **of these issues or arguments,** and their relationship to the issues and arguments already considered. [Where the agency is a party to the case, however, the agency head may not remand to the Office of Administrative Law to develop proof that, in the exercise of reasonable diligence, could have been presented by the agency at the original hearing.] **The judge shall hear and render an initial decision on the remanded matters. Where a party or the judge questions the necessity or propriety of the remand, the judge may also make findings and recommendations to the agency head on the issue or questions raised.**

(d) (No change.)

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice for Contested Cases Approving Settlements

Proposed Amendment: N.J.A.C. 1:1-17.1

Authorized By: Howard H. Kestin, Director, Office of Administrative Law.

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Steven L. Lefelt, Deputy Director
Office of Administrative Law
88 East State Street
Trenton, NJ 08625

The Office of Administrative Law 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 1983-468.

The agency proposal follows:

Summary

The purpose of these amendments is to clarify the language of the settlement rule. The words "approving the settlement" are being substituted for "concluding the contested case," and the words "included in" are being substituted for "deemed". The rule should read more clearly as a result of the changes.

Social Impact

The changes are purely linguistic and stylistic, and involve no matters of substance. Therefore there should be no social impact, except upon the aesthetic senses of legal scholars.

Economic Impact

The amendments should have no economic impact, except for the cost of their printing.

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

SUBCHAPTER 17. SETTLEMENTS

1:1-17.1 Settlements

(a) (No change.)

(b) If the judge determines that the settlement is voluntary, consistent with the law and fully dispositive of all issues in controversy, and does not determine that it is inconsistent with the public interest, the judge shall enter an order [concluding the contested case] approving the settlement.

(c) (No change.)

(d) The judge shall set forth the settlement terms in or attach them to the order **approving the settlement** [concluding the contested case] and the clerk shall serve a copy upon each of the parties.

(e) (No change.)

(f) Where the agency transmitting the contested case is a party to the case, and the agency consents to the settlement terms, the order [concluding the contested case] **approving the settlement** shall be deemed the final decision in the case.

(g) Where the agency transmitting the case is not a party to the case, the settlement terms and order **approving settlement** shall be [deemed] **included in** the initial decision of the judge in the case.

(a)

OFFICE OF ADMINISTRATIVE LAW

Special Education Program Hearing Rules Maintenance and Confidentiality of Records

Proposed Amendment: N.J.A.C. 1:6A-5.2

Authorized By: Howard H. Kestin, Director, Office of Administrative Law.
Authority: N.J.S.A. 52:14F-5e, f, g, h, n, o and p.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

The Office of Administrative Law 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 1983-496.

The agency proposal follows:

Summary

The purpose of the proposed amendment is twofold. First, the rule informs interested persons that records of Special Education hearings are being maintained at the offices of the Office of Administrative Law (OAL), and not at the offices of the Department of Education. This arrangement has been agreed to by the OAL and the Bureau of Special Education for the convenience of all concerned, and to facilitate proper and efficient maintenance of the records.

Second, the rule affirms that OAL procedures for access to special education hearing records shall comply with Federal regulations. The pertinent Federal regulations are cited in the rule, and should be consulted for specific access and confidentiality requirements. In general, with certain exceptions spelled out in the Federal regulations, consent of a child's parent or guardian must be obtained prior to disclosure of any material which might identify a child or a child's parents.

Social Impact

First, maintenance of all the records at the OAL should be more convenient for interested persons, who might otherwise have to look to both the Bureau and the OAL for records of a case. Maintenance of the records at OAL should also eliminate some unnecessary transporting of files between OAL and the Bureau, and some duplication of efforts by the two agencies. Responsibility for the records should be easier to maintain, because it will be centralized at the OAL.

Second, confidentiality of the records is prescribed by Federal regulations which governed the maintenance of hearing records previously kept by the Bureau. The Federal regulations are designed to ensure the privacy of the child and parents.

Economic Impact

Maintaining the files at OAL will shift some administrative costs from the Bureau to the OAL, but should somewhat streamline the task.

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

Full text of the Special Education hearing rules may be found at 14 N.J.R. 930(a), 15 N.J.R. 25(b).

1:6A-5.2 Confidentiality

(a) (No change.)

(b) Records of special education hearings shall be maintained in confidence by the Office of Administrative Law pursuant to Federal regulations, 34 CFR 300.500 et seq. The Decision Control section of the Office of Administrative Law, 185 Washington Street, Newark, N.J. 07102, (201)648-6006, shall maintain these records.

CIVIL SERVICE

(b)

CIVIL SERVICE COMMISSION

Examinations and Applications Promotion upon Waiver of Competitive Examination

Proposed Amendment: N.J.A.C. 4:1-8.5

Authorized By: Civil Service Commission, Eugene J. McCaffrey, Sr., President.
Authority: N.J.S.A. 11:1-7a, 11:5-1a, 11:9-1, 11:10-7.

The above proposal which appeared in the June 20, 1983 New Jersey Register as PRN 1983-293 at 15 N.J.R. 979(a) is being withdrawn since the identical proposal has been published for comment in the August 15, 1983 Register at 15 N.J.R. 1292(a) as part of the readoption proposal for Subchapter 8.

(a)

CIVIL SERVICE COMMISSION

Certification and Appointment Certification Rules

Proposed Readoption with Amendments: N.J.A.C. 4:1-12.1 through 4:1-12.11 and 4:1-12.13 through 4:1-12.18

Proposed Recodification: N.J.A.C. 4:2-12.5 as 4:2-7.11; 4:2-12.7 as 4:2-12.1; 4:2-12.8 as 4:2-12.2; 4:3-12.7 as 4:3-12.1; and 4:3-12.8 as 4:3-12.2

Proposed Repeal: N.J.A.C. 4:1-12.12; N.J.A.C. 4:2-12.1 through 4:2-12.4, 4:2-12.6 and N.J.A.C. 4:3-12.1 through 4:3-12.6

Authorized By: Civil Service Commission, Peter J. Calderone, Assistant Commissioner.
Authority: N.J.S.A. 11:1-7a; 11:4-1; 11:5-1; 11:9-9; 11:9-12; 11:9-13; 11:10-1; 11:10-2; 11:10-5; 11:10-6; 11:10-6.1; 11:10-7.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone
Assistant Commissioner
Department of Civil Service
CN 312
Trenton, NJ 08625

The Civil Service Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on November 6, 1983. The readoption of the existing rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption. The concurrent amendments, new rule and repeal of rules becomes effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1983-479.

The agency proposal follows:

Summary

In accordance with the "sunset" provisions of Executive Order No. 66(1978), the Civil Service Commission has reviewed the rules codified at N.J.A.C. 4:1-12, 4:2-12 and 4:3-12 which provide for certification and appointment of eligible persons to Civil Service titles. The subchapters regulate the criteria and procedures for requesting a certification, utilization of employment lists and appointment from the lists. After reviewing these rules, the Commission proposes that rules that are unnecessary be repealed, appropriate sections be consolidated and the language of the complete subchapter be revised for clarity.

The revisions to Subchapter 12 are primarily non-substantive language changes with the exception of proposed N.J.A.C. 4:1-12.7 which incorporates language concerning certification without regard to national origin. This provision is currently found in N.J.A.C. 4:2-12.3 and 4:3-12.4. Additionally, N.J.A.C. 4:1-12.12 is proposed for repeal. The substance of this rule is provided for in proposed N.J.A.C. 4:1-8.21, 4:1-8.22 and 4:1-8.23 and reference made to these rules in proposed N.J.A.C. 4:1-12.11.

N.J.A.C. 4:2-12.1 through 4:2-12.4 and 4:2-12.6 and N.J.A.C. 4:3-12.1 through 4:3-12.6 are proposed for repeal. The substance of these sections is found in 4:1-12.

N.J.A.C. 4:2-12.5 is being removed from Subchapter 12 and recodified as N.J.A.C. 4:2-7.11 since it sets forth provisions concerning salary determinations for employees absent on military leave during their trainee period or working test period.

N.J.A.C. 4:2-12.7 and 4:3-12.7, New Jersey Civil Service Medical Review Board, and N.J.A.C. 4:2-12.8 and 4:3-12.8, New Jersey Civil Service Board of Medical Examiners are not due to expire until December 1986 and are therefore being continued as 4:2-12.1, 4:3-12.1, 4:2-12.2 and 4:3-12.2 respectively.

Social Impact

The Department of Civil Service is mandated to fill vacancies in permanent positions in the classified service through certification from an employment list. The certification process provides the State with employees that are selected impartially through competitive examination as the persons best fitted for specific titles. The continuance of these rules assures all affected persons that the Department is fulfilling its statutory obligations. The amendments to Subchapter 12 further provide that the certification procedures are kept current and are written in language that makes the rules easily understood for correct utilization.

Economic Impact

The economic impact of these readoptions and amendments remains unchanged. The review of these rules over the last five years indicates that they are reasonable, complete and accurate.

In fiscal year 1977-78, the Division of Examinations issued 52,036 certifications from which 6,818 eligibles were permanently appointed. During the fiscal year 1981-82 56,450 eligibles were certified from which 7,646 persons were permanently appointed. The relative stable certification and appointment figures reflect this Department's ability to provide a uniform and organized certification process in conformity with practical considerations and agency appropriations.

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

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 4:2-12 and 4:3-12.

SUBCHAPTER 12. CERTIFICATION AND APPOINTMENT

4:1-12.1 Certification against provisional appointment or request for certification

(a) Appointments shall be [made to or employment] given [in] **for** all positions in the competitive class, except as otherwise provided by these rules, from among those certified [or, after review and approval, from among those listed on the certification to the appointing authority as authorized by the Department of Civil Service] **from an employment list**.

(b) When a vacancy [in a permanent position] is to be filled, other than by transfer or demotion, the appointing authority shall [notify the Department of Civil Service and] request a certification of the [names of persons] eligibles [for appointment and] willing to accept [employment] **appointment** in the [position.] **title, except that the special reemployment list shall be certified prior to filling a vacancy by transfer.**

(c) All [such notifications] **requests for certifications** shall be submitted [as far] in advance [as possible,] to enable the Department of Civil Service [after review and approval to make] **to issue or authorize** the necessary certification, [or authorization of certification] or advise that there is no [applicable] **appropriate** eligible list.

(d) When a provisional appointment is made or continued, the Department of Civil Service shall certify or[, after review and approval,] authorize a certification from the appropriate list [as soon as such list becomes] **when** available.

4:1-12.2 Certification from eligible lists

(a) [When a certification is to be made, the] **The** Department of Civil Service shall certify or [after review and approval] authorize a certification to the appointing authority of the name and address of the eligibles **interested in that appointment** [or eligibles] **who are** highest on the appropriate [reemployment or employment] list [who have indicated interest in that employment.] **as designated in 4:1-12.4.**

(b) All **interested** eligibles certified [to an appointing authority] from a promotional list [who have indicated interest in that employment] shall be interviewed.

(c) Any person currently on [a] **an approved** leave of absence [to fill an elective office who, prior to the granting of the leave of absence, took a promotional examination, subsequently appeared on an eligible list resulting from same, and is appointed therefrom prior to the expiration of said list] [shall] **is** not [be] disqualified **from promotional opportunities or appointment** because of [his/her] **the** leave of absence. [The] **A permanent** promotional appointment **of an eligible on an approved leave of absence** is subject to **appointing authority approval and** the satisfactory completion of a working test period. [which] **With appointing authority approval, the working test period** may commence upon the appointee's [voluntary scheduled] return from the leave of absence. **See N.J.A.C. 4:1-8.4 and 4:1-12.9.**

4:1-12.3 Priority of eligible lists

(a) When there is more than one eligible list for a [class] title, certification shall be made in the following order:

1. Special reemployment;
2. Promotion;
3. Regular reemployment;
4. Open competitive.

(b) A special reemployment list shall take precedence over a promotional list only in the same organization unit in which the layoff occurred.

4:1-12.4 Number of names to be certified

(a) An appointing authority is entitled to a certification of the following number of **interested** eligibles [persons]:

1. **For** [Special] **special** reemployment and regular reemployment lists[: T]**,** the name of one eligible [person] for each [provisional, temporary or] permanent appointment [to be made];

2. For [Promotional] **promotional** [and open competitive] employment lists[: T]**,** the names of three eligibles [persons] for [a provisional, temporary or] **each** permanent appointment [to be made]; and the name of one more eligible for each additional appointment.

[(b) See also N.J.A.C. 4:1-12.1 and 4:3-12.1.]

(b) When a certification is comprised of multiple lists and an eligible's name appears more than once, he or she will count as one eligible for purposes of making a complete certification.

4:1-12.5 Certification of less than three [names] **interested eligibles**

[(a)] When[ever] fewer than three [names] **interested eligibles** are certified from a promotion or open competitive [employment] **eligible** list, the appointing authority may [appoint from such incomplete certification,] **either make a permanent appointment** or [may] decline to make a permanent appointment [from such list] until [such time as a complete certification of the names of] three [persons willing to accept the position has been] **interested eligibles are** certified.

[(b) See also N.J.A.C. 4:3-12.2.]

4:1-12.6 Certification from list for another [class] **title**

(a) When [a certification is required to fill a position in a class for which there is no eligible list] **an eligible list is not available or is incomplete,** the Department of Civil Service may certify or [after review and approval] authorize a certification [of names of eligibles] from [a] **an eligible** list [promulgated by the Department of Civil Service] for another [class] **title** of the same or higher level in the same or related series [upon a determination by the Chief Examiner and Secretary that the use of such list will be in the best interest of the service and that] **if:**

1. The [duties and] qualifications of the [position] **title** for which the **eligible list** [examination] was **promulgated** [given] are substantially similar to the [duties and] qualifications for the position to be filled; [and]

2. The necessary **knowledge,** skills and [knowledges] **abilities** were evaluated in the examination[.]**;**

3. The use of such list is determined to be in the best interest of the service; and

4. Such action will provide an appointing authority with a complete certification of interested eligibles.

[(b) See also N.J.A.C. 4:2-12.2 and 4:3-12.3.]

4:1-12.7 Certification [without regard to sex] **limited to persons of a particular sex or national origin**

(a) [When an employment list has been promulgated without regard to sex of the eligible, certification of eligibles of one sex shall not be made unless otherwise required by statute or in response to a request from the appointing authority.] **Certifications shall be issued without regard to sex or national origin unless it has been determined that sex or national origin is a bona fide occupational qualification (B.F.O.Q.) for the job.**

(b) [Upon such a request, the Department of Civil Service shall inquire into and determine whether the duties and responsibilities of the position to be filled and the conditions under which the work is to be done require one sex rather than the other.] **Appointing authorities may submit a documented request to the Department of Civil Service that the duties of specifically identified positions must be limited to persons of a particular sex or national origin for effective job performance. See N.J.A.C. 4:2-21.2.**

[(c) See also N.J.A.C. 4:2-12.3 and 4:3-12.4.]

4:1-12.8 Limitation of number of times eligible is certified

(a) A non-veteran eligible shall not be automatically certified from the same open competitive employment list to the same appointing authority more than three times[,] if another eligible ranked lower on the list has been appointed[,] each of the three times. The appointing authority may request such eligible be again certified in which case only that eligible [(and any veteran eligibles on the list higher than he)] **and any higher ranking eligible veteran** shall be certified.

(b) A veteran eligible shall be certified to an appointing authority from an open competitive list in order of rank for as long as the veteran eligible remains on the employment list.

(c) All eligibles, including veterans and non-veterans, shall be certified from a promotional list in order of rank for as long as the eligibles remain on the promotional employment list.

[(d) See also N.J.A.C. 4:2-12.4 and 4:3-12.5.]

4:1-12.9 Eligibles absent in military service

(a) [The name of] **Interested** eligibles on [any employment list, known to be absent and in the] military **leave** [or naval service of the State or United States] shall **continue to** be **certified**. [included in the certification of eligibles and t]The appointing authority may consider such eligibles [to be] **immediately** available for appointment even though reporting for [actual] work may be delayed.

(b) Upon termination of military duty, [such] **appointed** eligibles [appointed] shall have the same rights, privileges and obligations as if [he] **they** had served continuously in [such] **the** [position] **titles** from the **original effective** date of [such] appointment, except that

[he] **the eligibles** must successfully complete the required working test period for [that] **the** [position] **title. See N.J.A.C.** 4:2-7.11.

[(c) See also N.J.A.C. 4:2-12.5.]

(c) Eligibles returning from military leave shall have an opportunity to take yet to be administered promotional examinations or to make-up examinations for active promotional lists for which they would have been eligible while on military leave. The appointing authority shall advise the Department of Civil Service of those active promotional lists for which an eligible missed the examination process while absent on military leave. Certifications and appointments for such persons will commence after successful completion of the examination process.

4:1-12.10 Notifying eligibles of certification

[The Department of Civil Service or its designee shall notify an eligible at the last known address when his/her name is certified. The eligible must respond to the appointing authority within five business days from receipt of the notice. Failure to respond within five days will result in removal from the eligible list.] **When a certification is made, the Department of Civil Service shall send a notice or authorize a notice to be sent to an eligible at the address which appears on the eligible's application for the examination or other address as subsequently advised. It is the obligation of the eligible to have a current address on file with the Department of Civil Service.**

4:1-12.11 Removal of names

(a) The name of an eligible person may be removed from an eligible list for any of the following [or other valid] reasons:

1. Causes as listed in N.J.A.C. 4:1-8.14;

[1.] **2.** Permanent appointment through certification to the [position] **title** for which the list was promulgated or [declared] **made** appropriate;

[2.] **3.** Inability, unavailability or refusal **of eligible** to accept appointment;

[3.] **4.** Notice by the postal authorities that they are unable to locate **or deliver mail to the eligible** [at his last known address];

[4.] **5.** [The eligible has not complied] **Non-compliance** with the [regulations] **instructions** listed on the notice of certification;

[5.] **6.** [The eligible discontinues his] **Discontinuance of an eligible's** residence in the jurisdiction to which an open competitive examination was limited **or as provided in N.J.A.C. 4:1-8.8**;

7. Discontinuance of the eligible's employment in the organizational unit to which a promotional examination was limited;

[6.] **8.** [The eligible has voluntarily] **Voluntary** transfer[red] from the organizational unit to which the examination has been opened[;] **without returning within 60 days; as specified in N.J.A.C. 4:1-15.6;**

[7.] **9.** [The eligible has [involuntarily] **Involuntary** transfer[red] as qualified in N.J.A.C. 4:1-15.5(b); **and**

10. Other valid reasons as determined by the Civil Service Commission.

[8. As listed in N.J.A.C. 4:1-8.14 for rejection of application.]

[(b) See also N.J.A.C. 4:2-12.6, 4:2-12.7, 4:2-12.8, 4:3-12.6, 4:3-12.7 and 4:3-12.8.]

(b) An eligible may appeal the removal pursuant to N.J.A.C. 4:1-8.21, 4:1-8.22 and 4:1-8.23.

4:1-12.12 [Notice of removal] **Reserved**

[Any person whose name is to be removed in accordance with the provisions of N.J.A.C. 4:1-12.11(a)2 through 8 shall be notified of the removal and given an opportunity to submit facts to the Civil Service Commission in writing within 20 days after receipt of notice of removal, for consideration in a review of the determination.]

4:1-12.13 Withholding names from certification

(a) The name of an eligible may be withheld from a certification for any of the following or other valid reasons:

1. The appointing authority has made objection to the eligible for good and sufficient reason[, which has been sustained by the chief examiner and secretary];

2. The eligible has for good and sufficient reason[, which has been sustained by the chief examiner and secretary,] declined appointment at the time of certification; **or**

3. The eligible has previously been certified as in N.J.A.C. 4:1-12.8(a).

4:1-12.14 Effect of removal or withholding names of eligibles

The removal or withholding of a name shall advance all names below it on the eligible list**.** [and whenever necessary the] **The** Department of Civil Service may supplement a certification with names so advanced in order to [give] **provide** the appointing authorit[ies]**y with** the number of names necessary [to provide] **for** a complete certification. Any supplemental certification shall be considered a new certification [to be disposed] **for disposition**.

4:1-12.15 Appointment of eligible certified

(a) The appointing authority, after [receipt of] **receiving** a certification [from the lists] of **interested** eligibles **shall** [in the order of priority as established in N.J.A.C. 4:1-12.3 (Priority of eligible lists), shall, as the case may be]:

1. Appoint the eligible whose name has been certified from the special reemployment list;

2. Appoint the eligible whose name has been certified from the regular reemployment list; **or**

3. Appoint one of the **top** three eligibles from the **open or promotional** employment list, provided that:

i. From an open competitive list, disabled veterans and veterans [are] **shall be** appointed in [that] **their** order;

ii. From **a** promotional list[s], [when] **if** the eligible **who ranks** first in the certification is a veteran, a non-veteran may not be appointed.

(b) In local government services, the appointing authority shall notify the Department of Civil Service of the disposition of the certification within 15 days after receipt of the certification, or when the appointing authority is vested in a board or commission, at its next meeting following receipt of the certification.

(c) In State service, the appointing authority shall [record the disposition of the certification and] forward the record of the disposition **of the certification** to the Department of Civil Service [within 15 days of receipt of] **by the disposition date indicated on** the certification. **See also 4:1-12.18.**

(d) If the certification will result in the displacement of a provisional employee who holds permanent status in a lower title and it is necessary to institute layoff procedures, the [Chief Examiner and Secretary] **Department of Civil Service**, upon written request from the appointing authority, may extend the time period for disposing of the certification for an additional 45 days. **See N.J.A.C. 4:2-14.1 and N.J.A.C. 4:3-14.2.**

[(e) The appointing authority shall notify all interested eligibles in writing regarding the results of the certification. Such notice advising eligibles of the results of a promotional certification shall include a comprehensive statement of reasons for nonselection of the interested eligible.]

4:1-12.16 Date of appointment

(a) [The date of appointment and commencement of work of an] **An** eligible shall not be **appointed and begin work after** [made subsequent to] the expiration date of the employment list except:

1. When the eligible is in the armed services [(N.J.A.C. 4:1-12.9, Eligibles absent in military service)] or is on military leave, he **or she** may [commence] **begin** work upon [his] return from such military leave or [upon his] discharge from the armed services**. See N.J.A.C. 4:1-12.9 and 4:1-17.3**;

2. When there is limited revival of an employment list [as provided in Section 11.7 (Limited of expired employment lists) of this Chapter]; or

3. When the certification [from the Department of Civil Service] is made [less than 15 calendar days] **just** prior to the expiration of the employment list, in which case the date of appointment and **the date the eligible begins** [commencement of] work shall [be within 15 calendar days from the date of certification.] **coincide with the required date of disposition.**

(b) See also N.J.A.C. 4:1-13.

4:1-12.17 Certification of additional eligibles

If **after accepting a position, an eligible** [the appointee] cannot begin work within a reasonable time [from the date of his acceptance of the position offered], the appointing authority may consider such eligible unavailable and report this to the Department of Civil Service. [which shall, if necessary, certify or after review and approval authorize certification of an additional name or names to complete the certification.] **If necessary, the Department of Civil Service shall then certify or authorize a complete certification by providing additional names.**

4:1-12.18 Report of **disposition of certification by** appointing authority

(a) **Upon disposition of a certification,** [Each] **each** appointing authority shall report **the following information** to the Department of Civil Service [forthwith upon any appointment or employment]:

1. The name of the **permanent** appointees [or employee];
2. The title and character of [his] **their** employment;
3. The date [of commencement of service] the appointee starts work;
4. The **appointee's** salary or compensation; [and]

5. A statement of reasons for non-selection of the higher ranking eligibles; and

[5.] **6.** Any other information the Department of Civil Service considers necessary [in order to carry out its functions].

(b) The appointing authority shall notify all interested eligibles of the certification results.

4:2-12.1 through 4:2-12.3 are proposed for repeal. **Full text** may be found in the New Jersey Administrative Code.

4:2-12.4 is (Reserved).

4:2-12.5, Rights of employees absent on military leave during their trainee period or working test period, is recodified as 4:2-7.11.

4:2-12.6 is proposed for repeal. **Full text** may be found in the New Jersey Administrative Code.

4:2-12.7, New Jersey Civil Service Medical Review Board, is recodified as 4:2-12.1.

4:2-12.8, New Jersey Civil Service Board of Medical Examiners: Removals from an eligible list, is recodified as 4:2-12.2.

4:3-12.1 through 4:3-12.4 are proposed for repeal. **Full text** may be found in the New Jersey Administrative Code.

4:3-12.5 is (Reserved).

4:3-12.6 is proposed for repeal. **Full text** may be found in the New Jersey Administrative Code.

4:3-12.7, New Jersey Civil Service Medical Review Board, is recodified as 4:3-12.1.

4:3-12.8, New Jersey Civil Service Board of Medical Examiners: Removals from an eligible list, is recodified as 4:3-12.2.

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code Enforcing Agencies; Fees

Proposed Amendments: N.J.A.C. 5:23-4.14, 4:20 and 5.12

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.
Administrative Practice Officer
Division of Housing
CN 804
Trenton, NJ 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 1983-469.

The agency proposal follows:

Summary

The amendments to N.J.A.C. 5:23-4.14 will allow on-site inspection agencies to hire municipal construction code officials on a part-time basis to perform Uniform Construction Code inspections. The amendments to N.J.A.C. 5:23-4.20 will increase enforcing agency fees charged for new construction and establish fees for mechanical systems and equipment, including fees based upon the numbers of sprinklers and standpipes. These fees will be in addition to the current elements included in the basic construction fee. These fees will only affect new construction in those municipalities in which the Department of Community Affairs is the local enforcement agency or in which it provides plan review services. The increase is necessary in order to cover the cost to the Department of providing these services. The amendment to N.J.A.C. 5:23-5.12 establishes fees for code enforcement licenses, license updates, additional licenses and license renewals.

Social Impact

Private on-site inspection agencies are often handicapped in their ability to provide prompt and adequate service to the public by the shortage of licensed code enforcement personnel. If municipal code officials are available to be hired on a part-time basis, this shortage can be alleviated.

Economic Impact

The increased and new fees will add to the cost of construction and the cost of obtaining and maintaining licensure. They will also allow the inspection and licensing programs to continue to be self-supporting.

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

5:23-4.14 Private enforcing agencies–administration and enforcement

(a) Private on-site inspection and plan review agencies:

1.–5. (No change.)

6. No person employed by an on-site inspection agency as an employee, officer, director, partner or manager shall engage in or otherwise be connected directly to indirectly for proposes of economic gain, with any business or employment furnishing labor, materials, products, or services for the construction, alteration[,] **or** demolition of buildings or structures within the State. Nor shall any such official or employee engage in any other activity or work which conflicts with his official duties.

i. This section shall not apply to:

[i.] **(1)** The ownership of stock or other investment instrument in any corporation listed on any national stock exchange;

[ii.] **(2)** Any such business or employment outside the State;

[iii.] **(3)** Any business or employment which is not subject to the regulations.

ii. An on-site inspection agency may employ municipal construction code officials on a part-time basis. This employment, however, shall be subject to the following conditions:

(1) The on-site inspection agency can only employ municipal subcode officials and inspectors. A municipal construction official shall not be employed by an agency in any capacity.

(2) The written approval of the construction official supervising a municipal construction code official shall be obtained by the on-site inspection agency prior to hiring such municipal construction code official.

(3) An on-site inspection agency that hires a municipal construction code official shall thereupon waive the right to bid or contract in the employed construction code official's municipality or municipalities.

(4) If the employed construction code official terminates employment with the municipality or municipalities and continues to be employed by the agency or by another agency providing similar services, the agency or agencies shall waive the right to contract with that municipality, or those municipalities, for a period of two years.

(5) If an agency employee terminates employment with the agency and accepts employment in a municipality which was under contract with the agency, the agency shall waive the right to contract with that municipality for a period of two years.

(b) (No change.)

5:23-4.20 Department fees

(a)–(b) (No change.)

(c) Departmental (enforcing agency) fees:

1. (No change.)

2. Basic construction fee shall be the sum of the parts computed on the basis of the volume or cost of construction, **the mechanical systems and equipment,** the number of plumbing fixtures and stacks, [and] the number of electrical fixtures and devices **and the number of sprinklers and standpipes** at the unit rates provided herein plus any special fees. In any case, the minimum fee for basic construction work shall be $20.00.

i. Volume or cost: The fees for new construction or alteration [shall be] **are** as follows:

(1) Fees for new construction shall be based upon the volume of the structure. Volume shall be computed in accordance with N.J.A.C. 5:23-[2.8(d)]**2.28**. The new construction fee shall be in the amount of [$0.011] **$0.0116** per cubic foot of volume for buildings and structures of all use groups and types of construction as classified and defined in articles 3 **and 4** of the building subcode; except that the fee shall be [$0.006] **$0.0063** per cubic foot of volume for use groups A-1, A-2, A-3, A-4, F, S-1 and S-2, and the fee shall be $0.003 per cubic foot for structures on farms used exclusively for the storage of food or grain, or the sheltering of livestock, with the maximum fee for such structures on farms not to exceed $500.00.

(2)–(5) (No change.)

ii.–iii. (No change.)

iv. Mechanical systems and equipment: The fee shall be 10 percent of the volume fee.

v. Sprinklers and standpipes: The fee shall be as follows:

(1) For one to 200 heads, the fee shall be $200.00; for 201 to 400 heads, the fee shall be $250.00; for 401 to 1,000 heads, the fee shall be $350.00; for over 1,000 heads, the fee shall be $450.00.

(2) The fee for standpipes shall be $100.00 each.

3.–10. (No change.)

5:23-5.12 Fees

(a) No application for a license shall be acted upon unless said application is accompanied by a fee as specified herein.

1. [Those applying for a license under the provisions of N.J.A.C. 5:23-5.5(a):

i. The initial application fee shall be $10.00.] **An application fee of $30.00 shall be charged in each of the following instances:**

i. Application for any one given technical license specialty, or for the Inplant Inspector or Facility Fire Protection Supervisor license.

ii. Application for any one given technical license specialty plus the related Subcode Official license, if both are applied for at the same time.

iii. Application for any one given technical license specialty plus the related Subcode Official license, as well as the Construction Official license, if all three are applied for at the same time.

2. [General application fee:

i. Inspector: The initial application fee shall be $20.00.

ii. Subcode official: The initial application fee shall be $10.00.

iii. Construction official: The initial application fee shall be $10.00.

iv. Inspector/subcode official: Where an individual submits an application concurrently seeking licensure as an inspector and a subcode official, the fee shall be $25.00.

v. Inspector/subcode official/construction official: Where an individual submits an application concurrently seeking licensure as an inspector, subcode official and a construction official, the fees shall be $30.00.] **An application fee of $10.00 shall be charged for each administrative license applied for separately from a technical license.**

3. [Test registration fee (Reserved)] **Persons rejected for one or more licenses, and who subsequently reapply, are subject to the fee schedule as defined in N.J.A.C. 5:23-5.12(a)1i, ii and iii.**

4. Renewal fee: The two-year renewal application fee shall be [$20.00] **$30.00.**

5. Persons who have become ineligible for an administrative license by reason of failure to remove the provisional status of such license within the prescribed two-year period must submit a fee of $10.00 for restoration of each such administrative license.

6. Registration and examination fees for the certification of construction code officials: The fee schedule submitted by the administrative agency of the examination program shall be subject to the review and approval of the Department. Once approved by the Department, said fee schedule shall remain in effect until further notice. Notice of the fee schedule shall be published in the New Jersey Register.

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Planned Real Estate Development Full Disclosure
Budgets

Proposed Amendment: N.J.A.C. 5:26-8.7

Authorized By: William M. Connolly, Director, Division of Housing and Development, Department of Community Affairs.
Authority: N.J.S.A. 45:22A-35.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.
Administrative Practice Officer
Division of Housing and Development
CN 804
Trenton, NJ 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 1983-442.

The agency proposal follows:

Summary

During the period in which a developer continues to control the executive board of the association of a planned real estate development, there shall be an annual independent audit of the operating budget and the reserve accounts. Any interest earned on those accounts shall belong to the association. A bond or other acceptable guarantee in the amount of four times the annual budget shall be posted by the managing agent.

Social Impact

These rules will increase the protection provided to unit owners and purchasers against financial mismanagement.

Economic Impact

Unit owners will benefit to the extent that their funds are better protected against misappropriation.

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

5:26-8.7 Budgets

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

(c) While the developer maintains a majority of the executive board, the executive board shall have an annual audit of association funds prepared by an independent public accountant, a copy which of shall be delivered to each unit owner within 90 days of the expiration of the fiscal year of the association. The audit shall cover the operating budget and reserve accounts.

(d) The managing agent shall post a bond or other guarantee acceptable to the agency in an amount equal to four times the annual budget. The developer shall provide the agency such proof of such bond or other guarantee as may be necessary at the time of registration and annually thereafter.

(b)

DIVISION OF LOCAL GOVERNMENT SERVICES

Municipal and County Employees Deferred Compensation Programs
Annual Program Audit

Proposed Amendment: N.J.A.C. 5:37-11.6

Authorized By: Barry Skokowski, Director, Division of Local Government Services.
Authority: N.J.S.A. 43:15B-3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Barry Skokowski, Director
Division of Local Government Services
Department of Community Affairs
363 W. State Street
CN 803
Trenton, NJ 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 1983-470.

The agency proposal follows:

Summary

The Federal Internal Revenue Code permits state and local governments to establish deferred compensation programs for their employees. New Jersey P.L. 1980, c. 78 authorizes the Director of the Division of Local Government Services to adopt regulations governing deferred compensation programs in local government units. These regulations were adopted on an emergency basis in October 1980, and amended in December 1980, to allow jurisdictions to establish programs during that year.

Under existing regulations, local government units which have established deferred compensation programs are required to audit program funds on an annual basis by an outside independent auditor. If a private contractor is retained by a local unit to administer all or part of the program, the annual audit must cover the program funds under the control of the contractor, and the expense of the audit must be incurred by the contractor.

All money deferred and deducted in accordance with deferred compensation programs remains the asset of the employer until it is distributed to employees. Funds deferred under these local government programs are considered public money until distributed to employees upon their retirement, death, disability, termination of service or an unforeseeable emergency. An annual audit of each deferred compensation program is, therefore, required to ensure that funds are managed appropriately and according to New Jersey laws and regulations.

Since the deferred compensation regulations have been in effect, many contractors retained to administer local government programs have demonstrated that the expenses incurred for an annual audit by an outside independent auditor of each program under contract place an unreasonable financial burden on the private contractor. Such expense on the contractor would cause a considerable increase in administrative fees to program participants. The cost of the annual audit, as required in the existing regulations, makes it unfeasible for some contract administrators to even offer public employee deferred compensation programs in this State.

The proposed amendment relieves contractors of the high cost of an annual audit by an outside independent auditor by requiring that an annual audit review be performed by a municipal accountant. The audit review consists of an evaluation of the program funds based on the annual financial report issued by the contractor on the program, the employer's payroll records, and the program's joinder agreements. After completing the evaluation, the registered municipal accountant will include an appropriate statement in the employer's annual audit per N.J.S.A. 40A:5-4. Furthermore, it is proposed that the cost of this audit review be incurred by the party(ies) agreed upon at the time the contract is awarded. Under the proposed amendment, employers which self-administer a deferred compensation program are required to have the program audited by an outside independent registered municipal accountant.

An additional change in the proposal is the time period for completion of the audit review. The existing regulations require the program to be audited within three months of the accounting date while the proposal permits the audit to be completed within five months after the close of the fiscal year. The audit report must be submitted to the Director of the Division of Local Government Services within five days thereafter, and for programs administered by a contractor, the auditor must include a statement on the review in the employer's annual audit submitted to the Director.

Social Impact

The impact of the proposed amendment is limited to those local governments which operate a deferred compensation program, to contractors offering deferred compensation programs, and to participants of such programs. With little change in the intent of the audit requirement, this proposal eliminates the administrative and financial burden placed on deferred compensation contractors by the existing audit requirement. The change in the time period for completion and submission of the audit to the Director of the Division of Local Government Services will enable local units to meet the regulations more effectively and efficiently. Participants will benefit from the proposed amendment through the assurance that funds are properly managed and program records are accurate.

Economic Impact

Employers self-administering a deferred compensation program may realize cost savings due to the change in the time period for completion of the audit. Contractors administering local deferred compensation programs will realize the greatest cost savings from the proposal since they will no longer be required to automatically assure all costs of the annual audit of each program they administer. Since the party(ies) which will incur the cost of the audit review is negotiable at the time the contract is drawn under this proposal, the employer has the option of absorbing all or a portion of the expense of such audit. The proposed amendment should prevent contractors from passing on any audit costs incurred to the program participants.

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

5:37-11.6 Audit

(a) The employer shall cause the program to be audited within [three] **five** months [of the accounting date] **after the close of its fiscal year, per N.J.S.A. 40A:5-3,** by the outside, independent [auditor.] **registered municipal accountant.** A copy of each audit report shall be transmitted to the Director within [one month after said audit is completed.] **five days thereafter, per N.J.S.A. 40A:5-6.**

1. If a private contractor is retained to administer all or part of the program and/or is retained to invest program funds, [said audit, at the expense of the contractor, shall extend to cover any program funds under the control of any such contractor.] **the contractor must transmit to the employer a compilation of financial data in statement form listing all program fund transactions occuring during the fiscal year, including beginning and ending fund balance.**

i. The transaction's listing must reflect each participant's amount and date of each contribution received, the beginning fund balance by investment option, earnings and/or losses incurred, administrative charges and fees assessed, any transfers made among funds, all deposits and withdrawals, and the ending fund balance.

2. The outside independent auditor of the employer shall then evaluate the employer payroll records and joinder agreements against the information transmitted by the private contractor.

i. The auditor must include an appropriate statement and express limited assurances thereon in the employer's annual audit, per N.J.S.A. 40A:5-4.

ii. This review shall be made in accordance with the AICPA's Statement on Standards for Accounting, the Review Services No. 1, as defined in "Review of Financial Statements", subject to such inquiry and analytical procedures performed, causing attention to questionable items, procedures and/or practices of a material nature, constituting a need for balances to be adjusted or creating a need for further auditing.

3. The expense of the audit shall be incurred by the party(ies) agreed upon at the time the contract is drawn.

EDUCATION

(a)

STATE BOARD OF EDUCATION

School Districts
Standards for Determining Seniority

Proposed Amendment: N.J.A.C. 6:3-1.10

Authorized By: New Jersey State Board of Education, Saul Cooperman, Secretary.
Authority: N.J.S.A. 18A:4-10, 18A:4-15 and 18A:28-9 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-440.

The agency proposal follows:

Summary

The proposed amendment is designed to correct an inconsistency in the recently amended rules as adopted by the State Board on June 1, 1983. In the process of adoption, (see 15 N.J.R. 464(a), 15 N.J.R. 1017(a)), a clarifying and nonsubstantive amendment to

N.J.A.C. 6:3-1.10(f) was proposed from the floor and approved by the State Board.

The language of the amendment as approved by the State Board failed to strike a sentence, the inclusion of which in the final rule as adopted results in an inconsistency with the thrust and intent of both that particular paragraph and the rest of the amended version of N.J.A.C. 6:3-1.10. The following amendment provides clarity and consistency with the entire amendment of N.J.A.C. 6:3-1.10.

In N.J.A.C. 6:3-1.10(f), the following sentence is proposed for deletion: "The seniority of a principal who teaches shall be counted in the appropriate principal's category." The amendment creates the desired consistency with all other portions of the amendment adopted on June 1, 1983, in that it provides for the obtaining of seniority entitlement as both a teacher and a principal for a person who is a part-time principal and a part-time teacher.

Social Impact

The amendment will ensure that persons employed as part-time principals and part-time teachers will obtain seniority in both areas consistently with the intent of the amendments adopted on June 1, 1983.

Economic Impact

There will be no additional cost resulting from the proposed amendment, since the amendment merely corrects an inadvertent omission at the time of adoption.

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

6:3-1.10 Standards for determining seniority

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

(f) Not more than one year of employment may be counted toward seniority in any one academic or calendar year. Whenever a person shall hold employment simultaneously under two or more subject area endorsements or in two or more categories, seniority shall be counted in all subject area endorsements and categories in which he or she is or has been employed. [The seniority of a principal who teaches shall be counted in the appropriate principal's category.]

(g)-(m) (No change.)

(a)

STATE BOARD OF EDUCATION

Federal Library Assistance Programs Public Library Construction

Proposed Repeal: N.J.A.C. 6:69-1

Authorized By: New Jersey State Board of Education, Saul Cooperman, Secretary.

Authority: N.J.S.A. 18A:4-15, 18A:73-39 and Public Law 98-8.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-443.

The agency proposal follows:

Summary

The Federal Emergency Jobs Bill, Public Law 98-8, allocates funds to the states for public library construction. The current rules, N.J.A.C. 6:69-1, should be repealed as quickly as possible so as to allow expenditure of the funds in a timely manner and in accordance with Federal priorities.

The Federal Emergency Jobs Bill, P.L. 98-8, makes funds available to New Jersey through the Library Services and Construction Act to assist in the construction and rehabilitation of public library buildings. The intent of the law is to create employment opportunities as soon as possible. Federal agency heads are directed, "...to the extent practicable to use such funds in a manner which maximizes immediate creation of new employment opportunities to individuals...". It is the intent of the Congress that funds appropriated or otherwise made available under this title "be obligated and disbursed as rapidly as possible so as to quickly assist the unemployed and the needy as well as minimize future year budgetary outlays" (Sec. 101c.). Further, the law authorizes a reallocation of funds from those states with high unemployment "...which cannot rapidly...utilize the funds."

The rules proposed for repeal (N.J.A.C. 6:69-1) governing construction grants under the Library Services and Construction Act became effective in March 1972 and specify several priority categories for expenditure of funds, namely: area libraries, developmental libraries and libraries in Model Cities areas. It would not be in the best interests of the State to expend the money in these categories, particularly since: (1) area libraries are now well established; (2) "developmental" libraries are no longer a category recognized by the State Library; and (3) Model Cities areas no longer exist. Further, expending funds in accordance with the existing rules would be in contravention to the intent of Public Law 98-8, and would not assure expenditure of funds to areas of high unemployment.

The State Library administers several Federal programs under the Library Services and Construction Act. Rules are promulgated only for those expected to continue on a long-term basis. Public Law 98-8 provides for a one-time grant program with short-term impact.

The repeal of the rules will permit the administration of this one-time grant program through guidelines, distributed to all eligible applicants (municipalities and counties with an average unemployment rate in excess of 13.0% in 1982).

Social Impact

Repeal of the rules will permit construction grant assistance to those municipalities and counties in New Jersey suffering from the highest rate of unemployment.

Economic Impact

Repeal of the rules will stimulate construction activities which will total, at least, $2,306,722.

Full text of the proposed repeal can be found in the New Jersey Administrative Code at N.J.A.C. 6:69-1.

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF COASTAL RESOURCES

Obtaining Title to Abandoned Vessels

Proposed Amendments: N.J.A.C. 7:6-7.1, 7.2, 7.4, and 7.6

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 12:7C-7 et seq., specifically 12:7C-20.

Interested persons may submit, in writing, comments relative to this proposal on or before October 6, 1983:

Neil Yoskin
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, NJ 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 1983-491.

The agency proposal follows:

Summary

The Abandoned Vessels Disposition Law, N.J.S.A. 12:7C-7 et seq., enables property owners to obtain title to vessels which have been abandoned on their property for six months or more. The implementing rules (N.J.A.C. 7:6-7), which first became effective in April, 1979, are now being revised to clarify their intent. No major substantive changes have been proposed.

Social Impact

Although the proposed changes are purely explanatory and technical in nature, they will have a positive social impact by clarifying for affected persons the intent of the "Abandoned Vessels" rules.

Economic Impact

Since the proposed changes are explanatory and technical in nature, there will be no economic impact upon the public.

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

7:6-7.1 Purpose and authority

These rules [and regulations] implement the Abandoned Vessels Disposition Law, N.J.S.A. 12:7C-7 et seq., by providing procedures for the acquisition of titles to abandoned vessels by certain persons and prescribing penalties for willful abandonment of such vessels. **The law provides property owners with a mechanism for legal acquisition and disposition of vessels abandoned upon their property; it is not a substitute for the settlement of disputed indebtedness related thereto between the property owner and the vessel owner, for which there are remedies available to both parties under other applicable laws.**

7:6-7.2 Definitions

The following words and terms, when used in [these regulations,] **this subchapter,** shall have the following meanings, unless the context clearly indicates otherwise:

. . .

"Application" means New Jersey Department of Environmental Protection application form [DMS-007] **DCR-007**, which is available at any State Motor Vehicle office; State Marine Police stations; or by written request to the Director, Division of [Marine Services] **Coastal Resources**, Department of Environmental Protection, [P.O. Box 1889] **CN 401**, Trenton, New Jersey 08625.

. . .

"Vessel" means a boat or watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water[, except a boat or watercraft]**. The term "vessel" does not include any flat-bottomed boat, barge, scow or raft,** which [is] **are** subject to the provisions of P.L. 1969, c.264 (**N.J.S.A.** 12:7C-1 et seq.).

"Willfully abandoned vessel" means a vessel which has remained moored, grounded or otherwise attached or fastened to or upon any public land or waterway or any private property without the consent of the property owner or other person in charge thereof for a period of more than six months.

. . .

7:6-7.4 Procedures and requirements to acquire title

(a) (No change.)

(b) If the abandoned vessel has a boat registration number issued by any of the following states, the applicant shall furnish such information in writing to the agency listed below for each such state and request that the agency furnish him with the registered owner's name and address and the name and address of any lienholder on [the] **that** vessel that may be listed on their records:

STATE	AGENCY
Connecticut	[Motor Vehicle Department Motorboat Numbering Section] **Department of Motor Vehicles** **Boat Registration Section** 60 State Street Weathersfield, Connecticut 60109
Delaware	(No change.)
Maryland	Licensing and Consumer Service Department of Natural Resources [Tawes Office Building] **P.O. Box 1869** Annapolis, Maryland 21401
New York	(No change.)
Pennsylvania	Pennsylvania Fish Commission 3532 Walnut Street P.O. Box 1673 Harrisburg, Pennsylvania [**17120**] **17105**

1. (No change.)

(c) (No change.)

(d) Upon receipt of the registered owner's name and address from the New Jersey DMV, the applicant must determine the use for which the vessel is registered by noting the number entered in the "use" box on the copy of the boat registration certificate furnished by the DMV.

1. If the number in the "use" box is anything other than "1", it indicates the vessel is used commercially. In such cases, the applicant shall furnish such information to the Secretary of State, Bureau of Commercial Recording, [P.O. Box 1330] **CN 300**, Trenton, New Jersey 08625 and request the Secretary of State to issue him a certificate of search pertaining to lienholders on the vessel. The written request must be accompanied by a $10.00 fee

in the form of a check or money order payable to the Secretary of State of New Jersey.

2. If the number in the "use" box is "1", it indicates the vessel is used for pleasure purposes only. In such cases, the applicant shall write or contact the County Recording Officer of the county in which the registered owner resides and request a certificate of search pertaining to lienholders on the vessel, through whatever procedures and fees are required by that officer. **Some counties may require applicants to use title search companies for this purpose.**

(e) Upon receipt of the certificate of search requested according to the provisions of [subsection (d) of this section,] **(d) above,** the applicant shall notify the **vessel** owner and any secured party or assignee thereof by registered letter that if ownership is not claimed and the vessel removed from his property within 30 days of receipt of the notice, title to the vessel will be applied for in the applicant's name in accordance with the provisions of the Abandoned Vessels Disposition Law, N.J.S.A. 12:7C-7 et seq. **For this purpose, the applicant is required to use NJDEP form letter DCR-032, "ABANDONED VESSEL NOTICE".**

1. If the registered **vessel** owner responds that the vessel was sold or transferred to another person, the applicant shall then redirect the prescribed notice to the new owner and [later] note such circumstances [under paragraph 3 of] **in his** application **for title to an abandoned vessel**.

2. If the owner of any vessel cannot be identified or his address ascertained, or no secured party appears on the records of the Secretary of State or County Recording Officer, the [notices] **"ABANDONED VESSEL NOTICE" (NJDEP form DCR-032)** need not be sent.

(f) At the same time as the applicant undertakes the actions required by [the preceding subsection,] **(e) above,** he shall also place a notice in a newspaper [of general circulation published in the county or city] **published and circulated within the county and/or municipality** where the vessel is located[, describing the vessel,]. **The newspaper notice must describe the vessel,** its location of apparent abandonment, any identifying number, and [stating] **must state** that if the vessel is not claimed and removed from his property within 30 days after the publication date of the notice, the applicant will apply for title to the vessel [in the applicant's name] in accordance with the provisions of the Abandoned Vessels Disposition Law, N.J.S.A. 12:7C-7 et seq.

(g) The letter and newspaper notifications prescribed in [subsections] (e) and (f) **above** [of this section] shall contain no statement[s] conditioning the release of the vessel upon the payment of overdue repair or storage costs incurred with respect to the vessel.

(h) At the end of the 30 day period prescribed in this section, the applicant may apply to the Department for title to the vessel in his name by submitting a completed and notarized application (Form [DMS-007] **DCR-007**[, copy attached]) to the Director of [Marine Services] **Coastal Resources**, Department of Environmental Protection, [P.O. Box 1889] **CN 401**, Trenton, New Jersey 08625. The application must be accompanied by the necessary attachments listed on the application and a $10.00 [title] fee in the form of a check or money order payable to the Treasurer of the State of New Jersey.

(i) In the application, the applicant shall certify that:

1. The vessel has remained moored, grounded or otherwise attached or fastened to or upon his property for a period of more than six months [and has been apparently abandoned];

2. He has not received any response to [his inquiries of] the **ABANDONED VESSEL NOTICE(S) sent to the vessel** owner [or] **and** lienholder **(if applicable) and that he has no knowledge of their** disputing his right to acquire title to the vessel; **and**

3. To the best of his knowledge, the vessel is not the subject of any court action in which ownership or unpaid storage or repair bills are in dispute.

4. If the applicant is unable to [certify in accordance with] **make the certifications required by** this subsection, he may not acquire title to the vessel under the provisions of [these regulations.] **this subchapter.** The applicant must, instead, pursue other remedies provided by law.

(j) After receipt and review of the submitted application, **and** provided all procedures and requirements of [these regulations] **this subchapter** have been fulfilled, the Division of [Marine Services] **Coastal Resources** on behalf of the Department may issue the applicant title to the vessel **in the form of a Certificate of Ownership**.

1. The acquisition of title to the vessel by the applicant divests any other person of any interest in the vessel.

2. Subsequent to the issue of a Certificate of Ownership under this subchapter, the DMV will automatically furnish the new owner with a new vessel registration on a one-time, free-of-charge basis for the balance of the then current registration year. Subsequent yearly registration renewals will be mailed to the new owner by the DMV in the normal manner.

7:6-7.6 Requirements subsequent to acquiring title

(a) After receiving title, if the new owner desires to remove an abandoned vessel from his land or the water immediately adjacent thereto, or to destroy such vessel, the removal costs shall be borne by the previous owner of said vessel, provided that such owner shall have been identified pursuant to [section 4 of this subchapter.] **N.J.A.C. 7:6-7.4.** To recover such costs, the new owner may institute suit against the previous owner.

(b) After receiving title, if the new owner destroys **or otherwise disposes of** the vessel **acquired under these procedures**, he shall report details thereof in writing[,] within 15 days of such destruction[,] to the Division of Motor Vehicles, Attn: Boat Registration, 25 South Montgomery Street, Trenton, New Jersey 08625[.]**, in order to ensure conformity with the provisions of N.J.S.A. 12:7-34.45, which requires owners of numbered vessels to notify the department in writing of the change in the status of the vessel.**

(a)

DIVISION OF WATER RESOURCES

Flood Hazard Area Delineations
Delineated Floodway along the Third River, St. Pauls' Brook, Second River, Second River Tributary, and Nishuane Brook

Proposed Amendment: N.J.A.C. 7:13-1.11(d)

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et seq.

A **public hearing** concerning this proposal will be held on September 21, 1983 at 1:00 P.M. at

Clifton Municipal Building
900 Clifton Avenue
Clifton, NJ 07011

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clark Gilman
Bureau of Flood Plain Management
Division of Water Resources
CN 029
Trenton, NJ 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 1983-452.

The agency proposal follows:

Summary

The proposed amendment concerns the delineation of the floodway and flood hazard area along the Third River, St. Paul's Brook, Second River, Second River Tributary, and Nishuane Brook, all within the Passaic-Hackensack Basin. The original delineation was adopted June 4, 1981, and appeared at 13 N.J.R. 340(a). The proposed amendment is a modification of the floodway and flood hazard area of the Third River from the Waldrich Bleachery Dam upstream to the second Route 3 Highway Bridge. The amendment was proposed by the Grace Anderson Trust No. 2 and was designed by Thonet Associates of South Orange, New Jersey. It is the result of an improved trapezoidal channel for portion of the reach of the Third River within the City of Clifton between the Waldrich Bleachery Dam and the second Route 3 Highway Bridge.

Social Impact

The proposed delineation applies added flood protection to the City of Clifton, Passaic County, within the Passaic-Hackensack Basin.

Economic Impact

The proposed amendment will have only a minor economic impact. The delineation would more clearly define the flood hazard area, thus resulting in less requirement for flood insurance, and minor reductions in property value could result by restricting future development in the floodway and requiring elevated construction designs in flood fringe areas. However, minor property value reductions would be offset by the savings to governmental bodies and private homeowners due to little or no future rehabilitation and rescue expenditures from flood damage in the delineated area.

Full text of the proposal follows (additions indicated in boldface **thus**). See the Index of Adoptions Rules for previous amendments to N.J.A.C. 7:13-1.11(d)).

7:13-1.11 Delineated floodways

(a)-(c) (No change.)

(d) A list of delineated streams in the Passaic-Hackensack Basin and a list of delineated streams in the Raritan Basin follow:

1.-49. (No change.)

50. ... The floodway and flood hazard area limits for the portion of the reach of the Third River within the City of Clifton between the Waldrich Bleachery Dam and the second Route 3 Highway Bridge. (River Station 25 + 75 to Station 60 + 60.)

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

OFFICE OF ADMINISTRATIVE LAW NOTE: A map delineating the flood hazard area described in this notice was submitted as part of the Department's notice of proposed rule. This map can be inspected at:

Bureau of Flood Plain Management
Division of Water Resources
1911 Princeton Avenue
CN 029
Trenton, NJ 08625; or

Office of Administrative Law
Administrative Filings
88 East State Street
CN 301
Trenton, NJ 08625

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Shellfisheries
Crab Dredging in the Atlantic Coast Section

Proposed Amendment: N.J.A.C. 7:25-7.13

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 23:2B-6, 50:1-5, and specifically 50:4-2.
DEP Docket No. 047-83-07.

A **public hearing** concerning this proposal will be held on September 21, 1983 at 6:30 P.M. at:

Stockton State College
Room CC103
Pomona, NJ

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gale Critchlow, Chief
Bureau of Shellfisheries
Division of Fish, Game and Wildlife
CN 400
Trenton, NJ 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 1983-449.

The agency proposal follows:

Summary

Previous proposed changes to the Crab Dredging rules (N.J.A.C. 7:25-7.13) were published in the March 21, 1983 New Jersey Register at 15 N.J.R. 388(a). Based on comment made at the hearing held April 20, 1983, the Department made changes to that proposal concerning the number of dredges a vessel may use, and established a "buffer zone" around leased grounds for the greater protection of leaseholds. These changes are reflected in this new proposal, which supersedes the one at 15 N.J.R. 388 (a).

The new proposed amendment defines the legal means of using a crab dredge, thus closing a loophole in the existing rule which has allowed dredgers to effectively double or triple the size of the dredge they used. The amendment further provides for three distinct harvest areas on the Atlantic Coast where the dredging season will open on different dates to allow the dredging industry to meet their market demands.

Social Impact

The definition of gear and oyster beds, and the adjustment of the opening date of the dredge season will have little or no social impact except for the benefits expected by the crab dredging industry, who have suggested these changes at Atlantic Coast Shellfish Council meetings.

Economic Impact

The major economic impact of the proposed amendment will be to allow more equitable access to the State's crab resources to a greater number of fishermen. There will be no overall economic impact on the State government.

Environmental Impact

Benefit to the crab resource is expected from the limitation on crab dredge size and the protection of oyster and clam grounds by specific prohibition of dredge harvest. The season openings set in this proposal will not cause any damage to the resource or habitat because until the crabs have "bedded down", dredging is clearly a waste of time.

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

7:25-7.13 Crab dredging in the Atlantic **Coast section**

(a) No crabs may be caught or taken in the Atlantic Coast section by dredges [operated by mechanical power or sail power] **unless a valid crab dredge license is aboard the vessel.** [such] **The crab** dredges **shall** conform to the following specifications:

1.-5. (No change.)

6. South of Route 36 (Highlands Bridge), no boat shall have more than two dredges working at the same time.

7. Each dredge shall be independently and separately attached to the vessel by a single cable or tow line.

(b) No person shall catch, take, or attempt to take crabs from any of the leased grounds except the lessee or his employee; and no person shall **dredge or attempt to** dredge crabs on any [of the] State oyster beds [and] **or** grounds **as defined in N.J.A.C. 7:25-19:1** [except at such times and in such places as the division and the Commissioner of Environmental Protection may authorize].

1. No one shall dredge or attempt to dredge crabs within 100 yards of any marked leased shellfish grounds.

(c) Any clams, **oysters, scallops, mussels or other bivalve mollusks** which may be caught incidentally to the catching of the crabs shall be redeposited immediately upon the land from which such [crabs] **clams, oysters, scallops, mussels or other bivalve mollusks** are caught; nor shall any person while engaged in the catching and taking of crabs or the transportation thereof, have in his boat or possession any clams, **oysters, scallops, mussels or other bivalve mollusks** obtained from any source.

1. The possession of clams, **oysters, scallops, mussels or other bivalve mollusks** and [crabs] **dredges** simultaneously in the boat of any person shall constitute prima facie evidence of the violation of this rule.

2. Harvesting of oysters by dredging from leased shellfish ground by the lessee shall be exempt from this section.

(d) No person shall catch, take or attempt to catch or take crabs from any of the lands of the Atlantic Coast section except from one-half hour after sunrise to one-half hour before sunset between November 1 and March 31 [above the] **north of Route 36** (Highlands Bridge), **November 15 and March 31 south of Route 40 (Black Horse Pike)**, and December 1 [to] **and** March 31 [below the Highlands Bridge] **between Route 36 and Route 40;** not at any time on Sunday except in Raritan and Sandy Hook Bays.

(e) (No change.)

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Shellfisheries
Preservation of Sea Clams

Proposed Amendment: N.J.A.C. 7:25-12.1

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 50:2-6.1, 6.2 and 6.3.
DEP Docket No. 048-83-07.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gale Critchlow
Bureau of Shellfisheries
Division of Fish, Game and Wildlife
CN 400
Trenton, NJ 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 1983-450.

The agency proposal follows:

Summary

The proposed amendment revises the rule to allow the Department to regulate the sea clam industry with a flexible continuing program without the need for the annual revision of the rule. The regulatory program has been in effect long enough that the Department is convinced of the fairness of the rule as it has evolved. The Department has received no adverse comment or requests or suggestions for any changes in the rule as it has been in effect for the past year.

Social Impact

The proposed changes will favorably affect New Jersey licensed sea clammers and sea clam processing plants, giving them a predictable season and harvest quota with which to plan their operations. There will be little or no effect on the general public.

Economic Impact

Because the rule will not necessarily be subject to annual revision, administrative costs of the program may be lowered.

Environmental Impact

Rutgers University sea clam investigations carried on annually under contract with the Department of Environmental Protection, have demonstrated that the harvest quota limits set by the sea clam regulations have successfully prevented devastation of the resource. Closure of areas where there are a large number of juvenile clams allows for undisturbed growth of the standing stocks to marketable size.

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

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

(a)–(b) (No change.)

(c) General provisions are as follows:

1.–2. (No change.)

3. This subchapter, when adopted and when effective shall [supersede the provisions of the 1981-1982] **be known as the** Sea Clam Regulations.

4.–7. (No change.)

(d) Harvest limitations are as follows:

1.–2. (No change.)

3. When at any time during the period November 1 [1982] through May 31, [1983], the department has determined that 500,000 bushels have been harvested from the waters of this State, the department may close the State's waters to any further harvesting upon two days public notice, or may increase the harvest limit, with the advice of the Shellfisheries Councils and the Department of Zoology, Rutgers University, to extend the season. Said notices may be accomplished by publications in newspapers circulating in Monmouth, Ocean, Salem, Cumberland, Burlington, Atlantic and Cape May Counties and by certified mail to each licensee. A public notice of any change pursuant to this subsection shall be published in the New Jersey Register.

4.–5. (No change.)

(e)–(l) (No change.)

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Shellfisheries
Sale of Licensed Oyster Vessel

Proposed Amendment: N.J.A.C. 7:25A-1.2

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 50:1-5.
DEP Docket No. 051-83-08.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 19, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gale Critchlow
Bureau of Shellfisheries
Division of Fish, Game and Wildlife
CN 400
Trenton, NJ 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 1983-489.

The agency proposal follows:

Summary

The proposed amendment provides for the sale of a licensed oyster vessel and outlines the steps whereby the vessel may either be replaced by the seller or be relicensed by the buyer.

Social Impact

Codification of what has been generally accepted practice will have little or no social impact on the vessel owners concerned.

Economic Impact

No added cost to the State in issuing oyster licenses, or to the vessel owners who must buy them is anticipated as a result of this amendment.

Environmental Impact

The proposed changes involve only administrative procedures and will have no effect on the environment.

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

7:25A-1.2 Substitution of vessels; **license renewal**

(a)–(b) (See proposal at 15 N.J.R. 990(a).)

(c) A person transferring ownership of his licensed oyster vessel may:

1. Be issued a new license within one year for a replacement oyster vessel; or

2. File a notarized Statement of Intent with the Department indicating that he will waive all the rights and conditions of that license, not apply for a replacement license, and transfer the right to a license with the vessel to its new owner who shall meet all statutory criteria for licensing.

(d) A replacement license for any licensed vessel that may be lost or destroyed or disabled during the license year shall be issued to the former vessel owner at any time within two years of December 31 of the year for which the disabled, destroyed or lost vessel was licensed.

(e) License renewal is specifically conditioned on the continuing conformance of the licensee with all the requirements of the oyster management rules (N.J.A.C. 7:25A-2).

1. An applicant may be issued a license if he had a license in the preceding year.

2. Except for casualty loss, licenses must be renewed annually on or before December 31.

3. A license not renewed shall be voided.

(b)

DIVISION OF FISH, GAME AND WILDLIFE

Shellfisheries
Oyster Seed Beds

Proposed Amendment: N.J.A.C. 7:25A-3.1

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 50:1-5, 50:3-8.
DEP Docket No. 046-83-07.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gale Critchlow
Bureau of Shellfisheries
Divison of Fish, Game and Wildlife
CN 400
Trenton, NJ 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 1983-448.

The agency proposal follows:

Summary

The State's oyster seed beds in Delaware Bay are opened every year on the date set by the Delaware Bay Shellfish Council and the Division of Fish, Game and Wildlife, with the advice of the Rutgers Oyster Research Laboratory staff. By law, the beds cannot be opened before May 1 or remain open beyond June 30; in practice they are opened and closed within this period as dictated by their condition, which is monitored in accordance with N.J.A.C. 7:25A-3.1. Because concerned oystermen attend the weekly meetings of the Shellfish Council during bay season, at which the Advisory Committee's findings are announced, communication between managers and users of the resource is direct, immediate and excellent. The method of setting opening and closing dates defined in this rule has satisfied the needs of both the users and the managers of this delicate resource.

The proposed amendment sets the date for the 1984 season. The Shellfish Council's recommendations were made at their regular monthly meeting, June 7, 1983. The amendment also includes language to make an explicit prohibition against the direct marketing of seed oysters, a provision recommended by the Delaware Bay Shellfish Council and the industry organization, the Planters and Packers Association.

Social Impact

The proposal affects New Jersey's licensed oystermen, as the oyster industry depends on the annual planting of seed oysters for stock to grow to market size on the leased ground in Delaware Bay. The oyster industry is a major employer along the bay coast, and as such its existence is important to the welfare of residents of the area.

Economic Impact

There is no identifiable cost to the State in opening and closing the harvest of seed oysters, but the economic well being of the oyster industry would be adversely affected by uniformed or inflexible regulation of the beds.

Environmental Impact

There is no adverse environmental impact anticipated as a result of the opening of the State's oyster seed beds, since the condition of the beds is under strict surveillance for the entire length of the season. Prohibiting the marketing of seed oysters direct from the natural beds will ensure that all the oysters moved to leased grounds will remain in the bay during at least one spawning season, to prevent serious depletion of the resource's brood stock.

Full text of N.J.A.C. 7:25A-3 may be found at 13 N.J.R. 193(a), 13 N.J.R. 340(b). See Index of Adopted Rules for additional amendments.

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

7:25A-3.1 Oyster seed beds

(a) The season for the taking of seed oysters from the natural seed beds above the Southwest Line in Delaware Bay for [1983] **1984** shall be scheduled for a period beginning 7:00 A.M. May [16, 1983] **14, 1984** and shall close as determined by (b) below. Daily harvest shall be from 7:00 A.M. to 3:30 P.M.

1. Natural seed beds or natural oyster beds are those oyster beds from which seed oysters (seed) may be taken for the purpose of planting or replanting at the times and in the manner prescribed on leased grounds:

i. Below the southwest line; or

ii. In the Atlantic Coast Section; or

iii. In Section E as defined in N.J.S.A. 50:1-23. **All oysters taken from the natural seed beds are seed oysters.**

2. Seed oysters taken from the natural beds shall be planted as described above. Such seed oysters shall not be marketed or sold for any other purpose.

(b) Physical tests of all areas opened by this [section] **subchapter** shall be made near the end of each week by an advisory committee appointed by the [Director of the Division of Fish, Game and Wildlife] **Commissioner**. These tests will be the determining factor to close any or all beds opened by regulation. No person shall take or catch oysters by any means in any beds or oyster grounds closed by **the Council on the recommendation of** the Advisory Committee.

(c)–(g) (No change.)

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Shellfisheries
Oyster Cultch Program

Proposed New Rule: N.J.A.C. 7:25A-4

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 50:1-5.
DEP Docket No. 050-83-08.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 19, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gale Critchlow
Chief, Bureau of Shellfisheries
Division of Fish, Game and Wildlife
CN 400
Trenton NJ 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 1983-490.

The agency proposal follows:

Summary

It is accepted by both the industry and shellfish biologists that the amount and quality of cultch (shell material) in seed beds is a critical factor in the ability of oysters to set and subsequently develop into market size oysters. It is likewise agreed that the program in the State of New Jersey by which shell is transferred to the seed beds has been operating in a less than satisfactory manner. This proposal will completely revamp the current system by requiring dealers to report oyster landings, and by establishing landing fees to support the program the proposal outlines. The proposal has been developed during a series of meetings with the Delaware Bay Shellfish Council and with members of the oyster industry.

Social Impact

Since the proposed program is designed to increase the potential oyster resource in Delaware Bay, it will have a beneficial social impact on the communities that are dependent on the oyster industry for a livelihood and will have no adverse effect on the rest of society.

Economic Impact

The majority of oystermen are in agreement that to levy a landing fee on all oysters harvested would not work an economic hardship on them. The benefits of a successful self-supporting cultch program will far outweigh the cost imposed. Required record-keeping and enforcement will not be complicated and, therefore, not expensive for the industry or the State to tabulate. There will be no additional administrative cost to the State when the program is implemented. The fees collected hereunder will be deposited into a dedicated fund to purchase and plant oyster shells and support research on the oyster sanctuaries of the State.

Environmental Impact

Replenishing the cultch (oyster shell) will help maintain a stable bottom for the growth of seed oysters, which will have a beneficial impact on the environment. Establishment of a landing fee on each bushel of oysters harvested will provide industry support for this habitat enhancement project.

Full text of the proposed new rule follows.

SUBCHAPTER 4. OYSTER CULTCH PROGRAM

7:25A-4.1 Scope

This subchapter is intended to provide for the reporting of all New Jersey oyster landings from Delaware Bay and the imposition and collection of landings fees to be used to finance an oyster cultch program to purchase and transfer cultch to the State's oyster seed beds.

7:25A-4.2 Definitions

"Cultch" shall mean shell planted in seed beds to catch and support a set of oysters.

"Dealer" shall mean the receiver of harvested oysters as they are off-loaded from oyster vessels, in accord with N.J.S.A. 50:3-20.10 and N.J.A.C. 8:13-1.1.

"Harvest" shall mean both the removal of oysters from leased planted grounds for sale, and the oysters so removed.

"Landing sites" shall include, but not be limited to, all Delaware Bay oyster shucking houses and existing significant off-loading sites, to be designated by the Department of Environmental Protection.

7:25A-4.3 Landing fee

(a) A landing fee shall be collected from harvesters by dealers, for each bushel of oysters landed at their permitted landing sites.

1. The fee shall be $.50 per bushel.

2. Notice of revised fees shall be provided in the New Jersey Register and a news release shall be sent to the official papers of the Delaware Bay Shellfish Council.

7:25A-4.4 Designation of landing sites and dealers

The Department of Environmental Protection upon application, made by letter, from the operator of a shucking house on other off-loading sites may designate the site as an official landing site and its operator as a dealer.

7:25A-4.5 Records required

(a) All dealers receiving oysters harvested from Delaware Bay shall provide the Bureau of Shellfisheries weekly oyster landing reports on forms supplied by the Bureau.

(b) Whenever oysters are landed at a permitted site, the dealer shall make an entry noting the date, time, vessel license number and the number of bushels received, and collect the required fee.

(c) The original form shall be sent by the dealer to the Bureau of Shellfisheries, Bivalve Shellfish Office, P.O. Box 432, Port Norris, N.J. 08349, at the end of every week during which oysters are received, no later than five days after the end of the week, together with a check or money order representing the amount of the fee collected, made payable to "New Jersey Bureau of Shellfisheries".

7:25A-4.6 Penalties

Any dealer not complying with this subchapter may be subject to prosecution pursuant to N.J.S.A. 23:2B-14.

(a)

DIVISION OF WASTE MANAGEMENT

BOARD OF PUBLIC UTILITIES

Interdistrict and Intradistrict Solid Waste Flow

Joint Proposed Amendment: N.J.A.C. 7:26-6.5

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection, and Barbara A. Curran, President, Board of Public Utilities.

Authority: N.J.S.A. 13:1B-3, 13:1E-6, 13:1E-23 and 48:13A-1 et seq.

A **public hearing** concerning this proposal will be held on September 22, 1983 at 7:30 P.M. at:

South Brunswick Township Municipal Building
Monmouth Junction Road
Monmouth Junction, NJ 08852

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Barbara M. Greer
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, NJ 08625

The Department of Environmental Protection and the Board of Public Utilities 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 1983-434.

The agency proposal follows:

Summary

The Department of Environmental Protection and the Board of Public Utilities are proposing to amend the "waste flow rules", N.J.A.C. 7:26-6, to redirect solid waste types 13, 23, 25 and 27 generated in South Brunswick Township from disposal in the South Brunswick landfill to the Edgeboro landfill in East Brunswick. The waste flow redirection is in conformance with an amendment to the Middlesex County District Solid Waste Management Plan which was adopted by the Middlesex County Board of Chosen Freeholders on May 19, 1983.

The intent of the amendment is to extend the life of the South Brunswick landfill in order to provide the township more time in which to defray the expense of proper closure of the facility. Municipal waste (type 10 household, commercial and institutional) generated within South Brunswick will continue to be disposed of at the township's landfill until it reaches capacity.

Social Impact

A positive social impact will result from the redirection of bulky, vegetative, animal and food processing, and industrial waste from South Brunswick landfill to Edgeboro landfill. The Township of South Brunswick will be able to extend the usefull life of its landfill while providing for environmentally sound closure. The Edgeboro landfill has the capacity and capability to accept the redirected waste. The social costs of an improperly closed landfill may thus be avoided.

Economic Impact

According to the Middlesex County District Solid Waste Management Plan, approximately 20 truck loads of waste per day will be redirected to Edgeboro landfill in East Brunswick. The tipping fees at Edgeboro landfill for compacted waste are $1.45 per cubic yard higher than those at the South Brunswick landfill. Tipping fees for non-compacted waste average approximately $0.65 per cubic yard higher at Edgeboro. Thus, disposal costs for the types of waste being redirected (non-residential) will increase for South Brunswick generators. It has been estimated, however, that the tipping fee typically accounts for only five to 15 percent of the total collection and disposal rate charged to generators.

A negligible increase in transportation costs to haul the redirected waste to Edgeboro may result. Although some customers in South Brunswick may be closer to the Edgeboro landfill than to the South Brunswick landfill, most will be farther from Edgeboro.

Overall, a positive economic impact will result in that South Brunswick will gain the time needed to allow it to undertake the expense of secure closure. The citizens of South Brunswick will thereby avoid future costs of remediation of an improperly closed facility.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).The current text of N.J.A.C. 7:26-6, Interdistrict and Intradistrict Solid Waste Flow, can be found at 15 N.J.R. 900(a).

7:26-6.5 District waste flow planning requirements and disposal facility designations

Due to the lack of adequate disposal capacity within certain solid waste districts, and pursuant to a finding by the BPU that the public interest will be best served by designating specific disposal facilities as the ultimate destination of specific waste streams, it is necessary to direct waste flows, as described in this section.

(a)-(l) (No change.)

(m) Waste flows within, into and out of the Middlesex County District:

1. In-County Wastes:

i.-ii. (No change.)

iii. All solid waste types 10, 13, 23, 25, and 27 generated from within the Middlesex County municipalities of New Brunswick, North Brunswick, Plainsboro, Cranbury, East Brunswick, Milltown, South River, Spotswood, and Helmetta, **and all solid waste types 13, 23, 25, and 27 generated from within the Middlesex County municipality of South Brunswick**, shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick, Middlesex County, New Jersey.

iv. All solid waste type[s] 10[, 13, 23, 25, and 27] generated from within the Middlesex County [muncipalities] **muncipality** of South Brunswick shall be disposed of at the South Brunswick municipal landfill, facility number 1221B, located in South Brunswick, Middlesex County, New Jersey. Upon closure of this facility, said solid wastes will be redirected to another alternate facility(ies).

v.-vii. (No change.)

2. Out-of-County Wastes:

i.-xvi. (No change.)

(n)-(v) (No change.)

HIGHER EDUCATION

(a)

BOARD OF HIGHER EDUCATION

Colleges and Universities Licensing and Degree Program Approval Rules

Proposed New Rules: N.J.A.C. 9:1

Authorized By: Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.
Authority: N.J.S.A. 18A:3-14, 18A:3-15, 18A:68-6.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eric M. Perkins
Administrative Practice Officer
Department of Higher Education
225 West State Stret
CN 542
Trenton, NJ 08625

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

This proposal is known as PRN 1983-478.

The agency proposal follows:

Summary

The Board of Higher Education is statutorily charged with the licensing of all colleges and universities which offer instruction in the State of New Jersey. The Board is additionally charged with reviewing and approving academic programs offered by institutions it licenses (institutions chartered prior to April 1, 1887 are statutorily exempt from program review).

The Board first enacted regulations to implement its statutory authority in 1973. On May 15, 1983 these regulations expired pursuant to Executive Order No. 66(1978) while the Department was conducting a review of the regulations in conjunction with the colleges and universities in this State.

The proposed rules represent much of the material formerly contained in the rules which expired. The proposal, however, deletes considerable material which was found not to be regulatory, and provides additional clarification to the regulations which remain. The proposal additionally conforms the licensure and program approval regulations to the recommendations and findings of the Statewide Plan adopted by the Board of Higher Education in 1981.

The rules establish requirements for licensure in terms of institutional organization and administration; financial stability; nature and quality of educational programs; qualifications and number of faculty; adequacy of library holdings; physical facilities and official publications such as the college catalog. The rules also establish procedures for the review of academic programs and the standards for such reviews.

Social Impact

The regulations will permit the Board and Department of Higher

Education to assure the fiscal and educational stability of institutions of higher education operating in this State and to verify that the quality of their programmatic offerings are of acceptable levels of quality. The additions and deletions heretofore mentioned will in no way reduce the stringency of the review of the Board and Department, but will serve instead to clarify procedures.

Economic Impact

The proposed amendments will not have an adverse financial impact on either the State or the institutions as they neither raise nor lower requirements for licensure or program approval. Any additional requirements represent qualitative standards that would not involve additional costs to the agency.

Full text of the expired rules may be found in the New Jersey Administrative Code at N.J.A.C. 9:1-1 through -6, as amended in the New Jersey Register.

Full text of the proposed new rules follows.

CHAPTER 1
LICENSING AND DEGREE PROGRAM APPROVAL

SUBCHAPTER 1. RULES FOR NEW JERSEY INSTITUTIONS OF HIGHER EDUCATION

FOREWORD

New Jersey statutes provide that corporations furnishing instruction or learning leading to a diploma or degree shall obtain from the Board of Higher Education "a license to carry on the business under such rules as the Board of Higher Education may prescribe" (N.J.S.A. 18A:68-3). The statutes further require that corporations submit and obtain approval of the basis and conditions of "any course or courses of study" leading to "the grade of a degree" prior to the conferring of such a degree (N.J.S.A. 18A:68-6).† To assist institutions seeking to fulfill the necessary requirements outlined in 18A:68-3 and 18A:68-6, and to aid the Department of Higher Education and the Board of Higher Education in making judgments concerning institutions, the board has from time-to-time set forth rules pertaining to licensure and approval. These newly revised rules have been drafted to serve the above mentioned purposes. These rules were reviewed by the Licensure and Approval Advisory Board and by the presidents of New Jersey institutions of higher education prior to their adoption by the Board of Higher Education.

†Independent institutions whose charters antedate 1887 are exempt from approval of the basis or conditions for awarding the degree as stipulated in N.J.S.A. 18A:68-6.

The following assumptions governed the drafting of these regulations and serve to define their scope and intention:

1. Regulations shall apply to all colleges in New Jersey generally except where other statutes and Board of Higher Education regulations exist that supplement these regulations or more specifically govern the situation (other regulations are defined as written regulations, standards, or policy statements duly approved by the Board of Higher Education, such as "Regulations Governing County Community Colleges"; "Standards for the Development and Evaluation of Graduate Programs in New Jersey Colleges and Universities", and so forth);
2. While it is desirable that regulations be written to permit as much institutional flexibility as possible, their primary purpose is to protect the public interest when institutional good will, competence or knowledge are absent;
3. Although the primary purpose of the regulations is to assure that minimum standards are met, they should also promote those facets of managements that lead to institutional good health, productivity, and excellence beyond the minimum;
4. Regulations are intended to make the applications of the law specific and have the effect of law (for example, "Copies of all statements of purpose shall be filed with the Chancellor....");
5. Standards specify desirable and acceptable practices which further implement the good intentions of the law but are not required in a specific form so that institutional flexibility may be maintained (for example, "Statements of institutional purpose should define the educational climate to be established....");
6. While the ultimate responsibility for the enforcement of the regulations must by law rest with the Chancellor and the Board of Higher Education, the Chancellor and the Board may choose to look to the educational community for the sources of good practice in academic and financial management that have already won peer group approval.
7. Because of changes in peer group emphasis on the details of good management and in order to permit flexibility on the part of the State when administering the regulations (and on the part of institutions governed by the regulations), where appropriate, the regulations shall use language such as "adequate", "suitable", "proper", "desirable", and so forth, to describe the end sought;
8. Specific interpretations of such words as "adequate", and so forth, are to be determined by the Chancellor and ultimately the Board of Higher Education in accord with existing standards of good peer group practice;
9. Where peer group practice has evolved variations in desired requirements because of the nature of the degree offered, as in the case of faculty qualifications for associate level versus baccalaureate level degrees, the regulations and standards shall so specify.

In addition to those provisions of Title 18 developed in these regulations and standards, the Board of Higher Education is further charged by statute with special responsibilities for the public institutions. Other documents, such as the county community college regulations and standards and policy statements concerning the State colleges and the State university should be consulted.

9:1-1.1 Definitions

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

"Academic department" is a subdivision of an institution of higher education designated as such which is responsible for instruction and/or research in a specific discipline or disciplines.

"Academic division" is a major administrative unit of a school, college or university, usually consisting of related departments or disciplines.

"Adequate, appropriate, equivalent, significant, suitable, and sufficient" mean adequate, appropriate, equivalent, significant, suitable, and sufficient, respectively, in the judgment of the Chancellor or his representative and ultimately the Board of Higher Education.

"Branch Campus" is a physical facility located at a place other than the institution's principal campus offering one or more programs leading to a credit bearing certificate, degree or diploma, without regard to the number of courses and course enrollments per academic year. A branch campus requires approval by the Board of Higher Education.

"College" means an institution of higher education which offers instruction beyond the 12th grade level, has an independent board of trustees and whose programs satisfy the requirements for a degree at the associate, baccalaureate, and/or graduate level and, with the exception of those institutions which have as their major mission the preparation of individuals for religious vocation, offer a range of degree programs. It has a faculty whose duties include some combination of the instruction of students and involvement in scholarship and research. A junior/community college or county college is an institution of higher education which offers the associate degree. A senior college offers degrees up to the baccalaureate level and/or offers graduate and professional degrees.

"Educational program" is a group of related courses, organized for the purpose of attaining specified educational objectives.

"Extension Center" means a physical facility located at a place other than the institution's principal campus with no complete credit bearing certificate, diploma or degree programs but more than 15 courses for credit or more than 350 course enrollments for credit in any academic year. The establishment of an extension center requires approval by the Chancellor of Higher Education.

"Extension course" means a course for credit or enrichment which does not require attendance at the institution's principal location.

"Full-time faculty member" is one who is appointed as such and who occupies a full, faculty position and whose primary employment is directly related to teaching, research, and/or other aspects of the educational programs of institutions.

"Full-time student" means one who, in a semester, carries a minimum of 12 semester credit hours as an undergraduate or nine semester credit hours as a graduate or the equivalent in quarter hours, courses or other methods of measurement used by the institution.

"General education" means instruction which presents forms of expression, fields of knowledge, and methods of inquiry fundamental to intellectual growth and to a mature understanding of the world and the human condition, as distinguished from "specialized education" which prepares individuals for particular occupations or specific professional responsibilities.

"Off-campus location" is a physical facility located at a place other than the institution's principal campus with no complete credit bearing certificate, diploma or degree programs and 15 or fewer courses for credit and 350 or fewer course enrollments for credit in any academic year. It requires no separate approval.

"Part-time faculty member" means one who does not occupy a full faculty position whose employment is related to teaching, research, and/or other aspects of the educational programs of the institution, but whose assigned responsibilities do not constitute full-time work.

"School" is ordinarily a major subdivision of a college or university, and is organized to carry out instruction and/or research in related academic and/or professional fields.

"Semester credit hour" usually means 50 minutes of class activity each week for 15 weeks in one semester complemented by at least two hours each week of laboratory or outside assignments. A semester credit hour shall not be counted on an hour-for-hour basis for library, an independent-study, a laboratory, or physical education activity.

"University" means an educational institution which provides a wide range of undergraduate and graduate studies, programs in two or more professional fields, and operative programs leading to the doctorate or comparable terminal degrees in two or more areas, whose faculty are involved in extensive research, and which clearly identifies graduate studies and programs as distinct elements in its organization. See N.J.A.C. 9:1-3.1.

9:1-1.2 Mission statement

(a) Each institution shall develop and promulgate, subject to the provisions of this subchapter, an appropriate and operationally effective mission statement (such as that found in a college catalog and other official documents) and shall review this statement for possible revision and improvement at periodic intervals not to exceed five years.

(b) Copies of all mission statements shall be filed with the Chancellor.

(c) A mission statement should define the institution's educational philosophy, the purposes of the curricula students may pursue, the nature and extent of the knowledge and skills expected of graduating students, and the learning environment to be provided. Such statements shall be periodically reviewed and updated.

(d) Each institution shall develop a long-range plan to implement its goals. The plan should include a written schedule of priorities, resource allocations and responsibility assignments, with target dates for the realization of specific objectives.

9:1-1.3 Organization and administration

(a) Each institution shall be organized to provide sufficient administrative, program, and resource support for the attainment of its mission.

(b) Each institution shall operate under a governing board responsible for all legal aspects of operations, the formulation of policy, consistent with the mission of the institution, and the selection of the chief executive.

(c) Student enrollment shall be of sufficient size to demonstrate a need for the institution, to provide the learning environment described in the mission statement, and to permit effective use of the institution's human, physical, and financial resources.

(d) The governing board should develop and maintain policies consistent with the mission of the institution, and specifying its membership, manner of appointment terms of office, which specify its duties, responsibilities, and procedures.

(e) Under the governing board, the duties of the chief executive should include, but not be limited to, the following:

1. To administer the policies of the governing board;
2. To provide general educational leadership and to promote educational effectiveness;
3. To establish academic and administrative regulations and procedures dealing with:
   i. Organizational structure;
   ii. Personnel appointments, reappointments, tenure and promotions;
   iii. Salary schedules;
   iv. Budgets;
   v. Planning, development, and management of facilities;
   vi. Educational programs and academic policies and research;
   vii. Granting of degrees, diplomas, and certificates;
   viii. Community services.
4. To prepare and submit an annual report and any other reports as may be requested by the governing board, the Chancellor of Higher Education, or the State Board of Higher Education;
5. To provide faculty, staff, and student handbooks, a college catalog, and other related documents or publications.

(f) The role of each constituent group and the nature and extent of its involvement in the resolution of issues and the determination of policies shall be available in writing for distribution to all constituent groups. Every institutional constituency directly concerned with the educational process should have a voice in the governance of the institution with respect to those issues in which it is appropriately involved.

(g) As prescribed by law, there shall be no discrimination on the basis of race, creed, color, sex, national origin, age, marital status, military classification, or physical condition, but this shall not impair or abridge the right of members of any particular group to establish and maintain educational institutions worthy of licensure which are primarily for their own members or to further the principles for which they stand.

(h) A statement of institutional principles, policies, and procedures governing matters of academic integrity shall be developed and disseminated widely among the institutional community and shall be reviewed periodically. Proper measures shall be established to enforce the principles contained in the statement.

9:1-1.4 Finances

(a) Each institution shall have financial resources sufficient for the realization of its mission and characterized by adequate stability to assure continuation for an extended period of time.

(b) Each institution shall have a well-developed plan for long-range financial development which includes a program designed to secure gifts, grants, or other appropriate income.

(c) Each institution shall plan its expenditures by budgeting available resources in support of specific institutional purposes.

(d) Each institution not audited by the State of New Jersey Auditor shall maintain adequate financial records which shall be audited annually by an independent certified public accountant in accordance with generally accepted auditing standards promulgated by the American Institute of Certified Public Accountants for colleges and universities.

(e) Each institution shall carry insurance or provide for self-insurance sufficient to maintain the solvency of the institution in case of loss by fire or other causes, to protect the institution in instances of personal and public liability and to assure the continuity of the institution.

9:1-1.5 Educational programs

(a) The educational program shall reflect and support the mission of the institution.

(b) The educational program shall provide opportunities for the acquisition of the vocabulary and basic knowledge and the development of the fundamental techniques of intellectual and scientific discourse. It shall require students to extract and organize information, to exercise and develop critical faculties of the mind, and to express ideas clearly. Methods to accomplish these objectives should include course work and other educational activities extending over a sufficient period of time and in sufficient intensity to fulfill the mission of the institution. Course objectives, requirements, and standards of achievement and evaluation, shall be clearly stated and available in writing and distributed to students at the start of the term. The internal structure of each particular course shall rest within the purview of the appropriate faculty.

(c) Instructional materials and equipment appropriate to attainment of the educational objectives of the institution shall be available.

(d) The processes for establishment, development, and review of educational policy shall be clearly defined and available in writing.

(e) A diploma, certificate, or degree awarded by an institution shall constitute evidence that the recipient, in the considered judgment of the institution, has attained in satisfactory measure the educational standards of achievement set by the program.

(f) Institutions planning an educational program that requires approval of the Board of Higher Education shall not offer or advertise the program or recruit or enroll students in the program until receipt of Board of Higher Education approval.

(g) The educational program **shall** provide for the development of the skills and techniques of learning, for opportunities for general education, as well as for preprofessional, professional, or occupational education, each to the extent appropriate to the mission of the institution.

(h) The academic year, regardless of its organization, should be of at least 30 weeks in duration.

(i) Each educational program leading to an associate degree shall consist of college courses carrying a minimum of 60 semester credit hours or the equivalent in quarter hours, courses, or other measurement used by the college.

(j) Each educational program leading to a baccalaureate degree shall consist of courses carrying a minimum of 120 semester credit hours or the equivalent in quarter hours, courses, or other measurement used by the college.

9:1-1.6 Off-campus offerings†

(a) Summer, evening, weekend, and off-campus offerings shall be considered part of the total program of the institution and shall be judged by the same criteria used for the sessions and courses offered by the institution in the regular academic year.

(b) The establishment of off-campus centers shall have prior approval of the Chancellor of Higher Education. The establishment of Branch Campuses shall have prior approval of the Board of Higher Education. In requesting approval for Extension Centers and Branch Campuses, a formal request shall be submitted to the Department of Higher Education which shall include a statement justifying the need for the site and a description of proposed courses/programs. It shall also include evidence that the proposed courses/programs at the off-campus site are at least equivalent in quality to the comparable courses/programs on the main campus and that the institution has provided for effective monitoring and control for the maintenance of quality. Specifically, it shall include:

1. Evidence regarding the adequacy of classroom, laboratory, and library facilities.
2. Provisions for sufficient administration, support staff, and counseling; and
3. Evidence that the qualifications of faculty, a suitable ratio of whom should be full-time employees of the institutions, are appropriate.

(c) Upon receipt of a request for approval of an Extension Center or a Branch Campus, the Department of Higher Education shall provide to all New Jersey institutions of higher education a summary of the request to enable the institutions to inform the Department as to how they would be affected by the proposed Extension Center or Branch Campus. Extension Centers and Branch Campuses will be approved for a period of up to five years; reapproval at the end of this period will be considered following the submission by the institution of a new request for approval. An institution proposing to offer at a Branch Campus a degree program which has not been previously offered at the main campus shall submit the program for full Departmental review and Board of Higher Education approval required for any new program.

(d) Any existing Extension Center which has been operating but has not yet received approval by the Chancellor will be permitted to continue operating without such approval for a period no longer than five years from the effective date of this regulation. Any existing Branch Campus which has been operating but has not yet been approved by the Board of Higher Education must submit a formal request to the Board for approval within six months of the effective date of this regulation.

(e) Off-Campus sites at which credit courses are offered by a college in conjunction with or under contract with a non-collegiate organization must be approved by the Chancellor regardless of the size or scope of the effort. If a complete degree, certificate, or diploma program is offered under such an arrangement, it must be approved by the Board of Higher Education under the same procedure as holds for any Branch Campus. The approval process will include a review of the college's adherence to the following standards:

1. A college may grant credit only at the level and only in those areas for which it has degree granting authority; for example, a college may not award post-baccalaureate credit if it does not have authority to award graduate degrees. Nor may it offer graduate or post-baccalaureate courses in a field (for example, psychology) if such offerings are not acceptable in an authorized graduate degree program at that college.
2. The credentials of instructors used by the contracting agency shall be reviewed and approved by the appropriate faculty of the college, and shall meet the college's standards for regular adjunct faculty, and the individual shall be granted adjunct status.
3. The courses shall be clearly and publicly identified as belonging to the college; for example, both parties shall take appropriate steps to ensure that the public understands that the college assumes responsibility for the course.
4. In determining the amount of credit to be granted for participation in a course offered by a contracting agency, the college shall adhere to the minimum definition of the credit hour as defined in N.J.A.C. 9:1-1.1. No more than 25 percent of a degree program shall be satisfied through such courses, except in the cases of arrangements between colleges and hospital-based programs in the health professions in which the clinical component of the program is provided by the hospital school. All course requirements with respect to student attendance, amount of class time, amount of outside work, standards for performance, and prerequisites shall

be the same as for courses offered on campus. No more than one credit hour shall be granted for an experience compressed into one week's time or less.

5. The college shall apply to these contract courses the same requirements it applies to its own courses with respect to class attendance and participation, student evaluation, course content and quality.

6. The college shall insure that appropriate academic services are provided for students enrolled in such courses. These services shall include opportunities for access to library, laboratory facilities and computers, and advisement.

7. The college shall determine that the combined tuition and fees charged to students are consistent with policies established by the appropriate governing body. The payment of additional costs not covered by student tuition and fees shall be negotiated by the college and contracting agency.

8. All contracts between the college and a contracting agency shall require the formal approval of the college governing board or its designee.

(f) All institutions shall submit a report to the Chancellor by December 1 which will include the following information for each off-campus site for the previous academic year:

1. The location of the off-campus site;

2. The number of credit courses offered at the site for the academic year; and

3. The number of credit course enrollments at the site for the academic year.

(g) For the purposes of State fiscal support of off-campus instruction to eligible institutions where such support is provided for in State appropriations, only students enrolled at reported Off-Campus Locations or formally approved Extension Centers and Branch Campuses may be included in FTE enrollments for funding purposes.

(h) The Chancellor should be notified at the time an institution formally determines that there is no longer a need for approved off-campus sites and discontinues offerings at that site.

†The applicability of this section (N.J.A.C. 9:1-1.6) of the regulations to the institutions chartered before 1887 is still in question. An opinion of the Attorney General in this matter is anticipated. Should that opinion find these institutions exempt from the requirement of this section, language will be included to so indicate.

9:1-1.7 Faculty

(a) The faculty shall consist of persons who are professionally prepared and able teachers and whose professional background and experience are suitable to the teaching and other educational activities for which they are responsible.

(b) The faculty shall be sufficient in number, and the proportion of full-time members and the student/teacher ratio shall be such as to contribute to the effectiveness of the educational program, including counseling and advising of students.

(c) Faculty responsibilities shall be defined by various accepted professional criteria in terms of hours taught, course development and preparation required, number of students, level of instruction, research expected, and administrative, committee and counseling assignments.

(d) Faculty personnel policies with regard to academic freedom, economic security, opportunities for professional growth, responsibilities, and conditions of appointment and dismissal shall be clearly specified in writing.

(e) Newly appointed faculty members in ranks above instructor in a two-year institution offering the associate degree should have earned the master's degree or the equivalent in the field of specialization in which they are teaching. A significant proportion of the faculty should have satisfactorily completed graduate work beyond the master's degree in an accredited graduate school.

(f) Full-time faculty members appointed to any rank above instructor in a four-year institution offering the baccalaureate degree should have earned doctoral degrees or the appropriate terminal degrees in the fields in which they are appointed or must present unassailable compensating qualifications. A majority of the faculty should have satisfactorily completed work beyond the master's degree in an accredited graduate school, and a significant number should have the doctorate.

(g) Faculty members should be engaged in continuing professional study, publication and research appropriate to their responsibilities.

9:1-1.8 Library

(a) Each institution shall formulate, adopt and implement a library policy adequate for the support of its mission, the range of its educational programs, and the needs of students and faculty. The statement shall define the size, nature, and scope of the library holdings, the nature of faculty involvement in the determination of library policy, and the extent to which the library is planned to be self-contained or to draw on other sources.

(b) The library shall be staffed by qualified professionals and support personnel in numbers sufficient to serve the needs of the students and faculty.

(c) There shall be annual acquisition of books, and other library materials.

(d) Staff, study, and work space shall be provided to support the instructional strategies utilized.

(e) A two-year college with a library of fewer than 20,000 titles or a four-year college with a library of fewer than 50,000 titles is expected to justify the adequacy of the size of its holdings.

9:1-1.9 Students and student services

(a) Each institution shall have a clearly defined admissions policy appropriate to its mission and shall admit students whose educational interests and abilities qualify them to pursue a program offered by the institution.

(b) Each institution shall provide adequate educational and student support and financial aid services and facilities for assisting students to succeed in the institution.

(c) Each institution shall maintain accurate records of individual students progress.

(d) An institution shall maintain transcripts for all students and shall provide transcripts to all students who request them showing dates of attendance and academic performance. Should an institution terminate its activity, adequate provisions shall be made through the Department of Higher Education for the permanent deposit of and access to student transcripts.

9:1-1.10 Physical facilities

(a) The physical facilities shall be sufficient for attainment of the institution's mission and shall be maintained for purposes of safety, and shall be adequate in quality, size, and number to accommodate the students, faculty and staff.

(b) Adequately equipped laboratories shall be provided as required for effective instruction and learning.

9:1-1.11 Official publications

(a) All information officially released by the institution shall be true and accurate.

(b) Official catalogs shall be printed at intervals sufficient to assure currency of information and in quantities sufficient to supply interested persons.

(c) Official catalogs shall include at least the following information:

1. Statement of institutional mission;

2. Lists of faculty and administrative officers including their earned degrees;

3. Complete curricular information, including course descriptions, and the grading system;

4. Admission, transfer, and graduation requirements;

5. Policy for the awarding of degree credit;

6. Policies on academic progress, academic standing, and withdrawal;
7. Status of institutional and programmatic accreditation;
8. A description of available student support services;
9. Description of facilities;
10. Student costs, refund, and financial aid policies;
11. Academic calendar;
12. A list of members of the governing board;
13. A description of disciplinary rules and hearings and appeals procedures for students, should they not be described in other publications available to students.

9:1-1.12 College credit courses offered in New Jersey secondary schools by colleges and universities

(a) Participation shall be limited to secondary school students who are recommended by the high school principal and/or who have superior academic records.

(b) Only courses normally taken by college freshmen may be made available. These courses shall be the same as those offered by the college to its regularly admitted students.

(c) Students shall be permitted to take no more than two courses each semester, but in no case more than 16 college credits in one academic year.

(d) Adequate and appropriate library and laboratory resources shall be readily available to students.

(e) Each participating high school faculty member designated by the high school shall have a minimum of a master's degree in the specific academic area to be taught.

(f) The college shall offer and the high school faculty shall be required to attend an initial orientation and training program and thereafter one or more annual training and evaluation seminars as determined by the college.

(g) The college shall provide examination materials and specific criteria for grading by the high school faculty to insure comparability of student performance.

(h) College syllabi and standard college texts shall be used.

(i) The agreements between the college and the high school shall provide for scheduled visits by faculty from the respective college to evaluate the program, review examinations, student projects and reports, and to discuss any problems students or faculty might be experiencing.

(j) Before enrolling, each student shall be given a written statement making clear that there is no obligation to attend the college offering the course, and making clear the credits may not be acceptable at other institutions. That statement and an up-to-date list of those institutions that have given recognition to the credits earned by previous participants shall be included in the application of the college to the Department of Higher Education to offer college level courses at a high school.

(k) Each college shall report annually to the Department of Higher Education the number and title of courses offered in New Jersey, the names of the New Jersey high schools in which the courses were offered, the number of students in each course in each New Jersey high school, the credits gained, the colleges at which the New Jersey students enrolled, the numbers and percentage of credits accepted by the enrolling colleges, the value of the program in the students' view and such other appropriate information as shall be specified from time to time.

(l) Financial arrangements must be consistent with New Jersey's constitutional and statutory guarantee to a free public education. (Article VI, section IV, paragraph 1, of the New Jersey Constitution.)

SUBCHAPTER 2. LICENSURE AND APPROVAL OF DEGREES WITH RESPECT TO CERTAIN INSTITUTIONS OF HIGHER EDUCATION IN NEW JERSEY

9:1-2.1 Licensure of New Jersey independent institutions regionally accredited

(a) With respect to institutions accredited by the Middle States Association, the Board of Higher Education will ordinarily accept such accreditation as sufficient for the continuance of licensure and approval, provided that the institution shall submit to the Chancellor within 30 days of their filing or receipt, as the case may be, copies of all reports filed by the institution with the Middle States Commission on Higher Education and of reports transmitted to the institution by the Commission, and the filing of such reports is hereby required pursuant to the authority of N.J.S.A. 18A:3-16p. Institutions that choose to keep confidential the reports described above may elect instead to have special Department of Higher Education reviews.

(b) The Board of Higher Education may direct the Chancellor at any time to proceed with respect to any particular institution as though that institution were not accredited by the Middle States Association.

9:1-2.2 Licensure and Approval Advisory Board

(a) The Licensure and Approval Advisory Board shall consist of a representative of Rutgers, The State University, designated by the President of the University; a representative of the New Jersey Institute of Technology designated by the NJIT President; a representative of the University of Medicine and Dentistry of New Jersey designated by the President of the University; two representatives of the State Colleges designated by the Council of State Colleges; two representatives of the County Colleges designated by the Council of County Colleges; three representatives of the Association of Independent Colleges and Universities in New Jersey designated by the Association; three persons representative of the independent colleges not members of the aforesaid Association selected as hereinafter provided; and one representative of the Department of Higher Education designated by the Chancellor serving as an ex officio non-voting member.

(b) The representatives of the independent colleges not members of the Association of Independent Colleges and Universities in New Jersey shall be chosen by ballot at a meeting of the presidents of these institutions to be convened by the Chancellor when appropriate for this purpose. The persons having the highest number of votes, provided it is a majority of the total number of votes cast, shall be declared elected. In the case of a tie, the Chancellor shall break the tie; in the case of inability to elect, the Chancellor shall designate the persons to serve.

(c) The term of membership on the Advisory Board shall be three years except in the case of the Department of Higher Education representative. Members may be reappointed. Vacancies shall be filled for any unexpired term.

(d) The Advisory Board shall elect its own officers and determine its own rules of procedure. The Department of Higher Education shall provide the Advisory Board with staff and secretarial assistance.

(e) The responsibilities of the Licensure and Approval Advisory Board will be as follows:

1. To advise the Chancellor with respect to policies for licensure and degree approval designed to promote the maintenance of educational quality and the optimal use of educational resources in the State;
2. To recommend to the Chancellor and to the Board of Higher Education action on petitions for licensure by independent New Jersey institutions not regionally accredited;
3. To recommend to the Chancellor and to the Board of Higher Education action on petitions for licensure by any out-of-state institutions;

4. To advise the Chancellor, when requested, with respect to reports filed with the Department of Higher Education by any New Jersey institution, public or independent, or by committees that may from time to time be appointed to visit institutions of higher education operating in the State;

5. To advise the Chancellor, when requested, as to the action to be taken with respect to any college or university, public or independent, whose educational quality may be called in question;

6. To review any proposed action by the Chancellor with respect to any institution which could result in the revocation of licensure or the withdrawal of approval to confer degrees. The Chancellor will request and the Advisory Board will provide an advisory opinion before the statutory procedures are invoked by the Board of Higher Education; and

7. To advise the Chancellor, when requested, with respect to any matters the Chancellor may deem appropriate.

9:1-2.3 Specification of degrees

In implementing its responsibilities for approving the basis or conditions of conferring degrees, the Board of Higher Education will specify the nomenclature, location and term of the degree program that an institution is authorized to offer.[2]

[2]The current status of New Jersey independent institutions of higher education varies with respect to degree approvals. The pre-1887 institutions are not required to secure the approval of the Board of Higher Education. These institutions include Drew University, Seton Hall University, St. Peter's College, St. Michael's, Stevens Institute of Technology, Princeton Theological Seminary, Princeton University, and Centenary College. Institutions founded more recently are subject to the policy set forth in this subchapter.

9:1-2.4 New degree programs

The basis or conditions for the conferring of degrees not previously approved by the Board of Higher Education with respect to a particular institution, shall be submitted for prior approval in accordance with law. The Board will examine the quality of the proposed program, the institution's ability to offer the program and the extent to which the program duplicates or supplements existing programs offered by other institutions.

SUBCHAPTER 3. CHARACTERISTICS OF A UNIVERSITY

9:1-3.1 Programs

In an atmosphere of freedom of inquiry and expression, a university provides a wide range of undergraduate and graduate studies in the arts and sciences, programs in two or more professional fields such as medicine, law, public administration, engineering or education, and operative programs of instruction leading to the doctorate or comparable terminal degrees in two or more areas. A university should offer a range of graduate studies related to those fields in which it offers advanced degrees to provide students elective opportunities and a selection of support studies which may be useful but not prescribed by a graduate degree program. Additionally, a university should explore the possibilities of public service.

9:1-3.2 Organization

(a) A university clearly identifies graduate studies and programs as distinct elements in its organization. Characteristically, it selects graduate and professional students who show evidence of superior achievement in undergraduate studies.

(b) A university recruits faculties for graduate or professional programs whose competence is known beyond the institution. Its members are associated with the institution full time, have attained the doctorate or have terminal degrees appropriate to their disciplines or records of substantial and superior professional achievements, and remain abreast of their respective fields. The faculty, including representation from the departments offering graduate programs, participates in the initiation, development and approval of curricula as the institution determines.

(c) A university provides an appropriate and adequate administrative staff whose primary responsibility is the administration of graduate and professional programs.

9:1-3.3 Resources

(a) A university possesses the financial ability to support graduate and professional programs, and its facilities and equipment reflect the more sophisticated level of work required in both. Laboratories and library support permit specialized study in depth in the fields of graduate study and professional study offered, as well as in supporting fields. An adequate financial base is provided to support the appropriate independent research activity of faculty and students.

9:1-3.4 Accreditation

A university is accredited by the regional association and its programs are accredited by professional accrediting agencies where appropriate and applicable.

SUBCHAPTER 4. RULES FOR GRADUATE PROGRAMS

9:1-4.1 Application

Colleges and universities required to secure approval to offer graduate instruction and confer advanced degrees in New Jersey shall apply to the Department of Higher Education, following a format and procedure prescribed by the Department.

9:1-4.2 Authorization and review

(a) Authorization to confer advanced degrees shall be specific with respect to nomenclature, location of the program and to the term for which approval is granted.

(b) Graduate programs in institutions already authorized by the Board of Higher Education to confer advanced degrees shall be reviewed periodically. Such reviews shall be conducted cooperatively, insofar as possible, with regional and professional accrediting agencies.

9:1-4.3 Objectives and nature of graduate work

The objectives of every graduate or graduate professional program shall be clearly defined and stated. The work in such programs shall be beyond the baccalaureate level in intellectual demand. A substantial proportion of the work shall be taken in courses designed exclusively for graduate students, and in courses regularly open only to qualified graduate degree candidates, although occasionally exceptionally well qualified undergraduates may be admitted.

9:1-4.4 Post-baccalaureate study

An institution may offer credit for post-baccalaureate study only in these areas for which it has graduate degree authority.

9:1-4.5 Master's degree programs

(a) Master's degree programs should be distinguishable by their primary objectives as belonging to one of two general types, disciplinary or professional. The immediate purpose of the former is advanced study and exploration in a particular discipline. The immediate purpose of the latter is the application and extension of previous studies to professional ends. The two types of programs need not have the same requirements but should be of comparable quality. A master's degree requires a minimum of 30 credits of graduate study or its equivalent.

(b) Disciplinary type: A disciplinary master's degree program consists of advanced studies in an academic discipline (for example, history, physics, engineering science, or musicology). The primary objective is increased knowledge of the subject rather than its application to professional use. The major portion of degree credit awarded in every master's program of this type shall be at the advanced level in the principal field. Credit toward the master's degree may not be given for introductory or elementary courses in this field.

(c) Professional type: A master's degree program of the professional type consists of that lead to practice in such fields as engineering, law, applied music, pastoral ministry, or teaching. Some such subjects obviously lend themselves also to programs of the first type. The determining criterion is the objective that the program is designed to serve. Graduate professional programs should be complete in themselves, although they may in some circumstances also be adaptable to preparation for a research or professional doctorate. A master's program of this type shall consist of a carefully designed pattern of professional preparation in accordance with the principles set forth above. In this case a limited amount of introductory work in the field may have an appropriate place, especially in first level professional programs.

(d) Independent study: Every master's degree program of either type should include independent work performed by the student under faculty supervision, which is related to the balance of the program and is sufficiently significant to be counted as an important element among the degree requirements. Such independent work in a disciplinary program might include a thesis, preparation for a comprehensive examination, or both. In the professional program, this requirement might very well be satisfied by several substantial term papers or equivalent projects.

(e) Degree: The degree awarded for completion of disciplinary programs shall be master of arts or master of science with disciplinary designation. For a professional program, the degree also should be appropriately specific (for example, master of library science, master of business administration, master of education, master of social work, master of arts in teaching).

9:1-4.6 Sixth-year programs

(a) Institutions may organize programs of graduate work at the post-master's level which are not intended to lead to doctorates but to specialist's degrees or to comparable certificates. Within the discipline of education, no new Ed.S. degree programs will be approved. New specialist's certificate programs in this discipline will be limited to the fields of educational administration and educational services, when a definitive need can be demonstrated. Approval of these certificate programs by the State Board of Higher Education will be required.

(b) All six year programs shall possess a definite philosophy, purpose, design, and sequence, and should shall be self-contained and terminal in nature.

(c) They shall perform a definable function and not be merely a continuation of courses beyond the master's degree. A student admitted to a specialist's certificate program in education must have a master's degree in the same field in which the certificate is being offered. Students who possess a master's degree in an unrelated field will be required to complete preliminary course work or demonstrate equivalent knowledge acquired through work experience.

(d) Specialist's certificate programs in education must be composed of course work which is more advanced than that required for master's degrees.

(e) A qualifying examination shall be required for the degree or the certificate.

9:1-4.7 Doctoral degree programs

(a) Programs leading to doctoral degrees shall require three or more years of study and research beyond the baccalaureate.

(b) Programs should be so designed that elements such as course requirements, foreign language requirements, qualifying examinations, research requirements, and the dissertation are coherently related to a clearly defined set of educational goals.

(c) A doctoral program benefits from complementary programs in other fields, and no institution should seek to establish doctoral studies piecemeal or to initiate its first doctoral program before it is able to formulate long-range plans for mounting cognate programs in related fields.

(d) Programs leading to the doctor of philosophy degree shall be oriented toward original research. Professional doctorates are usually oriented toward increased professional competence. The requirements for a professional degree shall include either a research thesis or a project involving the solution of a substantial problem of professional interest.

(e) In seeking approval of doctoral programs, an institution shall demonstrate that:

1. It has established clear educational objectives;
2. Its requirements are appropriate for the nature of the doctorate;
3. It possesses adequate library holdings, laboratory space, research facilities, and other necessary resources;
4. Above all, its faculty is recognized beyond the bounds of the institution as possessing professional qualifications and research achievements sufficient to support the program for which approval is sought;
5. It is prepared to make the commitment in faculty time necessary for thesis supervision and research guidance;
6. Its proposed program is supported by related studies and research in ancillary fields; and
6. It has in fact formulated acceptable long-range plans for the development of cognate programs leading to the doctorate in other fields if such programs do not already exist at the institution.

9:1-4.8 Faculty

(a) The term "graduate faculty" as used here means faculty who have instructional and/or research responsibilities in a graduate program. They shall hold appropriate terminal degrees or have unassailable compensating qualifications. They shall be productive contributors to the field of their own specialties, participants in its professional activities and work under conditions and schedules which encourage them to continue their professional development. The academic schedule shall permit adequate time for instruction, advisement, direction of research, supervision of theses, as well as continued professional growth and achievement. Every faculty member with graduate responsibilities shall be thoroughly familiar with current research in his field.

(b) The qualifications of part-time faculty shall be comparable to those of full-time faculty.

9:1-4.9 Budget

(a) The governing board of the institution shall be prepared to make a continuing commitment of institutional funds for the support of the graduate programs, and particularly for the indispensable faculty and student research activity. Only in the most extraordinary circumstances can the necessary level of support be provided exclusively through tuition and fees of the programs themselves.

9:1-4.10 Facilities

The institution should have those facilities necessary for the efficient attainment of the objectives of each program. These include adequate library study space for faculty and students, seminar rooms, office space for the faculty, provision for secretarial service as well as modern apparatus and instruments in those disciplines in which sophisticated activity demands them.

9:1-4.11 Library

(a) Beyond the needs of the undergraduate college, the graduate school shall have, for each program, a variety and depth of specialized material available on the campus.

(b) A library that supports a graduate program shall provide an adequate and current base for research activities. The library should provide books and other essential materials both in the fields of instruction and research and in related areas to serve as background material and, in much greater depth for special investigations.

9:1-4.12 Graduate catalogue
The graduate catalogue shall state clearly the admission requirements, tuition, fees, degree requirements, course descriptions (including prerequisites), thesis or research requirements (if any) and other information.

SUBCHAPTER 5. RULES FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION IN NEW JERSEY

9:1-5.1 General provisions
(a) Proprietary Institutions of Higher Education in New Jersey may be licensed to operate and approved to award the degree of associate in applied science subject to conformation with the regulations and standards for such licensure and approval as contained in N.J.A.C. 9:1-1.
(b) The regulations in this subchapter are designed to recognize the distinctive character of proprietary institutions and for these institutions these regulations take precedence over any regulations and standards with which they may be in conflict.

9:1-5.2 Authorized degree
The degree authorized for proprietary schools shall be the Associate in Applied Science degree as defined in Standards Governing Community Colleges, specifically N.J.A.C. 9:4-1.6.

9:1-5.3 Reassessment of licensure and approval
In the event of a change in the ownership of a proprietary school, a reassessment of the licensure and approval shall be made within six months to one year's time after the change.

9:1-5.4 Duration of license
(a) Any license to operate and grant a degree shall be for a definite period, not to exceed five years, as determined by the Board of Higher Education.
(b) At the expiration of this period, the license must be reviewed, renewed or revoked at the discretion of the Board of Higher Education.

9:1-5.5 Minimum library requirements
(a) A proprietary institution offering a degree shall have a minimum library collection of sufficient size to support adequately the program offered.
(b) The minimum library collection shall normally consist of at least 5,000 titles of general and specific materials for every single purpose curriculum for each enrollment unit of 500 students.
(c) Proportionate increases shall be made to accommodate additional students or curricula.

9:1-5.6 Composition of governing board
The governing board shall have a proportion of its membership drawn from the general public and/or the academic community and be of sufficient size to provide for appropriate committee membership.

9:1-5.7 Term of public membership
The public membership should be appointed for a specified term similar to the procedure followed in nonprofit institutions of higher education.

9:1-5.8 Faculty teaching loads
(a) Faculty should normally have teaching loads not to exceed the equivalent of 15 semester credit hours.
(b) Work load credit should normally be granted to faculty involved in heavy administrative, advisory, or committee assignments.

9:1-5.9 Academic freedom of faculty members
(a) The institution shall promulgate a statement concerning the academic freedom of faculty members which should include statements supporting the following principles:
1. Freedom in research and publication where these activities do not interfere with adequate performance of academic duties;
2. Freedom in the classroom to discuss controversial issues;
3. Retention of all rights as a citizen to free speech and publication. Such rights are not, as such, subject to institutional censorship or discipline. However, the teacher presents an image to the public by which the teaching profession and college may be judged. Therefore, he must at all times be accurate, show respect for the opinions of others, and must make clear that he is not an institutional spokesman.

SUBCHAPTER 6. RULES REGARDING PETITIONS FROM OUT-OF-STATE INSTITUTIONS DESIRING TO OFFER CREDIT BEARING COURSES OR DEGREE PROGRAMS IN NEW JERSEY

9:1-6.1 Review of petitions
(a) The Board of Higher Education in its coordinating capacity will review all petitions from out-of-state institutions to offer credit-bearing courses or degree programs in New Jersey from a statewide perspective. The Board will approve only those offerings that in the opinion of the Board meet state standards for program quality, are fiscally viable, serve a demonstrable need, and are in accordance with the Statewide Plan. Whenever a course or program is approved by the Board for presentation within the State by an out-of-state institution, said offering shall not preclude the right of an institution within the State to develop a similar program or course offering.
(b) Programs may be approved for periods of one to five years. Initially programs will not be approved for longer than a three-year period. With respect to requests to offer credit-bearing courses, but not a degree program, approval will be for a period of only one year.

9:1-6.2 Petitions from institutions
(a) Out-of-state institutions wishing to offer credit-bearing courses or degree programs in New Jersey shall petition the Board of Higher Education for authorization.
(b) Institutions shall submit requests for new programs at least one academic year before the requested date of implementation. Requests for approval to offer courses shall be submitted at least six months prior to the requested date of implementation.
(c) The petition shall contain:
1. Responses to the items enumerated in Section III of Appendix C of N.J.A.C. 9:1. These responses shall relate fully to the proposed New Jersey operation;
2. The accreditation status of the institution;
3. Information equivalent to the annual summary sheet required by the institution's regional accrediting association;
4. The institution's financial statements (prepared by independent auditors) for each of the last three years;
5. A description of the selection and review process for faculty teaching in New Jersey;
6. A catalog and other data that the institution recognizes as appropriate;
7. Other information which the Department specifically requests.

9:1-6.3 Department of Higher Education review procedures
(a) Petitions from out-of-state institutions invited by in-state parties to offer educational services to specific and delimited constituency in New Jersey shall be processed as follows:
1. Upon receipt of a petition, the Department of Higher Education will provide to all New Jersey Institutions of higher education a summary of the petition's content and will invite the institutions to submit their comments and to indicate whether or not they wish and are prepared to offer comparable services. Those in-state institutions that wish to offer comparable services may submit proposals to the Department within 60 days after the Department's notification regarding the out-of-state request. Proposals from in-state institutions received within this time period will be forwarded

immediately by the Department to the party requesting instructional services (as well as to the out-of-state institutions).

2. Specifically with respect to a New Jersey high school seeking educational services, the high school shall inform the Department of Higher Education of its intent to seek an educational program prior to entering into negotiations for college credit-bearing courses with an out-of-state institution. The notice shall contain a detailed itemization of the services desired by the high school. After receipt of the notification, the Department shall provide copies of the notice to all New Jersey institutions of higher education and shall invite these institutions to submit their comments and to indicate both to the Department and to the high school, within 60 days, whether they wish to try to meet the needs of the high school.

3. The high school shall enter into negotiations with an out-of-state institution only after the high school has notified the Department of Higher Education which in-state institution, if any, the high school will be dealing with in addition to the proposed out-of-state party.

4. The Department will review all full proposals, usually with the assistance of a consultant who is mutually acceptable to the Department and the institutions. A "needs survey" is not required when an educational institution is invited by an in-state party to provide credit-bearing educational offerings to a specified and delimited constituency. The invitation itself demonstrates that a need exists.

5. The petition and all pertinent materials will be provided to the Licensure and Approval Advisory Board (LAAB) for its review.

6. If the Department determines, in consultation with LAAB, that an in-state proposal is comparable or superior to the out-of-state proposal, the Department will strongly encourage the in-state party requesting instructional services to accept an in-state proposal.

7. The in-state party requesting instructional services shall inform the Department as to its choice of institution and specify the reasons for the selection.

8. The Chancellor will make a recommendation concerning the program or course(s) to the Board of Higher Education.

(b) Petitions from out-of-state institutions seeking to offer educational services independently (without invitation) in New Jersey shall be processed as follows:

1. Upon receipt of a petition, the Department of Higher Education will provide all New Jersey institutions of higher education with a summary of the petition's content and invite the institutions to submit their comments within 60 days.

2. The Department will review the petition, usually with the assistance of a consultant which is mutually acceptable to the Department and the institution.

3. The petition and all pertinent materials will be provided to LAAB for its review.

4. The Chancellor will make a recommendation concerning the program or course(s) to the Board of Higher Education.

(a)

STUDENT ASSISTANCE BOARD

Tuition Aid Grant Program 1983-1984 Award Table

Proposed Amendment: N.J.A.C. 9:7-3.1

Authorized By: Student Assistance Board, Joseph Streit, Chairman.
Authority: N.J.S.A. 18A:71-47(b) and 18A:71-48.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eric M. Perkins, Esq.
Administrative Practice Officer
Department of Higher Education
225 West State Street
CN 542
Trenton, NJ 08625

The Student Assistance Board 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 1983-477.

The agency proposal follows:

Summary

The proposal establishes an increased award table for the Tuition Aid Grant Program for the 1983-84 academic year. The proposed increase is $100.00 at New Jersey independent institutions. No changes have been made to the County College, State College, Rutgers, N.J.I.T., UMDNJ, and Out-of-State sectors.

The proposal amends the most current text of the table which was effective June 20, 1983 and appears at 15 N.J.R. 1032(a).

Social Impact

The Tuition Aid Grant Program provides awards based on financial need to enable students to obtain an undergraduate degree from both public and private colleges in New Jersey.

Economic Impact

The proposed award table takes into account tuition increase at the independent sector that have been greater than the increases in the maximum Tuition Aid Grant. During the past three years the average independent college tuition increased by $800.00 while the maximum Tuition Aid Grant increased by $300.00, or less than one-half of the tuition increase.

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

9:7-3.1 Tuition Aid Grant Award Table

The value of the grant is related to the tuition charges of the various institutional sectors in New Jersey and the student's ability to pay for educational costs. The award table below shows approximate award levels depending upon tuition and ability to pay.

(**Delete** the existing table in the New Jersey Administrative Code at N.J.A.C. 9:7-3.1 and at 15 N.J.R. 1032(a) and **replace** it with the following table.)

TUITION AID GRANT (TAG) AWARD
TABLE FOR 1983-84

APPROXIMATE TUITION AID
GRANT VALUES[1]
NEW JERSEY COLLEGES AND
UNIVERSITIES

New Jersey Eligibility Index (NJEI)	County Colleges	State Colleges	Independent Institutions	Rutgers Univ., NJ Inst. of Tech., & UMDNJ[3]	Renewal[2] Out-of-State Colleges & Universities

A	B	C	D	E	F
Under 750	$625	$960	$1700	$1366	$450
750-1049	525	860	1600	1260	260
1050-1349	425	760	1500	1160	260
1350-1649	325	660	1400	1060	260
1650-1949	225	560	1300	960	200
1950-2249	200	460	1200	860	0
2250-2549	0	360	1100	760	
2550-2849		260	1000	660	
2850-3149		200	900	560	
3150-3449		0	800	460	
3450-3749			700	360	
3750-4049			600	260	
4050-4349			500	200	
4350-4649			400	0	
4650-4949			300		
4950-5249			200		
Over 5249			0		

[1]In accordance with State guidelines, the value of your grant may decrease dependent upon appropriated funds, your college budget, your available resources and your Estimated Family Contribution. You will be notified of any increase in your grant if additional funds become available.

[2]"Renewals" are students who receive a Tuition Aid Grant in 1981-82 or prior years.

[3]Approved programs only at UMDNJ. Contact the financial aid office for details.

(a)

EDUCATIONAL OPPORTUNITY FUND BOARD

FINANCIAL AID GUIDELINES

Academic Year Program Support Funds Summer Program

Proposed New Rules: N.J.A.C. 9:11-1, 9:12-1 and -2

Authorized By: Educational Opportunity Fund Board, T. Edward Hollander, Chancellor and Chairman.
Authority: N.J.S.A. 18A:71-33 through 36.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eric M. Perkins, Esq.
Administrative Practice Officer
Department of Higher Education
225 W. State Street
CN 542
Trenton, NJ 08625

The Educational Opportunity Fund Board 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 1983-480.

The agency proposal follows:

Summary

The Educational Opportunity Fund Board is statutorily charged with the operation of the Educational Opportunity Fund Program (E.O.F.) which provides grants to students attending New Jersey colleges and universities who demonstrate financial need and come from educationally disadvantaged backgrounds. Grants may be used to pay for tuition as well as other costs of attending a college or university. Additional grants are made to participating colleges and universities to provide on campus support services, such as counseling and tutoring for E.O.F. student grant recipients. The monies for E.O.F. grants are annually appropriated by the State Legislature.

The E.O.F. Board conducted a comprehensive review of the regulations governing the E.O.F. program in 1982 which review resulted in the re-promulgation and amendment of all program regulations, (see 14 N.J.R. 691(a), 14 N.J.R. 1214(c)). This review was not accompanied by a notice of proposed readoption pursuant to Executive Order 66(1978) as was intended. The regulations are therefore being noticed again for reconsideration. One amendment was proposed to the regulations in February of 1983 (see 15 N.J.R. 207). The amendment has been revised and is included below. An additional amendment was noticed and adopted as R.1983 d.170 (see 15 N.J.R. 206(b), 15 N.J.R. 924(b)).

Social Impact

The E.O.F. regulations provide the eligibility criteria for distribution of grants to students and institutions. Through such grants many individuals from educationally disadvantaged backgrounds are given the opportunity and assistance necessary to obtain a college education.

Economic Impact

In fiscal year 1984, 9.4 million dollars will be distributed in E.O.F. grants to almost 12,000 students. An additional 4.6 million dollars will be distributed to the 54 colleges and universities in which these students are enrolled for support services.

Full text of the proposed rules may be found in the New Jersey Administrative Code at N.J.A.C. 9:11-1, 9:12-1 and -2, as supplemented and amended through the New Jersey Register.

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

9:12-1.11 Academic progress

(a) (No change.)

(b) To remain eligible for E.O.F. Program Support Services, students shall maintain satisfactory academic **standing and** progress according to the **institution's** established policy for the academic progress of E.O.F. students.

(c) Eligibility criteria for E.O.F. Article III Student Grants:

1. E.O.F. students must complete 12 credits, or their equivalent, in a semester. With the written approval of the E.O.F. campus director, a student may, for academic reasons, complete no less than nine credits in a semester. Directors approving such circumstances must maintain documentation on file.

i. The provision permitting completion of less than 12 credits in a semester through documentation may only be used during the first four terms of a degree course and in the first year following transfer for transfer students.

2. E.O.F. students will be required to complete all remedial courses within the first four terms of E.O.F. payment, excluding the pre-freshman summer program. Approval for additional remedial developmental work beyond the four terms may be granted upon formal request to and approval by the Executive Director of E.O.F.

3. Students and institutions shall have the right to appeal the denial of financial aid based upon these guidelines through the established appeal procedures in N.J.A.C. 9:11-1.19. The Executive Director of E.O.F. will consider individual cases and

shall have the authority to make such exceptions as unusual circumstances may warrant.

[(c) E.O.F. students must be matriculated as full-time students according to the institutional definition.]

(d) Students must comply with the established E.O.F. Program policies as stipulated in the E.O.F. Financial Aid Guidelines **and Regulations**, N.J.A.C. 9:11-1.13.

1. Students attending two years institutions will be eligible to receive six terms of E.O.F. payment to complete two class levels. Additional term awards up to the eight maximum allowable terms (N.J.A.C. 9:11-1.8) are available upon formal request from the institution and approval by the Executive Director of E.O.F.

2. Students attending four year institutions will receive 10 terms of E.O.F. payment to complete four class levels. Additional terms awards up to the maximum allowable terms are available upon formal request from the institution and approval by the Executive Director of E.O.F.

(e) This section will become effective for record keeping and class level determination for the 1983-84 academic year, and effective for determination of grant eligibility for the 1984-85 academic year.

(a)

BOARD OF HIGHER EDUCATION

Graduate Medical Education Program

Proposed Readoption with Amendments: N.J.A.C. 9:15

Authorized By: Board of Higher Education, T. Edward Hollander, Chancellor and Board Secretary.
Authority: N.J.S.A. 18A:64H-8.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eric M. Perkins
Administrative Practice Officer
Department of Higher Education
225 West State Street
CN 542
Trenton, NJ 08625

The Board of Higher Education thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on December 15, 1983. The readoption of these rules becomes effective upon acceptance by the Office of Administrative Law of a notice of their readoption. The amendments to the readoption become effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1983-454.

The agency proposal follows:

Summary

The Graduate Medical Education Program was created by legislation enacted in 1977. The program provides grants to private non-profit and public hospitals in New Jersey to improve the quality of graduate medical education and improve medical care at these institutions. The program is administered by the Board of Higher Education with the assistance of the Advisory Graduate Medical Education Council.

The existing regulations which were established in 1978, provide guidelines for institutions seeking grants through the program, indicate selection criteria and establish expenditure and reporting guidelines.

The proposal would readopt the bulk of the regulations without change. Minor amendments have been suggested to add definitional material and reflect nomenclature changes. An additional proposed amendment would permit the Chancellor to approve the reallocation of funds within a grant if the reallocation does not change the nature of the contract. N.J.A.C. 9:15-11 is not being readopted as it applied only to fiscal year 1979 and 1980.

Social Impact

The proposed readoption would continue a program which has supported 19 projects totaling 1,068 million dollars over the past five years. Projects are funded for three years at the conclusion of which period the project must be self supporting. Two hundred and fifty four medical residents are currently enrolled in the program. The number of primary care physicians trained in programs in urban and rural areas will increase by 69 percent when these programs are completed.

Economic Impact

The program has been appropriated $450,000 for grants in the fiscal year 1984 Appropriations Act. Continued operation of the program is subject to subsequent appropriations.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 9:15.

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

9:15-1.1 Definitions

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

. . .

"Chairperson" means the Chairperson of the Advisory Graduate Medical Education Council.

. . .

"Primary care medicine" means the medical specialties of general and family practice, general internal medicine, general obstetrics and gynecology, [and] pediatrics **and psychiatry**.

. . .

9:15-1.2 Guidelines for participating hospitals

(a) A New Jersey private [non-profit] **not-for-profit** or public hospital seeking support for graduate medical education normally shall, [no later than May 1 of the fiscal year, and two years prior to the initiation of the program for which funding is requested] **in response to requests for proposals issued by the Chancellor of Higher Education,** submit an application containing the following:

1.-2. (No change.)

3. Assurances that the program will be one that will provide a high degree of excellence. Such assurances should include, but not be limited to, documentation that the program currently is fully or provisionally approved by either the [Liaison Committee] **Accreditation Council** on Graduate Medical Education [and the appropriate physician specialty board], or the Office of Education of the American Osteopathic Association, or indications of reasonable probability that such approvals will be received.

4. (No change.)

9:15-1.5 Approved programs

(a) Program applications shall be reviewed by the Council which shall forward its recommendations to the Chancellor for transmittal, together with his own recommendations, to the Board and the

Commissioner. Cost reimbursement contracts will be executed annually for the programs approved by the Board and the Commissioner; between the Chancellor, acting on behalf of the Board, and the chief executive of the institution receiving support.

(b) [Reallocation of funds within an existing contract may be made subject to the approval of the Council, and the Chancellor, acting for the Board.] **The Chancellor, acting for the Board, may authorize the reallocation of funds within an existing contract with the advice of the Chairperson when such allocations do not change the nature of the contract. If the Chancellor and Chairperson determine that such allocations will change the nature of the contract, these changes may be made subject to the approval of the Council and the Chancellor, acting for the Board.**

[9:15-1.11 Waiver

The Council may, with the approval of the Chancellor, acting for the Board, and the Commissioner of Health, waive certain provisions of Section 9:15-2 for the fiscal years 1979 and 1980. The Council shall indicate that such waivers are for the purpose of entering into contracts with hospitals or other institutions that are currently providing graduate medical education programs that are fulfilling the objectives of Section 9:15-3 or health care institutions that request funds for planning and implementation of graduate medical education programs that are consistent with the criteria established in Section 9:15-3.]

HUMAN SERVICES

(a)

DEPARTMENT OF HUMAN SERVICES

Veterans' Loans, Emergency and Temporary Housing Projects, Emergency Housing Programs

Proposed Repeal: N.J.A.C. 10:13, 10:14 and 10:15

Authorized By: George J. Albanese, Commissioner, Department of Human Services.
Authority: P.L. 1944, c.126 as amended and supplemented by P.L. 1945, c.185 and P.L. 1946, c.121 (N.J.S.A. 38:23B-1 et seq.).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Office of Intergovernmental Relations
Department of Human Services
CN 700
Trenton, NJ 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 1983-487.

The agency proposal follows:

Summary

Chapters 13, 14, and 15 of Title 10 in the New Jersey Administrative Code were adopted pursuant to authority delegated at P.L. 1944, c.126 as amended and supplemented by P.L. 1945, c. 185, and P.L. 1946, c. 121, The Veterans' Loan Act (1944). They were part of the original body of rules promulgated by the then Department of Conservation and Economic Development (September 8, 1949), but by the time they were codified (September 9, 1971) by the former Division of Administrative Procedure, the function of the Division of Veterans' Services was placed in the Deparment of Institutions and Agencies. These post World War II rules provided aid to veterans, specifically Veterans' Loans, Emergency and Temporary Housing Projects, and Emergency Housing Programs. Since these rules were placed under Title 10 in 1971, they have not been functional. They are therefore obsolete and should be repealed.

Social Impact

This repeal has no real social impact because these regulations have served their purpose of providing aid to veterans and were hence dormant long before they were put in the New Jersey Administrative Code in 1971.

Economic Impact

This repeal has no economic impact because no monies have been expended pursuant to these regulations for many years, and since they are now obsolete, no money will be spent in the future.

Full text of the rules proposed for repeal can be found in the New Jersey Administrative Code at N.J.A.C. 10:13, 10:14 and 10:15.

(b)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual Settlement of Claims Allowance

Proposed Amendment: N.J.A.C. 10:81-3.41

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting Director
Division of Public Welfare
CN 716
Trenton, NJ 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 1983-486.

The agency proposal follows:

Summary

This amendment increases the amount that may be recognized by county welfare agencies at time of settlement, for incidental expenses incurred by a recipient in pursuing a suit or claim. Because the allowance is in the nature of reimbursement for expenses which were actually incurred but are not covered by grants of assistance, it is necessary that the money, when received by a recipient, not be deducted from a future grant as though it were income. This subsection specifically exempts the funds in question as income and because it mentions the maximum allowance figure, $200.00, it is appropriate that the reference be changed to the new figure, $500.00.

Social Impact

The recipients who become involved in the liquidation of their resources will find in this change a beneficial social impact in that they will be more fairly treated with respect to reimbursement of the incidental costs incurred. While the recipients of the program liquidate their resources as a requirement of eligibility, the fairer treatment of them can be reasonably expected to produce more diligent pursuit of the liquidation. A beneficial social impact on the agency is thus expected to result as well.

Economic Impact

This proposal will have a positive economic impact on some persons who received assistance under the provisions of the program of Aid to Families with Dependent Children as authorized at N.J.S.A. 44:10 and who have incurred a debt to the agency by reason of the liquidation of a pending claim as provided at N.J.S.A. 44:10-4(a). Heretofore, such persons could be reimbursed up to $200.00 for the unitemized incidental costs of the liquidation. While provisions existed for higher allowances upon special consideration, the approval of such higher allowance required documentation and verification and encountered the delays inherent in acquiring and presenting them and in having the approvals processed. The result has been that most such reimbursements were effectively limited to $200.00 regardless of the amount actually spent. This proposal would, by increasing the discretionary allowance to $500.00, allow fairer allowances without an increase in paperwork by either the client or the agency. The offsetting negative economic impact will fall on the public treasury in the ratio of 50 percent Federal, 37 1/2 percent State, and 12 1/2 percent county. On the basis of a survey of about 200 county welfare agency claims, the Department estimates the gross annual impact at $60,000 per year. The State's 37 1/2 percent share would thus be $22,500.

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

10:81-3.41 Action by CWA upon liquidation

(a) Upon liquidation of a resource for which a valid Agreement to Repay exists, regardless of whether or not the persons involved are receiving assistance at the time, the CWA will evaluate the situation. Upon a showing that, by release of the funds and only by release of the funds, the household can reasonably be expected to remain off the assistance rolls indefinitely, the CWA may, with approval of the State office, release the funds to the household. In all other instances the CWA will, subject to the special provisions below, pursue recovery of the lesser of the following amounts:

1. (No change.)

2. The amount of money actually received after making allowance for costs and fees of collection, medical payments made as a result of the accident or occurrence giving rise to the client's recovery, identifiable future medical expenses properly due from the proceeds and, deducting at the discretion of the CWA, up to [$200.00] **$500.00** for miscellaneous related expenses (see N.J.A.C. [10:82-3.2(b)10]**10:82-3.2(b)9**).

i. (No change.)

(b)–(e) (No change.)

(a)

DIVISION OF WELFARE

Assistance Standards Handbook Settlement of Claims Allowance

Proposed Amendment: N.J.A.C. 10:82-3.2

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting Director
Division of Public Welfare
CN 716
Trenton, NJ 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 1983-485.

The agency proposal follows:

Summary

This amendment increases the amount that may be recognized by county welfare agencies, at time of settlement, for incidental expenses incurred by a recipient in pursuing a suit or claim. Because the allowance is in the nature of reimbursement for expenses which were actually incurred but are not covered by grants of assistance, it is necessary that the money, when received by a recipient, not be deducted from a future grant as though it were income. This subsection specifically exempts the funds in question as income and because it mentions the maximum allowance figure, $200.00, it is appropriate that the reference be changed to the new figure, $500.00.

Social Impact

The recipients who become involved in the liquidation of their resources will find in this change a beneficial social impact in that they will be more fairly treated with respect to reimbursement of the incidental costs incurred. While the recipients of the program liquidate their resources as a requirement of eligibility, the fairer treatment of them can be reasonably expected to produce more diligent pursuit of the liquidation. A beneficial social impact on the agency is thus expected to result as well.

Economic Impact

This proposal will have a positive economic impact on some persons who received assistance under the provisions of the program of Aid to Families with Dependent Children as authorized at N.J.S.A. 44:10 and who have incurred a debt to the agency by reason of the liquidation of a pending claim as provided at N.J.S.A. 44:10-4(a). Heretofore, such persons could be reimbursed up to $200.00 for the unitemized incidental costs of the liquidation. While provisions existed for higher allowances upon special consideration, the approval of such higher allowance required documentation and verification and encountered the delays inherent in acquiring and presenting them and in having the approvals processed. The result has been that most such reimbursement were effectively limited to $200.00 regardless of the amount actually spent. This proposal would, by increasing the discretionary allowance to $500.00, allow fairer allowances without an increase in paperwork by either the client or the agency. The offsetting negative economic impact will fall on the public treasury in the ratio of 50 percent Federal, 37 1/2 percent State, and 12 1/2 county. On the basis of a survey of about 200 county welfare agency claims, the Department estimates the gross annual impact at $60,000 per year. The State's 37 1/2 percent share would thus be $22,500.

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

10:82-3.2 Exempt resources

(a) (No change.)

(b) The exempt resources are as follows:

1.–8. (No change.)

9. Certain lump sum proceeds: At the discretion of the county welfare agency, up to [$200.00] **$500.00** of lump sum proceeds resulting from settlement of claims based on accidents or negligence in order to cover expenses incurred as a direct result of the incident for which the settlement is made. Such exemption shall be recorded in the case file. Unless applied to this exemption, all funds so received are subject to reimbursement to the CWA in accordance with N.J.A.C. 10:82-3.7(a)4. Neither the exemption of [$200.00] **$500.00** nor the remainder of funds, if any, shall be applied to savings.

10. (No change.)

(a)

COMMISSIONER

Aversive Conditioning Procedures in Programs Serving Autistic Children or Adults

Proposed New Rule: N.J.A.C. 10:133

Authorized By: George J. Albanese, Commissioner, Department of Human Services.
Authority: N.J.S.A. 30:1-12.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jacquelyn Lowe
Bureau of Residential Facilities
Division of Youth and Family Services
1 South Montgomery Street
CN 717
Trenton, NJ 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 1983-488.

The agency proposal follows:

Summary

The proposed regulations establish administrative and approval requirements for the use of aversive conditioning procedures in residential treatment facilities and day programs for autistic children and adults. The regulations will allow program staff to utilize these procedures under stringent controls and with the prior approval of either the Division of Mental Retardation or the Division of Youth and Family Services consistent with the jurisdiction of each. The proposed regulations specify the circumstances under which aversive conditioning procedures may be used, the treatment interventions which must be instituted prior to utilizing the procedures, the documentation which must be maintained, and the safeguards necessary to prevent any violations of clients' rights.

Social Impact

The proposed regulations will affect publicly and privately operated residential treatment facilities and day programs regulated by the Department of Human Services which serve autistic children and adults. Recognizing that radical treatment interventions are, at times, necessary to treat autistic clients effectively, the regulations were developed to allow day and residential programs serving autistic clients to utilize aversive conditioning procedures under carefully prescribed conditions. The regulations are designed to facilitate the provision of necessary treatment services, to protect the rights of autistic clients, and to insure that all autistic clients are afforded the same protections.

Economic Impact

The proposed regulations will have no economic impact on residential facilities or day programs serving autistic clients or on state agencies regulating these programs. The proposed requirements relate primarily to recordkeeping and documentation.

Full text of the proposed new rule follows:

CHAPTER 133
THE USE OF AVERSIVE
CONDITIONING PROCEDURES
FOR AUTISTIC CLIENTS

SUBCHAPTER 1. GENERAL PROVISIONS

10:133-1.1 Applicability: Scope, Purpose

(a) These rules apply only to public and privately owned day and residential treatment programs regulated by the Department to serve autistic children or adults. Both the Division of Youth and Family Services (DYFS) and the Division of Mental Retardation (DMR) provide services to autistic clients in day and residential treatment programs. The Department developed these regulations to allow day and residential treatment programs serving autistic clients to utilize aversive conditioning procedures under carefully prescribed conditions.

(b) In order to achieve the purposes in this chapter, the Department hereby delegates the responsibility for providing services and to regulate the provision of services to autistic clients in day and residential treatment programs to DYFS and DMR consistent with the jurisdiction of each to wit:

1. The approval and monitoring of the use of aversive conditioning procedures shall be the responsibility of DMR in those programs subject to DMR licensure and in those programs that serve only DMR clients. Approval and monitoring of the use of aversive conditioning procedures shall be the responsibility of DYFS in those programs serving autistic children and that are not subject to DMR licensure.

2. Each Division shall notify the other Division of the approval or denial of an application to utilize aversive conditioning procedures submitted by a program that serves both DYFS and DMR clients. Any violations of the policy found by either Division at a program serving both agencies' clients shall be communicated to the other Division immediately.

3. Neither Division shall modify the requirements of the policy without prior notification and the consent of the other Division.

10:133-1.2 Definitions

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

"Autism" means a behaviorally defined syndrome of both children and adults with essential features which are typically manifested prior to 30 months of age. When diagnosing a child beyond 30 months of age, informants and previous diagnostic reports must be employed regarding the child's characteristics prior to 30 months of age in order to insure an accurate diagnosis. The essential features of autism include:

1. Normal coordination of the three developmental pathways (motor, socio-adaptive, cognitive) is disrupted. Delays, arrest or regressions occur among or within one or more of the pathways:

i. within the motor pathway, gross motor milestones may be normal while the fine motor milestones are delayed;

ii. between pathways, motor milestones may be normal while socio-adaptive and cognitive are delayed;

iii. arrests, delays and regression of motor development which may be normal until the age of two.

2. Some cognitive skills may develop at expected times while others are delayed or absent. Imitative behavior or speech may be delayed in onset until age three, followed by rapid acquisition to expected developmental level.

3. There may be generalized hyper-reactivity or hypo-reactivity, and alternation of these two states over periods ranging from hours to months. The symptoms may include:

i. close scrutiny of visual details;

ii. apparent non-use of eye contact;

iii. staring;

iv. prolonged regarding of hands or objects;

v. attention to changing levels of illumination;

vi. close attention to self-induced sounds;

vii. non-response or over-response to varying levels of sounds;

viii. over-or-under response to touch, pain, and temperatures;

ix. prolonged rubbing of surfaces;

x. sensitivity to food textures;

xi. over-or-under-reactions to gravity stimuli, whirling without dizziness, and preoccupation with spinning objects;

xii. repetitive sniffing, specific food preferences and licking of inedible objects;

xiii. darting-lunging movements, hard flapping, gesticulations and grimaces.

4. There may be disturbances of speech, language-cognition and nonverbal communication. The symptoms may include:

i. mutism;

ii. delayed onset of speech;

iii. immature syntax and articulation;

iv. modulated but immature inflections;

v. absent or limited symbolic capacity;

vi. specific cognitive capacities such as rote memory and visual-spatial relations intact with failure to develop the use of abstract terms, concepts, and reasoning; immediate, delayed, negative echolalia with or without communicative intent; non-logical use of comments and neologisms;

vii. absent or delayed development of appropriate gestures;

viii. dissociation of gestures from language;

ix. failure to assign symbolic meaning to gestures.

5. There may be disturbances of the capacity to appropriately relate to people, events and objects. This is manifested by failure to develop appropriate responsiveness to people and assignment of appropriate symbolic meaning to objects in the following ways:

i. absence, arrests, delays of smiling response, stranger anxiety, anticipatory response to gestures, playing "peek-a-boo", playing "patty-cake" and waving "bye-bye", reciprocal use of eye contact and facial responsivity and appropriate reciprocal responsiveness to physical contact.

ii. failure to develop a relationship with significant caretakers or excessive reliance on caretakers.

6. Caretakers may be treated indifferently, interchangeably, with only mechanical clinging, or with panic on separation in the following ways:

i. cooperative play and friendship (usually appearing between two and four) may not develop;

ii. expected responses to adults and peers (usually appearing between five and seven) may develop, but are superficial, immature, and only in response to strong social cues;

iii. absent, arrested, or delayed capacities to utilize objects or toys in an age-appropriate manner, or to assign them symbolic or thematic meaning.

7. Objects are often used in idiosyncratic, stereotypic or perserverative ways. Interference with this use of objects often results in expressions of discomfort or panic.

8. There may be a particular awareness of the sequence of events and disruption of this sequence may result in expressions of discomfort or panic.

"Aversive Conditioning Procedure" means any technique or procedure that is used by the facility staff to decrease the frequency of an undesired behavior and which induces either pain or discomfort to the client or places the client at risk of physical injury.

"Division" means the Division of Youth and Family Services or the Division of Mental Retardation of the Department of Human Services.

SUBCHAPTER 2. AVERSIVE CONDITIONING PROCEDURES

10:133-2.1 Policy requirements

(a) The facility or day program must be approved by the Division as a program serving autistic clients. The facility's or program's intake criteria must include autism but need not be limited to autism.

(b) Aversive conditioning procedures may only be utilized as part of a comprehensive behavior modification program. The behavior modification program must emphasize the development of desirable and adaptive behaviors, rather than merely the elimination or suppression of undesirable behaviors.

(c) Aversive conditioning procedures may only be used by facilities that have established a Human Rights Committee, consisting of parents of clients, board members, and local community representatives.

(d) The utilization of aversive conditioning procedures as part of the facility's treatment shall be subject to at least annual peer review by at least two reviewers who are external to the treatment program, and who are knowledgeable of the client population and current practices in the field of autism. The results of the peer review shall be documented.

(e) Facilities or day treatment programs approved to use aversive conditioning procedures must inform clients and their parents, prior to admission, that aversive conditioning procedures are utilized by the facility or day program and might be used for that client.

(f) Aversive conditioning procedures may be utilized only to decrease client behaviors that are self-injurious or injurious to others or which significantly interfere with the client's opportunities to benefit from a comprehensive treatment program.

(g) The aversive conditioning procedure utilized shall not place the client at greater risk than the targeted client behavior.

(h) Aversive conditioning procedures may be utilized only when other interventions have been attempted without success.

(i) Facilities or day programs which use food as a reward for appropriate behavior may withold meals or parts of meals provided that the facility or day program insures that each client's total daily intake of food is not reduced, and that each client's daily nutritional requirements are met.

(j) The use of aversive conditioning procedures for disciplinary purposes or for purposes of staff convenience shall be prohibited.

10:133-2.2 Recordkeeping requirements

(a) An aversive conditioning procedure may be implemented only as part of an individualized treatment program that includes:

1. A written description of the client's target behavior in observable and measurable terms (written response definition).

2. A written specification of the data collection procedure that will be used to document the occurrence or non-occurrence of the target behavior.

3. A written description of the aversive conditioning procedure.

4. A graph, chart, or other form of data summary that displays the level of the target behavior over time.

5. Specific time frames for review of the client's progress, following implementation of the aversive conditioning procedure.

6. A written plan, including time frames for discontinuing the aversive conditioning procedure when the behavioral goal has been achieved, and provision for frequent positive reinforcement of the client's appropriate behavior.

(b) The client's care record and individualized treatment program must document that non-aversive interventions have been utilized and have been found to be ineffective. Documentation shall include dates of episodes, interventions utilized, duration of each incident, and resultant effect of interventions.

(c) An aversive conditioning procedure may be implemented only if staff members receive direct training on the response definition, data collection procedure and treatment procedure.

(d) Less severe, non-painful aversive stimuli must be attempted and their effectiveness must be documented prior to resorting to a painful or protentially dangerous aversive stimulus.

(e) A painful aversive stimulus may be implemented only after a licensed physician who has examined the client has certified in writing that the proposed procedure is not contraindicated for that client by any medical considerations. The physician's approval shall be maintained in the client's record.

(f) The facility or day program director must review and approve the aversive conditioning procedure in advance of its implementation. The Human Rights Committee must review and approve the procedure within one month of its implementation. The facility or program director's and the Human Rights Committee's approval must be documented.

(g) All aversive conditioning procedures shall be continuously evaluated by facility or day program staff through daily data collection on the client's problem behavior. In addition, there shall be at least monthly review of all aversive procedures at a meeting of the professional instruction and treatment staff of the facility.

(h) The continued use of aversive conditioning procedures shall be allowed only if it results in significant change in the rate, duration, intensity, or other measurable dimension of the client's undesired response. When a behavior change cannot be documented, within time frames established in the individual treatment program, the aversive procedure shall be discontinued. No aversive conditioning procedure shall be continued longer than 30 days if behavioral changes do not occur.

(i) In each case where an aversive conditioning procedure is proposed, the parents, guardians, or responsible relatives and when feasible, the client, shall sign the written description of the individualized program, indicating that they are familiar with the response definition, the data collection procedure and the treatment procedure, and that their informed and non-coerced consent has been obtained.

10:133-2.3 Application requirements

(a) A facility or day program proposing to use aversive conditioning procedures must submit a written application for approval to the Division prior to the facility's or day program's utilization of any aversive conditioning procedures. Division approval of each use of an aversive conditioning procedure is not required subsequent to the application's approval; however, a facility or day program must notify the appropriate Division prior to, when possible, but not later than 12 hours after the implementation of each approved aversive conditioning procedure. The Division may require a facility or day program to terminate an aversive conditioning procedure if any requirements of the policy are violated.

(b) Division approval is limited to aversive conditioning procedures specified in the facility's application. The program must receive prior Division approval for any aversive conditioning procedure not identified in the application. A facility's program application for approval shall include the following information:

1. A description of how aversive conditioning procedures will be integrated into the overall behavior modification program.

2. The specific aversive conditioning procedures that the facility or day program intends to utilize.

3. A list of staff, by position and qualifications, who will be authorized to utilize aversive conditioning procedures. The list shall specify which staff member is responsible for coordinating and administering the aversive conditioning program. The facility or day program must notify the approving agency immediately of any changes in staff implementing or administering the aversive conditioning program.

4. A list of the names and addresses of the Human Rights Committee, including how members are selected, frequency of meetings, and functions of the committee.

5. Under what circumstance, i.e., for what types of behavior, aversive conditioning procedures would be considered as the most appropriate treatment intervention.

6. How staff members will be trained to implement and document the aversive conditioning procedures.

7. How the facility or day program will document the need for using an aversive conditioning procedure, including documentation of other non-aversive interventions that were unsuccessful, and the client's response to the non-aversive procedures.

8. The procedure for receiving prior approval of a licensed physician for each use of a painful aversive conditioning procedure.

9. The facility's or day program's internal approval process, including who must approve the procedure, the process of periodic review of the client's program and progress, and the process for review by the Human Rights Committee.

10. The process for informing the client's parent(s) or guardian and the client of the plan to utilize aversive conditioning procedures and for obtaining their consent.

11. The process for informing the client's caseworker of the plan to utilize aversive conditioning procedures and for keeping the caseworker advised of the client's progress.

LABOR

(a)

THE COMMISSIONER

Maximum Weekly Benefit Rates 1984 Maximum Weekly Benefits for Unemployment Compensation and State Plan Temporary Disability

Proposed Amendment: N.J.A.C. 12:15-1.3

Authorized By: Roger A. Bodman, Commissioner, Department of Labor.
Authority: N.J.S.A. 34:1-5, 34:1-20, 43:21-3(c) and 43:21-40.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Arthur J. O'Neal, Jr., Director
Division of Planning and Research
Department of Labor
CN 056
Trenton, NJ 08625

The Department of Labor 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 1983-438.

The agency proposal follows:

Summary

This proposed amendment establishes the 1984 maximum weekly benefit rates for benefits under the Unemployment Compensation Law and for State Plan benefits under the Temporary Disability Benefits Law.

Social Impact

The proposed amendment will increase the weekly benefit rates received by individuals eligible for the maximum weekly benefit rate under the Unemployment Compensation Law and the Temporary Disability Benefits Law, beginning January 1, 1984.

Economic Impact

This amendment will ensure that payments to unemployment and disability insurance recipients entitled to maximum benefits will increase in line with the upward trend of wages in the State's economy, thus preserving the real purchasing power of their benefits. The added costs to the Unemployment Insurance and Disability Insurance Trust Funds will be offset by an increase in the taxable wage base for employer and worker contributions to these funds as provided by proposed rule N.J.A.C. 12:15-1.4.

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

12:15-1.3 Maximum weekly benefit rates

(a) In accordance with the provisions of the Unemployment Compensation Law, the maximum weekly benefit rate for benefits under the Unemployment Compensation Law and the maximum weekly benefit amount for State Plan benefits under the Temporary Disability Benefits Law is hereby promulgated as being [$158.00] **$170.00** per week.

(b) These maximum benefits shall be effective for the calendar year [1983] **1984** on benefit years and periods of disability commencing on or after January 1, [1983] **1984**.

(a)

THE COMMISSIONER

Taxable Wage Base
1984 Taxable Wage Base Under the Unemployment Compensation Law

Proposed Amendment: N.J.A.C. 12:15-1.4

Authorized By: Roger A. Bodman, Commissioner, Department of Labor.
Authority: N.J.S.A. 34:1-5, 34:1-20 and 43:21-7(b)(3).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Arthur J. O'Neal, Jr., Director
Division of Planning and Research
Department of Labor
CN 056
Trenton, NJ 08625

The Department of Labor 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 1983-439.

The agency proposal follows:

Summary

This proposed amendment establishes the 1984 taxable wage base for the purpose of contributions under the Unemployment Compensation Law.

Social Impact

The proposed amendment will increase the wages of an individual employee of an employer that are subject to employer and woker contributions under the Unemployment Compensation Law beginning January 1, 1984.

Economic Impact

This amendment will generate increased revenues for the Unemployment Insurance and Disability Insurance Trust Funds needed to offset the increased level of benefits for these programs which are statutorily indexed to the upward trend of wages in the State's economy.

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

12:15-1.4 Taxable wage base under the unemployment compensation law

(a) In accordance with the provisions of N.J.S.A. 43:21-7(b)(3), the "wages" of any individual with respect to any one employer for the purpose of contributions under the Unemployment Compensation Law shall include the first [$8,800] **$9,600** during the calendar year [1983] **1984**.

(b)

DIVISION OF UNEMPLOYMENT AND TEMPORARY DISABILITY INSURANCE

Claim for Partial Unemployment Benefits

Proposed Amendment: N.J.A.C. 12:17-5.1

Authorized By: Roger A. Bodman, Commissioner, Department of Labor.
Authority: N.J.S.A. 43:21-1 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Frederick C. Kniesler, Assistant Commissioner
Office of Income Security
Department of Labor
Room 602
Trenton, NJ 08625

The Department of Labor 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 1983-493.

The agency proposal follows:

Summary

This proposal changes the requirement that individuals who experience a partial week of unemployment must report in person in order to claim benefits or waiting period credit. This proposed change would allow individuals to exercise the option of claiming partial benefits either in person or by mail.

Social Impact

The primary effect of this change would be to relieve individuals who are experiencing a period of partial unemployment from the requirement to appear in person in an unemployment claims office in order to claim benefits. Individuals in some industries which suffer workload fluctuations on a sporadic basis may be inclined to put off reporting to an unemployment claims office in the hope that work will be available in one or two days. Should they then return to work, they may not be able to make a claim for benefits because they have returned to work. This change would allow them to make such a claim for benefits either in person or by mail. The mail option will allow such individuals to claim benefits for periods of unemployment without loss of employment once they have returned to work.

Economic Impact

This proposal will relieve the burden and expense of reporting to an unemployment claims office for a claimant who is filing for partial unemployment benefits. In addition, it will allow individuals to claim benefits to which they are entitled either by mail or in person.

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

12:17-5.1 Registration and filing

(a) A claim to establish a benefit week under Section 3.1 (weeks with reference to unemployment defined) of this chapter [shall] **may** be filed by the individual in person **or by mail** [at] **through** a local [employment service] **unemployment claims** office and shall constitute such individuals's notice of unemployment, registration for work, and claim for benefits or waiting period credit, with respect to each such week of partial unemployment covered by the claim.

(b) Such claim shall not be valid if filed 28 or more days after the individual has been furnished by his employer with information as to his earnings in any such week as provided in Section 4.2 (Evidence of weekly unemployment) of this Chapter, except that the Director may, at his discretion, extend the period of validity if it is found desirable.

(a)

DIVISON OF UNEMPLOYMENT & TEMPORARY DISABILITY INSURANCE

Prorating Lump Sum Pension Payments

Proposed New Rule: N.J.A.C. 12:17-11.3

Authorized By: Roger A. Bodman, Commissioner, Department of Labor.

Authority: N.J.S.A. 43:21-1 et seq. and P.L. 1980, Chapter 13.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Frederick C. Kniesler, Assistant Commissioner
Office of Income Security
New Jersey Department of Labor
Room 602
Trenton, NJ 08625

The Department of Labor 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 1983-492.

The agency proposal follows:

Summary

The proposed new rule changes the method by which unemployment benefits are reduced due to a lump sum payment of a retirement benefit by employers to employees. Under the current system, any payment of this nature is prorated over a 12 month period and the weekly value of this payment is deducted from the individual's weekly benefit rate. The proposed new rule would prorate the payment over the individual's expected lifetime at the time of separation from employment based upon actuarial tables.

Social Impact

The proposed new rule will affect individuals who file for unemployment insurance benefits. In those situations were an individual receives a lump sum pension payment from an employer, this rule will calculate the distribution of this payment over the life expectancy of the individual rather than apportioning it over a 12 month period. This is consistent with the intent of the pension payment given to the individual.

Economic Impact

The proposed new rule will allow individuals who receive a lump sum pension payment from an employer to be treated in a more equitable manner, more consistent with the intent of the law and in a fashion consistent with those individuals who receive a periodic payment from their employer. By prorating the lump sum pension amount through the use of actuarial tables, this will distribute the payment over a greater time period. Therefore, there is a greater possibility that an individual who is the recipient of such a pension payment will qualify for some unemployment insurance benefits.

Full text of the proposed new rule follows.

12:17-11.3 Lump sum pension reduction

For weeks of unemployment beginning on or after the effective date of this section, in those cases where an individual is the recipient of a lump sum payment from his or her employer in lieu of a periodic payment of a pension, retired or retirement payment, annuity or other similar periodic payment, the calculation for the reduction of benefits shall be made, consistent with the provisions of N.J.A.C. 12:17-11.1 and 12:17-11.2, by prorating the dollar value of the payment over the life expectancy of the individual at the time of separation from the employer using approved actuarial tables.

(a)

THE COMMISSIONER

Benefit Rates
Workers' Compensation Benefit Rates for 1984

Proposed Amendment: N.J.A.C. 12:235-1.5

Authorized By: Roger A. Bodman, Commissioner, Department of Labor.
Authority: N.J.S.A. 34:1-5, 34:1-20, 34:15-12.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Arthur J. O'Neal, Jr., Director
Division of Planning and Research
Department of Labor
CN 056
Trenton, NJ 08625

The Department of Labor 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 1983-437.

The agency proposal follows:

Summary

This proposed amendment establishes the 1984 maximum workers' compensation rates for temporary disability, permanent total disability, permanent partial disability, and dependency.

Social Impact

The proposed amendment will increase the weekly benefit rates received by individuals eligible for the maximum weekly benefit rate for temporary disability, permanent total disability, permanent partial disability, and dependency under the Workers' Compensation Law.

Economic Impact

This amendment will ensure that payments to Workers' Compensation recipients entitled to maximum benefits will increase in line with the upward trend of wages in the State's economy, thus preserving the real purchasing power of their benefits.

The effect of this change, other things being equal, will be to raise employers' workers compensation insurance costs.

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

12:235-1.5 Maximum workers' compensation benefit rates

(a) In accordance with the provision of N.J.S.A. 34:15-12(a), the maximum workers' compensation benefit rate for temporary disability, permanent total disability, permanent partial disability, and dependency is hereby promulgated as being [$236.00] **$255.00** per week.

(b) This maximum compensation shall be effective as to injuries occurring in the calendar year of [1983] **1984**.

LAW AND PUBLIC SAFETY

(b)

DIVISION OF MOTOR VEHICLES

Licensing Service
Driver License

Proposed Amendment: N.J.A.C. 13:21-8

Authorized By: Clifford W. Snedeker, Director, Division of Motor Vehicles.
Authority: N.J.S.A. 39:3-10, 31:3-11.1, 39:3-13, 39:3-13a, 39:3-13.1 and 39:3-33.7.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford W. Snedeker, Director
Division of Motor Vehicles
25 So. Montgomery Street
Trenton, NJ 08666

The Division of Motor Vehicles 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 1983-458.

The agency proposal follows:

Summary

The proposed amendments effectuate the following changes in the Driver License Regulations:

1. Repeal that part of N.J.A.C. 13:21-8.5(b) and the entirety of N.J.A.C. 13:21-8.5(c) which require persons with certain suspensions to obtain a written release from the Bureau of Security-Responsibility before applying for a driver's license. That requirement was necessary to insure that said persons had filed proof of financial responsibility with the Bureau of Security-Responsibility pursuant to N.J.S.A. 39:6-31. P.L. 1979, c. 169 repealed N.J.S.A. 39:6-31 so that the written release is no longer necessary.
2. Provide specific standards for the administration of written law-knowledge tests in English and foreign languages designated by the director.
3. Provide specific standards for the administration of oral law-knowledge tests in English and foreign languages designated by the director.
4. Provide for the administration of a special test to driver license applicants who are hearing-impaired.
5. Repeal N.J.A.C. 13:21-8.19 and 13:21-8.20 dealing with the issuance of "Valid in N.J. Only" driver's license.

Social Impact

The proposed amendments have a beneficial social impact in providing standards for written and oral law-knowledge tests administered by the Division of Motor Vehicles.

Economic Impact

There is no direct economic impact on the citizens of the State. There is an economic impact on the Division of Motor Vehicles in administering the various kinds of law-knowledge tests and in paying interpreter fees for hearing-impaired applicants.

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

13:21-8.1 Definitions

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

. . .

"Driving test" means that portion of the Driver License Examination wherein the applicant for a New Jersey [automobile or motorcycle] **driver's** license **of any class** demonstrates his ability to [exercise safe and reasonable control in the operation of] **operate** a motor vehicle of the [type or general] class [of vehicles for which the license he has applied for would be valid] **designated in his application**.

"Examinations" means a test or series of tests designed to check the applicant's visual acuity, color perception, knowledge of laws and safe operation of motor vehicles and administered by [motor vehicle officers of the Enforcement Bureau] **the Driver Testing Bureau** of the Division of Motor Vehicles.

"Permit" means learner's permit, driver examination permit or any written instrument isssed under the provisions of N.J.S.A. 39:3-13 or [39:13-1] **39:3-13.1**.

. . .

13:21-8.5 Driving privilege status

(a) (No change).

(b) Any person who has had his driving privilege revoked suspended in another state within the three years prior to making application for a New Jersey driver's license may be required to present written evidence supplied by the licensing authority of that state that his privilege has been restored. A current driver's license issued by such state may be considered sufficient evidence of restoration [; provided, however, that the applicant is not subject to the provisions of subsection (c) of this Section].

[(c) Before making application for a driver's license, persons in the following categories may be required to obtain written release from the Security-Responsibility Section in Trenton:

1. Any person whose driver's license has been suspended because of a conviction of driving while intoxicated; leaving the scene of an accident; fleeing or attempting to elude a Police Officer; reckless driving; racing on the highways; homicide with a motor vehicle; assault with a motor vehicle; fatal accident; or a habitual violator of the point system; provided, however, that the violation was within the immediately preceding three-years from the date of application for a New Jersey driver license.

2. Any person who, while a resident of another state, had his driving privilege suspended for failing to satisfy a judgment arising out of a motor vehicle accident.]

13:21-8.6 Law-knowledge tests**; written; English language; foreign language**

[The law-knowledge test for applicants who have a limited knowledge of English may be given as an oral test. This test will include a demonstration of an ability to read and understand road signs in common use.]

(a) Written tests will be administered in English to driver license applicants having an adequate ability to read and understand the English language.

(b) Written tests will be administered in foreign languages to applicants having a limited ability to read and understand the English language. The foreign languages in which the written tests will be given shall be determined by the director.

(c) Written tests will consist of a series of questionnaires concerning the safe operation of an automobile, motorcycle, articulated vehicle or bus, and the New Jersey Motor Vehicle Laws and Traffic Regulations, information regarding which is contained in the driver manual and supplements thereto.

(d) The written test will consist of at least 20 questions. The test will include a demonstration of an ability to read and understand raod signs in common use.

(e) The written test administered in public, private or parochial schools shall consist of at least 50 questions and shall be approved by the State Department of Education and the Division of Motor Vehicles.

(f) A passing score of at least 80 percent must be attained by the applicant. If the test consists of two parts (laws and signs), a passing score of 80 percent must be attained in each part. Each question will be of equal value when scoring the test.

(g) An applicant who fails the written test for a driver license can not be retested for a period of at least one week from the date of failure.

13:21-8.7 [Written test] **Law-knowledge tests; oral; English language; foreign language**

[(a) The written test shall consist of a series of questionnaires concerning the safe operation of a motor vehicle and/or motorcycle and the New Jersey Motor Vehicle Laws and Traffic Regulations, information regarding which is contained in the Driver Manual and any supplement thereto.

(b) The written test questionnaire shall contain 20 questions.

(c) The percentage value of each question will be five percent.

(d) A passing grade of 80 percent must be attained by the applicant.

(e) An applicant who fails the written test may not be retested until a period of at least one week has elapsed.

(f) When an applicant fails the written test three times after having shown no improvement, the Sergeant or Officer-in-charge may request that the applicant be given an oral test.]

(a) Oral tests will be administered to driver license applicants who are unable to read the English language or a foreign language or who experience difficulty in understanding the English language in such a manner that they are unable to complete the written test.

(b) The English language oral test administered by the Division of Motor Vehicles or as part of a high school driver education program will consist of two parts as follows:

1. Slides, transparencies or other facsimiles which can be used to show the image of official traffic control devices. The number of slides, transparencies and/or other facsimiles will be 20. Applicants will be required to read and explain the meaning of each slide, transparency or other facsimile. The percentage value of each slide, transparency or other facsimile will be five percent. A passing score of 80 percent must be attained by the applicant.

2. Questionnaires concerning the safe operation of a motor vehicle or motorcycle, and the New Jersey Motor Vehicle Laws and Regulations, as may be contained in the driver's manual or any supplement thereto. The questions on these questionnaires will be asked orally of the applicants. The number of questions will be 20. A passing score of 80 percent must be attained by the applicant.

(c) An applicant who fails the oral test for a driver license can not be retested for a period of at least two weeks from the date of failure.

(d) Oral tests will be administered in foreign languages determined by the director to driver license applicants who are unable to read and understand the English language or a foreign language so that they are unable to complete the written test.

(e) Foreign language oral tests will consist of the following:

1. A series of at least 20 recorded questions concerning the safe operation of an automobile, motorcycle, or articulated vehicle, and the Motor Vehicles Laws and Traffic Regulations.

2. A demonstration of the ability to understand traffic control signs in common use.

3. A passing score of 80 percent must be attained in each part of the oral test.

4. An applicant who fails the oral test for a driver license cannot be retested for a period of at least two weeks from the date of failure.

13:21-8.8 [Oral test] **Special examination; hearing-impaired**
[(a) The oral test is a test given to applicants for a New Jersey driver's license who are unable to read English or experience difficulty in understanding the English language so that they are unable to complete the written test.
(b) This test shall consist of two parts as follows:
1. Slides or transparencies which can be used to show the age of official traffic control devices. The number of slides and/or transparencies will be 20. Applicants will be required to read and explain the meaning of each slide and/or transparency. The percentage value of each slide and/or transparency will be five percent. A passing grade of 80 percent must be obtained by the applicant.
2. Questionnaires concerning the safe operation of a motor vehicle or motorcycle, the New Jersey Motor Vehicle Laws and Regulations, as may be contained in the driver's manual or any supplement thereto. The questions on these questionnaires will be asked orally of the applicants. The number of questions will be 10. The questions will be read to the applicant.]
(a) A special test will be administered to driver license applicants who are hearing-impaired and unable to read and understand the English or foreign language written test.
(b) The special test for hearing-impaired applicants will be administered by use of video or other devices in order to determine whether the applicant has an adequate knowledge concerning traffic control signs in common use, the safe operation of a motor vehicle or motorcycle and the Motor Vehicle Laws and Traffic Regulations.
(c) A passing score of 80 percent must be attained in each part of the special examination.
(d) An applicant who fails the special examination for a driver license cannot be retested for a period of at least two weeks from the date of failure.
(e) An interpreter may be permitted to accompany the applicant if the interpreter has been approved by the New Jersey Division of the Deaf or the Interpreter Referral Service.
(f) The Division will pay the interpreter fees for hearing impaired applicants. An approved interpreter will be paid at the rate of $12.50 per hour plus $.18 a mile for travel over 25 miles round trip. Upon request for compensation the supervisor will require the interpreter to sign form "AR 50/54". The supervisor will ascertain the total hours of service and the miles travelled in excess of 25 miles. Approved interpreters will be paid a minimum of one hour. Service time beyond the first hour will be paid in half-hour increments.

13:21-8.10 Visual acuity test standards
(a) (No change.)
(b) When the vision in either eye is less than 20/50 and cannot be improved by means of corrective lenses, a certificate adequately explaining the deficiency and signed by a [New Jersey] registered physician, [opthamologist] **ophthalmologist** or optometrist, must be presented.
(c) When the vision in either eye is less than 20/50 and corrective lenses will improve the vision, then corrective lenses will be required to be worn while driving; except where corrective lenses show an improvement, but wearing lenses would be detrimental to the applicant's visual well being, a statement to this effect, signed by a [New Jersey] registered physician, [opthamologist] **ophthalmologist** or optometrist, must be presented.
(d) (No change.)
(e) In the event any special device or equipment is used or needed to meet the mininum requirements [outlined in] **of** this section, the matter may be referred to the [Office of the] Chief of the [Enforcement] **Driver Testing** Bureau [for final determination].

13:21-8.14 Vehicle used in driving demonstration
(a)–(b) (No change.)
(c) The vehicle must be equipped with a fixed seat (with back) so situated that the [examining Motor Vehicle Officer] **licensing examiner** may be able to operate the controls in case of an emergency.
(d) The driving test cannot be administered in a vehicle in which there is a center console type construction, or other obstruction which will prevent the [Officer] **licensing examiner** from having access to the foot brake, unless the parking brake is mounted to the right of the driver in a position accessible to the [Officer] **examiner**.
(e) The vehicle may be required to be equipped with snow tires or tire chains when, in the opinion of the [Officer-in charge] **Unit Supervisor-in-charge**, such equipment is necessary to insure maximum safety.
(f) In the case of a motorcycle**, articulated vehicle or bus** test, the provisions of [subsections] (a), (b) and (c) **above** [of this Section] may not be applicable.

13:21-8.15 Accompanying driver
(a)–(b) (No change.)
(c) No unauthorized person may accompany the applicant and the [Motor Vehicle Officer] **licensing examiner** in the vehicle during the test.

13:21-8.16 Failure of driving test
(a) (No change.)
(b) An applicant who, after several attempts, is unable to pass a driving test, and has failed to demonstrate any material improvement in his performance, will be referred to the [Sergeant or Officer-in-charge] **Unit Supervisor-in-charge** of the Driver Qualification Center, who may recommend to the Director that the applicant be prohibited from again submitting to the driving test for a period of six months. **The applicant shall retain the examination permit for the purpose of practice driving.**

13:21-8.17 Waiver of driving test
(a) The driving test may be waived **by the Unit Supervisor-in-charge of the Driver Qualification Center** if the applicant:
1. (No change).
2. [Is in] **Holds a license issued by** the United States Armed Forces [and holds a license] for the type or general class of vehicles he desires to drive;
3.–5. (No change.)

13:21-8.19 [Affidavit confirming residence] **(Reserved)**
[Any such applicant who is in fact a bona fide resident of New Jersey shall be entitled to receive a certificate without such overprinting. An affidavit attesting to this fact will be accepted as evidence of such residence.]

13:21-8.20 [Receipt of affidavit] **(Reserved)**
[Upon receipt of such affidavit, the Director may void any overprinted certificate and cause to be issued a new certificate without such overprinting.]

13:21-8.22 Weight class and restrictions
The following driver license numerical codes will designate the indicated class of vehicle and the restrictions and conditions regarding prosthetic and mechanical devices required by the licensee:

CLASS VEHICLE	RESTRICTION
[* 0 – Unclassified	0 – None
* 1 – Unlimited	1 – Corrective glasses
* 2 – 30,000 pounds or less	2 – Prosthetic device
* 3 – 10,000 pounds or less	3 – Mechanical device
4 – Passenger only	4 – Glasses and prosthetic
5 – Motorcycle only	5 – Glasses and mechanical device

	6 – Glasses, mechanical and prosthetic device
	7 – Mechanical and prosthetic device
	8 – Attached endorsement]
A – Moped	**0 – none**
C – Farm (One year only)	**1 – Corrective Glasses**
D – Auto	**2 – Prosthetic Device**
E – MC	**3 – Mechanical Device**
F – Auto & MC	**8 – Attached Endorsement**
G – Auto & Art. Veh.	
H – Auto & Bus 1	
J – Auto & Bus 2	
K – Auto, MC & Art. Veh.	
L – Auto, MC & Bus 1	
M – Auto, MC & Bus 2	
N – Auto, Bus 1 & Art. Veh.	
P – Auto, Bus 2 & Art. Veh.	
R – Auto, MC, Bus 1 & Art. Veh.	
S – Auto, MC, Bus 2 & Art. Veh.	

(a)

DIVISION OF MOTOR VEHICLES

Motorized Bicycles
Procedure to Regulate Operation on Highways

Proposed Readoption: N.J.A.C. 13:25-8

Authorized By: Clifford W. Snedeker, Director, Division of Motor Vehicles.
Authority: N.J.S.A. 39:4-14.3(c).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford W. Snedeker, Director
Division of Motor Vehicles
25 South Montgomery Street
Trenton, NJ 08666

The Division of Motor Vehicles thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on January 5, 1984. The readopted rules become effective upon acceptance by the Office of Administrative Law of a notice of their readoption.

This proposal is known as PRN 1983-457.

The agency proposal follows:

Summary

The Division of Motor Vehicles proposes to readopt the provisions of N.J.A.C. 13:25-8 concerning the procedure to regulate the operation of motorized bicycles on highways. These rules were filed and became effective on January 8, 1979, and are now to be readopted in accordance with Executive Order 66(1978).

The rules implement that section of the Motor Vehicle and Traffic Law (N.J.S.A. 39:4-14.3) concerning motorized bicycles. That section authorizes the operation of motorized bicycles on the public highways except interstate highways, divided highways and highways with a posted speed limit in excess of 50 miles per hour. That section delegates to the Director of the Division of Motor Vehicles authority to adopt rules to prohibit the operation of motorized bicycles on any highway with a speed limit in excess of 40 miles per hour which in his discretion is hazardous for the operation of motorized bicycles. The Director is also empowered to adopt rules to permit the operation of motorized bicycles on any highway with a posted speed limit not in excess of 50 miles per hour which in his discretion is safe for operation of motorized bicycles.

The rules proposed for readoption establish procedures for the Director's exercise of discretion in prohibiting or permitting the operation of motorized bicycles on specific highways. Subsection (a) of N.J.A.C. 13:25-8.1 provides for the adoption and filing with the Director of Motor Vehicles of municipal or county resolutions relating to highways under their respective jurisdiction. Subsection (b) of N.J.A.C. 13:25-8.1 provides for the filing of the Commissioner of Transportation's recommendation concerning highways under his jurisdiction.

N.J.A.C. 13:25-8.2 sets forth the criteria to be considered by the respective governing bodies in adopting a resolution or recommendation. A governing body and the Commissioner of Transportation shall consider, in addition to the guidelines set forth in N.J.S.A. 39:4-14.3(a), factors including accident experience, traffic patterns, traffic volumes and the physical characteristics of the highway.

N.J.A.C. 13:25-8.3 provides that regulatory signs shall be poste the respective governing body upon adoption of regulations by the Director. This section is being amended to add the clarification that such signs should be approved by DOT.

N.J.A.C. 13:25-8.4 provides that regulations shall be effective upon posting of the regulatory signs.

N.J.A.C. 13:25-8.5 and 13:25-8.6 list those highways or portions thereof where motorized bicycles are either permitted or prohibited because of local resolutions or recommendation of the Department of Transportation.

Social Impact

The rule proposed for readoption fosters highway safety in that the operation of motorized bicycles may be prohibited upon highways which are unsafe for such use. The rule also facilitates the public's unencumbered use of motorized bicycles by permitting use of motorized bicycles on highways which are safe for such use.

Economic Impact

Other than costs incurred by the State in promulgating and adopting regulations, there is no economic impact on the State. There is no quantifiable economic impact on the citizens of the State; although it may be presumed that the regulation in promoting the safe use of motorized bicycles results in savings of lives and property.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 13:25-8 as amended in the New Jersey Register.

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

13:25-8.3 Posting of regulatory signs

Upon the adoption of regulations by the Division of Motor Vehicles pursuant to N.J.S.A. 39:4-14.3c prohibiting or permitting the operation of motorized bicycles on specified highways or portions thereof which are deemed unsafe or safe for the operation of motorized bicycles, the county, municipality or Department of Transportation shall cause to be erected traffic signs regulating the use of motorized bicycles. The State or political subdivision with jurisdiction over the highway shall be responsible for the erection of such signs **approved by the Department of Transportation**. The design and position of the signs to be posted shall be in conformance with the "Manual on Uniform Traffic Control Devices".

(a)

DIVISION OF CONSUMER AFFAIRS

Board of Marriage Counselor Examiners General Provisions; Professional Misconduct; Unlicensed Person–Permissible Activities; Qualification for Admission to Examination

Proposed Amendment: N.J.A.C. 13:34-1.1 Proposed New Rules: N.J.A.C. 13:34-1.3, 1.4, 1.5, 1.6, 1.7, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 4.1, 4.2

Authorized By: State Board of Marriage Counselor Examiners, John Zane, President.
Authority: N.J.S.A. 45:8B-9 et seq., specifically 45:8B-13.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

John Zane, President
Board of Marriage Counselor Examiners
1100 Raymond Boulevard
Newark, New Jersey 07102

The Board of Marriage Counselor Examiners 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 1983-461.

The agency proposal follows:

Summary

Under the proposed amendment, N.J.A.C. 13:34-1.1 would be changed to allow waiver of annual license fees during a period in which the marriage counselor was inactive. The proposed new rules would specify standards of prohibited conduct which may result in the suspension or revocation of a marriage counselor's license, delineate more specifically the activities permitted by unlicensed persons as suggested by the court in **Sonnheim v. State Bd. of Marriage Counselor Examiners**, et al, 186 N.J. Super. 1 (App. Div. 1982), and specifically designate the experiential and educational requirements for admission to examination.

Social Impact

The proposed new rules will provide to licensees and potential licensees a clearer statement of their professional responsibilities and provide notice to them of additional prohibited conduct which may result in disciplinary action. The proposed amendment would encourage former licensees who have had inactive practices to reinstate their licenses, by eliminating the need to pay $55.00 per year since they ceased active practice.

Economic Impact

Currently, licensees are subject to disciplinary action for professional misconduct, without a rule specifically delineating prohibited activity. The proposed new rules will specifically set out some of the prohibited activity, however no increased financial cost is anticipated to those who are licensed as marriage and family counselors because of the setting of more specific standards. The waiver of annual fees upon reinstatement will decrease the cost of reinstatement to former licensees and will have no appreciable effect on the revenues raised by the Board, since the experience of the Board has been that a former licensee, faced with a large fee for reinstatement, usually decides against renewing his or her license.

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

SUBCHAPTER 1. GENERAL PROVISIONS

13:34:1.1 Annual license fees and charges

(a) There shall be paid to the State Board of Marriage Counselor Examiners the following fees:

1. Examination of credentials, which shall not be subject to refund $25.00;
2. Reexamination of credentials, not subject to refund 10.00;
3. Examination fee 60.00;
4. Initial license certificate 60.00;
5. Temporary permit 25.00;
6. License renewal fee 55.00
7. Reinstatement fee[*] .... 50.00.

i. Upon verification acceptable to the Board that an individual has not practiced marriage or family counseling in private practice or otherwise practiced in New Jersey or used a previously issued New Jersey license in any manner, the annual license fee during the inactive period will be waived. The fee to be paid, under these conditions, is the renewal fee for the current period ($55.00), the reinstatement fee ($50.00) and the late license fee ($25.00), if appropriate.

ii. In the absence of the above verification, the annual license fee ($55.00) for each year since last paid is required in addition to the license reinstatement fee ($50.00).

[**]**iii.** The late renewal penalty or license revival fee shall be $25.00 in addition to the annual license fee of $55.00.

8. License revival fee (for late license renewals)[**] 25.00;
9. Photocopies: $1.00 service charge plus $1.00 for each page up to and including the first five pages and $0.50 per page for every page thereafter.

[*For reinstatement, the annual license fee for each year since last paid is required in addition to the license reinstatement fee.]

13:34-1.2 Examination review procedure
(No change.)

13:34-1.3 Office location

The offices of the Board shall be at 1100 Raymond Boulevard, Newark, New Jersey 07102.

13:34-1.4 License lists

A current list of licensed New Jersey Marriage Counselors shall be maintained and made available at the Board's office.

13:34-1.5 Applications

Application forms and information regarding licensure of practicing marriage counselors may be obtained from the State Board of Marriage Counselor Examiners, 1100 Raymond Boulevard, Newark, New Jersey 07102.

13:34-1.6 Licensee to display notice

Every licensee shall prominently display in a conspicuous location in his or her office the following notice:

(Name of individual) is licensed by the State Board of Marriage Counselor Examiners, an agency of the New Jersey Division of Consumer Affairs. Any

member of the consuming public having a complaint concerning the manner in which this practice is conducted should notify the State Board of Marriage Counselor Examiners, 1100 Raymond Boulevard, Newark, New Jersey 07102, or the New Jersey Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey, 07102.

13:34-1.7 Hearings to conform to law

The conduct of all hearings shall conform to the requirements of the Administrative Procedure Act, N.J.S.A. 54:14B-1 et seq., as amended and supplemented.

SUBCHAPTER 2. PROFESSIONAL MISCONDUCT

13:34-2.1 Misconduct defined

(a) Professional or occupational misconduct in the practice of marriage counseling by persons licensed by the State Board of Marriage Counselor Examiners shall include, but not be limited to the following:

1. Willful or grossly negligent failure to comply with Federal, State or local laws, rules or regulations governing the practice of the profession.

2. Permitting any person to share in fees for professional services, other than a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice the same profession.

3. Failing to respond within 30 days to written communications from the Board of Marriage Counselor Examiners and to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct.

i. The period of 30 days shall commence on the date when such communication was sent from the Board by registered or certified mail, with return receipt requested, to the address appearing in the last registration.

4. Abandoning or neglecting a client under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a professional employment by a group practice, hospital clinic or other health care facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care to clients.

5. Willfully harassing, abusing or intimidating a client or other professional colleague relative to delivery of client services, either physically or verbally.

6. Failing to maintain a record for each client which accurately reflects the client contact with the practitioner.

i. Unless otherwise provided by law, all client records must be retained for at least six years.

7. Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed or license eligible professional.

8. Failing to make available to a client, or, upon a client's request, to another licensed health practitioner consistent with that practitioner's authorized scope of practice, copies of reports or test records relating to the client which are in the possession or under the control of the licensee, or failing to complete forms or reports required for the reimbursement of a client by a third party.

i. Reasonable fees may be charged for such copies, forms or reports, but prior payment for the professional services to which such records relate shall not be required as a condition for making such records available.

ii. A practitioner may, however, withhold information from a client if, he or she believes release of such information would adversely affect the client's health, and this section shall not require release to the parent or guardian of a minor of records or information relating to venereal disease or abortion except with the minor's consent.

9. Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the client.

10. Exercising undue influence on the client including the promotion of the sales of services, goods, appliances or drugs in such manner as to exploit the client for the financial gain of the practitioner or of a third party.

11. Directly or indirectly offering, giving, soliciting, receiving or agreeing to receive any fee or other consideration to or from a third party for the referral of a client or in connection with the performance of professional services except as permitted in (a) 2 above.

12. Making claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof.

13. Using the word "Doctor" or otherwise misleading designation in offering to perform professional services when such title or designation has not been earned at an accredited educational institution or is not one which is recognized by the New Jersey State Board of Education.

14. Guaranteeing that satisfaction or a cure will result from the performance of professional services.

15. Claiming or using any secret or special method of treatment and/or diagnostic technique which the licensee refuses to divulge to the Board.

16. Physical contact of a sexual nature between marriage counselor and client, or in therapy groups, promoting or allowing physical contact of a sexual nature between group members.

17. Failing to notify the Board of Marriage Counselor Examiners in writing of any change of address from that currently registered with the Board and shown on the most recently issued license.

i. Such notice shall be given not later than 30 days following the change of address.

18. Charging of excessive fees for services. A fee is excessive when, after a review of the facts, a licensee of ordinary prudence would be left with a definite and firm conviction that the fee is so high as to be manifestly unconscionable or overreaching under the circumstances.

i. The Board of Marriage Counselor Examiners shall review information and complaints concerning allegations of excessive fees charged by licensees of the Board.

ii. This rule is not intended to impinge upon the strong public policy in favor of a competitive, free enterprise economy embodied in the antitrust laws of the United States and of this State.

iii. The Board shall consider comparable fees charged by licensees not under inquiry only to the minimum extent necessary to render a determination as to whether a fee is excessive.

19. Advertising in one of the following ways which:

i. Is false, fraudulent, deceptive, misleading, misrepresents any material fact or is not consistent with the dignity of the profession;

ii. Suppresses, omits or conceals any material fact under circumstances which a board licensee knows or should know that the omission is improper or prohibits a prospective patient from making a full and informed judgment on the basis of the information set forth in the advertisement;

iii. Includes any claim that the service performed or the materials used are professionally superior to that which is ordinarily performed or used in the profession;

iv. Includes any promotion of a professional service which the board licensee knows or should know is beyond the licensee's ability to perform;

v. Includes techniques or communication which appears to intimidate, exert undue pressure or to unduly influence a prospective client or consumer;

vi. Includes any personal testimonial attesting to the quality or competence of a service or treatment offered by a licensee;

vii. Communicates any fact, data or information which may personally identify a patient;

viii. Offers to pay, give or accept a fee or other consideration to or from a third party for the referral of a patient;

ix. Includes any format or element thereof which is unprofessional;

x. Includes any print, language or format which directly or indirectly obscures a material fact:

xi. Guarantees any services;

xii. Offers gratuitous services or discounts in connection with professional services; but this clause shall not be construed to relate to the negotiation of fees between professionals and patients or clients, or to prohibit the rendering of professional services for which no fee is charged;

xiii. Fails to substantiate the truthfulness of any assertion or representation set forth in an advertisement;

xiv. Offers marriage and family counseling services by a proprietary organization and fails to designate the licensed marriage counselor responsible for supervising employees who perform marriage counseling functions;

xv. Engages directly or through the use of any agent, employee or representative in in-person solicitation with a prospective patient or consumer.

(1) Provided, however, (a) 19xv above shall not prohibit the offering of services by a board licensee to any bona fide representative of prospective patients including, but not limited to employers, labor union representatives, or insurance carriers.

xvi. Fails to disclose the name of all licensees who are responsible for performing or perform the marriage counseling services advertised, or in the case of a professional service corporation, fails to name all corporate officers; and

xvii. In the case of advertising by or on behalf of an unlicensed individual who is authorized to practice marriage or family counseling pursuant to N.J.S.A. 45:8B-6 or N.J.S.A. 45:8B-8, fails to disclose the name of the unlicensed individual and the fact of non-licensure.

SUBCHAPTER 3. UNLICENSED PERSONS – PERMISSIBLE ACTIVITIES

13:34-3.1 Employees of certain organizations; permissible activities

(a) For the purpose of N.J.S.A. 45:8B-6(a)(1), (2) and (3), employees of certain organizations may only perform marriage counseling functions at the employer's place of business and under the eligible organization's control.

(b) The right to practice under the conditions of (a) above does not confer the privilege of unsupervised, independent practice.

13:34-3.2 Bona fide community agency defined

(a) For the purpose of N.J.S.A. 45:8B-6(a)(2), legal incorporation as a not-for-profit organization shall not in itself be satisfactory evidence of a de facto clinic or a bona fide community agency.

1. Such corporations shall give other evidence of their status as a bona fide community agency, such as proof that the organization is supported wholly or in major part by public funds, before being permitted to advertise performance of marriage and family counseling services.

2. Organizations determined to be bona fide community agencies by the Board will be permitted to make their services known to the public through phone listings and other media.

13:34-3.3 Supervision of employees and interns

(a) For the purpose of N.J.S.A. 45:8B-6(a)(3) and 6(b), all licensed marriage and family counselors and therapists who have unlicensed individuals in employee or intern status shall seek the approval of their supervisory arrangement by the Board prior to the commencement of the employment or internship involving the practice of marriage and family counseling or therapy.

(b) Persons approved by the Board to supervise individuals in employee and intern status are required to exercise appropriate supervision over those persons in accordance with the requirements for supervised experience of candidates as detailed in N.J.A.C. 13:34-3.4.

13:34-3.4 Supervised experience

(a) With respect to the supervised experience requirement as set forth in N.J.S.A. 45:8B-18(b), the provisions of (b) below shall be applicable.

(b) The processing of a candidate's application is dependent upon successful completion and documentation of a minimum of five years of supervised experience, two years of which shall have been in marriage counseling, one year of which shall be after receipt of a qualifying degree. As prescribed in N.J.S.A. 45:8B-18(b), "supervised experience" shall mean marriage and family counseling or therapy that meets the following criteria:

1. Unsupervised independent practice by the candidate is prohibited. The candidate's clients shall include only those who have been approved in advance by the supervisor(s).

2. The professional work of the candidate shall be reviewed by the supervisor(s) for a minimum of one hour for each five hours of client contact, to include at least one hour of face-to-face individual supervision per week.

i. No more than five candidates shall be under concurrent supervision by any supervisor.

ii. The final professional responsibility for the welfare of the client with respect to the treatment being rendered rests with the supervisor(s).

3. Supervisors are required to attest to compliance with (b)1 and 2 above, using forms provided by the Board for that purpose, indicating the dates during which the candidate has been under direct supervision, the nature of the cases assigned, and the proficiency rating earned by the candidate.

4. The equivalent of one year of full-time practice is set at a minimum of 1,750 hours, equal to but no more than 35 hours per week on a 50-week per year basis (a minimum of 17 hours of client contact per week).

5. Supervised experience not completed prior to the filing of an application for licensure, unless conducted in a facility expressly permitted by law (N.J.S.A. 45:8B-6), will require the issuance of a temporary permit (N.J.S.A. 45:8B-6(e)), obtainable by the following procedures:

i. Filing the application with all supporting materials;

ii. Submission of request in writing for a temporary permit;

iii. Arranging for a supervisor to provide the Board with a written statement detailing the planned hours of supervised time, hours of practice required for the candidate to qualify for admission to examination and/or licensure, the nature of the work assignments planned, and evidence that the supervisor meets the requirements of N.J.S.A. 45:8B-18(b); and

iv. Estimated date of completion of supervised experience.

6. Documentation of supervised experience for holders of temporary permits shall be filed with the Board by both the candidate and the supervisor(s), individually and in confidence, every six months for evaluation of the candidate's progress.

i. The candidate is responsible in this regard for the filing of the report.

7. Under no circumstances are fees for client service to be billed or accepted by the candidate.

i. The supervisor retains full professional responsibility for assessing and collecting fees from clients.

ii. The supervisor may indicate that the services are rendered in association with a supervisee.

8. Any question concerning the implementation of all or any

part of this policy shall be directed in writing to the Board of Marriage Counselor Examiners for its consideration and ruling.

13:34-3.5 Permit without supervision

Pursuant to N.J.S.A. 45:8B-6(d), temporary permits not requiring supervision will only be issued in extraordinary circumstances and will not be renewable.

13:34-3.6 Temporary permit requiring supervision

Pursuant to N.J.S.A. 45:8B-6(e) and N.J.S.A. 45:8B-18(b), prior to the Board's approval of a three-year temporary permit the applicant must show that he has had a minimum of two years of full-time counseling experience and meets the educational requirement for licensure. The temporary permit is only valid for use on the premises of an approved and qualified supervisor.

SUBCHAPTER 4. QUALIFICATION FOR ADMISSION TO EXAMINATION

13:34-4.1 Experiential requirements

(a) Pursuant to N.J.S.A. 45:8B-18(b), the processing of a candidate's application is dependent upon successful completion and documentation of a minimum of five years of supervised counseling experience, two years of which shall be in marriage counseling.

1. "Supervised experience" for a period of one year is defined as:

i. A minimum of 17 hours per week of actual marriage and family counseling client contact, with a minimum of one hour of individual supervision for every five hours of client contact; and

ii. A minimum of 850 hours of counseling with couples and families and a minimum of 170 hours of individual supervision is required.

2. Individuals may prorate the experience requirements on a part-time basis so long as the two-year experience requirement is satisfied within the permit period of three years.

13:34-4.2 Educational requirements

(a) Pursuant to N.J.S.A. 45:8B-18(a), any person applying to the Board after January 1, 1970 with a doctorate degree in a closely allied field of study or a doctor of medicine shall establish through official transcripts from accredited educational institutions that a course of study including the following components has been completed. In addition, a post-masters degree pursuant to N.J.S.A. 45:8B-18(a) in marriage and family counseling is defined as a degree which requires as a prerequisite a masters degree in a mental health related field and which includes the following components:

1. Human Development (12 semester hours minimum).

i. Human development.

ii. Personality theory.

iii. Human sexuality.

iv. Behavior pathology (psychopathology).

v. Principles and practices of counseling or psychotherapy.

2. Marital Studies and Therapy (six semester hours minimum).

i. Marital interaction.

ii. Marital therapy.

3. Family Studies and Therapy (nine semester hours minimum).

i. Family development.

ii. Family studies.

iii. Family therapy.

4. Professional Studies (three semester hours minimum).

i. Ethics.

ii. Professional organizations.

iii. Family law/legislation.

iv. Private practice/agency practice.

5. Supervised Clinical Work (nine semester hours minimum).

i. Individual therapy.

ii. Marital therapy.

iii. Family therapy.

6. Research Methodology (six semester hours minimum).

i. Tests and measurement.

ii. Assessment.

iii. Research design.

iv. Statistics.

(a)

BOARD OF MEDICAL EXAMINERS

Standards for Out-of-State Medical School Clinical Training

Proposed Amendment: N.J.A.C. 13:35-11

Authorized By: Board of Medical Examiners, Edwin H. Albano, M.D., President.
Authority: N.J.S.A. 18A:68-12 et seq. and 45:9-2.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Edwin H. Albano, M.D.
President, Board of Medical Examiners
28 West State Street
Trenton, NJ 08608

The Board of Medical Examiners 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 1983-456.

The agency proposal follows:

Summary

The proposed amendment will permit students of foreign medical schools to take clinical training in their third year in New Jersey hospitals, provided that the program has been reviewed and approved by the Board of Medical Examiners.

Social Impact

The amendment is not expected to have any particular social impact on the public at large. It will, however, permit students (largely Americans) who are studying at foreign medical schools to return to New Jersey for clinical training in better facilities than are available at the foreign medical schools themselves, provided that the programs satisfy the standards established by the review mechanism adopted in N.J.A.C. 13:35-1A.

Economic Impact

The amendment is expected to have no economic impact on the public at large. Those students electing to participate in the program would be expected to make their financial arrangements with the sponsoring medical school as they presently do for fourth year clinical training. There should be no cost to New Jersey taxpayers, as the sponsoring medical schools will be responsible for the costs of Board evaluation of the program and are further responsible to make payments to participating hospitals to cover the costs of the students' training.

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

SUBCHAPTER 11. STANDARDS FOR NEW JERSEY CLINICAL TRAINING PROGRAMS SPONSORED BY MEDICAL SCHOOLS NOT ELIGIBLE FOR EVALUATION AND NOT APPROVED BY THE L.C.M.E., THE A.O.A. OR OTHER AGENCY RECOGNIZED BY THE NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

. . .

13:35-11.4 Educational program

(a) Student eligibility for participation in the program shall be subject to the following:

1. (No change.)

2. In addition, the academic eligibility requirement for those students participating in clinical training programs **equivalent to the final two semesters or fourth year of a United States medical school curriculum** shall include proof that each student has successfully completed clinical training equivalent to the fifth and sixth semesters or third year of a United States medical school curriculum through a program [in a licensed teaching hospital outside the State of New Jersey.] **approved for this purpose by the parent medical school. If conducted in New Jersey, such prior clinical training is limited to those fifth and sixth semester programs approved by the State Board of Medical Examiners.** Such record of prior clinical training shall include a certificate issued by the director of the clinical program to each student, noting the dates and describing the type and length of each service and the date issued. The record of prior clinical training shall also include proof of the program's supervision by the parent medical school and proof that the teaching hospital has been approved by the ACGME, the AOA or another equivalent organization recognized by the New Jersey State Board of Medical Examiners for the conduct of one or more postgraduate training programs in specific medical specialties. If the teaching hospital in which the prior clinical training took place is outside the geographical jurisdiction of the above said accrediting organizations, the record of prior clinical training must include proof that the hospital and training program have been approved by the parent medical school.

3.-4. (No change.)

(b) Educational criteria for the program follows:

1. The clinical training program shall be limited to students entering a level of education equivalent to the final [two] **four** semesters or the equivalent of the [final year] **third and fourth years** of clinical experience in a United States medical school curriculum.

2.-4. (No change.)

. . .

(a)

DIVISION OF CONSUMER AFFAIRS

Resale of Tickets of Admission to Places of Entertainment

Requirements for Licensure, Sale, Advertising and Record Keeping

Proposed New Rule: N.J.A.C. 13:45A-20

Authorized By: Division of Consumer Affairs, James J. Barry, Jr., Director.

Authority: P.L. 1983, c. 135, specifically sec. 11.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

James J. Barry, Jr., Director
Division of Consumer Affairs
Newark, New Jersey 07102

The Division of Consumer 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 1983-460.

The agency proposal follows:

Summary

On April 13, 1983, Governor Thomas H. Kean approved Assembly Bill No. 1466, which was an Act concerning the resale of tickets of admission to places of entertainment, as Chapter 135 of the Public Laws of 1983. Pursuant to this Law, the Director of the Division of Consumer Affairs is obligated to promulgate rules necessary to implement the Act, which became effective August 11, 1983.

On June 27, 1983, Governor Kean approved Senate Bill No. 1326, which amended Chapter 135 of the Public Laws of 1983 and broadened the Division of Consumer Affairs' authority to regulate the sales of tickets of admission to places of entertainment.

The purpose of this proposed rule is to comply with the legislative mandates of Chapters 135 and 220 of the Public Laws of 1983 by establishing an appropriate procedure for the Division of Consumer Affairs to license ticket agents and regulate ticket resales. The proposed rule addresses licensing, business location, sale or exchange of tickets, records, advertising and prescribes the application form for licensure. It is intended to implement the Acts effectively with a minimum of interference in the business of affected ticket agents.

Social Impact

The proposed rule will have a beneficial social effect on consumers who purchase tickets of admission to places of entertainment by ensuring that ticket agents are in compliance with Chapters 135 and 220 of the Public Laws of 1983, which bar exorbitant mark-ups on ticket resales and require, among other things, that ticket agents meet a bonding requirement.

The proposed rule will permit the Director to consider in granting licensure whether an applicant has a civil or criminal record and is financially responsible. A bona fide place of business will be required, as will full and accurate records. The practice of advertising unscheduled engagements will be barred.

All of these steps will benefit and protect consumers who purchase tickets of admission to places of entertainment.

Economic Impact

The proposed rule will have an adverse economic impact on ticket agents who, pursuant to the enabling statutes, will be limited in the amounts they can mark-up ticket prices on resale. Ticket agents will be required to pay licensing fees and premiums to surety companies for bonds. Further, they will be required to maintain an office in New Jersey and maintain complete records on all transactions.

Against the negative impact on ticket agents, there will be a positive economic impact on members of the public who purchase tickets. Prices for available tickets will be lower. The consumer, due to office, bonding and licensure requirements, will be better situated to pursue refunds on cancellations. The public economic benefit will outweigh the economic burdens imposed on licensed ticket agents.

Full text of the proposed new rule follows.

13:45A-20.1 Definitions

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

"Advertisement" means any attempt by a licensee to directly or indirectly induce the purchase of tickets, appearing in any newspaper, magazine, periodical, circular, sign or other written matter placed before the public, or in any radio or television broadcast or any other media, electronic or otherwise.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Person" means corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.

"Place of entertainment" means any privately or publicly owned and operated entertainment facility within the State of New Jersey such as a theater, stadium, museum, arena, racetrack or other place where performances, concerts, exhibits, games or contests are held and for which entry fee is charged.

"Ticket" means any piece of paper which indicates that the bearer has paid for entry or other evidence which permits entry to a place of entertainment.

"Ticket agent" means any person who is involved in the business of selling or reselling tickets of admission to places of entertainment who charges a premium in excess of the price, plus taxes, printed on the tickets.

13:45A-20.2 Licensure

(a) An application for licensure shall be on a form prescribed by the Director.

(b) An application for licensure shall not be approved unless the Director finds that the submitted application form is complete in all respects.

(c) An application for licensure shall be accompanied by a bond in due form to the Division of Consumer Affairs, State of New Jersey in the sum of $10,000 with two or more sufficient sureties or an authorized surety company, which bond shall be approved by the Director.

(d) The Director shall afford an applicant who has been rejected for licensure, an opportunity to be heard in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

1. The burden of establishing that the application should be approved shall rest with applicant.

(e) The Director may consider in determining whether or not to grant a license:

1. Whether the applicant has previously been found to have violated or been convicted of any statute or crime involving dishonesty, fraud or deceit.

2. Whether the applicant is financially responsible.

13:45A-20.3 Fees: new or renewal license

(a) An application for a new or renewal license, shall be submitted on an application form obtained from the Director, fully executed and accompanied by a fee of $300.00 in the form of a money order or certified check made payable to the order of the State of New Jersey, Division of Consumer Affairs.

(b) A refund of 50 percent of the fee shall be made by the Division of Consumer Affairs when an application is rejected. Fifty percent of the fee shall be retained by the Division to cover administrative and investigative costs in the processing of the application.

(c) A request by a licensee for a copy of the license issued for the purpose of display in a branch office shall be accompanied by a fee of $50.00.

(d) A request for a change of business address shall be accompanied by a fee of $10.00.

13:45A-20.4 Places of business

(a) A licensee shall maintain a bona fide place of business within the State of New Jersey.

1. A bona fide place of business when used in this subsection shall include, but is not limited to, a place of business which provides reasonable access to the public.

(b) A licensee shall not sell nor permit any employee, agent or servant to sell any ticket for a place of entertainment at any location other than those places of business licensed for the sale of tickets by the Director.

(c) A licensee shall request the prior approval of the Director for any change in its business address.

(d) A license shall not be transferred nor assigned.

1. A corporate licensee shall notify the Director prior to any change in the ownership interest in the licensed business including but not limited to a transfer of 10 percent or more of stock interest held therein.

(e) A licensee shall clearly and conspicuously post his license in each of his places of business.

13:45A-20.5 Sale or exchange

(a) A licensee shall not acquire tickets for a place of entertainment from any person other than the owner of a place of entertainment or another licensee.

(b) A licensee shall not sell or exchange any ticket for entry to a place of entertainment without first impressing his sale or exchange stamp clearly showing the license number issued by the Division on the reverse side of that portion of each ticket which is retained by the owner of the place of entertainment.

1. A ticket should bear the stamp of every licensee engaged in its sale or exchange.

(c) A place of entertainment of licensee shall not sell or resell any ticket for entry to a place of entertainment unless there is printed on the face of each ticket both the price charged therefor and the maximum premium, not to exceed 25 percent of the ticket price or $3.00 whichever is greater, plus lawful taxes at which the ticket may be resold; provided, however, the maximum premium at which a ticket may be resold need not be printed on the face of any ticket printed prior to April 13, 1983.

(d) It shall be a prohibited practice for a licensee as a condition of selling or exchanging a ticket for a particular entertainment event, to require a buyer to purchase other tickets.

(e) It shall be a prohibited practice for a licensee to accept any other thing of value in excess of the lawful purchase price of the tickets.

(f) Any buyer who pays any monies towards the purchase of tickets and fails to receive the promised ticket on the promised delivery date shall be given notification by the licensee of the failure to deliver tickets and shall be given the option of receiving a full refund within 30 days or consenting to an extension of the delivery date.

(g) A licensee shall provide a buyer of a ticket with a receipt which specifies the date on which the tickets will be delivered to the buyer and the total purchase price for the tickets.

13:45A-20.6 Records

(a) A licensee shall keep full and accurate sets of records maintained in accordance with generally accepted accounting practices and principles.

(b) Records of a licensee shall clearly set forth:

1. The prices which all tickets have been bought and sold by the licensee.

2. The names and addresses of the persons to whom the licensee sold the tickets.

(c) Records of a licensee shall include sales invoice books.

1. The invoices used shall be printed and numbered consecutively.

2. The invoices used shall be in duplicate, the original of which shall be given to the purchaser and the duplicate kept by the licensee in consecutive order.

3. The invoices used shall include the following information:

i. Date of the transaction;
ii. Name of place of entertainment;
iii. Number of ticket(s) sold;
iv. Price of ticket(s) with licensee's premium recorded separately;
v. Seat location;
vi. Date of performance;
vii. Whether payment was made by cash, check or charge account;
viii. Name and address of purchaser.

(d) Records of a licensee shall include a sales journal which reflects a record of daily sales.

(e) Records set forth in this subchapter shall be made available for inspection by the Division at any reasonable time and upon reasonable notice.

13:45A-20.7 Advertising

(a) A licensee shall not attempt in any advertisement or in any advertising material, directly or indirectly, to include any statement or representation relating to a concert that has not been scheduled to occur on a particular date and at a specific place of entertainment.

(b) A licensee shall clearly and conspicuously disclose his license number in any public advertisement or advertising material.

PUBLIC UTILITIES

(a)

OFFICE OF CABLE TELEVISION
Rules of Cable Television

Credit for Service Outages
Proposed Amendments: N.J.A.C. 14:18-1.2 and 3.9

Authorized By: Office of Cable Television, John P. Cleary, Director.
Authority: N.J.S.A. 48:5A-2(c), (d), 48:5A-6 and 48:5A-10.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

John P. Cleary, Director
Office of Cable Television
Board of Public Utilities
1100 Raymond Boulevard
Newark, NJ 07102

The Board of Public Utilities 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 1983-481.

The agency proposal follows:

Summary

This new proposal is the third on the subject of a service outage credit rule to be published by the Office of Cable Television. The hearing record and comments addressing the two prior proposals, PRN 1982-351 at 14 N.J.R. 972(a) and PRN 1983-188 at 15 N.J.R. 612(b) shall be incorporated into the record of this proposal.

The new proposal, which supersedes the two prior ones, provides that a CATV company shall not be liable for the total loss of the audio or visual portion of basic service or other separately charged service when it is not at fault, or if the outage lasts less than six hours. A CATV company will be required to refund or credit all subscribers in areas affected by outages of more than six hours if they are reportable under N.J.A.C. 14:18-3.9(d). The relevant standards for reporting under subsection (d) are:

Number of Subscribers	
Served	Interrupted
500 or less	20
501 to 1,000	50
1,001 to 10,000	100
10,001 to 100,000	200
100,001 or more	1,000

Reporting requirements for interruptions (whether "outages" or not) lasting more than two hours remain unchanged in accordance with the above table. The minimum amount of credit is the rate equivalent to one day of the service(s) affected. When outage lasts more than 24 hours, the subscriber receives a day's credit for each calendar day during which service is out. There will be no liability for indirect damages resulting from the loss of service unless the CATV company has expressly agreed.

Social Impact

The Office of Cable Television, in its experience handling disputes and complaints, has found that subscribers object to paying for cable services lost as a result of outages. Present ad-hoc or refund determinations will be replaced by an understandable and consistent policy for all subscribers; however, companies are left with the discretion to grant credit for outages lasting less than six hours. Outages caused by parties beyond the control of the cable company would not require crediting.

The new proposal is greatly simplified over the earlier versions. An outage must affect enough subscribers to be a reportable outage under the existing rule (N.J.A.C. 14:18-3.9) before subscribers can receive credit. The automatic provisions will require more careful record keeping and reporting by the cable companies than under the prior proposals. It is anticipated that this burden will be significantly offset by the reduced time involved in handling the complaints on an individual basis, including individual verifications. Subscribers will no longer have the responsibility of coming forward.

Economic Impact

Cable television subscribers will not, under specified circumstances, have to pay for services they cannot receive because of system failure. The notification provision, and thus the subscribers time and expense in notifying the CATV on an outage claim, is removed from the new proposal. In addition, the new proposal limits the rule's coverage to only the most serious outages. The burden of processing small credits for the most frequent outages of two to three hours has been eliminated. Approximately 22 percent of reportable outages in the 22 months ending October 31, 1982 would meet the time requirement for credit. A total of 18, 000 subscribers were affected by such outages between January 1, 1982 and June 31, 1982. The nature and cause of breakdowns are not readily available, but one company has indicated 32 percent of its outages were attributable to equipment breakdowns of the type not usually due to third parties or natural disaster.

Office of Cable Televsion records show a 1981 average rate of $8.78 for basic CATV service and $10.06 for one premium service. Under the new proposal an average subscriber with one pay service who suffered loss of all service for six to 24 hours would be credited 61 cents. Loss of pay service alone would result in a 32-cent credit. The company's liability to subscribers for outages is limited to the costs of lost services, pro-rated for each affected day. The subscriber will not recover other losses or consequential damages under the proposal.

Further simplification of the rule, embodied by this proposal, will reduce the administrative and handling costs of the CATV companies. On the basis of data submitted at previous hearings on the subject, the Office believes that processing costs under the former proposals would have ranged from $1.25 to $1.92 per subscriber credited. The present proposal will eliminate many of the multiple cost components which would be incurred by processing numerous individual claims arising from the same outage. For example it would not be necessary to explain the rule to subscribers as frequently, or to screen subscriber requests for eligibility. Under the new rule, it is expected that verification would be built into the service technician's report. A single determination to issue credit, one calculation of the credit amount, and one review by management would suffice instead of processing each step on a subscriber by subscriber basis. It can be expected that more time will be needed to ascertain the homes affected, but the foregoing reductions in time and paperwork should offset the increment. The same reports and maps would have to be reviewed whether making verification of individual or ad hoc claims. The existing rule already requires determination of the number affected.

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

14:18-1.2 Definitions
The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

. . .

"Outage" means the total loss of audio and/or visual basic cable television reception service, or any other identified service for which a separate charge is listed in the company's tarriff.

. . .

14:18-3.9 Interruptions **and outages**
(a)–(e) (No change.)
(f) A CATV company shall not be liable for service outages in the following instances:
1. The broadcasting station or stations whose signals are to be carried over the CATV company's system fail to broadcast either on a permanent or temporary basis; or
2. The broadcasting station or stations whose signals are to be carried over the CATV company's system fail to place a usable signal for reception; or
3. Due to failure of satellite or other third-party transmission method to provide a usable signal, a signal is absent from carriage or is unusable by the CATV company;
4. The outage is caused by an act of God, accident, or other act attributable to a third party, which is not the result in whole or part of the company's failure to maintain safe, adequate and proper service; and
5. Outage duration is less than six hours.
(g) A CATV company shall be liable for all outages, other than those listed in (f) above, in the following manner and scope.
1. The outage must affect enough subscribers to be reportable to the Office under (d) above.
2. In the event of an outage of at least six hours duration, the company shall make an automatic refund or credit to all subscribers served by the affected plant.
3. The amount of refund or credit shall be in one-day units, pro-rated on the basis of the subscriber's monthly rate for each service not available.
4. For outages which extend more than 24 hours, subscribers shall receive a credit or refund for each calendar day during which service is out.
5. The CATV company shall not be liable to a subscriber for any indirect or consequential damages resulting from the outage unless the CATV company expressly agrees to such liability.

ENERGY

(a)

THE COMMISSIONER

Technical Sufficiency Standards for Solar Energy Systems
Qualifications for Property Tax Exemption

Proposed Readoption with Amendments: N.J.A.C. 14A:4

Authorized By: Leonard S. Coleman, Jr., Commissioner, Department of Energy.
Authority: N.J.S.A. 54:4-3.113 et seq., as amended by P.L. 1983, c.44.
DOE Docket No. 002-83-09.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Linda M. Scuorzo, Esq.
Office of Regulatory Affairs
Department of Energy
101 Commerce Street
Newark, NJ 07102

The Department of Energy may thereafter adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978) these rules would otherwise expire on November 17, 1983. The readoption of these rules becomes effective upon acceptance by the Office of Administrative Law of a notice if their readoption. The concurrent amendments to the existing rules become effective upon publication in the Register of a notice of their adoption.
This proposal is known as PRN 1983-494.

The agency proposal follows:

Summary

N.J.A.C. 14A:4 was promulgated as a result of legislation that directed the Department of Energy to establish technical sufficiency standards for solar energy systems. The standards were used to determine the types of solar energy systems that would qualify for a property tax exemption.

The original property tax exemption applied only to solar heating and cooling systems. P.L. 1983, c.44, broadened the exemption to all solar energy systems and extended its duration five years to December 31, 1987.

This amendments contained in this proposed readoption respond to the changes made in N.J.S.A. 54:4-3.113 by P.L. 1983, c.44.

In subchapter 1, N.J.A.C. 14A:5-1.1 defines the scope of the regulations: to establish minimum criteria that solar energy systems must meet in order to qualify for a sales and use tax exemption. N.J.A.C. 14A:5-1.2 specifies the manner in which the regulations are to be continued and amended. N.J.A.C. 14A:5-1.3 contains definitions, all of which are reproposed without major change.

In subchapter 1, N.J.A.C. 14A:4-1.1 and N.J.A.C. 14A:4-1.2 are amended by adding the citation to the amending legislation, P.L. 1983, c.44. N.J.A.C. 14A:4-1.3 contains definitions, some of which have been amended. "Administrator" now means the Administrator of the Office of Conservation, in order to reflect the current organizational structure of the Department. "Eligible solar heating and/or cooling system" is amended to "eligible solar energy system." The reference to solar heating and/or cooling systems in the definition of "heat transportation systems" is replaced with a reference to solar energy systems. "Passive solar heating systems" are renamed "passive solar energy systems." These amendments reflect the language in P.L. 1983, c.44. In the original regulations the definition "solar energy" inadvertently omitted reference to sea thermal gradients as an energy source. Sea thermal gradients had, however, been included in the original legislation. The term is added here to keep the two consistent. "South" is redefined as falling within a 60 rather than 90 degree envelope. The narrower envelope is in harmony with scientific evidence that most of the solar radiation that can be used by solar energy systems falls within these angles. The 60 degree envelope is also used by the Department in its other solar-related programs. The new definition used here will promote uniformity in Department policies.

In subchapter 2, N.J.A.C. 14A:4-2.1 defines the type equipment that is eligible for the exemption and the magnitude of the exemption. N.J.A.C. 14A:4-2.2 specifies the ineligible equipment. Solar powered batteries used to operate lighting equipment and household appliances have been removed from the ineligibility list, in keeping with the amendments made by P.L. 1983, c.44.N.J.A.C. 14A:4-2.3 permits the Administrator to allow a solar energy system that is not specifically eligible or ineligible to qualify for the exemption. This provides a certain flexibility that is needed if the regulations are to adequately address the eligibility of new technologies. The term "solar heating and/or cooling system" is replaced wherever is appears with "solar energy system in keeping with the amended legislation.

Subchapter 3 states that the Uniform Construction Code shall apply to the manufacture, sale and installation of solar energy systems until the Department promulgates standards on the subject. It remains unchanged by the proposed readoption.

The Department has not made substantial changes in the regulations in this proposed readoption. The primary purpose of this proposed readoption is to ensure that the regulations continue in effect so that purchasers of solar energy systems may take advantage of the tax exemptions provided by the Legislature.

Social Impact

The property tax exemption for qualifying solar energy systems is designed to encourage the use of renewable resources in New Jersey. The exemption and these regulations are intended to diminish the barriers to the purchase of solar energy systems by New Jersey residents by providing an incentive to invest in renewable resource technologies.

By establishing classes of eligible and ineligible equipment the regulations ensure that the property tax exemption will be given only to systems that actually utilize renewable resources in a significant way.

Economic Impact

Purchasers of solar energy systems will receive an economic incentive in the form of property tax exemptions as a result of the regulations. The exemption will ensure that those who purchase such systems are not burdened with increased property taxes.

The costs, as set out in the Senate Revenue, Finance and Appropriations Committee Statement to P.L. 1983, c.44, would be approximately $24,000 and would be borne by the municipalities. Thus, the Legislature made a considered decision that the cost of the tax exemption was justified in light of the benefits that would accrue. When considering that there are over 570 municipalities in New Jersey, the impact of the estimated costs diminished significantly.

Since the regulations have been in place for five years, the Department currently possesses the capacity to administer them. Few, if any, additional expenses will be incurred by the Department in the event that the regulations are readopted.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at 14A:4.

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

14A:4-1.1 Purpose and scope

These technical sufficiency standards for solar energy [heating and/or cooling] systems in buildings are designed to establish minimum performance standards for the purpose of obtaining a property tax exemption pursuant to P.L. 1977, c.256 (N.J.S.A. 54:4-3.113 et seq.) **as amended by P.L. 1983, c.44**.

14A:4-1.2 Construction and amendment

(a) (No change.)

(b) These rules may be amended by the Director of the Division of Energy Planning and Conservation, pursuant to authority of P.L. 1977, c.256 (N.J.S.A. 54:4-3.113 et seq.) **as amended by P.L. 1983, c.44**.

14A:4-1.3 Definitions

. . .

"Administrator" means the Administrator of the Office of [Alternate Technology] **Conservation** of the Department of Energy.

. . .

"Eligible solar [heating and/or cooling] **energy** system" means equipment assembled as subsystems and components of a system necessary to convert solar energy into thermal or electrical energy for thermal end uses.

. . .

"Heat transportation systems" means that portion of a solar [heating and/or cooling] **energy** system used to transfer heat (and complete return cycle) from point of collection, through pipes in liquid systems or ducts in air systems, and/or cooling distribution system, or where appropriate, directly to thermal end-use.

. . .

"Passive solar [heating] **energy** systems" means those systems which utilize the architecture of a building to maximize solar heat gains during the cold seasons and minimize heat gain in the hot seasons.

"Solar energy" means energy which has recently originated in the sun, including direct and indirect solar radiation from sources such as wind **and sea thermal gradients**.

"South" [shall be defined as] **means** falling within the [90] **60** degree envelope from [45] **30** degrees East to [45] **30** degrees West of true South.

14A:4-2.1 Eligible equipment

(a) The following solar energy equipment is eligible for an exemption as specified below:

1. Equipment in solar [heating and/or cooling] **energy** systems and hot water systems including equipment for converting, storing and transporting solar energy [shall be considered eligible solar energy equipment].

2.–6. (No change.)

14A:4-2.2 Ineligible equipment

(a) The following materials and equipment shall not be considered eligible solar energy equipment.

1.–9. (No change.)

10. [Solar powered batteries used to store electricity used to operate lighting equipment and/or household appliances.]

Renumber 11. as 10.

14A:4-2.3 Determination by administrator

(a) If a solar [heating and/or cooling] **energy** system is neither specifically eligible nor ineligible for exemption, or if eligibility is in dispute, the Administrator shall examine the system to determine its eligibility.

1.–5. (No change.)

(a)

THE COMMISSIONER

Technical Sufficiency Standards for Solar Energy Systems Qualifications for Sales and Use Tax Exemption

Proposed Readoption with Amendment: N.J.A.C. 14A:5

Authorized By: Leonard S. Coleman, Jr., Commissioner, Department of Energy.
Authority: N.J.S.A. 54:32B-8.33.
DOE Docket No. 003-83-09.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Linda M. Scuorzo, Esq.
Office of Regulatory Affairs
Department of Energy
101 Commerce Street
Newark, NJ 07102

The Department of Energy thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on November 17, 1983. The readoption of these rules becomes effective upon acceptance by the Office of Administrative Law of a notice of their readoption. The amendments become effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1983-495.

The agency proposal follows:

Summary

In subchapter 1, N.J.A.C. 14A:5-1.1 defines the scope of the regulations: to establish minimum criteria that solar energy systems must meet in order to qualify for a sales and use tax exemption. N.J.A.C. 14A:5-1.2 specifies the manner in which the regulations are to be continued and amended. N.J.A.C. 14A:5-1.3 contains definitions, all of which are reproposed without major change. "Administrator" is redefined as the Administrator of the Office of Conservation to reflect existing Department structure; the Office of Alternative Technology no longer exists under that name. "South" is defined as falling within a 60 degree envelope from 30 degrees East to 30 degrees West of true South. The change brings the definition in line with the definition of "south" used by the Department in other contexts.

In subchapter 2, N.J.A.C. 14A:5-2.1 lists the types of equipment that are eligible for a sales and use tax exemption. The types were established in accordance with the requirements of the enabling legislation, N.J.S.A. 52:32B-8.33, and remain unchanged in the proposed readoption. N.J.A.C. 14A:5-2.2 lists ineligible equipment, and remains unchanged. As a general rule, equipment that is used primarily for structural support of a building, or that can be used for significant purposes other than utilization of solar energy was made ineligible. N.J.A.C. 14A:5-2.3 permits the Administrator to determine the eligibility of systems that are not specifically mentioned in the regulations as eligible or ineligible. No changes were made therein.

Subchapter 3 states that the Uniform Construction Code shall apply to the manufacture, sale and installation of solar energy systems not governed by these regulations. No changes have been proposed.

Social Impact

New Jersey lacks significant reserves of traditional energy supplies, such as oil and coal. Renewable resources are abundant, but have not been exploited to the fullest.

The sales and use tax exemptions promote the use of renewable resources by decreasing the cost of solar energy systems. Reduced costs serve as an incentive to potential purchasers to invest in renewable resource technologies. Thus, the exemptions are means of reducing New Jersey's dependence on out-of-state and foreign energy suppliers and of increasing the acceptance of renewable resource technologies by New Jersey residents.

Economic Impact

The sales and use tax exemptions will benefit purchasers of solar energy systems by decreasing the actual cost of the systems. Manufacturers and sellers of the systems will benefit in the form of increased revenues from sales. State revenues from such taxes will decrease to some extent. However, the Legislature had such information at its disposal when passing the legislation. In the considered judgment of the Legislature, the economic advantages of the sales and use tax exemption outweighed its burdens.

The Department staff has administered N.J.A.C. 14A:5 for several years. Significant additional funds will not need to be expended as a result of the proposed readoption.

Full text of the proposed readoption may be found at N.J.A.C. 14A:5.

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

14A:5-1.3 Definitions

. . .

"Administrator" means the Administrator of the Office of [Alternate Technology] **Conservation** of the Department of Energy.

. . .

"South" [shall be defined as] **means** falling within the [90] **60** degree envelope from [45] **30** degrees East to [45] **30** degrees West of true South.

TRANSPORTATION

(b)

TRANSPORTATION OPERATIONS

Speed Limits for State Highways; Restricted Parking and Stopping; No Passing; Miscellaneous Traffic Rules; Turns; Prohibited Right Turns on Red

Proposed Readoptions: N.J.A.C. 16:28-1, 16:28A-1 and -2, 16:29, 16:30, 16:31 and 16:31A

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-21, 39:4-98, 39:4-138.1, 39:4-139, 39:4-199, 39:4-201.1, 39:4-85.1, 39:4-140, 39:4-183.6, 39:4-88, 39:4-208, 39:4-94.1 and 39:4-183.27.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, NJ 08625

The Department of Transportation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules expired on August 1, 1983, except for N.J.A.C. 16:31A-1 which will expire on December 2, 1985. The readoption of these rules, except 16:31A-1, becomes effective upon publication in the Register of a notice of their readoption. The readoption of 16:31A-1 becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of its readoption.

This proposal is known as PRN 1983-444.

The agency proposal follows:

Summary

In accordance with the "sunset" and other provisions of Executive Order No. 66(1978), the Department of Transportation proposes to readopt N.J.A.C. 16:28-1, 28A, 29, 30, 31 and 31A concerning the regulation of traffic along the various highways in the State of New Jersey.

The Department of Transportation's, Bureau of Traffic Engineering in compliance with requests from local officials has conducted and will continue to conduct engineering studies establishing the requirements for traffic regulation and control devices along the highway system. These regulations and traffic control devices have contributed immeasurably to the enhancement of public safety along a heavily travelled system and has reduced the number of accidents created by the high traffic volume.

The continuity of enforcement of the traffic regulations must also be on a high level, because without a highly visible and active police effort, the violations of regulations would be at an unacceptably high level. This is critical to preserve the integrity and continuity of efficient operation of traffic flow along the highways. Any break or interruption in this continuity of operation could imperil police enforcement and contribute to the destroying of the public's perception of the traffic regulations.

These rules were reviewed by the Department's Bureau of Traffic Engineering (as requested by local officials) in compliance with Excecutive Order No. 66(1978) and were found adequate, reasonable, understandable, and necessary for the purpose for which they were promulgated.

N.J.A.C. 16:28 to 16:31A are summarized as follows:

N.J.A.C. 16:28-1 regulates speed limits on all State highways under the authority of N.J.S.A. 39:4-98.

N.J.A.C. 16:28-2 through 13, 15 and 16 are (Reserved).

N.J.A.C. 16:28A-1 establishes "no parking" zones along various highways and at bus stops within the highway system.

N.J.A.C. 16:28A-2 regulates emergency stopping only along Route 55 between West Oak Road and West Garden Road.

N.J.A.C. 16:29 prescribes zones along the highway system where passing is unauthorized under N.J.S.A. 39:4-201.1.

N.J.A.C. 16:30 contains miscellaneous traffic rules as follows:

Subchapter 1 prescribes routes designated for one-way traffic under N.J.S.A. 39:4-85.1.

Subchapter 2 depicts routes established as "through streets" where "Stop" or "Yield" signs are erected on the near right side of each intersecting roadway under N.J.S.A. 39:4-140.

Subchapter 3 outlines the restrictions of lanes for usage by certain categories of vehicles under N.J.S.A. 39:4-88 and 39:4-183.6.

Subchapter 4 prohibits bicycles from certain parts of State highway Route 52 in Cape May and Atlantic Counties under N.J.S.A. 27:7-17.

Subchapter 5 outlines traffic restrictions and parking on New Jersey Department of Transportation property under N.J.S.A. 39:4-208.

Subchapter 6 provides weight limitations for vehicles along various routes under N.J.S.A. 27:7-21.

Subchapter 7 prescribes limited access, which prohibits certain classes of vehicles along State highways under N.J.S.A. 39:4-91.

Subchapter 8 prescribes "no trespassing" zones with time limits thereto in designated areas under N.J.S.A. 27:1A-5.

N.J.A.C. 31 regulates "turning movement" along various State highways under N.J.S.A. 39:4-183.6.

N.J.A.C. 16:31A-1 outlines specific areas along various State highways where right turn on red is prohibited under N.J.S.A. 39:4-183.27.

The Department finds these rules adequate and required for the efficient operation and control of traffic along the State highway system.

Social Impact

The proposed readoption will have no new or additional social impact on the motoring public since it is required to observe and obey speed limits and traffic control devices along the highway systems as prescribed by law. The rules contribute to the public's perception of the States' determination in the enhancement of it's safety and well-being along the highways.

Economic Impact

The proposed readoption is expected to have no increased economic impact on the motoring public other than the payment of fines as stipulated by law when regulations are violated. The Department and local governments will continue to incur direct and indirect costs for mileage, personnel and equipment required in traffic surveys and the placement of control devices.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 16:28 through 16:31A as amended through the New Jersey Register.

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Routes 47 and 73

Proposed Amendments: N.J.A.C. 16:28A-1.33 and 1.40

Authorized By: John P. Sheridan, Jr., Commissioner, Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-139 and 39:4-199.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, NJ 08625

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

This proposal is known as PRN 1983-446.

The agency proposal follows:

Summary

The proposed amendments will establish "no parking" zones along Route 47 in Deptford Township, Gloucester County and Route 73 in Mount Laurel Township, Burlington County. Based upon requests from local officials, engineering studies were conducted by the Department's Bureau of Traffic Engineering. The engineering studies found that the establishment of "no parking" zones along Route 47 and 73 was warranted. The Department therefore proposes to amend N.J.A.C. 16:28A-1.33 and 1.40 in accordance with the local officials requests. Appropriate signs will be erected to advise the motoring public.

Social Impact

The amendments will restrict parking along the routes and in areas designated for the safe and efficient flow of traffic and the enhancement of the safety of the populace in Deptford and Mount Laurel Townships.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

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

16:28A-1.33 Route 47

(a) (No change.)

(b) The certain parts of State highway Route 47 described in this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following bus stops:

1. Along the northbound (easterly) side of Central Avenue in Deptford Township, Gloucester County:

i. Mid block:

(1) Beginning 480 feet from the prolongation of the southerly curb line of Central Avenue and extending 135 feet southerly therefrom.

16:28A-1.40 Route 73

(a) The certain parts of State highway Route 73 described in [(a) of] this section are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-5. (No change.)

6. No stopping or standing in Mount Laurel Township, Burlington County:

i. Along both sides:

(1) From the northerly curb line of Church Road to a point 600 feet northerly therefrom.

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route 82

Proposed Amendment: N.J.A.C. 16:28A-1.43

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, NJ 08625

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

This proposal is known as PRN 1983-435.

The agency proposal follows:

Summary

The proposed amendment will establish "no parking" zones along Route 82 (Morris Avenue) eastbound on the southerly side in the Township of Springfield, Union County, for the safe and efficient flow of traffic along the highway system and the on/off loading of passengers at the established bus stop.

Based upon a request made by local officials of Springfield Township, engineering studies were conducted by the Traffic Engineering Bureau of the Department of Transportation. The engineering studies found that the establishment of "no parking" zones in the area designated warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.43 in accordance with the request of the local officials. Appropriate signs will be erected to advise the motoring public.

Social Impact

The proposed amendment will restrict parking along Route 82 on Morris Avenue eastbound on the southerly side for the safe and efficient flow of traffic, the safe on/off loading of passengers at the designated bus stop and the enhancement of the safety of the populace in Springfield Township.

Economic Impact

The Department incurred direct and indirect costs for its workforce for mileage, personnel and equipment requirements in the conduct of engineering studies. The local government will also incur direct and indirect costs for its workforce and equipment required in the placement of signs at designated bus stops.

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

16:28A-1.43 Route 82

(a) The certain parts of State highway Route 82 described [herein below] **in this section** shall be[, and hereby are,] designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. (No change.)

(b) The certain parts of State highway Route 82 described in [(b) of] this section shall be[, and hereby are,] designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1.-3. (No change.)

4. Along Morris Avenue, eastbound on the southerly side in Springfield Township, Union County:

i. Far side bus stop:

(1) Millburn Avenue - Beginning at the curb line of Millburn Avenue and extending 100 feet easterly thereof.

(a)

AERONAUTICS

Licensing of Aeronautical Activities Aircraft Registration Special Aircraft Operating Restrictions

Proposed Amendment: N.J.A.C. 16:55-1 Proposed Repeal: N.J.A.C. 16:56 and 16:62

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 6:1-29 and 6:1-44.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, NJ 08625

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

This proposal is known as PRN 1983-482.

The agency proposal follows:

Summary

The proposal amends the current text of N.J.A.C. 16:55 and repeals N.J.A.C. 16:56-1.1 to 1.16, 16:56-2.11 and 16:62 to comply with the provisions of Assembly and Senate Bills A-3344 and S-3213, respectively, regarding "Licensing of Aeronautical Activities". The bills provide for the financing of a program to ensure the safety of general aviation airports in New Jersey, enabling publicly owned airports to obtain Federal funds for airport development, and revising parts of the statutory law. They were signed into law on July 11, 1983, by Governor, Thomas A. Kean as P.L. 1983, c. (C264), known as the "New Jersey Airport Safety Act of 1983". The bill also establishes an Airport Safety Fund, impose a two cent per gallon tax on fuel distributed to general aviation airports and authorizes the Commissioner of Transportation to establish assistance programs to improve the safety of general aviation airports, and the establishment of fees for permits. Registration of aircraft will not be conducted by the Department, since aircraft registration is currently handled by the Federal government.

Social Impact

The proposed amendments will provide relief to the individuals involved in aviation in that there will be one registration of aircraft, by the Federal government and not the State. Additionally, it will provide confidence in the public's opinion of the State that the State is in full support of promoting the safety of aviation.

Economic Impact

The proposed amendment in compliance with the law establishes an airport safety fund which will be supported by a two-cent-per-gallon tax on aviation fuel. The funding to be received will be used to match Federal aid for general aviation facilities, and assist aviation facilities in capital funding for construction projects related to aviation safety.

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

CHAPTER 55
LICENSING OF AERONAUTICAL ACTIVITIES

16:55-1.1 Scope

(a) (No change).

[(b) Specifically exempt from the provisions of this chapter are air carriers operating pursuant to a certificate of public convenience and necessity granted by the Civil Aeronautics Board or any successors thereto.

(c) Also exempt are flight instructors when employed by and performing work for New Jersey licensed pilot school and aircraft mechanics when employed by and performing work for a New Jersey licensed repair facility.

(d) The receipt and use of a license under the provisions of this chapter does not exempt the licensee from the requirement to comply with the legitimate rules and regulations established by the owner or manager of a licensed airport, landing field or landing strip.]

(b) No person offering or rendering aeronautical services, or acting as a Fixed Base Operator as defined in Title 6 of the New Jersey Statutes, whether or not they are required to be licensed under this chapter, is exempted from the requirement to comply with the legitimate rules, regulations, contractual requirements, or other terms of use or access applicable to any licensed aeronautical facility.

16:55-1.2 Applicability

(a) The **licensing** provisions of this chapter apply to the following aeronautical activities:

[1. Air instruction;]
[2.]**1.** Aerial advertising;
[3]**2.** Aerial application;
[4. Aerial photography and survey;]
[5. Aircraft rental or leasing;]
[6. Air taxi or charter;]
[7. Fish spotting;]
[8. Flying club;]
[9. Intrastate air carrier;]
[10. Aircraft mechanics; repair stations;]
[11. Parachute repair and rigging.]
[12. Pipeline and powerline patrol;]
[13.]**3.** Sport parachute center.

16:55-1.3 Definitions

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

"Aeronautical activity" means any of the following services in which any person engages in giving, offering to give, advertising, representing or holding himself out as giving to the public with or without compensation or other reward (unless otherwise indicated):

[1. Air instruction: Instruction in aeronautics or in the art or science of avigation or flight of aircraft. Applies to inflight instruction of pilots only.]

[2.]**1.**"Aerial advertising": Airborne display of any type of advertising. (banner, electric lights, smoke);

[3.]**2.**"Aerial application": Application by aircraft of liquid or solid sprays for the purpose of insect, plant, animal or fungus control, fertilization or seeding;

[4. "Aerial photography and survey": Commercial aerial photography from aircraft specifically modified for the purpose of aerial photography and aerial survey.

5. "Aircraft rental or leasing": The rental, leasing, or subleasing of aircraft as a commercial enterprise. The foregoing shall not include the rental, leasing, or subleasing of aircraft;

i. Where the term of such lease is for six months or longer; or

ii. Where the consideration paid for the lease does not exceed the cost of operating and maintaining the aircraft for the term of the lease, or

iii. Where the lessor retains no operational control of the aircraft, and the lease states that the leasee has responsibility for operation of the aircraft, and where the lessor otherwise complies with the Truth-in-Leasing provisions of the Federal Aviation Regulations.

6. Air taxi or charter: The carrying in air commerce by any person of persons or property for compensation or hire in aircraft having a maximum take-off weight of 12,500 pounds or less.

7. Fish spotting: Use of aircraft for visual or electronic detection of fish schools for the purpose of positioning a fishing vessel or vessels.

8. Flying club: A non-profit association of five or more individuals organized for the purpose of owning or leasing one or more aircraft for use by members of the association for pleasure flying or personal business use. Personal business use means occasional business trips made by members of the Flying Club and specifically excludes the carrying of passengers or cargo for hire. The foregoing does not include associations engaged solely in sailplane or glide operations. An association of three or four individuals may apply if they desire to be licensed as a Flying Club.

9. Intrastate air carrier: Any person who undertakes, directly or indirectly or by lease or other arrangement, the carriage of persons or property as a common carrier for compensation or hire all of whose operations are wholly within the State of New Jersey.

10. Aircraft mechanics: repair stations: Provisions of maintenance, preventive maintenance, rebuilding or alteration of any aircraft and/or the airframe, aircraft engine, propellor, or appliance of such an aircraft.

11. Parachute repair and rigging: Provisions of packing, maintenance and altering of personnel carrying parachutes; includes overhaul of the various components and drop testing.

12. Pipeline and powerline patrol: Airborne examination and detection of defects and deficiencies in a pipeline or powerline.]

[13.]**3.** "Sport parachute center": An operation organized by an individual, club or business entity or foster, control, supervise and regulate sport parachuting of person(s) sponsored or trained by said individual, club or business entity.

[Air carrier means a person who undertakes directly by lease, or other arrangement, to engage in air transportation.

Air taxi operator means an air carrier within the classification established by FAR 298.3.

Air transportation means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

Commuter air carrier means an air taxi operator which:

1. Performs at least five round trips per week between two or more points and publishes flight schedules which specify the times, days of the week and places between which such flights are performed, or

2. Transports mail by air pursuant to a contract with the U.S. Postal Service.]

16:55-1.4 General requirements for aeronautical licensing

(a) All persons engaged in New Jersey in any one or more of the aeronautical activities listed in [section 1 of this subchapter] **N.J.A.C. 16:55-1.1**, shall:

1.–4. (No change.)

[5. Insure that any and all aircraft used in connection with the aeronautical activity are registered prior to the commencement of the operation in accordance with the provisions of Title 6 of the N.J.S.A. and Chapter 56 of this title of the N.J.S.A. (not applicable to aircraft mechanics, repair stations).]

16:55-1.5 Specific requirements for licensing

(a) In addition to complying with the general requirements listed in [section 4 of this subchapter] **N.J.A.C. 16:55-1.4**, all persons engaged in New Jersey in any one or more of the aeronautical activities listed in [section 1 of this subchapter] **N.J.A.C. 16:55-1.1**, shall comply with the applicable specific requirements listed below. Where any requirement listed below calls for the maintenance of any data or other information, no particular method of record keeping is specified. No change in the system of records customarily kept by the person concerned is required so long as the records supply an adequate basis for examination.

[1. Air Instruction (These specific requirements are not applicable to pilot schools certificated and operating in accordance with Federal Aviation Regulations Part 141.)

i. Utilize only federally certificated flight instructors (may be the applicant) and list in the application or attachment thereto the applicable certificate numbers, ratings and the class and date of the most recent flying medical examination.

ii. Maintain a record by "N" number of each aircraft used in the conduct of flight instruction to show: name and person flying the aircraft, date and time aircraft leaves the home field (initial takeoff), date and time of return to home field (final landing). These records must be maintained in a current status, be available for inspection by the Division of Aeronautics, and retained for file for a minimum of 12 months.

iii. Upon receipt of the State license to conduct air instruction, and annually thereafter, the licensee shall advise the Division of Aeronautics in writing as to his primary base of operation.

iv. Primary base is considered to be:

(1) Air facility where aircraft is based; or

(2) The facility where the licensee normally conducts the greatest part of his operations. Does not necessarily have to be more than half.]

[2.]**1.** Aerial advertising

i.–ii. (No change.)

iii. Utilize pilots who are Federally certificated as [private] commercial or airline transport pilots and properly rated for the aircraft used.

iv.–ix. (No change.)

[3.] **2.** Aerial application

i.–ii. (No change.)

iii. Utilize pilots who are Federally certificated as [private] commercial or airline transport pilots and properly rated for the aircraft used, as required by FAR Part 137.

iv.–vii. (No change.)

[4. Aerial photography and survey:

i. Own or have arrangements for use in a minimum of one currently federally certificated and airworthy aircraft equipped for aerial photography or survey operations.

ii. Provide when requested, aircraft logbook for inspection which contains certificated entries of the installation of the particular equipment required and to be used for the type of aerial photography or survey offered. Such equipment and installation shall be FAA approved.

iii. Utilize pilots who are federally certificated as private, commercial or airline transport pilots and properly rated for the aircraft used.

iv. Provide names, addresses, ratings and certificate numbers of pilots employed in the operation.

v. Maintain records of all aerial photographic or survey flights made which shall be readily available for inspection. These records shall be retained for 12 months, and shall provide at least the following information:

(1) Aircraft "N" Number

(2) Date of Flight

(3) Name of Pilot

(4) Location of photographic operation]

[5. Aircraft rental or leasing:

i. Insure that aircraft rented or leased are properly and currently maintained in accordance with applicable FAR's and Airworthiness Directives.

ii. Insure that aircraft registration, airworthiness certificate, and flight manual or placards (as required) are on board aircraft at time of lease or rental.

iii. Verify that pilot who will fly rented or leased aircraft possesses appropriate and current FAA Airman and Medical Certificates, and FCC Radiotelephone Operator Permit, if required.

iv. Maintain records of all rental or leasing activities which shall be readily available for inspection. These records shall be retained for 12 months, and shall provide at least the following information:

(1) Aircraft "N" Number

(2) Dates of beginning and ending of rental or lease period

(3) Name of pilot(s)

(4) Pilot Certificate Number

(5) Medical certificate class and date of examination

v. Advise lessee or rentee whether or not insurance coverage of aircraft maintained by lessor or rentor will be in effect while aircraft is under lessees or rentees control, and, if in lessee or rentee.]

[6. Air taxi or charter (These specific requirements are not applicable to Air Taxi or Charter operations or Commuter Air Carriers registered and operating in accordance with FAR Part 135 and/or FAR Part 298).

i. Own or have arrangements for use of a minimum of one currently federally certificated and airworthy aircraft approved and designated for operation under FAR Part 135.

ii. Utilize pilots who are federally certificated as commercial or airline transport pilots and properly rated for the aircraft used.

iii. Maintain records of all flights made which shall be readily available for inspection. These records shall be retained for 12 months, and shall provide at least the following information.

(1) Aircraft "N" Number

(2) Date of Flight

(3) Takeoff and landing time for each leg of flight

(4) Name of Pilot(s)

(5) Passenger manifest and/or cargo description]

[7. Fish spotting:

i. Own or have arrangements for use of a minimum of one currently federally certificated and airworthy aircraft.

ii. Utilize pilots who are federally certificated as private, commercial or airline transport pilots rated for the aircraft used.

iii. Provide names, address, ratings and certificate numbers of pilots employed in the operation.

iv. Maintain records of all fish spotting flights made which shall be readily available for inspection. These records shall be retained for 12 months, and shall provide at least the following information:

(1) Aircraft "N" Number

(2) Date of Flight

(3) Name of Pilot]

[8. Flying club:

i. Own or have arrangements for use of at least one currently federally certificated and airworthy aircraft.

ii. Submit a current roster of members and officials of the enterprise with their address and telephone number upon submission of initial and renewal applications.

iii. Require any air instruction to be carried out only by air instructors licensed and functioning in compliance with 16:55-1.5(a) Air Instruction.

iv. Maintain records of all flights made which shall be readily available for inspection. These records shall be retained for at least 12 months, and shall provide at least the following information:

(1) Aircraft "N" Number

(2) Date of Flight

(3) Name of Pilot

(4) Name of Instructor (if applicable)]

[9. Intrastate air carrier:

This section is reserved for the rules applicable to intrastate carriers.]

[10. Certificated aircraft mechanics: Certificated Repair Stations (Not applicable to Repair Stations certificated and operating in accordance with FAR Part 145).

i. Maintain or have access to shelter facilities adequate and suitable for the type of maintenance to be performed.

ii. Provide name(s), address(es), ratings and certificate numbers of all federally certificated personnel employed.

iii. Maintain adequate range of tools normally required to perform the maintenance, inspection, alterations, or repairs to be undertaken.

iv. Maintain a record of major maintenance, alterations, or repairs as defined by the FAA, which will show: aircraft (or component), make, model, registration number; type of maintenance, inspection or repair performed; name, rating and certificate number of person performing the work. Records must be maintained in a current status and retained on file for a minimum of 90 days.]

[11. Parachute repair and rigging:

i. Provide names, addresses, ratings and certificate numbers of personnel employed in this operation.

ii. Maintain suitable permanent housing or area which is adequately lighted, heated, ventilated and equipped for parachute repacking, airing and drying.

iii. Maintain adequate range of tools and equipment to pack, alter, maintain and repair the types of parachute(s) to be serviced.

iv. Make available for inspection the rigger's seal and seal press for each parachute rigger employed.

v. Maintain records of work performed which shall be readily available for inspection. These records shall be kept for a minimum of 12 months, and shall provide at least the following information:

(1) Parachute type, make and serial number

(2) Owner; name and address

(3) Kind and extent of work performed

(4) Date work completed

(5) Name, rating & certificate of number of person performing work

(6) Results of any drop testing (if applicable)]

[12. Pipeline and powerline patrol:

i. Own or have arrangements for use of a minimum of one currently federally certificated and airworthy aircraft.

ii. Utilize pilots who are federally certificated as private, commercial or airline transport pilots and properly rated for the aircraft used.

iii. Provide names, addresses, ratings and certificate numbers of pilots employed in the operation.

iv. Insure that only essential crew members are embarked while aircraft are being utilized for pipeline and powerline patrol.

v. Maintain records of all pipeline and powerline patrol flight(s) which shall be readily available for inspection. These records shall be retained for 12 months, and shall provide at least the following information:

(1) Aircraft "N" Number

(2) Date of flight

(3) Name of pilot

(4) Flight coverage route]

[13.]**3.** Sport parachute center:

i. Show on the application compliance with all [the] **applicable**

provisions of **Chapters** N.J.A.C. 16:58 [2.2(a) of] **and 16:54**.
ii.–iv. (No change.)

16:55-1.6 Liability
(No change.)

16:55-1.7 Petitions for exemptions
(No change.)

Full text of the proposed repeal may be found in the New Jersey Administrative Code at N.J.A.C. 16:56 and 16:62.

(a)

AERONAUTICS

Issuance of Summons and Designation of Peace Officer
Aircraft Accidents

Proposed Amendments: N.J.A.C. 16:60 and 16:61

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 6:1-29 and 6:1-44.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, NJ 08625

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

This proposal is known as PRN 1983-436.

The agency proposal follows:

Summary

The purpose of this proposal is to update and align staff and operations within the Division of Aeronautics in accordance with present trends and methodologies.

N.J.A.C. 16:60 "Issuance of Summons and Designation of Peace Officer," sets forth procedures for the issuance of summons and complaints and empowers specific employees with the authority to function as peace officers in compliance with the provisions of N.J.S.A. Title 6. The proposed amendments to N.J.A.C. 16:60-1.3 will effect title changes to correspond to staff currently designated and performing peace officer type duties. The authority for the designation of peace officer is found in N.J.S.A. 6:1-29.

N.J.A.C. 16:61 "Aircraft Accidents", outlines specific steps to be followed in reporting aircraft accidents. The changes proposed are designed to implement a program of more focused and prioritized State response to aircraft accidents which may occur in New Jersey. The emphasis of the new policy is not to respond to every aircraft accident regardless of how minor it may be, but rather to respond to only those accidents where a State presence may be directly needed. State participation is needed when there is fatal or serious injury to persons, or when an accident occurs off the property of a licensed aeronautical facility. State involvement for off airport site accidents is necessary to assist local officials who may have little or no knowledge in the correct methods for handling and coordinating aircraft accident matters. The requirement to report aircraft accidents is unchanged by this rule revision. What changes is the mandatory State response. The result from this action should be considerable manhour savings within the Division of Aeronautics, while reducing State duplication of Federal Agency activities.

The Department therefore proposes to amend N.J.A.C. 16:60 and 16:61 to align the staff with appropriate duty functions and to improve the efficiency of operations within the Division of Aeronautics.

Social Impact

The proposed amendments will provide for more efficient operations within the Division of Aeronautics. Additionally, those involved with aviation are assured of timely State action and response should an accident occur.

Economic Impact

The proposed amendments will effect substantial savings in manhours regarding aircraft accidents. Further savings will occur in personnel with the realignment of duties and the deletion of those no longer required for investigation and the reduction of duplication of activities. These savings will incur to the Department of Transportation and the State of New Jersey.

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

16:60-1.3 Designation action
(a) In addition to the personnel specifically designated as peace officers by N.J.S.A. 6:1-29, the members and employees of the Division of Aeronautics assigned to the following authorized positions are hereby designated as peace offices:
1. Director of Aeronautics;
2. Chief of Inspection and Aircraft Operations;
[3. Chief of Airport Services and Development,]
[4. Chief of Aviation;]
[5.] **3.** Supervisor [Airport Standards,] **Aeronautical**, Inspection [and Enforcement] Section;
[6. Senior Aeronautical Inspectors;]
[7.] **4.** Aeronautical [Inspectors;] **Operation Specialists.**
[8. Supervisor, Flight Safety and Education;]
[9. Supervisor, Aircraft Operations and Emergency Plans Section,]
[10. Airport Engineer;]
[11. Safety Engineer, Aeronautical.]
(b) (No change.)
(c) The [Chief of Inspection and Aircraft Operations] **Director of Aeronautics** is responsible for the accounting, control and distribution of the summons and complaint forms.
(d) (No change.)

16:61-1.1 Definitions

. . .

["Substantial damage" can be to either the engine or aircraft.
1. In aircraft of 12,500 pounds maximum gross take off weight or under, any estimate over $500.00 is considered substantial damage.
2. Substantial damage to aircraft over 12,500 pounds maximum take-off weights means damage affecting structural strength, performance, or flight characteristics of aircraft.]

16:61-2.1 Reporting aicraft accidents
(a) During duty hours (9:00 A.M. to 4:30 P.M.). Notify the New Jersey Division of Aeronautics by calling 609-292-[3112.] **3020**.
(b)–(c) (No change.)

(d) **When determined necessary by a law enforcement official,** New Jersey Department of Transportation Form DA-23, "Aircraft Accident Report" is to be completed, [for] **and also** for any occurrence involving the operation of an aircraft on the ground or in the air [to] **which** includes the following:

1. Fatal or serious injury;

[2. Substantial damage to an aircraft;]

[3. Fire on the ground;]

[4. Taxiing Collison;]

[6.] **2.** Emergency landings **and aircraft accidents** of any kind regardless of the amount, or absence, of damage to aircraft or property[.] **that occur off of the property of a licensed aeronautical facility;**

3. Any accident where a law enforcement official determines that the report is necessary.

16:61-2.2 Notification of next of kin

[Extreme care must be taken to insure that absolutely no] **No** release is **to be** made of names of pilots or passengers who are seriously or fatally injured until after positive notification of next of kin has been accomplished. [Responsibility for notifying the next of kin lies with the initial investigating agency.]

16:61-2.4 Statement of witness

When determined necessary by a law enforcement official, New Jersey Department of Transportation Form DA-25, "Statement of Witness" shall be completed by any person or persons who observed the actual aircraft accident or any events prior to or immediately following said accident.

TREASURY–GENERAL

(a)

DIVISION OF PENSIONS

Accounting
Due Date for Transmittals and Reports

Proposed Amendment: N.J.A.C. 17:1-1.3

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph, Director
Division of Pensions
20 West Front Street
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 1983-453.

The agency proposal follows:

Summary

The proposed amendment alters the due date for submission of monthly reports for Alternate Benefit Program participants of county colleges and State monthly locations to the Division of Pensions from the first to the fifth day of the month following the close of the preceding month.

Social Impact

The proposed amendment will affect county colleges and State locations who have employees participating in the Alternate Benefit Program.

Economic Impact

The proposed amendment has no significant adverse economic effect upon the employers or employees participating in the Alternate Benefit Program but may result in the submission of timely reports and transmittals which could improve administrative efficiency for all parties involved.

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

17:1-1.3 Due dates for transmittals and reports

(a)–(c) (No change.)

(d) Monthly reports for Alternate Benefit Program participants of county colleges and State monthly locations are due in the Division of Pensions the [first] **fifth** day of the month following the close of the preceding month.

(e)–(i) (No change.)

(b)

STATE INVESTMENT COUNCIL

Real Estate Equity
Permissible Investment

Proposed New Rule: N.J.A.C. 17:16-45

Authorized By: State Investment Council, Roland M. Machold, Director, Division of Investment.
Authority: N.J.S.A. 52:18A-91.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roland M. Machold, Director
Division of Investment
349 West State Street
Trenton, NJ 08625

The State Investment Council 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 1983-441.

The agency proposal follows:

Summary

The proposed new rule would permit purchase of equity real estate for the five major pension funds in three categories:

1. The pooled equity real estate fund participation would be restricted to 10 percent of the units of the pool;

2. The special pooled equity real estate fund participation would be restricted to 50 percent of the units of the pool;

3. Single office building equity participation would be restricted to up to one-third with a minimum purchase price of $250 million. Other requirements include: Category 1. sponsor of the pool must have a record of managing $500 million in each of the preceding

five years; Category 2. sponsor of the special pool must have a record of managing $500 million in each of the preceding five years. Also, property must be 90 percent owned by the pool, developed and substantially leased, and restricted to office buildings, shopping centers or hotels; meet geographical distribution; meet mortgage restrictions; meet return requirements of pension fund; meet book value requirements of pension fund; have liquidation features and provide the right to change managers of the fund (after a five year period upon six months notice) or in the event of default the right to dismiss any time; Category 3. requires independent appraisal of the value of the building at the time of purchase.

Social Impact

The proposed new rule is intended to provide an additional choice of investment opportunity to the pension funds, one which historically has provided protection of assets in an inflationary environment. The effect on the pension funds will be to provide a more diversified portfolio.

Economic Impact

Real estate investment returns appear to be competitive with investment vehicles currently in use and additionally will provide some protection against inflation. This type of investment may increase income to the pension funds in the future.

Full text of the proposed new rule follows.

SUBCHAPTER 45. REAL ESTATE EQUITY

17:16-45.1 Permissible investment for pension and annuity group

(a) The Director may invest the moneys of any pension and annuity fund, with the exception of the Consolidated Police and Firemen's Pension Fund, in real estate equity in any of the following ways:

1. Participation in pooled equity real estate funds, including pools holding participating mortgages, is permissible provided:

i. The Director shall submit a list of such pools to the Council for its approval under (a)1 above. Such list may be amended or enlarged from time to time subject to the Council's approval and shall be designated as "The Approved List of Real Estate Equity Investment Pools".

ii. The Director may not purchase more than 10 percent of the units of participation in such pool.

iii. The sponsor of the pool has a record of managing real estate pooled investments aggregating at least $500 million in each of the last five years prior to purchase.

2. Participation in special pooled equity real estate investment is permissible, subject to the provision that the Division may not purchase more than 50 percent of the units of participation in such a special pool, and further provided that such a special pool shall be established under the following terms and conditions;

i. The plan sponsor has a record of managing at least $500 million of equity real estate in each of the last five years prior to purchase and has a demonstrated capacity for real estate property management.

ii. The fund shall own at least 90 percent of any property owned by the fund.

iii. The properties owned by the fund shall be developed and substantially leased and shall consist of office buildings, shopping centers or hotels and, after the initial two years of the pool's operation the appraised value of such class of property, at the time of any purchase of a property, may not exceed 60 percent of the appraised value of all properties in the pool.

iv. After the initial three years of the operation of the pool, no more than 50 percent of the book value of properties held by the fund can be in any one region of the United States, such regions being defined as (1) New England, New York, New Jersey, Pennsylvania, Ohio and Delaware; (2) Minnesota, Wisconsin, Illinois, Kentucky, Indiana, West Virginia and Michigan; (3) Virginia, Louisiana, and all states south of Kentucky and east of the Mississippi River; (4) California, Arizona, New Mexico, Texas, Oklahoma, Arkansas, Nevada and Hawaii; and (5) all other states.

v. No property in the pool may assume a mortgage in excess of 67 percent of the purchase price, and any mortgage assumed must have a fixed interest rate, provide no recourse to the equity holder and have no equity or escalation features.

vi. The pool shall pay an annual cash return to the plan participants equal to at least six and one-half percent of the aggregate book value of the units of participation in the pool.

vii. No individual real estate investment in the pool can exceed the greater of $75 million or 20 percent of the book value of the fund and no single investment shall be less than $10 million.

viii. Any investor in the pool may request liquidation after three years of existence of the pool of up to 25 percent of his total investment upon six months' notice and the pool sponsor will use his best efforts to honor the request. Any investor may mandate liquidation of up to 25 percent of his maximum aggregate investment upon 18 months' notice after three years of existence of the pool.

ix. Investors holding at least two-thirds of the units of participation in the fund may liquidate the fund upon five years notice.

x. The fund sponsor shall be engaged initially for five years, after which the holders of two-thirds of the units of participation in the fund may change the investment manager of the fund upon six months notice. Upon an event of default by the sponsor, the holders of one-third of the units of participation in the fund may dismiss the investment manager of the pool at any time.

xi. The fund sponsor shall pay the expenses of counsel for the purchasers, who shall be selected by investors holding a majority of the units of participation.

xii. The Director shall submit a list of such special pools to the Council for an appraisal under this paragraph. Such list may be amended or enlarged from time to time subject to the Council's approval, and shall be designated as "The Approved List of Special Real Estate Equity Pools".

3. Participation in up to one-third of the equity in any single office building is permissible provided that the purchase price of the building is at least $250 million, the Director has received an independent appraisal of the value of the building at the time of purchase and the investment is recommended by the Director and approved by the Council.

17:16-45.2 Market appraisals

The sponsor of any real estate pools or buildings purchased under N.J.A.C. 17:16-45.1 shall provide the Division of Investment independent market appraisals for all properties, on an annual basis; and shall provide annual independently audited financial statements for such pools or buildings.

17:16-45.3 Limit on investment

The aggregate book value of real estate investment under this subchapter, for any eligible pension fund, shall not exceed 10 percent of the book value of all assets of such pension fund.

(a)

AFFIRMATIVE ACTION OFFICE

Public Contracts
Affirmative Action Procedures

Proposed Readoption with Amendments: N.J.A.C. 17:27

Authorized By: Kenneth R. Biederman, State Treasurer.
Authority: N.J.S.A. 10:5-36.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William E. Jackson
Chief Affirmative Action Officer
Department of the Treasury
State House, CN 211
Trenton, NJ 08625

The Department of the Treasury thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules expired on May 24, 1983. The readoption becomes effective upon publication in the Register of a notice of their readoption.

This proposal is known as PRN 1983-484.

The agency proposal follows:

Summary

The proposal readopts the regulations concerning affirmative action employment standards and practices necessary for public agencies, contractors, subcontractors, and business firms to comply with the equal employment opportunity standards required by P.L. 1975, c.27 (N.J.S.A. 10:5-31 et seq.). Also, the rules continue the administrative procedures necessary for the Department of Treasury to monitor whether or not public agencies, contractors, subcontractors and business firms are in compliance with the affirmative action employment requirements.

Subchapter 1 states the policy to promote equal employment opportunity by prohibiting discrimination in employment and requiring affirmative action in the performance of contracts funded by the State.

Subchapter 2 contains definitions applicable to the chapter.

Subchapter 3 outlines the requirements which public agencies must follow when soliciting bids and awarding contracts.

Subchapter 4 outlines the requirements which procurement and service contractors and subcontractors must follow in satisfying affirmative action plan requirements.

Subchapter 5 outlines the minority and female goal obligations for procurement and service contractors and subcontractors.

Subchapter 6 outlines the requirements which construction contractors and subcontractors must follow in satisfying affirmative action plan requirements.

Subchapter 7 outlines the minority and female goal obligations for construction contractors and subcontrators.

Subchapter 8 concerns advisory boards which recommend affirmative action plan compliance issues and dispute settlements.

Subchapter 9 concerns the monitoring of public works contracts.

Subchapter 10 outlines compliance procedures and sanctions applicable to public works contracts.

Subchapter 11 requires that contractors, subcontractors and public agencies furnish reports to the affirmatie action office.

Subchapter 12 provides for minority worker outreach and training obligations.

Subchapter 13 concerns the effective date of the rules.

The present chapter, originally adopted in 1978, in considered to remain necessary and reasonable and is proposed for readoption with certain amendments deleting outdated text pursuant to the requirements of Executive Order 66(1978).

The proposed readoption does not change the existing procedures. The amendments reflect the provision of the original regulations that the procedures would be extended to all levels of government through a two-part phase-in program. Since this program has been completed, the text of the current rules which explains the phase-in period (N.J.A.C. 17:27-1.1) and the effective date for the State and local governments (N.J.A.C. 17:27-13.1 and 13.2) is no longer necessary and is not being readopted. Governmental agencies at all levels follow these regulations. The rules formalize what is current practice.

Social Impact

At present there are over 4,000 contractors, vendors and subcontractors registered with the State Office of Affirmative Action, Department of Treasury. Through registration procedures, these contractors, vendors and subcontractors have complied with the affirmative action employment practices provided for in the regulations.

Since 1978, these rules have promoted an actual increase in the employment of minorities and women by the contractors, vendors and subcontractors dealing with public agencies, and should continue to do so.

Economic Impact

As written in 1978, the regulations imposed reporting requirements on vendors as a condition of procurement of contracts to provide services to governmental agencies. The economic impact of such reporting is considered reasonable given the results and benefits of compliance. No new reporting requirements are proposed.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 17:27 with the following exceptions:

N.J.A.C. 17:27-1.1. is not being readopted.
N.J.A.C. 17:27-1.2 is renumbered as N.J.A.C. 17:27-1.1.
N.J.A.C. 17:27-13.1 and 13.2 are not being readopted.

TREASURY–TAXATION

(b)

DIVISION OF TAXATION

Local Property Tax
Farmland Assessment; Filing Date

Proposed Amendment : N.J.A.C. 18:15-3.3

Authorized By: J. Robert Murphy, Assistant Director, Division of Taxation.
Authority: N.J.S.A. 54:4-23.13, specifically 54:4-23.21.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Samuel Temkin, Superintendent
Local Property Tax Branch
Division of Taxation
50 Barrack Street
Trenton, NJ 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 1983-462.

The agency proposal follows:

Summary

The proposed amendment is intended to supplement an existing rule which prescribes the time limitation within which a claimant must file an application with the assessors for farmland assessment pursuant to P.L. 1964, Chapter 48 (N.J.S.A. 54:4-23.13). A recent amendment to the Act, P.L. 1982, Chapter 72 (N.J.S.A. 54:4-23.13), amended the law to provide that applications filed by mail shall be considered timely if submitted to the mails on or before the statutory deadline. The proposed amendment will incorporate the provisions of the statutory amendment into the existing rules permitting the assessor to presume timeliness upon proof of mailing.

Social Impact

The amendment of the existing rules to incorporate the statutory change regarding the filing of applications by mail will lead to uniform treatment of mailed applications, thus avoiding litigation over an assessor's failure to accept claims mailed on or before the filing date but received by him subsequent to the statutory deadline.

Economic Impact

The proposed amendment, by ensuring claimants that their otherwise eligible claims will be approved when committed to the mails in time, will avoid the loss of valuable time required to physically deliver the claims and will reduce costs to taxpayers by diminishing the number of appeals which result where timely filing is the subject in question.

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

18:15-3.3 Filing date

(a)–(b) (No change.)

(c) If the application is filed by delivery through the mail or a commercial courier or messenger service, compliance with the time limit for filing shall be established if there is satisfactory evidence that the application was committed for delivery to the United States Postal Service or to the courier or messenger service within the time allowed for filing.

OTHER AGENCIES

(a)

GAMING SCHOOLS

Proposed Readoption with Amendments: N.J.A.C. 19:44

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.
Authority: N.J.S.A. 5:12-63(c) and 5:12-69(a).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael A. Santaniello
Deputy Director – Operations
Casino Control Commission
Division of Financial Evaluation
and Control
3131 Princeton Pike Office Park
Building No. 5
CN 208
Trenton, NJ 08625

The Casino Control Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5) Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on October 16, 1983. The readoption becomes effective upon acceptance for filing of the notice of adoption by the Office of Administrative Law. Concurrent amendments to the readoption become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-474.

The agency proposal follows:

Summary

In accordance with the "sunset" and other provisions of Executive Order No. 66(1978), the Casino Control Commission proposes to readopt with amendments N.J.A.C. 19:44 concerning gaming schools. These rules were originally filed with the (then) Division of Administrative Procedure and became effective on January 23, 1978. N.J.A.C. 19:44 is scheduled to expire on October 16, 1983.

N.J.A.C. 19:44 was adopted in order to implement the provisions of the Casino Control Act (N.J.S.A. 5:12-1 et seq.) concerning the Commission's responsibility to license all casino service industries including schools teaching gaming and either playing or dealing techniques (N.J.S.A. 5:12-92(a)(b)); and to assure that casino employees have sufficient business ability and casino experience (N.J.S.A. 5:12-90(b)).

N.J.S.A. 5:12-90 states that the standards for employee business ability and casino experience may be satisfied by successful completion of a course of study at a licensed gaming school. Through N.J.A.C. 19:44, the Commission has established the standards that must be met by these schools, including minimum requirements for curricula, hours of instruction, gaming equipment and facilities. These requirements are designed to assist in assuring that students receive quality instruction consistently throughout the gaming school industry.

The rules dictate minimum qualifications for licensure that each applicant and its employees must establish. Through these regulations, the Commission mandates that each licensee have sufficient business ability and experience to operate a gaming school. Further, that its employees have thorough knowledge of the Commission's regulations to successfully undertake the responsibilities of their position.

N.J.A.C. 19:44 also sets forth guidelines for establishing and expressing tuition, application, registration and other fees imposed by gaming schools. Furthermore, the rules specify refund policies, language of enrollment agreements, and advertising policies.

Since its adoption, portions of N.J.A.C. 19:44 have been amended. In October, 1978, N.J.A.C. 19:44-1.1, 4.1 and 5.1 were amended by eliminating the requirement that clerical personnel be licensed as gaming school employees. These amendments were made necessary by similar changes to the Casino Control Act. In January, 1982, N.J.A.C 19:44-1.17 was amended by deleting the height restriction on exterior advertising.

Concurrent with the readoption of N.J.A.C. 19:44, the Commission proposes to amend several sections of the gaming school rules. It is intended that these amendments will streamline the gaming school license application process by formally segregating the process into a license phase and a certificate of operation phase. These amendments will also improve the efficiency of the application process by eliminating the requirement that casino licensees obtain a separate casino service industry license authorizing a gaming school.

Other amendments would: 1. eliminate the requirement that recurring advertising be approved prior to each broadcast or printing; 2. extend the duration of licenses for instructors, sales representatives and administrative employees from one year to three years; and 3. identify courses that must receive Commission approval. For consistency and clarity, the readoption includes several other non-substantive changes.

Social Impact

An integral and essential element of the control of casino gaming by the State rests in the maintenance of public confidence in the credibility of the regulatory process and the operation of casino and casino related enterprises (see N.J.S.A. 5:12-1(b)6). Through the readoption of these rules, the public can be assured that the State is fulfilling its regulatory obligations under the Act in such a manner as to promote public confidence.

The rules provide orderly and uniform standards for the training of prospective casino employees. By virtue of these requirements, the casinos, students and the public can have reasonable assurance that students will receive the type of training necessary to perform their future responsibilities as casino employees. Additionally, the readoption of these rules will continue to assist the Casino Control Commission and the Division of Gaming Enforcement in the successful discharge of their responsibilities in the regulation and monitoring of gaming school operations.

The gaming school will also benefit from the readoption of the rules because the rules specify the Commission's minimum acceptable standards for facility, equipment and curriculum outlines.

Failure to readopt N.J.A.C. 19:44 would deteriorate the public's and casinos' confidence in the integrity and quality of gaming schools and their graduates. The Commission and Division would incur difficulty in monitoring the schools in the absence of the precise standards inherent in the existing rules.

The greatest social impact of the proposed amendments will be upon the gaming schools, and to a lesser extent casino licensees, because of the increased efficiency of the licensure process. Sales representatives, instructors and administrative employees will also benefit because of the extended duration of their licenses.

Economic Impact

Gaming schools must expend a significant amount of money to comply with N.J.A.C. 19:44. However, the Commission feels that the costs are justified by the social and economic benefits promoted by the rules.

Failure to readopt the regulations could cause economic harm to the casinos and gaming schools. Without the rules gaming schools might lower the current standards of instruction and integrity. Inferior instruction would necessitate the retraining of employees, the cost of which would be borne by the casinos. Furthermore, prospective students might be deceived by fraudulent advertising practices or find themselves unemployable because the instruction did not adequately prepare them for a job.

The greatest economic impact of the proposed amendments is upon the gaming schools. The gaming school application process is lengthy and costly as it currently exists. The amendments would create a more efficient process and reduce the time and money required to obtain or renew a gaming school license.

The amendments may have a positive impact on students if reductions in license fees are passed on as a decrease in tuition costs. Reductions in fees charged for reviewing advertisements may have a similar affect. The amendments may also impact favorably on casino licensees since the licensee will be exempted from the license phase of the application process.

Because the costs incurred in the enforcement of these rules are primarily borne by the gaming schools, the readoption of this chapter (with concurrent amendments) will not have any significant economic impact upon the Commission or the Division.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 19:44, as supplemented by the New Jersey Register.

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

19:44-1.1 Definitions

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

. . .

"Course" shall mean a unit of educational instruction or training in a specific subject area of gaming and playing or dealing techniques **which upon successful completion may be used to satisfy any experiential or training requirements imposed by the commission as a prerequisite to licensure as a casino key employee or casino employee**.

"Gaming school" shall mean any person or school, whether or not a governmental agency, teaching **any course or program of instruction,** [gaming or playing or dealing techniques] which is a casino service industry enterprise, as defined in the act or the regulations of the [C]**c**ommission, or which shall enroll any student or offer any course to the public of this State or do any other business whatsoever in this State, whether for compensation or not, relating to such teaching. All gaming schools are hereby deemed to be casino service industry enterprises and are required to be licensed as gaming schools in accordance with sections 92a and b of the act and the regulations of the commission.

. . .

"Sales representative" shall mean any person owning an interest in, employed by or representing a gaming school and who solicits or enrolls any person for education, training or instruction in such school.

19:44-2.2 License; providing goods or services

(a) (No change in text.)

(b) Any gaming school licensee which enters into an agreement with a casino licensee or an applicant for a casino license to provide any course or program of instruction, must file with the commission, prior to the commencement of such training, a copy of said agreement. Each such agreement shall describe the training to be offered in sufficient detail to allow the commission to properly evaluate that training. This description shall include but need not be limited to:

1. The course or program title;

2. The number of persons involved in such training, and the maximum number of students that will be permitted to enroll in any one session of such training;

3. A description of the plan of instruction to be used;

4. The tuition and other charges or costs to the persons trained and to the parties to the agreement;

5. The name, license number and employer of every instructor to be utilized for such training;

6. The name, license number and employer of any support personnel to be used in such training;

7. The location where such training is to be conducted; and

8. Any certificate or other documentation to be awarded to persons successfully completing such training program.

19:44-2.3 [Casino service industry license] **Casino licensee offering any course or program of instruction**

[No casino licensee shall conduct any school teaching gaming or playing or dealing techniques unless a separate casino service industry license authorizing the particular gaming school shall have first been issued to the casino licensee.] **For purposes of this chapter, the issuance of a casino license shall be deemed to include the issuance of a gaming school license to the casino license holder without the necessity of a separate gaming school license being issued provided that the casino licensee has met all the requirements for licensing as a casino service industry. A casino licensee may offer any course or program of instruction provided that the casino licensee shall have first been issued a certificate of operation authorizing the operation of a gaming school in compliance with these regulations.**

19:44-2.5 Waivers

Upon written application from a public school district or public institution of higher education, the commission in its discretion may waive any licensure or qualification of any individuals except those instructors and other principal employees responsible for the teaching of [playing or dealing techniques] **any course or program of instruction**.

19:44-3.1 Gaming school license standards

(a) No gaming school license shall **be** issue**d** unless the qualifications of the gaming school enterprise shall have first been established in accordance with sections 86, 89 and 92b of the act and the regulations of the [C]commission which qualifications shall include but shall not be limited to:

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

[4. The reasonable expectation of an adequate employment demand by the gaming industry for its graduates;

5. The adequacy of its courses and programs of instruction to qualify students for employment in one or more specific occupations related to gaming or to upgrade the skill and knowledge of its students in regard to gaming;

6. The adequacy of its proposed facilities, supplies and equipment to provide thorough instruction and training to the students enrolled;]

[7.] **4.** (No change in text.)

[8.] **5.** If the gaming school enterprise is not a corporation, that it maintains an office in this State and has designated to the [C]commission and maintains in this State an agent for the acceptance of service of process[.]**;**

6. The adequacy of its affirmative action program for both its employees and students; and

7. The appropriate individuals associated with or employed by the gaming school be properly qualified as required by the Act and these regulations.

19:44-3.2 Gaming school certificate of operation standards

(a) Notwithstanding the issuance of a license, no gaming school may enroll students or offer any course or program of instruction unless and until a valid certificate of operation has been issued to the gaming school licensee by the commission.

(b) No certificate of operation shall be issued unless the gaming school licensee has established qualifications, to the satisfaction of the commission, in each of the following areas:

1. The adequacy of its courses or programs of instruction;

2. The adequacy of its proposed facilities, supplies and equipment to provide thorough instruction and training to the students enrolled, and to effectively accommodate its students and faculty;

3. The adequacy of its system of record keeping;

4. The adequacy of its bulletin and enrollment agreement;

5. The school has a properly licensed resident director in its employ and such individual shall have established his qualifications in accordance with the casino key employee standards excluding New Jersey residency as set forth in sections 86, 89 and 92b of the Act and the regulations of the commission;

6. The adequacy of its insurance coverage;

7. For schools whose facilities are leased or rented, the adequacy of its contract or lease agreement;

8. The adequacy of its surety bond; and

9. The school has in its employ properly licensed instructors for the courses it proposes to offer and any other individuals employed by the gaming school be properly licensed as required by these regulations.

19:44-3.3 Changes

(a) A change in any item that was found necessary for the issuance of, or made a condition on, the gaming school license must be approved by the commission prior to any announcement or implementation of the change by the gaming school.

(b) A change in any item that was found necessary for the issuance of, or made a condition on, the gaming school certificate of operation must be approved by the commission prior to any announcement or implementation of the change by the gaming school.

19:44-4.1 Persons required to be qualified

(a) No gaming school license shall **be** issue**d** unless the individual qualifications of:

1. (No change in text.)

i.-iii. (No change in text.)

iv. Its supervisory personnel [, and]**;**

v. Its principal employees[.]**, and**

vi. Such other persons whom the commission may consider appropriate for approval or qualification.

19:44-5.1 Establishment of qualifications

(a) No natural person shall be employed by a licensed gaming school **as an instructor, administrative employee or a sales representative** unless he shall first have established his qualifications in accordance with the casino employee standards set forth in sections 92b, 86 and 90 of the act and the regulations of the [C]commission and unless a gaming school employee license authorizing the person to hold the particular position of employment shall first have been issued to him, provided, however, that notwithstanding the provisions of this section, the licensure of clerical personnel shall not be required.

(h) Notwithstanding any other requirements of this subchapter, guest lecturers who do not possess a gaming school instructor's license may be employed provided that prior notice is filed with the commission and that an individual who possesses a valid instructor's license is responsible for the conduct of the class and is in attendance during the sessions conducted by the guest lecturer.

19:44-6.1 Duration of licenses

(a) Licensure as a gaming school [,] **and** a resident director[, an instructor, an administrative employee or sales representative] shall be granted for a period of one year.

(b) Licensure as an instructor, an administrative employee or sales representative shall be granted for a period of three years.

[19:44-6.3 Changes

A change in any item that was a condition of the gaming school license must be approved by the Commission prior to any announcement or implementation of the change by the gaming school.]

19:44-7.2 Selection of name

[Each gaming school shall exercise great care in the selection of its name. It] **A gaming school** shall not infringe on the name of any other school whatsoever. It shall not use any title, name, label, insignia or designation which can be construed as misleading or deceiving to prospective students with respect to the nature of the school or its accreditation, courses or programs or methods of instruction.

19:44-8.1 Approval

No person or school, whether or not a governmental agency, shall offer any course or program of instruction or enroll any student in any course or program of instruction unless an approval authorizing such course or program of instruction shall have first been obtained from the commission [by the said person or school].

19:44-8.2 Outline

(a) For each course or program submitted to the commission for approval, the gaming school shall submit a course or program outline in sufficient detail for proper evaluation which outline shall include, but need not be limited to:

1.–4. (No change in text.)

[5. The scheduled hours and days of instruction for each course or program;]

[6.] **5.** A description of the plan of instruction to be used **which shall include daily lesson plans;**

[7.] **6.** A description of the space, equipment, tools [, text] and audio-visual material to be used for each course or program;

Renumber 8.–9. as 7.–8.

[10. The projected need for the proposed course or program and the extent to which other institutions in this State, public or private, meet this need, which shall include a description of similar programs or courses being offered in the State, the anticipated effect on such courses or programs, the anticipated student demand for such a course or program and a description of the existing and anticipated demand for graduates of such a course or program if it is offered to train students for employment;]

Renumber 11.–13. as 9.–11.

[14. The names of all instructors to be utilized in providing such courses and their qualifications with respect to each course or element of the program they are to teach;

15. The estimated costs which the school will incur by offering and teaching such a course or program and the source or sources for meeting these costs;]

[16.] **12.** A description of the method and frequency by which the course will be evaluated in relation to its goals and objectives[, which shall include placement rates.]**;**

13. The student-teacher, student-table and table-teacher ratios for each course or program; and

14. A copy of all textual material to be used in the course or program of instruction.

19:44-8.3 Minimum hours

(a) (No change in text.)

1. For a student being trained to deal his first game the following minimum hours of training and instruction shall be required:

i.–ii. (No change in text.)

iii. 200 hours to prepare a student to deal roulette; **and**

iv. (No change in text.)

2. For a student being trained to deal his second or subsequent game the following minimum hours of training and instruction shall be required:

i. (No change in text.)

(1) (No change in text.)

(2) 120 hours to prepare him to deal roulette; **and**

(3) (No change in text.)

ii. For a student who has been trained to deal roulette:

(1) (No change in text.)

(2) 80 hours to prepare him to deal blackjack; and

(3) (No change in text.)

iii. For a student who has been trained to deal craps:

(1) (No change in text.)

(2) 80 hours to prepare him to deal blackjack; **and**

(3) (No change in text.)

iv. For a student who has been trained to deal baccarat:

(1) (No change in text.)

(2) 80 hours to prepare him to deal roulette; **and**

(3) 80 hours to prepare him to deal blackjack [;]**.**

(b) For any training or instruction other than that listed in (a) above, the required minimum hours of training and instruction shall be determined by the commission on a case by case basis.

19:44-8.4 Certificate

Upon satisfactory completion of [the specific training] **any course** or **program of** instruction [in the playing or dealing of an authorized game], the gaming school shall, in writing, certify **directly to the commission** that the student has completed the said [training] **course** or **program of** instruction [in the said game].

19:44-9.1 Sufficient physical facilities and equipment

(a) The physical facilities and equipment of each gaming school shall be sufficient for attainment of the school's purposes and shall be safe and adequate in quality, size, and number to effectively accommodate students, faculty and staff. The school shall have sufficient space, equipment and supplies on hand to provide a shop, laboratory or classroom space for each of the students in attendance at every session of instruction or training.

(b) No gaming school shall alter its physical facility or the number or arrangement of the gaming tables in its gaming school unless prior notice, which shall include a diagram detailing the proposed change, has been submitted to and approved by the commission.

19:44-9.3 Leases

Facilities leased or rented which house the instructional program of the school shall be bound by contract or lease agreement between the owner of the school and the owner of the facilities. Said contract or lease agreement shall stipulate length of lease, conditions of lease and shall be signed by both parties. A copy of the agreement must be filed with the commission [upon application for licensure] **prior to the issuance of a certificate of operation**.

19:44-9.4 Equipment

(a) Unless the commission shall otherwise determine, all gaming equipment utilized by a gaming school shall conform to all requirements set forth in the regulations of the commission governing gaming equipment utilized by casino licensees. [Each gaming school shall keep an itemized and current list of all gaming equipment utilized by it.]

(b) Unless the commission shall otherwise determine, [E]each table for blackjack, roulette, craps, baccarat **and big six** shall have the name of the gaming school**, or some other identifying attribute as approved by the commission,** permanently imprinted thereon in letters of at least one inch in height and shall, as shall each slot machine, also have permanently affixed on it a serial number which, together with [its] **the** location [on] **of** the table or machine, shall be filed with the commission.

19:44-9.5 Gaming chips and plaques

(a) Unless the commission shall otherwise determine, all gaming chips and plaques utilized by a gaming school [shall conform to all requirements set forth in the regulations of the commission governing gaming chips and plaques utilized by casino licensees, shall have clearly and permanently imprinted thereon the name of the gaming school and the term "Gaming School," and shall be perforated in a manner approved by the commission. A continuing inventory of such chips and plaques shall be accounted for at the end of each day of training, practice or instruction. Discovery of chips or plaques missing shall be reported immediately to the commission.] **shall be distinctly dissimilar to any gaming chips and plaques utilized by a casino licensee.**

(b) No gaming school shall issue or cause to be utilized in its gaming school any gaming chips or plaques until such gaming chips and plaques are submitted to and approved by the commission.

19:44-9.6 Security
Each gaming school shall provide adequate security of its premises for the protection of its [gaming chips and] equipment. No such [gaming chips or] equipment shall be removed from the premises of the school or sold or transferred to any person without the prior approval of the commission; provided, however, that gaming chips and plaques may be removed by students [on an overnight basis] for practice purposes without the necessity of any approval of the commission. [Each gaming school shall maintain records as to every such removal, sale or transfer.]

19:44-10.1 Insurance
No gaming school [license] **certificate of operation** shall be issued unless the commission shall have first been satisfied that the said gaming school has insurance adequate to protect its financial interest, to maintain its solvency in the case of loss by fire or other causes and to afford it reasonable protection in instances of personal and public liability.

19:44-10.2 Annual budget
(a) (No change in text.)
1. Anticipated income for the year, identified by source and amount, which shall include the following:
i. (No change in text.)
ii. Income, actual or anticipated, by source and amount for the year; **and**
iii. Total anticipated income[;]**.**
2. Anticipated expenditures which shall include the following categories:
i.–vi. (No change in text.)
vii. Fixed charges: The expenditures for the rental of land and buildings, old age survivors insurance, insurance for buildings and equipment, workman's compensation and liability insurance; **and**
viii. (No change in text.)

19:44-10.3 Financial statements
An annual audited financial statement in a form as shall be specified and approved by the commission [and the division] certified by a certified public accountant licensed to practice in the State of New Jersey shall accompany each application for a gaming school license.

19:44-11.1 Surety bond requirements
No gaming school [license] **certificate of operation** shall issue to other than a governmental agency unless the gaming school shall have first posted with the commission a surety bond with a responsible surety company acceptable to the commission in an amount to be determined by the commission conditioned for the faithful performance of all agreements and contracts with the students enrolled therein **and for payment of any and all fees imposed pursuant to these regulations**.

19:44-11.3 Notice; form of surety bond
The surety bond shall be drawn in favor of the "Casino Control Commission" on bond forms provided or approved by the commission which contain a provision requiring the surety company to provide both the commission and the gaming school at least 30 days notice in writing before withdrawing as surety on the bond or modifying materially any term or condition of the bond. In the event of any such withdrawal by the surety company, a failure of the said gaming school to post a new surety bond prior to the expiration of the said 30 day period shall be grounds for suspension of its gaming school [license] **certificate of operation**.

19:44-11.4 Exemptions
The commission may exempt any gaming school from the requirements of this section in any instance in which it is satisfied that a gaming school has provided other financial assurances which adequately guarantee its faithful performance of all agreements and contracts with the students enrolled therein **and for payment of any and all fees unpaid pursuant to these regulations**.

19:44-13.2 Discontinuance of course or program
In the event of discontinuance of a course or program of instruction by the school, the school [shall] **may be required by the commission to** refund to the student in full **or in part** any fee paid by the student for the course or program of instruction.

19:44-15.4 Contents of bulletin
(a) (No change in text.)
1.–2. (No change in text.)
3. A calendar of the school showing legal holidays [, beginning and ending date of each instructional period, quarter, term or semester] and other important dates;
4.–14. (No change in text.)

19:44-16.1 Enrollment agreement
(a) Each gaming school shall use an enrollment agreement which shall be the contract between the school and the student and shall:
1. Be prepared in duplicate, dated and signed by the student and a designated representative of the school; the student shall be furnished a copy of the agreement immediately upon [executing it] **execution**;
2.–9. (No change in text.)

19:44-17.11 Prior approval
[Any advertising through any media which cannot be changed or deleted within a period of one week or less, including classified telephone directory and national advertising, shall require the approval of the Chairman or his designee prior to printing. The full copy of such advertising must be submitted in writing.]
(a) Unless the commission shall otherwise determine, all proposed advertisements shall be submitted in writing to the commission prior to the broadcast or publication of such material; however, any advertisement that is identical to or contains only minor changes in the specifics of any previously approved advertisement shall not be required to be resubmitted for approval. Said specifics shall include, but not be limited to, instructors' names and class types, dates, times and locations.
(b) Each gaming school licensee shall maintain a record of all its advertisements which shall include, at a minimum, the following:
1. A description of the advertisement;
2. The date approved by the commission; and
3. The date and method of broadcast or publication.

19:44-18.1 Adequate records
(a) The schools shall maintain, **for at least five years,** in a place secure from theft or destruction, adequate records which shall be made available to the commission or division upon request. These records shall include:
1.–8. (No change in text.)
(b) A permanent record card shall be maintained for each student indefinitely. This card shall show the course or program of instruction attended, the total amount of tuition paid or owed, the total hours of training actually received, the date of completion or withdrawal and, for students enrolled in a course designed or second or subsequent game training, verification that the student meets the minimum hours of training and instruction required for enrollment in such a course. In the event of the closing of a school, the student's permanent record card shall be forwarded to the commission.

[19:44-18.2 Retention of records
The aforesaid records shall be held for at least five years. A permanent record card shall be maintained for each student indefinitely. This card shall show the course or program of instruction attended and the date of completion or withdrawal. In

the event of the closing of a school, the student's permanent record card shall be forwarded to the commission.]

(a)

CASINO CONTROL COMMISSION

Gaming Equipment
Slot Stools

Proposed Amendment: N.J.A.C. 19:46-1.27

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.
Authority: N.J.S.A. 5:12-63(c), 5:12-69(a) and 5:12-70(i).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael A. Santaniello
Deputy Director-Operations
Casino Control Commission
Division of Financial Evaluation & Control
3131 Princeton Pike Office Park
Building No. 5
CN 208
Trenton, NJ 08625

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

This proposal is known as PRN 1983-472.

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 19:46-1.27 would allow for the utilization of slot stools and would provide specifications for slot stool placement on the casino floor. Two alternatives are being proposed under N.J.A.C. 19:46-1.27(k)2. The first alternative requires a minimum of four feet clearance in cross aisles, between the back of each slot stool and the slot machine or other obstructions immediately opposite that stool. The second alternative requires a minimum of five feet clearance. The amendment would also require casinos to complete an egress study and submit it to the Commission and Division when seeking approval to use slot stools.

Social Impact

The proposed amendment will allow slot stools to be placed in front of slot machines at various locations on the casino floor. Through the placement of these stools one direct impact may be upon the length of time a player is willing to play a given slot machine because of the presence of a slot stool on which to relax. The presence of these stools may induce a person to play a machine at longer intervals than would otherwise be the case if plays were enacted in the normal vertical position.

Economic Impact

The presence of slot stools on the casino floor may also have diverse impacts in the economic area. The casino will incur the cost of purchasing and installing these stools. These purchases, however, will have a positive economic impact on the companies that manufacture these stools. The economic impact on patrons playing these machines is quite speculative. A more relaxed environment created by the stools may cause these slot patrons to play for longer periods at the machines. In some cases, the increased longevity of play may cause increased monetary losses to a participating slot patron. In other cases, this increased longevity could result in a person hitting a larger jackpot due to the increased number of handle pulls resulting from this extension of slot play. Overall, if the slot stools encourage longer periods of play, it is anticipated that the casino with stools will, in the aggregate, benefit from increased slot machine wins. Of course, if the stools do encourage patrons to play the machines for longer periods or in any way are an inducement to play these machines, increased competition between casinos to maximize stool locations will result.

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

19:46-1.27 Aisles; grating; electrical outlets; denominations; density; floor space; arrangement; floor plan; **slot stools**

Alternative No. 1

(a)-(h) (No change.)

(i) In requesting commission approval for the installation of slot stools, each casino licensee shall submit to the commission an egress study which shall consist of a detailed floor plan depicting;

1. The maximum number of persons that can be reasonably expected to occupy all locations of the casino floor, including the area immediately surrounding all table games and slot machines;

2. The logical flow of traffic through all major egress aisles in emergency circumstances; and

3. The maximum number of people that can occupy various points along the major egress aisles.

(j) Prior to the installation of slot stools, the casino licensee shall submit to the commission for approval a detailed floor plan which depicts, to scale, the proposed location of each slot stool and the remaining aisle space.

(k) The placement of slot stools on the casino floor shall comply with the following requirements:

1. Slot stools shall be located on only one side of a cross aisle that measures less than seven feet in width;

2. Whenever slot stools are placed in cross aisles, a minimum of four feet clearance shall exist between the back of each slot stool and the slot machine or other obstructions immediately opposite that stool;

3. Slot stools shall only be located in every other cross aisle, unless the aisle width between facing machines is seven feet or greater;

4. Slot stools shall only be of the spindle-type and must be securely fastened to the floor or slot base; and

5. Slot stools shall not be permitted to be located in major egress aisles unless the casino licensee clearly demonstrates that the placement of the stools in these aisles will not interfere with emergency egress capabilities from the casino floor.

Alternative No. 2

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

1. (No change from proposal.)

2. Whenever slot stools are placed in cross aisles, a minimum of five feet clearance shall exist between the back of each slot stool and the slot machine or other obstructions immediately opposite that stool;

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

(a)

CASINO CONTROL COMMISSION

Exclusion of Persons

Proposed Readoption: N.J.A.C. 19:48

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.
Authority: N.J.S.A. 5:12-69(a) and -71.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard Dana Krebs
Assistant Counsel
Casino Control Commission
3131 Princeton Pike Office Park
Building No. 5, CN-208
Trenton, NJ 08625

The Casino Control Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on October 16, 1983. The readoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption.

This proposal is known as PRN 1983-473.

The agency proposal follows:

Summary

In accordance with the "sunset" and other provisions of Executive Order No. 66(1978), the Casino Control Commission proposes to readopt N.J.A.C. 19:48 concerning exclusion of persons from licensed casino establishments.

These regulations were originally filed with the Office of Administrative Law and became effective on October 16, 1978. The regulations implement the provisions of N.J.S.A. 5:12-71, which requires that:

> (a) The commission shall, by regulation, provide for the establishment of a list of persons who are to be excluded or ejected from any licensed casino establishment.

The same statutory section requires the Commission to "define" the standards for exclusion and to "promulgate definitions establishing those categories of persons who shall be excluded." This section also imposes requirements concerning hearing procedures related to the exclusion of persons, which requirements are implemented by N.J.A.C. 19:42-4.

The present regulations: 1. provide procedures for the maintenance and distribution of the exclusion list; 2. provide procedures for the entry of names on the list; 3. clarify and define the duties of the Division of Gaming Enforcement; 4. establish the criteria for exclusion; 5. describe the type of information which must be contained on the list; 6. describe the duties of casino and individual licensees; and 7. describe the procedures to be employed to remove a name from the list.

Since the effective date of the initial regulations, professional members of both the commission staff and the Division of Gaming Enforcement have continually reviewed, monitored and assessed the merits and viability of the system in operation. As a result of this review process, changes have been made to these rules when the Commission found that they would be in the best interest of the public, casino operations and the proper administration of the Act. Accordingly, the chapter was substantially amended in October, 1982, to more fully conform the procedures utilized for placing an individual on the exclusion list to the requirements of section 71 of the Act. See 14 N.J.R. 904(a), 14 N.J.R. 1167(a). Because these regulations are continually reviewed and because the most recent review has, for the present time, made them responsive to the purposes for which they were promulgated, they are proposed for readoption without any substantive or technical amendments.

Social Impact

The State has an over-riding interest in maintaining the public trust and confidence in the credibility and integrity of the regulatory process and of casino operations. The exclusion or ejection of individuals whose presence in licensed casino hotel establishments is found to be inimical to the interests of the State of New Jersey or of licensed casino gaming is consistent with that goal. Therefore, the proposed readoption of these regulations will promote the public policy expressed by the Legislature in N.J.S.A. 5:12-16(6), (7), (9) and (13).

Additionally, these regulations impose an affirmative duty upon casino and individual licensees to exclude or eject persons whose name appears on the exclusion list and to immediately notify a Commission inspector and Division representative of such action. Casino licensees are also required to inform the Commission and Division of the names of persons they believe are appropriate for placement on the exclusion list.

Economic Impact

These regulations require certain unquantifiable administrative costs to be incurred by the Commission and the Division of Gaming Enforcement. These costs include staff and Commission time devoted to matters concerning the exclusion of persons; the preparation of reports by the Commission and the Division staff for review by the Commission; and the implementation of the procedures concerning the maintenance and distribution of the exclusion list. Additionally, minor enforcement costs are incurred by casino licensees who are obligated to exclude or eject any person whose name has been placed on the exclusion list by the Commission.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 19:48, as amended in the New Jersey Register.

RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Special Education Program Hearing Rules Appeals of Administrative Law Judge Decisions

Adopted Amendment: N.J.A.C. 1:6A-5.3

Proposed: June 20, 1983 at 15 N.J.R. 978(a).
Adopted: August 8, 1983 by Howard H. Kestin, Director, Office of Administrative Law.
Filed: August 15, 1983 as R.1983 d.358, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

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

Effective Date: September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): January 1, 1988.

Summary of Public Comments and Agency Responses and of Changes Upon Adoption:

One comment was received on this amendment. The Public Advocate suggested that the words "filing a complaint" should be deleted as they would not continue to be accurate if the Supreme Court was to determine that another procedure might be more appropriate for appealing special education hearing decisions. The Office of Administrative Law (OAL) feels that the words should remain, as they articulate the current procedure required by the highest judicial authority which has considered the question. In **Board of Education in Cranford School District, Union County v. Mr. and Mrs. M.E.** Superior Court of New Jersey, Appellate Division, Docket No. A-5707-81T1 (Decided March 4, 1983), the appellate court has indicated that within the New Jersey court system, special education appellants should file a complaint with a trial court instead of making an application to the Appellate Division. In this respect, the Appellate Division has thereby directed a different procedure for these cases than may be expected by some litigants. Many litigants may be familiar with the procedure of appealing most other administrative decisions to the Appellate Division, and in fact some litigants have filed their special education appeals with the Appellate Division. The intent of this amendment is to provide some helpful guidance to litigants as to the current procedure for special education cases mandated in the New Jersey courts. If the Supreme Court directs that a different procedure should be followed, the OAL will modify its rule accordingly.

Some additional language has been added to the rule in order to clarify that in an appeal of a special education hearing decision, the adverse party named in the civil complaint should be the other party to the administrative hearing, and not the Department of Education or the Office of Administrative Law. The additional language is based on the language and intent of the Federal statute (see 20 U.S.C.A. 141(e) (2)) as interpreted by the courts which have handled these appeals. According to the Department of Education, there seems to be some confusion among some litigants on this point, and the Department of Education has been named on some complaints. In turn, courts have routinely granted the Department's motions to withdraw as a necessary party to these appeals. In this respect, the procedure for these appeals is unlike the appeal of most state administrative agency decisions to the Appellate Division, wherein the state agency is named as the adverse party. However, this procedure would seem to follow from the fact that pursuant to the Federal statute, appeals of special education hearings are essentially trials de novo-on-the-record between the parties who contested the administrative hearing. This procedure would also seem to follow from the Appellate Court's analysis in the **Cranford** case.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***).

1:6A-5.3 Appeal

Any party may appeal the decision of the judge **by filing a complaint *against the other party in the case*** and ***thereby* bringing a civil action** either [to] **in** the Superior Court of the State of New Jersey, pursuant to the Rules Governing the Courts of the State of New Jersey or [to] **in** a district court of the United States, pursuant to 20 U.S.C.A. 1415(e) [(3)] **(2)**. **(34 CFR 300.511)**.

BANKING

(b)

DIVISON OF BANKING

Notice of Maturity on Long Term Time Deposits

Readoption with Amendments: N.J.A.C. 3:7-4

Proposed: July 5, 1983 at 15 N.J.R. 1053(a).
Adopted: August 17, 1983 by Michael M. Horn, Commissioner, Department of Banking.
Filed: August 17, 1983 as R.1983 d.363, **without change**.

Authority: N.J.S.A. 17:9A-311B(1)a.

Effective Date (Readoption): August 17, 1983.

Effective Date (Amendments): September 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): August 17, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Planned Real Estate Development Registration Fees

Adopted Amendment: N.J.A.C. 5:26-2.4

Proposed: July 5, 1983 at 15 N.J.R. 1059(a).
Adopted: August 16, 1983 by William M. Connolly, Director, Division of Housing and Development, Department of Community Affairs.
Filed: August 19, 1983 as R.1983 d.370, **without change**.

Authority: N.J.S.A. 45:22A-35(a).

Effective Date: September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): April 1, 1986.

Summary of the Public Comments and Agency Responses: **No comments received.**

(b)

DIVISION OF HOUSING AND DEVELOPMENT

Rooming and Boarding Houses Certificate of Occupancy on Change of Use

Adopted Amendment: N.J.A.C. 5:27-1.5

Proposed: June 6, 1983 at 15 N.J.R. 821(a).
Adopted: August 1, 1983 by John P. Renna, Commissioner, Department of Community Affairs.
Filed: August 3, 1983 as R.1983 d.342,**with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 55:13B-4.

Effective Date: September 6, 1983.
Expiration Date pursuant to Executive Order No. 66 (1978): July 1, 1985.

Summary of Public Comments and Agency Responses:

The proposal deleted the exemption from the certificate of occupancy requirement for conversions of one-and two-family homes into rooming or boarding houses with five or fewer residents. This deletion was in error because the new I-3 use group of the BOCA Code (which is incorporated into the State Uniform Construction Code) only includes facilities with six or more residents. Consequently, the rule has been revised to require certificates of occupancy only when the new rooming or boarding house use involves six or more residents. The original proposal, however, elicited numerous comments from the Department of Human Services, various mental health advocacy groups and concerned individuals protesting that the rule would make it more difficult to create new boarding houses for small groups of deinstitutionalized mental patients at the very time when Human Services and the advocacy groups are trying hard to get such facilities for five or fewer residents established. The deletion of the portion of the proposal that would affect facilities for five or fewer residents would appear to render this argument moot. The Department also received a comment from a concerned fire safety official, supported by a comment from the Ombudsman for the Institutionalized Elderly, which was in favor of the proposal on the grounds that the smaller facilities also need a higher level of fire protection which could be required at the time of conversion through the procedures associated with a certificate of occupancy. The Department appreciates this support of its own concern that deinstitutionalization not result in the placement of people in unsafe buildings. However, in this particular proposal, its only intention was to make the Rooming and Boarding House Regulations conform to the requirements and procedures of the State Uniform Construction Code and it is therefore necessary to delete the portion of the proposal which would have exceeded State Uniform Construction Code requirements.

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

5:27-1.5 Construction and alteration; change of use
(a)–(b) (No change from proposal.)
(c) A certificate of occupancy shall be required in the event of any change in use *[other than the following:
1. A]* ***other than a*** conversion from a one- or two-unit dwelling to a rooming or boarding house occupied or intended to be occupied by five or fewer residents*[;
2. A conversion from a multiple dwelling to a rooming or boarding house occupied or intended to be occupied by at least six and not more thant 20 residents;
3. A conversion from a hotel to a rooming or boarding house occupied or intended to be occupied by more than 20 residents]*.
(d)–(f) (No change from proposal.)

EDUCATION

(c)

STATE BOARD OF EDUCATION

School Districts Withdrawal from Limited Purpose Regional School Districts

Readoption with Amendments: N.J.A.C. 6:3-3.1 through 3.5

Proposed: May 16, 1983 at 15 N.J.R. 728(a).
Adopted: July 6, 1983 by State Board of Education, Saul Cooperman, Secretary.
Filed: August 18, 1983 as R. 1983 d.368, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:4-15, 18A:13-51 to 18A:13-65.

Effective Date: (Readoption): August 18, 1983.

Effective Date: (Amendments): September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 18, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

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

6:3-3.1 Application and data for investigation of advisability of withdrawal

(a) [The] **Any district** board of education [of any local school district] constituting part of a limited purpose regional school district or the governing body of such local school district, may apply to the county superintendent of schools to make an investigation as to the advisability of withdrawal of such constituent district from the regional district. Such body shall adopt a resolution by a recorded ***roll*** call vote of the majority of the full membership requesting that the county superintendent make such invetigation. The resolution request submitted to the county superintendent shall include the following information:

1.–5. (No change from proposal.)

(b) (No change from proposal.)

6:3-3.2 Investigation and report by County superintendent of schools

(a) Upon receipt of the [aforementioned] resolution and accompanying data pursuant to N.J.A.C. 6:3-3.1, the county superintendent shall make an investigation and shall within 60 days after receipt of such request issue a report, in accordance with N.J.S.A. 18A:13-52, to the governing bodies of the municipalities constituting the regional district, the boards of education of the constituent districts and the board of education of the regional district. When the county superintendent has begun such investigation, no action shall be taken upon a subsequent request from another constituent district of the same regional district until the investigation, report and action thereon have been completed. This report shall include, but not be limited to, the following:

1.–8. (No change from proposal.)

9. The replacement costs of *[school houses]* ***schoolhouses*** and additions, grounds, furnishings and equipment of the regional district, and the replacement cost of any schoolhouse, and additions of the regional district, including grounds, furnishings, and equipment, situated in the withdrawing district. School building replacement costs will be calculated by the Bureau of Facility Planning Services as follows:

i.–iii. (No change from proposal.)

10.–14. (No change from proposal.)

(b) Upon adoption of a resolution, in accordance with N.J.S.A. 18A:13-51, the board of education of the limited purpose regional school district shall not incur any additional indebtedness for captial projects, pending either the rejection of the proposal at a special school election or an effective date of withdrawl *[is]* *as* determined by the Commissioner of Education.

(a)

STATE BOARD OF EDUCATION

Business Services
Tuition for Private Schools for the Handicapped

Adopted Repeals: N.J.A.C. 6:20-4.1 and 4.2
Adopted New Rules: N.J.A.C. 6:20-4.1 and 4.2

Proposed: May 16, 1983 at 15 N.J.R. 730(a).
Adopted: July 6, 1983 by State Board of Education, Saul Cooperman, Secretary.
Filed: August 18, 1983 as R. 1983 d. 369, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:4-15 and 18A:46-21.

Effective Date: September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): September 1, 1988.

Summary of Public Comments and Agency Responses and of Changes Upon Adoption:

The Department received written commentary regarding the tuition for private schools for the handicapped from three interested parties. One organization asked for clarification regarding the relationship between subsections (a) and (b) to (c) of N.J.A.C. 6:20-4.1 and requested that guidelines for determining costs be included as part of the rules. All parties felt the 85th percentile formula was not sufficient to meet the unique costs in operating private schools. The reactions of the Department of Education to these written comments were that:

1. Subsection (c) of N.J.A.C. 6:20-4.1 was changed to provide clarification to the relationship between (a) and (b), to (c) of this section.

2. To include guidelines as part of the rules would be unwieldly and create inflexibility in the budget approval system.

3. The Department believes the 85th percentile cost is presently adequate until a new tuition and monitoring system is in place and tested.

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

6:20-4.1 [Rules for determination of tuition formula] **Maximum day class cost formula**

(a)–(b) (No change from proposal.)

(c) *[The maximum day class per pupil costs for pupils placed in private schools shall be determined annually by the Department of Education.]* *The Department of Education shall annually determine maximum day class per pupil costs for pupils placed in approved private schools pursuant to (a) and (b) above.* These costs shall represent the maximum tuition rate that an approved private school for the handicapped can charge to a district board of education for each handicapped pupil.

(a)

STATE BOARD OF EDUCATION

Special Education

Readoption with Amendments: N.J.A.C. 6:28

Proposed: May 16, 1983 at 15 N.J.R. 732(a).
Adopted: August 3, 1983 by State Board of Education, Saul Cooperman, Secretary.
Filed: August 10, 1983 as R.1983 d.348, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:15, 18A:7A-1 et seq., 18A:7B-1 et seq., 18A:7C-1 et seq., 18A:46-1 et seq., 18A:46A-1 et seq., U.S. P.L. 93-112, Sec. 503 and 94-142.

Effective Date (Readoption): August 10, 1983.
Effective Date (Amendments): September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): September 6, 1984.

Summary of Public Comments and Agency Reponses:

Ninety-three letters were received commenting on various provisions of the rules. Some of the major areas of concern included the composition of the various decision-making teams and the new area of regulation for the preschool handicapped.

In addition to written public comment, special hearings were held on June 29 and 30, 1983 at which 62 representatives of organizations and individual citizens testified.

There appears to be no clear consensus regarding the rules though comments have been focused in a limited number of areas. Within each area, there are diverse views as to what should be included in the Code.

Over 50 percent of the comments were focused on preschool handicapped education which will implement New Jersey's new law which became effective on July 1, 1983. There was a general feeling that there was over regulation in the preschool area specifically when it came to the composition of the evaluation/assessment teams. On the other hand, some professional groups outside of these specifically named felt they should be included on the team. Head Start representatives clearly felt that they should be named as an alternate provider of special education programs for the age three to five group. Many individuals indicated that they had difficulty finding all of the preschool rules that were interspersed throughout the general provisions. The certification requirements for preschool teachers of the handicapped also appeared to be an issue. The development of a separate section on preschool is presently under consideration as part of a revision of the rules.

The second largest area of comment was in regard to the programs operated by State agencies. The Department of Corrections felt the rules were too complex and stringent. On the other hand, the Public Advocate and the Association for Children of New Jersey felt the rules were not stringent enough.

A third area of comment can be grouped under the heading of "turf" issues. Many specific professional groups (for example, physical education teachers, school nurse practitioners, and pediatricians) wanted to be specifically named as members of the child study team. Other professionals (for example, recreation therapists, social work counselors, etc.) wanted to be named as providers of specific services to handicapped pupils.

Other areas of concern included the selection of parent surrogates, the provision of extended school year programs, full parental participation in the program plan for their child, discipline of handicapped pupils, and the Due Process procedures.

As a result of the comment, the Department made a number of non-substantive changes to provide clarity in regard to the definition of referral, Special Education programs and related services, and the definition of age three and five. The concept of extended school year was clearly defined to meet Federal Code requirements.

The Commissioner of Education recommended that adoption with a limited number of non-substantive changes be for one year only. The State Board of Education on August 3, 1983, voted to adopt the rules for a period of one year.

During this one-year period, N.J.A.C. 6:28 will be rewritten, published, hearings held and an amended code will be adopted.

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

6:28-1.1 General requirements

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

(d) [Every local school district] **All public and private agencies providing publicly funded educational services to educationally handicapped pupils** shall submit, **as required by the Department of Education, a** [an annual] **program** plan for special education [and related services to] ***and related services* for educationally** handicapped pupils which meets the requirements of [these regulations] **this chapter** [and any other requirement prescribed in the annual state plan for special education].

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

6:28-1.2 Definitions

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

. . .

"Educationally handicapping condition" means **a condition** [one] which impairs the pupil physically, emotionally, [intellectually] **cognitively**, academically or socially to such an extent that special education [and related services] ***and/or related services*** as determined and described in [these regulations] **this chapter** [are] **is** necessary to provide a free [and], appropriate education. These conditions shall include:

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

4. "Emotionally disturbed" means *[he]* ***the*** exhibiting of behavioral disorders over an extended period of time which adversely affects educational performance and may be characterized by any of the following [manifestations]: [an inability to learn which cannot be explained by intellectual, sensory or health factors;] an inability to build or maintain satisfactory interpersonal relationships; [inappropriate behaviors or feelings under normal] **behaviors inappropriate to the** circumstances; a general or pervasive mood of [unhappiness or] depression; and/or the development of physical symptoms or irrational fears relating to personal or school problems. This definition does not include social maladjustment as described in [these regulations] **this chapter**.

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

. . .

"Parent(**s**)" means the *[naural]* ***natural*** parent(s), [or] legal guardian(s), foster parent(s), **legally responsible agency** or **surrogate** parent**(s)** [surrogate(s)] of [a] **the** pupil. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the pupil, as well as the natural parents of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

. . .

"Pupil age" means the school age of a pupil as defined by the following:

1. (No change form proposal.)

2. ["Age 20" means the attainment of the twentieth birthday before July 1. Handicapped pupils attaining age 20 during a school year shall be provided required services for the balance of that school year.] **"Age three" means *[school age as consistent with established criteria for entrance into programs for educationally handicapped preschool pupils. The entry date into programs for educationally handicapped preschool pupils shall be consistent with the entry date of the district board of education for pupils entering kindergarten;]* *the attainment of age three by the month and day established as the kindergarten entrance cutoff date;***

3. "Age five" means *[school age as consistent with established criteria for entrance into kindergarten;]* * the attainment of age five by the month and day established as the kindergarten entrance cutoff date;*

4. (No change from proposal .)

"Referral" means *[the written policies adopted by the district board of education to identify potentially educationally handicapped pupils, in accordance with this chapter.]* * making a request that a child study team conduct an evaluation of a pupil to determine eligibility for special education and related services.* "Referral" does not include informal reviews or consultations by child study team members or assessments by teachers.

. . .

6:28-1.3 [Basic c]Child study teams

(a) (No change from proposal.)

[(a)](**b**) A basic child study team shall consist of a school psychologist, a learning disability teacher-consultant and a school social worker. All members of the basic child study team shall be employees of the [local] **district** board of education, have an *[indentifiable]* ***identifiable***, apportioned time commitment to the local school district, and shall be available during the hours pupils are inattendance *[ ]]*.

(c)–(j) (No change from proposal.)

(k) Each district board of education *[shal]* *shall* include a school nurse on the child study team determining eligibility and developing the individualized education program for physically handicapped children.

(l)–(o) (No change from proposal.)

6:28–1.5 Referral

(a) (No change from proposal.)

(b) [A] **The** parent**(s)** of a pupil being considered for referral to [the] **a** basic child study team shall be provided in writing with the following information by the chief school administrator or [his/her] designee:

1. (No change from proposal.)

2. Notice of parental rights to due process contained in [these regulations] **this chapter** *[;]* ***and in N.J.A.C. 1:6A;***

3. (No change from proposal.)

(c)–**(g)** (No change from proposal.)

6:28-1.6 Comprehensive evaluation

(a)–**(f)** (No change from proposal.)

[(h)](**g**) In addition to evaluations conducted by the school physician and the basic child study team, a determination of the following handicapping conditions requires the evaluations of [the following] specialists:

1.–10. (No change from proposal.)

11. "Visually handicapped": [A] **a** [person] **specialist** legally qualified to determine *[visal]* ***visual*** disability. [Whenever possible a member of the Commission for the Blind and Visually Impaired pursuant to N.J.S.A. 30:6-1 et seq. shall act as a consultant in developing the educational program.] **Visually handicapped pupils eligible for special education** [Children classified as visually handicapped] shall be reported to the Commission for the Blind and Visually Impaired, the [Office of the C]county [S]superintendent of [S]schools, and the [Bureau] **Department** of [Special] Education [and Pupil Personnel Services].

(h)–(o) (No change from proposal).

(p) A [comprehensive] **re**evaluation **to determine the status** of each [classified] **educationally** handicapped pupil **age five to 21** shall be conducted at least every three years or more frequently, if conditions warrant, upon the request of the pupil's parent(s), *[teachers(s)]* ***teacher(s)*** or other appropriate person(s) who share responsibility for the pupil's education or care. [In addition, when evidence is presented to indicate that a classification may no longer be appropriate, a comprehensive evaluation shall be conducted upon presentation of such evidence to a basic child study team. The comprehensive evaluation shall consist of an evaluation of each component which was used to determine the classification of the pupil. It shall include medical examinations and assessments necessary to determine the current condition of the pupil and to substantiate any recommendation made regarding the pupil's status. The classification, if any, shall be determined by the same basic child study team which observed, tested and assessed the pupil, unless the team is no longer available to the school district.] **The basic child study team shall determine whether a comprehensive evaluation is needed based upon demonstrated pupil progress in meeting the goals and objectives of the individualized education program. When the basic child study team determines that a comprehensive evaluation is not necessary, it shall designate which child study team member(s) and/or other specialist(s) shall conduct the appropriate reevalution(s). The basic child study team shall notify the parent(s) of any reevaluation in writing.**

(q) (No change from proposal.)

(r) The basic child study team with parental approval shall terminate a pupil's eligibility when sufficient *[evaluation]* * evaluative* data are presented to indicate that a pupil no longer requires special education *[, the basic child study team shall terminate the pupil's eligibility]*.

(s) (No change from proposal.)

(t) A comprehensive evaluation for children ages three to five shall consist of the following:

1. Based on the results of the screening procedures for educationally handicapped preschool pupils, a case manager, appointed by the chief school administrator, shall designate members of the preschool child study team to plan the comprehensive evaluation for each child.

i.–iv. (No change from proposal.)

v.

(1) (No change from proposal.)

(2) *[Opthalmological]* *Ophthalmological*

(3)–(5) (No change from proposal.)

vi.–**xiv.** (No change from proposal.)

[7.]***(u)*** (No change from proposal.)

i.–iv. recodified as 1.–4.

6:28-1.7 Individualized education program

(a)–(c) (No change from proposal.)

(d) The basic plan section of the individualized education program for educationally handicapped pupils ages five to 21 shall include, but not be limited to:

1.–4. (No change from proposal.)

5. A description of the pupil's educational program which includes:

i.–vii. (No change from proposal.)

viii. Provision of an extended school year program where deemed appropriate within the individualized education program for the pupil.

(e) (No change from proposal.)

(f) Any pupil possessing an educationally handicapping condition which requires special education and related services under the provisions of this chapter shall be appropriately

classified. This classification shall be established during the individualized education program conference and included in the basic plan.

1. Classification shall be consistent with the definitions of educationally handicapping conditions described in this chapter and shall consist of the following:

i.–iii. (No change from proposal.)

iv. Emotionally *[distrubed]* *disturbed.

v.–xi. (No change from proposal.)

(g)–(x) (No change from proposal.)

(y) The parent(s) of a pupil determined eligible for special education and related services shall be given copies of N.J.S.A. 18A:46-1 et seq., N.J.A.C. 6:28 *[and]* *,* N.J.A.C. 6:3-2 (Pupil Records) *[.]* *and N.J.A.C. 1:6A*.

6:28-2.2 Educational program options

[(a) An educationally handicapped pupil shall be placed in the educational program appropriate to the pupil's needs.]

[(b)](**a**) In determining the most appropriate program, an educationally handicapped pupil shall be placed in the program option which is [individually] determined by the [basic] child study team to be the least restrictive environment in view of the pupil's particular educational handicap. The placement shall be in conformance with the pupil's individualized education program.

1. Unless an educationally handicapped pupil's individualized education program requires other arrangements, the pupil shall be educated in the school which the pupil would attend if not handicapped. [Every effort shall be made to place an] **The** educationally handicapped pupil **shall be placed** in an * **appropriate*** educational setting as close to his[/] **or** her home as possible[;]**.**

2. (No change from proposal.)

[(c)](**b**) (No change from proposal.)

6:28-3.1 General requirements [to establish eligibility for State funds]

(a) [Approval of programs of special education by the Office of the County Superintendant of Schools and the Bureau of Special Education and Pupil Personnel Services shall be secured by local school districts to establish eligibility to receive state funds.] **The county superintendent of schools *[will]* *shall* review and the Department of Education shall approve all special education plans and programs in accordance with the eligibility criteria established in this subchapter.**

(b)–(f) (No change from proposal.)

(g) The functioning of the basic child study *[team[s](**s**)]* * team(s)* within the local school *[district[s]]* ***district(s)*** shall be in accordance with [all applicable provisions of these regulations] **this chapter**.

(h) (No change from proposal.)

6:28-4.4 Educational programs in [eligible] **approved** private schools

(a) The educational program of [a] **an educationally** handicapped pupil in an [eligible] **approved** private school shall be considered the educational program of the [local school] district **board of education** and shall be subject to the following:

1.–2. (No change from proposal.)

3. No pupil shall be [admitted to a] **placed in an approved** private school *[unit]* ***until*** it has been determined that his or her [special] needs can be met by that [facility] **school** in keeping with the [prescribed] individualized education program. Prior to placement in [a] **an approved** private school in New Jersey, a [local school] district **board of education** representative **and, if possible,** the parent(s) [, if possible,] shall visit the [facility] **school**. For an out-of-state placement, the **basic** child study team shall [make every effort to insure] **ensure that** the educational program [is adapted to the special needs and abilities] **fulfills the individualized education program** of the pupil[;]**.**

4.–**8.** (No change from proposal.)

6:28-4.5 Record in [eligible] **approved** private schools

(a)–(c) (No change from proposal.)

(d) *[Eligible] Approved]* ***[Eligible] Approved*** private schools shall receive and maintain records **and dates** of immunization of [every] **each** pupil [and the dates of each immunization].

(e)–(**h**) (No change from proposal.)

6:28-5.[4]**3** Provision of services

(a)–(e) (No change from proposal.)

(f) District *[board]* ***boards*** of education shall comply with all timetables and/or schedules established by the commissioner for the [orderly] implementation of [N.J.S.A. 18A:46A-1 et seq.] **this subchapter**.

6:28-5.[7]**6** Procedures relating to noncompliance

[(a)] If the commissioner determines **after a program review and evaluation** that a district board of education is in noncompliance with the provisions of [N.J.S.A. 18A:46-1 et seq. or its regulations] **this subchapter**, [he/she shall order the district board of education to show cause why corrective action should not be taken] **then all established corrective procedures shall be implemented pursuant to N.J.A.C. 6:8-7 and *[6:24.3]* *6:24-3***.

6:28-5.[10]**9** Approval of private agencies

(a)–(**b**) (No change from proposal.)

[(d)](**c**) Approval shall be based on, but not limited to, the following criteria:

1. Submission of a valid certificate of incorporation or certificate of formation, whichever is applicable, certificate of trade or business name, any licenses or permits required by laws, regulations, ordinances in effect *[with]* ***within*** the State, county, or municipality where the private agency conducts its enterprise and provides its services.

2.–6. (No change from proposal.)

[(e)](**d**) (No change from proposal.)

6:28-5.[11]**10** Contracts for services with private agencies

(a) (No change from proposal.)

(b) Specifications for such contracts shall include, but not be limited to, the following:

1. (No change from proposal.)

2. The anticipated number of **nonpublic school** pupils to be served, by type of instructional *[services]* ***service***;

3.–12. (No change from proposal.)

(c) (No change from proposal.)

6:28-6.1 Scope

Chapter 193, Laws of 1977 (N.J.S.A. 18A:46-6, 8, 19.1 et seq.), provides for the identification, [examination] *[evaluation]* * **evaluation*** and classification of potentially handicapped pupils attending nonpublic schools within the State. The Act further provides the services of a certified speech correctionist for each nonpublic school pupil classified as having an articulation disorder requiring such services.

6:28-6.[4]**3** Provision of services

[(a)] (No change from proposal.)

[(b)](**a**) (No change from proposal.)

[(c)](**b**) Personnel providing any [service under N.J.S.A 18A:46-6, 8, 19.1 et seq.] **of the above services** [must] **shall** meet the qualifications of personnel providing the same service in the public schools of the State, including appropriate certification, but shall not be [a] members of the staff of any *[non-public]* ***nonpublic*** school.

(c)–(d) (No change from proposal.)

[(f)](**e**) All buildings, relocatable units, and mobile units in which *[spech]* ***speech*** correction services are conducted shall comply with N.J.A.C. 6:22 [-1.1 et seq. and 6:22A-1.1 et seq.]**.**

(f)–(g) (No change from proposal.)

[(i)](h) The determination as to where speech correction services [will] **shall be** [offered] **provided** [will] **shall** depend upon, but not be limited to, such factors as the distance between the public and nonpublic schools, safety elements involved in travel [,] and the adequacy of *[accomodations]* ***accommodations*** in public schools and public centers. The [commissioner] **county superintendent of schools** shall approve all such locations, using the aforementioned criteria as a basis for determining where [such] **educationally handicapped nonpublic school** pupils can best be served, except that no speech correction services shall be provided in a church or sectarian school.

(i)–(m) (No change from proposal.)

6:28-6.[10]**9** Approval of private agencies

(a)–**(b)** (No change from proposal.)

[(d)](**c**) Approval shall be based on, but not limited to, the following criteria:

1.–4. (No change from proposal.)

5. [An] **A**ssurance that all persons *[are as]* ***as are*** necessary in providing such [examination] **evaluation**, classification and corrective services shall be properly certified, competent and qualified to perform the tasks assigned to them.

6. (No change from proposal.)

[(e)](**d**) (No change from proposal.)

6:28-7.1 Approval procedure for clinics and agencies

(a) Clinics and agencies approved by the Department of Education are organizations which provide child study team diagnostic services to district boards of education. These organizations may also provide theapeutic services limited to occupational therapy, physical therapy and speech correction. Clinics and agencies under contract with district boards of education are independent from district boards of education, county boards of special services, school districts, jointure commissions, educational services commissions, regional day * [school]* *schools* operated by the Department of Education and day training centers operated by the Department of Human Services.

[(a)](**b**) In [furnishing] **providing** services pursuant to these [regulations] **rules**, private clinics and agencies [must] **shall** be approved by the [Bureau] **Department** of [Special] Education [and Pupil *[]* Personnel Services *]*. [Private clinics and agencies providing health or medical services must be approved also, by the State Department of Health.]

[(b)](**c**) (No change from proposal.)

6:28-8.[5]**4** Responsibility for **educationally handicapped** pupils

(a) (No change from proposal.)

(b) [Recommendation for placement of pupils into such programs shall be the joint responsibility of the professional personnel of the local school district and the regional or county educational unit.] ***[Contractural]* *Contractual* agreements shall be made between district boards of education regarding educationally handicapped pupils which specify responsibility for providing instructional programs and child study team services.**

(c)–(d) (No change from proposal.)

6:28-8.[7]**6** Assessment of constituent districts by jointure commissions for special education

(a) (No change from proposal.)

(b) Assessments shall be paid according to a plan to which the constituent boards agree at the time of becoming members. Such plan shall include dates for payment, auditing of accounts, reports to constituents and provisions for flexibility in financing due to increased ***or decreased*** enrollments in constituent districts.

6:28-10.1 General requirements

(a)–(q) (No change from proposal.)

(r) School discipline requirements shall include, but not be limited to, the following:

1. (No change from proposal.)

2. A pupil shall be suspended in accordance with policies established by the *[Department]* *Departments* of Corrections and Human Services and approved by the Department of Education.

3. (No change from proposal.)

(s) (No change from proposal.)

6:28-10.7 Due process

(a) (No change from proposal.)

(b) A due process request cannot be made regarding placement of a pupil by a State agency in a facility operated by or under contract to the Department of Corrections *[and the Department of Corrections]* and the Department of Human Services.

(c) (No change from proposal.)

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Shellfisheries
Oyster Dredging Licenses; Oyster Management in Delaware Bay

Adopted Amendments: N.J.A.C. 7:25A-1.1, 1.2, 2.1, 2.3–2.5

Proposed: June 20, 1983 at 15 N.J.R. 990(a).
Adopted: August 5, 1983 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: August 11, 1983 as R.1983 d.351, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 50:1-5.

Effective Date: September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): May 14, 1986.

Summary of Public Comments and Agency Responses:

Several oystermen requested that they be allowed to lease divided 12 acre lots in order to add to grounds they already hold in Section "E". This practice would be consistent with the Department's objective in the management of Section "E" to enhance the production of oysters from leased grounds. Therefore, the agency response was to insert a provision to allow for subdivision of "B" lots.

Comments from several oystermen also pointed out that some of the grounds originally designated as "A" lots have been found to be virtually useless for the planting and cultivation of oysters, owing to the predominance of silt or mud on the bottom. They requested that since each licensed vessel's allocation of ground was limited to 36 acres (one "A" and two "B" lots), lessors be allowed to substitute an additional "B" lot for worthless "A" lot. The agency response was to include a provision to allow such a substitution.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***).

SUBCHAPTER 1. OYSTER DREDGING LICENSES
(No change from proposal.)

SUBCHAPTER 2. OYSTER MANAGEMENT IN DELAWARE BAY

7:25A-2.1 Division of Section E

(a) The Division of Fish, Game and Wildlife will divide Section E, as defined in [R.S.] **N.J.S.A.** 50:1-23 and consisting of approximately 7,877.7 acres, into 12 acre lots and designate each either an "A" or "B" lot, an "A" lot being in the judgment of the division more suitable for the planting and cultivation of oysters.

1. The coordinates of each corner of each lot shall be determined by the division. All the remaining parcels will be "B" lots.

2.* The division may further subdivide a 12 acre "B" lot at the request of an applicant. The subdivided lot must be contiguous to the applicant's existing leasehold.

7:25A-2.3 Leasing of "B" Lots

(a) The owner of an operable vessel which was licensed to dredge oysters pursuant to [R.S.] **N.J.S.A.** 50:3-1 in either 1978, 1979, or 1980 may lease one "B" lot of his choice for each vessel licensed **in any calendar year**.

1. However, no owner may lease more than two "B" lots per vessel, ***unless he chooses to vacate his "A" lot and lease an additional "B" lot in its place***.

2. The initial fee for each "B" lot will be $1,000 and thereafter shall be the regular lease fee per acre.

(a)

DIVISION OF WASTE MANAGEMENT

Hazardous Waste Management Gas Cylinder Facility Exemption

Adopted Amendments: N.J.A.C. 7:26-1.4, 9.1 and 12.1

Proposed: March 21, 1983 at 15 N.J.R. 390(a).
Adopted: August 9, 1983 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: August 11, 1983 as R.1983 d.350, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1E-6a(2).

Effective Date: September 6, 1983.
Expiration Dates pursuant to Executive Order No. 66(1978): Subchapter 1, June 30, 1983; Subchapter 9, October 8, 1986; Subchapter 12, October 8, 1986.

Summary of Public Comments and Agency Response:

The Department held a public hearing on April 28, 1983, concerning the proposed amendments. In addition to the verbal testimony at the hearing, the Department received one written comment.

One commentor suggested that condition No. 2 of the proposed definition of "gas cylinder facility" be revised to read: "2. Is a gas supplier and only accepts cylinders owned by or under the equivalent control of the gas supplier." This change was suggested because on occasion legal title to the gas cylinder may not, in fact, be held by the gas supplier but rather by a bank or other lending institution, holding company, lessor or other similar party. The Department has amended the definition of "gas cylinder facility" by including the suggested language.

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

7:26-1.4 Definitions

"Authorized facility" means a hazardous waste [treatment, storage or disposal] facility which [has]:

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

[7. Is exempt from the New Jersey hazardous waste facility operating and permitting requirements by operation of N.J.A.C. 7:26-9.1(c)11 and 7:26-12.1(b)10.]

. . .

"Gas cylinder facility" means a *[hazardous waste]* facility that *meets all of the following criteria*:

1. *[Dispose of only hazardous waste residue from gas cylinders]*. *The only hazardous waste it disposes of is hazardous waste residue from gas cylinders*; and

2. Is a gas supplier and only accepts gas cylinders *which* it owns, * or which are under its equivalent control,* back from its own customers; and

3. (No change from proposal.)

. . .

7:26-9.1 Scope of applicability

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

(c) The standards and requirements of this subchapter do not apply to:

1.-10. (No change.)

11. The owner or operator of a gas cylinder facility *[that disposes of all hazardous waste within 90 days of its receipt (the standards and requirements of this subchapter do apply to storage at other than a gas cylinder facility),]* provided the following conditions are satisfied:

i.-iii. (No change from proposal.)

7:26-12.1 Scope of applicability

(a) No change.)

(b) The following persons are not required to obtain a permit pursuant to this subchapter to conduct the following activities or construct or operate the following hazardous waste facilities:

1.-9. (No change.)

10. The owner or operator of a gas cylinder facility *[that disposes of all hazardous waste within 90 days of its receipt (the standards and requirements of this subchapter do apply to storage at other than a gas cylinder facility),]* provided the following conditions are satisfied:

i.-iii. (No change.)

HEALTH

(a)

CONSUMER HEALTH SERVICES

Licensing of Food and Cosmetic Manufacturing and Wholesale Establishments

Readoption: N.J.A.C. 8:21-9

Proposed: April 18, 1983 at 15 N.J.R. 609(a).
Adopted: August 3, 1983 by J. Richard Goldstein, M.D., Commissioner, Department of Health.
Filed: August 8, 1983 as R.1983 d.345, **without change**.

Authority: N.J.S.A. 24:15-1 et seq., specifically 24:15-13 and 14.

Effective Date: August 8, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 8, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

HUMAN SERVICES

(b)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Administration Manual
Availability of Program Policy Issuances

Readoption: N.J.A.C. 10:49-2

Proposed: June 20, 1983 at 15 N.J.R. 998(a).
Adopted: August 2, 1983 by George J. Albanese, Commissioner, Department of Human Services.
Filed: August 4, 1983 as R.1983 d.344, **without change**.

Authority: N.J.S.A. 30:4D-7 and 7b and 42 CFR 431.18.

Effective Date: August 4, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 4, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Administrative Provisions
Medicaid

Readoption: N.J.A.C. 10:49-6.1, 6.2, 6.3, 6.5 and 6.8
Adopted Amendment: N.J.A.C. 10:49-6.7
Adopted Repeal: N.J.A.C. 10:49-6.4 and 6.6

Proposed: July 5, 1983 at 15 N.J.R. 1075(a).
Adopted: August 10, 1983 by George J. Albanese, Commissioner, Department of Human Services.
Filed: August 11, 1983 as R. 1983 d.349, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 30:4D-7 and 7b, 7j, 7.1–7.8.

Effective Date: (Readoption): August 11, 1983.
Effective Date: (Amendments): September 6, 1983.
Effective Date: (Repeal): September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 11, 988.

Summary of Public Comments and Agency Responses:
No comments received.

Summary of Changes Upon Adoption:

The Division of Medical Assistance and Health Services is deleting the first paragraph in subsection (b) of N.J.A.C. 10:49-6.8 concerning the authority to adjust, compromise, and/or settle claims, liens, etc. The paragraph referring to the Bureau of Audits is being removed because this unit is no longer contained in the Division.

Paragraphs 2 and 3 have been renumbered as 1 and 2 respectively. This change is not substantive enough to require additional public comment and notice.

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

10:49-6.8 Authority to adjust, compromise, settle or waive claims, liens and certificates of debt.

(a) (No change in text.)

(b) Such authority may be exercised by other officials only in the following limited circumstances:

[1. The Chief or the Chief Auditor of the Bureau of Audits may, prior to the time a case is referred to the Bureau of Administrative Control, adjust an amount or claim set forth in a preliminary notification of overpayment or underpayment issued by the Bureau of Audits within the dollar limits specified by the Director, Division of Medical Assistance and Health Services.]

[2.] ***1.*** (No change in text.)

[3.] ***2.*** (No change in text.)

(a)

DIVISION OF PUBLIC WELFARE

General Assistance Manual Determination of Municipal Responsibility

Adopted Amendment: N.J.A.C. 10:85-3.2(f)

Proposed: March 7, 1983 at 15 N.J.R. 313(a).
Adopted: August 22, 1983 by George J. Albanese, Commissioner, Department of Human Services.
Filed: August 22, 1983 as R.1983 d.374, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:8-111(d).

Effective Date: September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): July 25, 1988.

Summary of Public Comments and Agency Responses:

Comments were received from two municipal welfare directors. One director indicated that the proposal would reinstate a cumbersome "settlement procedure" and the Division of Public Welfare would become an arbitrator in the event of a dispute over municipal responsibility. The Department points out that the text of the proposal applies only in instances where an applicant/recipient becomes a resident of a medical facility or is in a drug or alcohol abuse treatment center and has no applicability to the General Assistance caseload as a whole in contrast with provisions which governed "legal settlement". Further, the proposal encourages municipal welfare directors to resolve payment responsibilities without that Division's involvement. The proposal is thus designed to render a speedy decision in those few cases where payment responsibility remains disputed in spite of intermunicipal effort at resolution; existing regulations in this area were deemed not to be sufficiently explicit. The other director expressed concern that additional burdens, such as procuring client residential histories, would be placed on "servicing municipalities" to resolve municipal responsibility disputes. The Department believes that since this proposal is applicable only to a small segment of the General Assistance population, the acquisition of some extra case information, such as a client's residential history in very few disputed cases, should not prove to be of a magnitude so as to negate the adoption of the proposed rule intended to delineate an administratively workable procedure for the resolution of disputes in isolated instances.

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

10:85-3.2 Application process

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

(f) **Resident defined:** A resident of a municipality is a person who maintains a permanent customary home in the municipality, a person who is in the municipality with intention to remain, a person who did maintain such a home prior to entering a medical facility, or a person who enters a New Jersey medical facility from out of state and qualifies as a resident in accordance with (f)1iii below. No time intervals are relevant so long as the home is not established for a temporary purpose such as for a visit or vacation. A resident may live in his[/]**or** her own home, a rented home or apartment, the home of a friend or relative, in a boarding home or, in accordance with (f)1iii below, in a residential medical facility.

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

5. Determination of municipal responsibility: Municipal welfare directors will attempt to resolve matters of payment responsibility among themselves. Any agreement reached between municipalities will be promptly reduced to written form. In event of dispute or unsolved question*[s]*, the MWD of the servicing municipality will help the client/applicant complete an affidavit showing the recent *[resident]* *residence* history of the client/applicant in sufficient detail to establish municipal responsibility. The client/applicant will, as a condition of eligibility, sign under oath, three copies of the affidavit. Form GA-9 is available for this purpose. The MWD of the servicing municipality will, within 30 days of the identification of an unresolved question, send one copy of the affidavit with any appropriate documentation to the alleged chargeable municipality, send one copy, with documentation, to DPW/BLO for determination and retain one copy. The alleged chargeable (respondent) municipality may, within the next subsequent 15 days, supply to DPW/BLO such information and/or documentation as it deems appropriate. Promptly thereafter, the BLO will render a decision designating as responsible that municipality in which the applicant most recently lived for 30 consecutive days or that municipality which most recently granted assistance to the applicant as a resident, whichever represents the more recent municipality of residence. The municipality so designated may, within 30 days of the BLO decision, request a hearing by the Bureau of Administrative Review and Appeals, decision of which shall be final.

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

(a)

DIVISION OF PUBLIC WELFARE

Medicaid Only Program
Financial Eligibility Standards: Resources and Income

Readopted: N.J.A.C. 10:94-4.1 through 4.5 and 5.1 through 5.6
Readopted with Amendment: N.J.A.C. 10:94-4.6
Adopted New Rules: N.J.A.C. 10:94-4.7 and 5.7

Proposed: June 20, 1983 at 15 N.J.R. 999(b).
Adopted: August 22, 1983 by George J. Albanese, Commissioner, Department of Human Services.
Filed: August 22, 1983 as R.1983 d.373, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-87 and 30:4D-7.

Effective Date (Readoption): August 22, 1983.

Effective Date (Amendment and New Rule): September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 22, 1988.

Summary of Public Comments and Agency Responses:

Comments were received from two county welfare agencies. One county agency addressing the proposed revisions in general, commented that the changes would be "particularly helpful" in the determination of resource eligibility.

The other county welfare agency commented as follows. Regarding the deeming of a sponsor's income to an alien, the agency observed that the rules require counting income as available to an alien from sponsors with low income. The agency's observation is correct, however the allowable exclusions of the sponsor's income are derived from Federally required formulas, and therefore, may not be liberalized. Concerning the transfer of resources, the agency commented that the rules provide no penalty of ineligibility if an individual transfers, for less than its value, a home serving as the person's principal place of residence. The agency felt that a penalty of ineligibility should be imposed in such cases to discourage the practice. It was felt that the proceeds from the proper sale of the home should be used to offset the individual's medical care costs. In response, Federal rules mandate that these transfer rules not apply to any transferred resources which would have been excluded had the individual been an applicant at the time of transfer. As a home serving as the principal place of residence is excluded from resource consideration for an individual applying for Medicaid benefits, the transfer of such property for less than market value incurs no penalty.

Summary of Changes Subsequent to Proposal:

Language has been added to the rules pertaining to transfer of resources. At N.J.A.C. 10:94-4.7(h)4 an additional factor shall be considered by the county welfare agency in determining whether the applicant has successfully rebutted the presumption that the resource was transferred for the purpose of qualifying for Medicaid. The added factor allows for consideration that the resources transferred for less than fair market value was done so only after the individual made a good faith effort to transfer the property at fair market value. This change is not regarded as substantive. Technical changes were made as a result of printing errors.

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

10:94-4.6 Deeming of resources
(a)-(e) (No change from proposal.)
(f) Deeming resources of an alien's sponsor: When the sponsor of an alien is subject to deeming provisions (see N.J.A.C. 10:94-5.7) any countable resources of the sponsor in excess of the appropriate standard ($1,500 for the sponsor and $2,250 if the sponsor resides with *[him]his* or her spouse) shall be considered to be resources of the alien in addition to whatever resources the alien has.**

10:94-4.7 Transfer of resources
(a)-(b) (No change from proposal.)
(c) Excluded resources: Resources which are excluded in accordance with N.J.A.C. 10:94-4.4 are not subject to the transfer provisions. A transferred resource shall be excluded if, at the time of *the* transfer, the resource would have been excluded if the individual were an applicant. For example, if an individual transfers a home serving as his or her residence and subsequently applies for Medicaid, the CWA would not consider the UV of the home as a resource.
(d) (No change from proposal.)
(e) Resource transferred, resource limit not exceeded: When the UV of a transferred resource, combined with other countable *[resource]* *resources* does not exceed the applicable resource limit, the application shall be processed as usual. In addition, the following procedures shall be adhered to.
1.-2. (No change from proposal.)
(f)-(g) (No change from proposal.)
(h) Factors which may indicate that the transfer was for some other purpose: The presence of one or more of the following factors, while not conclusive, may indicate that resources were transferred exclusively for some purpose other than establishing Medicaid eligibility.
1.-3. (No change from proposal.)
4. Evidence of good faith effort to transfer the resource at FMV.
(i) (No change from proposal.)

LABOR

(b)

DIVISION OF WORKPLACE STANDARDS

Carnival-Amusement Rides

Readoption: N.J.A.C. 12:195

Proposed: June 20, 1983 at 15 N.J.R. 1002(a).
Adopted: August 12, 1983 by Roger A. Bodman, Commissioner, Department of Labor.
Filed: August 17, 1983 as R.1983 d.364, **without change**.
Authority: N.J.S.A. 5:3-31 et seq., specifically 5:3-36.

Effective Date: August 17, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): August 17, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Regulation of Use of Manufacturers' Rebates and Coupons

Adopted New Rule: N.J.A.C. 13:2-24.11

Proposed: June 20, 1983 at 15 N.J.R. 1003(a).
Adopted: August 4, 1983 by John F. Vassallo, Jr., Director, Division of Alcoholic Beverage Control.
Filed: August 15, 1983 as R.1983 d.361, **with technical and language changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 33:1-39, 33:1-39.2 and 33:1-93.

Effective Date: September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): April 12, 1984.

Summary of Public Comments and Agency Responses:

Opportunity was afforded by the Notice of Proposal for Interested Persons to submit in writing, data, views or arguments relevant to the proposed regulation on or before July 20, 1983 and, pursuant thereto, letters were received from 11 such interested persons. A summary of each of them, in the order received and the responses made thereto, follows:

(1) Florence Nass, President of MADD (Mothers Against Drunk Drivers) of Bergen County, New Jersey, opposed the use of rebates on the basis that they would encourage excessive drinking, which in many cases leads to drunken driving, and she urged withdrawal of the proposal.

A written response was provided to Mrs. Nass, explaining that Division studies indicated that rebates were frequently used to introduce new lower alcoholic content beverages, and were usually limited to one rebate per address. The response also noted that the Division had weighed the objection but felt the benefits to the consumers and the industry were controlling in this case. The Division has absolutely no reason to believe that use of rebates will in any way lead to excess consumption or drunk driving. In fact, since rebates are frequently used to introduce lower alcoholic content beverages, the opposite result could even occur, but this would be minimal. Mrs. Nass was also advised of this.

(2) John J. Garrity, Executive Director of the Beer Wholesalers' Association of New Jersey, submitted comment that if carried out correctly and equitably, the use of rebates could benefit the industry and the general public, but he expressed a reservation, which he amplified upon at a later meeting with the Director, to the effect that manufacturers might pressure wholesalers to participate in the cost of a rebate program.

A written response was provided to Mr. Garrity assuring him that the rule does not permit rebates to be made by wholesalers and that the Division would not tolerate any pressure on wholesalers to participate in the cost of a rebate program. The Division, however, has no reason to believe that manufacturers require or even permit wholesalers to participate in the cost of a rebate program. Subsequent to that response, and apparently crossing in the mail with it, Mr. Garrity submitted a further request to amend the proposal to require that rebate offers be wholly and exclusively funded by the manufacturer, distiller, blender and rectifier, brewer, vintner, or importer offering the rebate. A second written response was provided to Mr. Garrity explaining that the language was not necessary and that if used it could create a problem in that it might suggest to an alcoholic beverage supplier that it could do something else other than fund it itself. It was also indicated in the response that it is not clear that the Division would prohibit a participation in a rebate by a wholesaler and that would be best left to a business decision between the supplier and the wholesaler as to how it would be funded. It was further pointed out that there are other regulations which could adequately cover the case of a wholesaler being unduly pressured by a supplier to participate in the cost of a refund program.

(3) A comment was received from State Senator Lee B. Laskin suggesting that "coupons" would have a detrimental effect on the public in that they could encourage consumption at a time when all of society is properly concerned about the evils of drunken driving and alcoholism, and also suggesting that only major companies will benefit to the loss of the small store or neighborhood facility.

A written response was provided to Senator Laskin along the same lines as that provided to Mrs. Nass, but clarifying that in-store coupons will not be permitted. The response to Senator Laskin also pointed out that rebates required a retail purchase and that manufacturers frequently used the in-store distribution of rebate forms; thus the retailer will certainly benefit at least as much, if not more than, other segments of industry.

(4) Steven B. Gold, Esq., general counsel of The Wine Spectrum, headquartered in Atlanta, Georgia, submitted a written comment pointing out that the proposed new rule would permit producers of alcoholic beverages to reduce prices directly to consumers through rebate offers and, therefore, suggesting the Division's proposal to be a benefit to consumers purchasing in New Jersey because they will have available to them prices which best reflect competitive conditions. He further pointed out that the proposed new rule will benefit wholesalers and retailers because the independent pricing determination of those entities will remain unaffected while consumers nevertheless receive the benefit of lower prices. Finally, he pointed out that the proposed rule benefits suppliers by affording them the means by which lower prices can be passed directly to the consumer. The proposed rule would obviate the need for resale price issues to arise between producer, distributor, and retailer. In his comment, Mr. Gold also noted that the proposed rule would prohibit redemption of coupons by retailers. He pointed out that The Wine Spectrum does not oppose the prohibition of retailer redemption. He further pointed out that there is no effective alternative to a direct consumer price reduction, because a supplier's lowering prices to wholesalers will not necessarily have an equal beneficial effect to consumers since there is no assurance that the lower price would be passed on. A written response was provided to Mr. Gold acknowledging his comments.

(5) A written comment was furnished to the Division by Martin Prince, President of Dollars for Shopping, with offices in Livingston, New Jersey, advising that Dollars for Shopping is in complete agreement with the type of promotion contemplated by the proposed rule. He also expressed a belief that coupons from manufacturers can be distributed to the public without being misused, and he offered to further discuss the matter if the Division were interested in their viewpoints.

A written response was provided to Mr. Prince acknowledging his comments and referring to the summary of the proposed regulation as it appeared in the June 20, 1983 New Jersey Register for the reasons for not permitting retail redemption of coupons. It was also pointed out that that was done to be in line with what is permitted by our sister and neighboring states, which would be the best way to prevent consumer confusion, especially in view of what now exists by New Jersey's not allowing rebates while the surrounding states do.

(6) A written comment was received from Jack Schaller, manager of Tewksbury Wine Cellars, opposing the adoption of the regulation because it is their perception that coupons will only benefit very large concerns with sufficiently large staffs to absorb the additional financial and labor costs incurred with processing the coupons, and will cause small producers who are unable to offer coupons because of the costs involved to be at a significant disadvantage. Moreover, Mr. Schaller indicated that the argument that the consumer will benefit from lower prices is specious. He pointed out that it should be obvious that producers whose profits are squeezed will simply raise prices in general to compensate for reduced revenues from specific discount coupons, as has been the experience to date in the food and cosmetics industries.

A written response was provided to Tewksbury Wine Cellars pointing out that the Division feels the direct benefit both to the consumer, to the retailer, and to the supplier in being able to introduce and re-introduce products offsets any slight increase that might occur because of the advertising costs involved. It was pointed out that if a manufacturer of alcoholic beverages does not advertise through the use of rebates, it will certainly do so through other forms for which the consumer would also be paying the bill, but without any possibility of direct benefit as is allowed by rebates. In the response to Tewksbury Wine Cellars, the use of rebates in surrounding states causing confusion to New Jersey consumers was also pointed out as being one of the evils sought to be eliminated.

(7) Written comment was received from Barry E. Lefkowitz, Legislative Representative, of Management and Government Resources, Inc., of Burlington, New Jersey, submitted as a representative of a coalition of members of the National Wine Industry, in opposition to the proposed couponing regulations. Mr. Lefkowitz pointed out a belief that couponing is neither healthy for the National Wine Industry or the New Jersey wineries, nor of real benefit to New Jersey consumers. He urged that couponing, as proposed, is conceptually contradictory to several existing statutes and inconsistent with arguments espoused in two court cases. He further urged that N.J.S.A. 33:1-93 requires the Division to promulgate such rules and regulations on the subjects enumerated in the statute, as well as to assist in properly supervising the liquor industry and providing temperance. He suggested that inducing the public to buy wine through competitive couponing programs has shown a national pattern whereby wines are virtually being given away. He expressed a belief that such aggressive action clearly runs counter to New Jersey's concern about drunk driving, teenage drinking and general alcohol abuse among segments of our population. He indicated that statistics indicate that most drunk driving emanates from home consumption and couponing will increase such. He expressed concern of a backlash to couponing, with a fear that the wine industry will be subjected to overregulation by those groups in New Jersey who will be most offended by such conduct. Mr. Lefkowitz also expressed an opinion that couponing technically runs contrary to N.J.S.A. 33:1-89 which prohibits free goods and other inducements to selected retailers. He argued that couponing is an inducement which can allow for potential discrimination when considered in light of exclusive arrangements for the sale of alcoholic beverages, which could lead to New Jersey wineries and other eastern wineries being driven out of the marketplace. Mr. Lefkowitz also suggested that couponing is an expensive capital venture in which only major, highly capitalized wineries with high product volume could participate. He argued that nationally couponing tends to drive prices down for all wines to such levels that smaller suppliers are unable to continue selling their products. He pointed out that couponing wars victimize the small wineries leaving the marketplace to a few major wineries and foreign imports, which are mostly subsidized by their governments. Mr. Lefkowitz also suggested that couponing will cause an overstimulation to the marketplace in contradiction to temperance, which would guarantee that some wholesalers and distributors will have a monopoly over the marketplace in New Jersey. Mr. Lefkowitz also cited the recent Appellate Division case where the court upheld the right of the State of New Jersey to legislate against the use of coupons in the drug industry. Lastly, Mr. Lefkowitz pointed out that it is unfair to compare New Jersey to other states merely as a rationale for having couponing. He stated that State policies in New Jersey have often been in conflict with practices with other states regarding alcoholic beverages, such as the sale of unchilled beverages in stores, and beer and wine permits in restaurants. He further pointed out that the whole notion of deregulation came about with the interest of the consumer receiving a savings and interbrand competition between alcoholic beverage suppliers being stimulated. He argued from this that there is no pressing need for couponing, which is often a gimmick designed to attract business from other competitors on a short term basis.

A written response was provided to Mr. Lefkowitz acknowledging his letter and pointing out that the tone of the letter spoke to the use of coupons, which will not be permitted by the regulation. The response pointed out that only rebates by manufacturers would be allowed and that the Division's studies show that they are generally limited to one per address and are utilized for purposes of advertising such as to introduce a new product or to re-introduce a product which has not marketed well. The response further pointed out that the Division does not feel the use of rebates will be detrimental in any way and is certainly in the interests of the people of the State, as well as the alcoholic beverage industry as a whole. Although it was acknowledged that there could be some problems, it was pointed out that the Division feels the benefits are far greater than such problems and problems can be otherwise dealt with. The response also noted that Mr. Lefkowitz had pointed out that deregulation came about with the interest of the consumer's receiving a savings and stimulating interbrand competition, and that the adoption of the regulation could further both purposes.

(8) Written comment was also received from Barry E. Lefkowitz, Legislative Representative, of Management and Government Resources, Inc., Burlington, New Jersey, as a Legislative Representative for the New Jersey Wine Growers Association. That comment pointed out that several members of the association were troubled by the possible negative or adverse impact on the industry, in that the proposed couponing regulations do not provide any special consideration for the New Jersey wineries which are smaller wine suppliers. He again pointed out that couponing programs are expensive business propositions and tend to drive prices down for all wines to levels below that which smaller suppliers, such as his clients, could sell at. This, he urged, would drive smaller suppliers out of the marketplace. His comment also suggested that the couponing concept would contradict the intent of N.J.A.C. 13:2-24.1(2) and (3), which deal with destroying competition or eliminating a competitor in the State.

A written response was provided to Mr. Lefkowitz again pointing out that "couponing", which was spoken of throughout his comment, would not be permitted, but that the regulation would only permit manufacturers' rebates, which are generallly limited to one per address. It was also pointed out that even if New Jersey wineries could not undertake a couponing program there was nothing to prevent them from developing a rebate program on their own. Even if they do not feel it is financially feasible for them to do so, because of their limited size or for whatever other reason, it was pointed out that the rest of the industry, whose products are very important to the State of New Jersey, cannot be penalized for that reason. It was further pointed out that it was simply impossible for the Division not to adopt the regulations because New Jersey vintners feel it might not be of benefit to them. It was further pointed out, however, that the Division does not feel it will hurt the

New Jersey vintners in any way nor that it can be utilized as a tool by another vintner to gain an unfair advantage over the New Jersey wineries. It was also pointed out that the regulation is clear that there can be no discrimination among retailers, and that the adoption of the regulation should be of benefit to retailers. The response further noted that the reference made to an apparent conflict of the proposed regulation with N.J.A.C. 13:2-24.1 was not a conflict because the offering of a rebate could not be done for the purpose of eliminating a competitor unless it was done in a purely predatory manner, which would be obvious upon the filing of the intended rebate program. It was further pointed out that Division studies have shown that rebate offers are limited and it would have to be very widespread to even be contemplated as coming within the purview of the anti-discrimination regulation referred to by him. (A subsequent discussion with Mr. Lefkowitz indicated that the opinions mentioned in his comment were not the unanimous view of all of the New Jersey wineries and that at least one of them, being one of the larger, had indicated that the proposed regulation would have neither a positive nor negative effect on such winery).

(9) Written comment was received from Anthony Baiamonte, President, Garden State Restaurant Association for Beer and Wine, of Burlington, New Jersey, indicating that the organization represented approximately 400 restaurants who were opposed to the proposed regulations. Mr. Baiamonte pointed out a belief that the use of coupons can be very beneficial to consumers in providing them with a reduction in price on food and other basic needs, and thereby saving them money, but that using them for alcoholic beverages at a lower cost is detrimental to the health, safety, and welfare of the citizens of New Jersey. He pointed out that the position of the association was that couponing negates all efforts being made by the Legislature and concerned citizens to encourage a responsible consumption of alcoholic beverages. He urged that couponing merely provides a vehicle for consumers to purchase alcoholic beverages at a reduced price in order that they may purchase more for less, thereby enticing them to drink more. Mr. Baiamonte also cited a Taylor's California Cellars ad which appeared in the New York Times offering a bottle of wine for the same amount as the rebate.

Written response was provided to Mr. Baiamonte pointing out that the proposed regulation would not permit the use of coupons, but only manufacturers' rebates. It was noted in the response that the Division does not believe that the use of rebates will promote a greater consumption of alcoholic beverages as he had suggested. He was referred to the Summary set forth in the proposal where some of the reasons for rebates were discussed. He was also assured that if there were any indication that rebates, which it was noted are usually limited to one per address, would in any way promote an increase in the consumption of alcoholic beverages, so that it would be detrimental to the public interest, there certainly would be no adoption of the regulation. It was noted to him that the Division does not feel there would be any such detrimental effect. It was also pointed out that Division studies show that rebate offers are frequently used to introduce liqueurs and wines, which are lower alcoholic content beverages.

(10) Written comment was received from Assemblyman Anthony S. Marsella expressing concern about the proposed regulations to establish a coupon program. Assemblyman Marsella expressed concern that from an economic standpoint, large investments in advertising and marketing would be incurred by smaller businesses in order to compete with larger ones, thereby driving small stores out of business due to their inability to absorb such costs and compete. This would create a monopoly for larger businesses. Assemblyman Marsella also expressed concern over the social impact and the effect couponing would have on consumption. He pointed out the Legislature's endeavors to discourage the consumption of liquor and suggested that the proposed regulation conflicted with this.

Written response was provided to Assemblyman Marsella noting the use of rebates in sister states and the fact that the Division had studied such use for many months, so the Division is convinced that adoption of the regulation is in the best interest of not only the alcoholic beverage industry, but the people of the State as a whole. The response pointed out that from an economic standpoint the regulation would help the smaller retailers, who are in serious need of help. The advertising will be done by manufacturers, and it is frequently done through displays in retail outlets, which are provided at no cost to the retailer. It was also pointed out that there is nothing in the regulation to prevent a retailer from also advertising the rebate, and although this would enable larger retailers to so advertise, the impact would be no greater than even a small ad by a small retailer, since rebate offers are almost always limited to one per household. Therefore, the proposal could be of great economic benefit to the small retailer, as well as to the larger one. The response to Assemblyman Marsella also pointed out that it would also aid New Jersey advertising media, as well as consumers and others throughout the State. It was also pointed out to Assemblyman Marsella that if it was felt that the rebate regulation would in any way add to an excess in consumption of alcoholic beverages or would in any way make them more available to the problem drinker, the regulation would certainly not be adopted. It further pointed out that because of its placement in the regulations, if adopted it will sunset in April, 1984 and thereby adoption at this time will also allow a trial period to enable us to truly assess the impact of it.

(11) Written comment was received from Senator John H. Ewing expressing opposition to any plan that would do anything to make alcoholic beverages less expensive and, therefore, more available. Written response was provided to Senator Ewing explaining the reasons for the proposing of the regulations, including making available to New Jersey consumers what is available in sister states and pointing out that Division studies show the rebate offers are frequently used to introduce new products of lower alcoholic content, and are generally limited to one per household. It was pointed out that the regulation might even be beneficial in promoting a more moderate and temperate use of alcoholic beverages for these reasons. It was also pointed out that coupons redeemable at a retail store are not going to be permitted, such as they are in the grocery industry, because such use of coupons would tend to make alcoholic beverages generally available at a lesser price as often as one were utilized. Such is not the case with the use of rebates and refunds by manufacturers, limited as they generally are. Senator Ewing was advised that the regulation, if adopted, would sunset in April, 1984, and that the intervening time would enable us to truly assess the impact of the regulation.

An oral inquiry was also received by the Director from a manufacturer of alcoholic beverages regarding the inspection of filed rebate or refund programs. Because of the concern expressed, a technical change is being made in the regulation to require a duplicate filing so that one copy can be made readily available for public inspection, while the other is maintained in permanent files of the Division. An additional technical change is also being made to require the inclusion in the filing of how the offer will be advertised to the public and to make clear that the copy or facsimile to be filed along with the terms of the proposal is of the form that will be required for the rebate or refund offer.

Full text the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisk ***thus***; no deletions were made).

13:2-24.11 Manufacturers' rebates and coupons

(a) Subject to the provisions of this section, a manufacturer, distiller, blender and rectifier, brewer, vintner, or any importer may offer mail-in rebates or refunds of a portion of the purchase price of alcoholic beverages directly to consumers for the purpose of introducing or re-introducing consumers to its product(s) or for advertising, promotion, or market-testing purposes.

1.–3. (No change from proposal.)

4. At least 10 days prior to the commencement of any rebate promotion offered in accordance with this section, the manufacturer, distiller, blender and rectifier, brewer, vintner, or importer making such rebate offer shall file ***in duplicate*** with the Director of the Division of Alcoholic Beverage Control a statement setting forth all terms and conditions of the rebate offer, including, but not limited to, the amount of rebate, any proof-of-purchase requirement, the effective dates of the offer, the marketing area in which the offer will be promoted, ***how the offer will be advertised to the public*** and the name and address of any clearinghouse retained to process rebates. A facsimile or copy of the rebate offer ***form*** shall also be filed ***in duplicate***. The Division shall promptly be notified of any change in the terms of a rebate offer prior to such change's taking place.

(b) (No change from proposal).

(a)

DIVISION ON CIVIL RIGHTS

Processing of Discrimination Complaints When Hearings Ordered

Adopted Amendment: N.J.A.C. 13:4-12.1

Proposed: April 4, 1983 at 15 N.J.R. 501(a).
Adopted: August 1, 1983 by Division of Civil Rights, Pamela S. Poff, Director.
Filed: August 9, 1983 as R. 1983 d. 347, **without change**.

Authority: N.J.S.A. 10:5-8(g) and 10:5-13.

Effective Date: September 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): December 14, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

DIVISION OF MOTOR VEHICLES

Driver Control Service
Point System; Motorized Bicycle Offenses

Adopted Amendment: N.J.A.C. 13:19-10
Adopted Repeal: N.J.A.C. 13:25-6

Proposed: June 20, 1983 at 15 N.J.R. 1004(a).
Adopted: August 8, 1983 by Clifford W. Snedeker, Director, Division of Motor Vehicles.
Filed: August 15, 1983 as R.1983 d.360, **without change**.

Authority: N.J.S.A. 39:5-30.5 P.L. 1982 c.43, §1 (c.39:5-30.5) and P.L. 1983 c.105, §8 (c.39:4-14.3q).

Effective Date: September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): March 5, 1984.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

DIVISION OF MOTOR VEHICLES

Out-of-State Conviction; Administrative Determination or Bail Forfeiture for Driving While Intoxicated; Refusal to Submit to Chemical Test
Period of Suspension and Attendance at Alcohol Countermeasures Program

Adopted New Rule: N.J.A.C. 13:19-11

Proposed: June 20, 1983 at 15 N.J.R. 1009(a).
Adopted: July 27, 1983 by Clifford W. Snedeker, Director, Division of Motor Vehicles.
Filed: August 11, 1983 as R.1983 d.352, **without change**.

Authority: N.J.S.A. 39:3-11, 39:5-30, 39:5-30.1, 39:5D-4 and 39:5F-1 et seq.

Effective Date: September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): September 6, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(d)

BOARD OF OPTOMETRISTS

Patient Records
Availability of Records

Readoption: N.J.A.C. 13:38-6.1

Proposed: June 20, 1983 at 15 N.J.R. 1011(a).
Adopted: August 10, 1983 by Board of Optometrists, Leonard Strulowitz, O.D., President.
Filed: August 15, 1983 as R.1983 d.359, **without change**.

Authority: N.J.S.A. 45:12-4.

Effective Date: August 15, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 15, 1988.

Summary of Pubic Comments and Agency Responses:
No comments received.

(a)

BOARD OF PHARMACY

Pharmacist-In-Charge
Permit; Prescription Department or Pharmacy Department in Large Mercantile Establishments

Adopted Amendments: N.J.A.C. 13:39-8.14 and 9.14

Proposed: August 16, 1982 at 14 N.J.R. 898(b).
Adopted: May 25, 1983 by Board of Pharmacy, Sheldon Moed, President.
Filed: August 2, 1983 as R.1983 d.341, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 45:14-3 and 45:14-26.2.

Effective Date: September 6, 1983.
Expiration Dates pursuant to Executive Order No. 66(1978): Subchapter 8, September 6, 1988; Subchapter 9, July 22, 1986.

Summary of Public Comments and Agency responses:

On March 16, 1983, Board of Pharmacy held a public hearing before Administrative Law Judge William A. Gindin regarding the above regulation. At the hearing, most statements fell into two categories. Those who represented the owners of "Pharmacy Departments" within larger enterprises generally supported the proposed amendments which would eliminate the responsibility of the pharmacist-in-charge to employ personnel in the pharmacy department, eliminate the requirement that the name of the pharmacist-in-charge must appear on prescription labels and delete the requirement that only a registered pharmacist may maintain possession of the keys to the pharmacy department, on economic grounds. Those speakers who represented independent pharmacies generally opposed the changes on the gounds that, in certain areas, responsibility would pass from the individual pharmacist to a non-pharmacist owner.

The Board responded to these statements by accepting the comments and recommendations of the Administrative Law Judge that the elimination of the responsibility of the pharmacist-in-charge for employing personnel will not result in any substantive change as the pharmacist-in-charge retains full responsibility for professional and ethical conduct in his supervision of personnel, and because of the reality that in most non-pharmacist owned operations the ultimate determination of hiring and firing is not made by the pharmacist-in-charge.

The Board also responded by accepting Judge Gindin's recommendation that elimination of the name of the pharmacist-in-charge on all pharmacy labels would create a serious dichotomy in that the statute regulating the practice of pharmacy requires the name of the pharmacist on the labels of some drugs, that is, barbitals or other hypnotic or somnifacient drugs.

The Board also accepted Judge Gindin's comments that because the statute requires the management of a pharmacy to be in the personal and continuous charge of a registered pharmacist, under no circumstances can a non-pharmacist have possession of the keys to a pharmacy department.

Finally, the Board's response to a request for an alteration of the social impact statement was to accept Judge Gindin's comment that since the statement's purpose is merely to alert the public to the subject matter of the rule, and no formal weight is to be attached to it, no change is necessary.

Several written statements were submitted to the Board prior to the public hearing. The comments were, in general, similar to those raised at the public hearing and therefore the response of the Board is incorporated in its response to the oral testimony.

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

13:39-8.14 Pharmacist-in-charge

(a) (No change from proposal.)

(b) Whenever a registered pharmacist assumes the duties of a pharmacist-in-charge of a pharmacy (manager of a prescription department), he shall so advise the Board by completing the "Notice of Change of Pharmacist-in-Charge" provided by the Board. The pharmacist-in-charge [will] **shall** be responsible for the following:

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

8. [Ensuring the use of prescription labels naming the pharmacist-in-charge;] ***Ensuring the use of prescription labels naming the pharmacist-in-charge;***

9.-16. (No change from proposal.)

13:39-9.14 Permit; prescription department of pharmacy department in large mercantile establishments

(a) (No change from proposal.)

(b) An applicant for a permit to operate a prescription department, the holder of a permit to operate a prescription department and the registered pharmacist-in-charge of said department shall be subject to the following additional requirements:

1. (No change from proposal.)

2. [Only the registered pharmacist(s) shall maintain possession of the keys to the department.] ***Only the registered pharmacist(s) shall maintain possession of the keys to the department.*** The registered pharmacist on duty shall be responsible for keeping the prescription department secure and locked and the alarm system turned on at all times that he does not have full vision on control of the prescription department or when he is not present within the department.

3. No person shall be permitted in the prescription department while a registered pharmacist is not *[present]* [within the pharmacy department.] ***within that department.***

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

(b)

DIVISION OF CRIMINAL JUSTICE

Arson Investigators
Training Requirements

Adopted New Rule: N.J.A.C. 13:76

Proposed: July 5, 1983 at 15 N.J.R. 1078(a).
Adopted: August 17, 1983 by Donald R. Belsole, Director, Division of Criminal Justice.
Filed: August 17, 1983 as R.1983 d.365, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 40A:4-7.1, 52:17B-97 et seq. and Attorney General Executive Directive No. 83-1.

Effective Date: September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): September 6, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

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

*[13:76-1.1 Authority
Unless otherwise expressly noted, all provisions of this Chapter 76 were adopted by the Division of Criminal Justice pursuant to authority delegated at N.J.S.A. 40A:14-7.1, N.J.S.A. 52:17B-97 et seq. and Attorney General Executive Directive No. 83-1, and were filed and became effective upon publication in the New Jersey Register.]*

[13:76-1.2 Foreword] ***13:76-1.1 Scope***
(No change in text.)

[13:76-1.3] ***13:76-1.2*** Applicability
(No change in text.)

[13:76-1.4] ***13:76-1.3*** Definitions
(No change in text.)

PUBLIC UTILITIES

(a)

OFFICE OF CABLE TELEVISION

Rules of Cable Television Applications for Municipal Consent and Certification

Readoption with Amendments: N.J.A.C. 14:18-11

Proposed: June 6, 1983 at 15 N.J.R. 874(a).
Adopted: August 8, 1983 by Office of Cable Television, John P. Cleary, Director.
Filed: August 9, 1983 as R.1983 d.346, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 48:5A-10(d) and (e).

Effective Date (Readoption): August 9, 1983.
Effective Date (Amendments): September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 9, 1988.

Summaryof Public Comments and Agency Responses:

Between 1973 and 1978 the Office of Cable Television developed series of rules governing municipal consent and certificate of approval applications by CATV companies, known as Subchapter 11 of the Office's Rules of Practice and Procedure.

On June 6, 1983 a notice of Proposed Readoption with Amendments appeared in the New Jersey Register. A public hearing for comments was held on June 21, 1983. Only counsel for the New Jersey Cable Television Association appeared with oral comment. Written comments received until July 6, 1983, were submitted by the City of Summit and David Waters, Esq.

The City of Summit's concern was the apparent deletion of paragraphs 6, 7, and 8 of **N.J.A.C.** 14:18-11.2(a), which are printed in the text of changes below.

The deletion was an unintended typographical omission. The paragraphs involved post informational requirements and shall be readopted as part of **N.J.A.C.** 14:18-11.2 without change from the expiring rules.

The NJCTA favored the readoption and amendments proposed. It did request further clarification in certain rules; an informal conference was held in which the NJCTA made several other suggestions for improving franchising procedures. The substantive changes sought may be summarized as:

(1) More emphasis on the non-mandatory nature of the franchise guide sample language.

(2) More opportunity for applicants to review, respond, and correct a citizens' committee report; more elaboration on the scope of the committee's duties, participation, and responsibilities.

(3) Requirement that modification to the application be more clearly and explicitly specified in the contents of the ordinance. (**N.J.A.C.** 14:18-11.16). This suggestion is closely related to the comments of David A. Waters, Esq. Mr. Waters proposed eliminating the distinction between amendatory and supplemental information in **N.J.A.C.** 14:18-11.9 and 11.10.

(4) Opportunity for applicant(s) to review the ordinance prior to enactment.

(5) A time limit for filing arbitrary refusal petitions in cases where the arbitrary refusal is the result of failure to act by a deadline.

The NJCTA also suggested addition, deletion, or substitution of words in several instances which it felt would either clarify the text or make it more concise.

The Board believes the **Guide to the Writing of the Cable Television Municipal Consent Ordinance** itself remains the appropriate mechanism for apprising users of the optional nature of language in each section of the sample ordinance.

The use of advisory committees in the franchise process varies. Each municipality has its own needs and resources during the consent process. The Board considers the present rule sufficiently specific, and prefers not to circumscribe the existing arrangement which accomodates a variety of municipalities.

The matter of changes and additions to the application will always be problematic. Flexibility must be inherent in the hearing process; otherwise the consent could be awarded solely on the basis of the written applications. The hearing must be meaningful and informative for the decision makers, yet fair hearing does not call for replies and counter-replies ad infinitim. The proposed rules establish a cut-off date for changing information on the application. All other subsequent information would be considered supplemental. Therefore no further substantive changes in N.J.A.C. 14:18-11.9 and 14:18-11.10 will be made at present.

Under the franchising process established by the Cable Televison Act, **N.J.S.A.** 48:5A-1 **et seq.**, the terms and conditions of a municipal consent ordinance are largely determined in the application and hearing process. While some municipalities negotiate with the cable operators while drafting the ordinance, it is not mandatory and most do not. It is for this very reason that **N.J.A.C.**14:18-11.18 was originally adopted, enabling the Office to make an early determination as to the lawfulness and reasonability of the ordinance terms. Accordingly, no change will be made at this time.

The Board agrees with the comments of the NJCTA that municipal failure to meet a statutory deadline may constitute an act of arbitrary refusal. Therefore, the language is added so the adopted N.J.A.C. 14:18-12.1(b) reads as indicated below.

The comments and responses are on file at the Office of Cable Television as Docket No. 835C-6985.

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

14:18-11.2 Application for municipal consent to operate a cable television system

(a) Every application for a *[new]* consent shall be submitted on a standard form supplied by the office, which form shall include but not be limited to the following information:

1.–2. (No change from proposal.)

3. Cable experience: Affiliation with other television ***or communications*** system*s*;

4. (No change from proposal.)

5. ***Proposed*** service*s*:

i.–v. (No change from proposal.)

*6. Rates for cable television reception service:

i. Installation of service;

ii. Monthly service charges;

iii. Rental charges for any ancillary equipment required to be provided.

7. Bonding and insurance:

i. The types and amounts of insurance coverage applicant proposes to carry;

ii. The amount of bond applicant proposes to file with the municipality;

8. Financing:

i. The capital required for construction of the proposed system, including but not limited to estimates as to transmission system and distribution, and drop cables and office equipment; studio equipment, vehicles, telephones and power pole makeready, administrative and technical personnel, wages and bonuses;

ii. The annual revenues anticipated from system operation. Operating expenses and working capital needed in of that required for construction;

iii. Source of funds to be provided for the above purposes.*

(b) (No change from proposal.)

14:18-11.6 Notice of hearing

(a) (No change from proposal.)

(b) This notice must be published twice in accordance with N.J.S.A. 48:5A-23c, which specifies that the first publication must be, at the latest, on the [fifth] **45th** day prior to the hearing, and the second between the 14th day and the seventh day prior to the hearing. Copies of both ***proposed*** notices shall be filed with the Office *[within three days of each publication]* ***at the time submitted to publication.***

14:18-11.9 Amendments to application; notice

(a) (No change from proposal.)

(b) Copies of such amendments shall be served upon the municipality, each applicant *[active]* in the proceeding, and the Office, at the same time by the same method service.

14:18-11.10 Additional information other than amendatory; notice

(a) (No change from proposal.)

(b) At any stage prior to the close of the hearing, the presiding officer may require further information *[or evidence*] upon any issue to be presented by the applicant(s) concerned.

(c) Copies of such information shall be served upon the municipality, each applicant *[active]* in the proceeding, and the Office at the same time by the same method of service.

14:18-11.13 Decision; time; contents

The municipal governing body shall, not later than 30 days from the date of the last hearing, make a decision as to whether to grant one or more of the applicants a municipal consent to operate a cable televison system. A report of that decision shall be filed **promptly** with the clerk of the municipality and with the Office of Cable Television. In addition to the decision itself, the report shall contain ***detailed and specific*** information as to the reason for the decision and shall have attached information concerning the municipality, governing body and hearing proceedings.

[14:18-11.23 Effective date] (Section deleted.)

14:18-12.1 Filing for a certificate of approval

(a) (No change from proposal.)

(b) A petition for a certificate of approval filed pursuant to **N.J.S.A.** 48:5A-11(d) (Arbitrary Refusal) shall be filed within 30 days of the date of adoption of a final ordinance by a **or** municipality, ***or where failure to act is alleged as arbitrary refusal, within 30 days of the appropriate statutory deadline.***

14:18-12.2 (No change from proposal.)

SUBCHAPTER 13 (No change from proposal.)

TRANSPORTATION

(a)

NEW JERSEY TRANSIT CORPORATION

Bus Allocation Guidelines and Procedures

Adopted New Rule: N.J.A.C. 16:75

Proposed: June 6, 1983 at 15 N.J.R. 881(a).
Adopted: August 19, 1983 by Jerome C. Premo, Executive Director, New Jersey Transit Corporation.
Filed: August 19, 1983, as R.1983 d.371, **with technical and substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 27:25-5(e), (h) and (k).

Effective Date: September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): June 6, 1988.

Summary of Public Comments and Agency Responses and Reason for Changes Upon Adoption:

Comments were received from one State Senator, two attorneys representing private bus carriers, the New Jersey Motor Bus Association (NJMBA), the Committee for Better Transit (CBT) and three individuals.

Six persons testified at the hearing which was held on June 13, 1983. A verbatim transcript of the hearing was made and the transcript has been available to the public. The identity of the speaker and a summary of their testimony regarding the regulations follows:

1. Senator John Gallagher

The Senator testified to the following:

a. That the Board of Directors rather than Executive Director should consider the factors set forth at N.J.A.C. 16:75-3.2(a) and make the final decision whether or not a particular carrier is leased buses;

b. That the regulations were too "general" and should be more "specific";

c. The regulations should not be used to deny buses to the 1,500 passengers of New York Keansburg Long Branch Bus Company (NY&K) because of a dispute that NY&K has with NJ TRANSIT on the Route 9 Corridor.

2. Benjamin Bendit, Esq.

Mr. Bendit, representing unnamed private bus carriers in Newark, testified to the following:

a. The regulations are a threat to the private bus industry because they indicate that NJ TRANSIT will not lease buses to the private bus carriers who compete with NJ TRANSIT;

b. The bus allocations to date have been done on an ad hoc basis for certain carriers. The lease required by NJ TRANSIT gives it the absolute right take back the buses if NJ TRANSIT needs them. For certain other carriers, NJ TRANSIT may not repossess the buses if it impairs the ability of the carrier to provide its existing regular route service;

c. Buses leased by private carriers from affiliates and used in regular route operations should not be counted in the fleet of buses of the carrier in determining the age of their fleet and the number of buses to be leased by NJ TRANSIT. In fact, NJ TRANSIT violates this portion of the regulations by not considering the 30 buses it has leased to run its charter operations;

d. NJ TRANSIT should not inspect the uses prior to their decision to include them in the rehabilitation pool because the buses are inspected once every six months by the New Jersey Department of Transportation;

e. N.J.A.C. 16:75-2.3 requires that for each bus received from NJ TRANSIT, a carrier must take one of its buses out of service. This requirement prevents private carriers from having a reserve fleet and in the future the entire New Jersey bus fleet will be owned by NJ TRANSIT;

f. The power to decide who should and should not get buses should not be placed in the hands of the Executive Director.

3. Mr. Frank Welton, Mr. Harold Krieger, Mr. Frank Tedesco and Mr. Thomas Rossiter all testified on behalf of NY&K as follows:

a. NJ TRANSIT should not discriminate against the riders of NY&K by refusing to lease this company buses and such refusal is unconstitutional and illegal;

b. The public hearing should be held in the evening so working people may attend;

c. The regulations violate NJ TRANSIT's grant application to UMTA for the replacement of buses 12 years old and older and the refusal to lease NJ&K buses violates the grant contract;

d. The denial of buses to NY&K will force the company to increase fares to buy new equipment.

In addition to the public hearing comments NJ TRANSIT received the following written comments prior to July 6, 1983.

1. New Jersey Motor Bus Association - (NJMBA) - This organization represents many of the privately owned bus companies that provide regular route bus service in New Jersey. NJMBA had the following comments:

a) N.J.A.C. 16:75-2.1 (Eligibility) - should be modified so that the allocation of buses is based not on age but solely on the peak period requirements. It is NJMBA's position that NJ TRANSIT's current bus allocations have alleviated the age problem and the public benefits from a carrier upgrading its fleet with its own funds. Using age as a factor in making future allocations of buses acts as a disincentive to carriers to purchase new equipment since it penalizes a carrier for upgrading its fleet. If age is to be used as a criteria, then the buses owned by affiliate companies and leased to the carrier should not be used in calculating the age criteria. Buses used for affiliated carriers are not solely used in peak period bus service and may not be committed to the carrier on a long term basis.

b) N.J.A.C. 16:17-3.2 (Factors to be Considered) - should be modified to eliminate paragraph 9 thereof, so as not to improperly restrict competition in the bus industry. Whether or not additional regular route services are required in the public interest is a matter that should be determined by the ICC or the NJDOT. NJ TRANSIT should not interfere with or restrain the right of private bus companies to apply to the appropriate regulatory agencies for additional operating authority when such carriers believe there is a public need for additional service, or to exercise any operating authority granted by the ICC and/or NJDOT. If any affiliate of NJ TRANSIT or other carrier is affected by any application for additional operating authority, such affiliate or other carrier may participate in the proceeding before the ICC or the NJDOT and present evidence of its position.

2. Committee for Better Transit -(CBT) - The organization represents the riders who use the bus and rail system in New Jersey. CBT had the following comments:

a) N.J.A.C. 16:75-3.2(a) 9-(Factors to be Considered) - CBT believes that this paragraph needs clarification and should not be used to prevent a carrier from expanding frequency on an existing route or making a minor extension of an existing route which is in the public interest. This paragraph should be clarified to state that "additional regular route service" refers to service over a route where at least five or 10 percent of the route miles were not operated by the carrier at the time buses were allocated under this program.

b) The guidelines should state that an operator who qualifies for buses should automatically be eligible to continue to participate in all future bus allocations provided he meets the terms of the bus lease and continues to provide service within an operating subsidy.

c) N.J.A.C. 16:75-1.2 - (Definitions) - Affiliate should be defined. If a carrier would qualify to lease buses, except for the actions of an affiliated company, then the carrier should receive buses. Additional restrictions should be placed on the carrier to make sure that the affiliate does not benefit from the existence of those buses.

1. Both Senator Gallagher and Mr. Bendit testified that the Executive Director should not have the power to decide who should and should not be leased buses. Their position is that such a major policy decision should be decided by the Board of Directors. Contrary to this testimony the proposed guidelines, if adopted, establish a procedure whereby a carrier who has been denied buses has the right to appeal such decision to the Board who will then make the final decision.

2. Mr. Bendit testified that the amendments to the guidelines were a threat to the private bus industry, because they indicate that NJ TRANSIT will not lease buses to private bus carriers who compete with NJ TRANSIT. In fact, the regulations only provide for a procedure to be used if NJ TRANSIT determines that actions taken by a private carrier to alter or expand its services are not consistent with NJ TRANSIT's statutory purposes. This also means situations in which a private carrier is in competition with another private carrier. NJ TRANSIT has no present intention to alter the existing lease arrangements with private carriers.

3. Mr. Bendit testified about the different leases that NJ TRANSIT has negotiated with private bus carriers. I believe NJ TRANSIT must reserve the right to deal with each carrier as it deems appropriate and the lease document is a matter to be negotiated between the parties. In addition the Guidelines are not designed to deal with the terms of the lease negotiated between the parties.

4. Mr. Bendit testified that the bus allocations to date have been done on an ad hoc basis. In fact, the buses have been allocated in accordance with Guidelines adopted by the Board on July 13, 1982.

5. Mr. Bendit testified that we should not inspect buses prior to accepting them for rehabilitation because of the NJDOT inspections. NJDOT only inspects each bus once every six months and there is a proposal pending to increase that time period to one year. The two inspections serve different purposes. The NJDOT inspection is to ensure the safety of the vehicle. NJ TRANSIT's inspection is designed to determine if it is economically feasible to rehabilitate a certain bus.

6. Mr. Bendit stated that the requirement to take one of the buses out of service for every bus leased prevents the carriers from having a reserve fleet. N.J.A.C. 16:75-2.3 specifically provides that a carrier may request that the vehicle be set aside in an active reserve fleet.

7. NJ TRANSIT bus procurement programs are designed to provide new, used, and rehabilitated buses to those qualified carriers who have demonstrated a need for such equipment based on the age of the equipment used in regular route peak hour services. It is a replacement program and is not designed to expand

the fleets of bus carriers in the state. If an eligible carrier is using an overage bus (at lease 12 years of age) in such services as of a certain date, it is eligible for replacement. NJMBA urges NJ TRANSIT to base future bus allocations solely on peak period requirements because the age criteria acts as a disincentive to carriers to purchase new equipment. While the age based criteria may discourage such investment it does not prohibit it. The allocation of uses on the basis of vehicle age is an economic subsidy which recognizes a public commitment towards maintaining a viable transportation fleet for those operators which are otherwise unable to do so because of the types of service they provide, their particular market, and the fares they decide to charge. A carrier is still free to buy new equipment with its own funds and pass that cost on to the rider. In addition, almost all existing carriers have either charter or equipment leasing affiliates who can purchase buses instead of the regular route carrier. The age criteria is a standard used by UMTA which furnishes a large portion of the funds used to purchase the equipment. NJ TRANSIT administers this provision on a statewide basis; that being that the level of NJ TRANSIT's bus purchase program is designed to replace the aggregate number of overage buses in eligible statewide services. The criteria recognizes that public funds should be used to purchase equipment only where there is a definite need and benefit to the public.

NJMBA and Mr. Bendit also argued that if the age criteria is to be used, NJ TRANSIT should not use buses owned by affiliate companies to calculate the age of a carriers fleet. NJ TRANSIT proposes only to consider such equipment to the extent it is actually used to provide regular route service. To not consider such use would result in an increase in a carrier's allocation where there is no need and ignore the realities of the bus business which results in an affiliate's equipment being available at certain times for regular route services. It also would allow a carrier to expand its fleet for use in charter and new regular route services which is contrary to the UMTA grant and the guildelines.

8. NJMBA also urges NJ TRANSIT to eliminate paragraph 9 of N.J.A.C. 16:75-3.2 because the provision of additional regular route bus services should be determined by the ICC or the NJDOT. NJ TRANSIT is empowered with the statutory responsibilities to determine the term on which capital equipment will be leased. NJ TRANSIT will continue to rely on the established NJDOT regulatory process which governs intrastate services because it considers the adequacy of existing services prior to granting additional operating authority. NJ TRANSIT is not content with the present system adopted by the ICC pursuant to the Bus Regulatory Reform Act of 1982. Essentially the interstate bus industry is deregulated and such deregulation can lead to competitive services which are not in the best interest of publicly funded mass transit services, and participation before the ICC is a futile gesture, as NJMBA well knows. Therefore I can only conclude that their position on this matter stems from their desire to keep their options open in case they wish to provide new services to which NJ TRANSIT might object.

9. CBT feels NJ TRANSIT should limit its authority in paragraph 9 not to prevent minor service or route changes. NJ TRANSIT does not intend to restrict a carrier from making minor changes in its existing services. At the same time we cannot envision all of the future actions that might be taken by private carriers which could have a negative impact on the services provided by NJ TRANSIT or other private carriers. If we limit staff flexibility to deal with specific situations, it would take at least four months to amend the regulations to deal with a specific situation not covered by the existing regulations. For these reasons I feel paragraph 9 should remain as written, since it provides staff with flexibility it needs to meet whatever situations may arise.

10. CBT feels that affiliate should be defined. Because of many ways of insuring corporate control and the need to have the flexibility to deal with such instances, I believe affiliate should not be defined.

11. CBT feels that once a carrier has leased buses it should automatically be eligible to continue to participate in the program and all future allocations if it meets the terms of the lease and continues to operate without an operating subsidy. For past and present programs once a carrier has leased buses, the only way NJ TRANSIT will respossess the equipment is to do so in accordance with the lease. To say that such a lease should also qualify a carrier for future bus allocations would prevent NJ TRANSIT from reacting to changed circumstances which indicate that a particular carrier should not get or does not in fact need additional buses.

12. CBT states that if a carrier would be eligible to receive buses except for the action of an affiliate, then NJ TRANSIT should lease the buses to the carrier and place restrictions in the lease to insure the affiliate does not benefit. As a practical matter it is impossible to ensure that an affiliate does not benefit from the lease of equipment because of the significant benefit which inures to a carrier from the receipt of a free bus. In addition, the extent of the number of buses leased to private carriers makes it impractical to police such restrictions without substantial increases in manpower. In addition, the proposal fails to recognize that while bus companies may have different legal names they are generally controlled by one or two persons or a family. To say they are different companies is form over substance as they are controlled by the same person or group of persons.

In order to review the comments on the Guidelines and the Hearing Officers' Report, the Executive Director appointed a working committee consisting of appropriate personnel at NJ TRANSIT and NJ TRANSIT Bus Operations Inc. Full text of their report is set forth as Exhibit D in the record. Based on their review, the Board adopted the Guidelines as proposed except that:

1. The term "affiliate" is defined and added to N.J.A.C. 16:75-1.2;
2. The term "additional regular route service" as set forth in N.J.A.C. 16:75-3.2(a) is defined;
3. N.J.A.C. 16:75-3.1(a) is amended in order to inform affected parties which Department at NJ TRANSIT has responsibility for implementing this portion of the bus leasing program;
4. N.J.A.C. 16:75-3.1(c) is added in order to make it clear that no final action will be taken regarding a carrier's eligibility to receive buses until the operator has had an opportunity to exhaust his rights to appeal pursuant to N.J.A.C. 16:75-3.1.

OFFICE OF ADMINISTRATIVE LAW NOTE: **Full text** of the record of the opportunity to be heard, including all exhibits, concerning the Bus Allocation Guidelines are on file and may be reviewed at the OAL, 88 East State Street, Trenton, New Jersey.

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

16:75-1.2 Definitions

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

***"Additional Regular Route Service" means the operation of any new intrastate or interstate regular route or the extension or alteration of any such existing services which affects 10 percent or more of the number of route miles of that route.**

"Affiliate" means any individual, company, proprietorship, corporation, trust or partnership where by reason of the relationship of such entity with the carrier (whether by reason of the method of, or circumstances surrounding organization or operation, or whether established through common directors, officers, stockholders, a voting trust or trusts, a holding or investment company or companies, family relationships, or any other direct or indirect means) there is a reason to believe that the affairs of the carriers may be managed in the interest of such individual, company, proprietorship, corporation, trust or partnership.*

. . .

16:75-3.1 Notification

(a) When NJ TRANSIT contemplates declaring an operator ineligible under any of its bus procurement programs pursuant to N.J.A.C. 16:75-2.5, *[it]* ***a designee of the Executive Director*** shall notify the carrier of the preliminary decision, the reasons therefore and allow the carrier the opportunity to respond. ***Such notification shall not be given without the prior written approval of the Chairman of the Board.***

(b) (No change from proposal.)

(c) No final action shall be taken by NJ TRANSIT regarding an operator's eligibility to receive buses until the operator has had the opportunity to exhaust his right to respond to NJ TRANSIT'S preliminary decision or seek review of the Executive Director's decision by appeal to the Board of Directors.

16:75-3.2 Factors to be considered

(a) The factors to be considered by the Executive Director in determining whether a carrier is eligible to lease buses shall include, but not be limited to:

1.–7. (No change from proposal.)

[9] ***8*** Whether the lease should be conditioned on a carrier agreeing that it or any present or future affiliate shall not provide additional regular route services without NJ TRANSIT's approval. ***This paragraph shall not apply to additional intrastate regular route service which is approved in accordance with the procedures of the New Jersey Department of Transportation.***

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Business Personal Property Tax

Readoption: N.J.A.C 18:9

Proposed: July 5, 1983 at 15 N.J.R. 1081(a)
Adopted: August 12, 1983 by John R. Baldwin, Director, Division of Taxation.
Filed: August 12, 1983 as R.1983 d.354, **without change**.

Authority: N.J.S.A. 54:11A-19.

Effective Date: August 12, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 12, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

DIVISION OF TAXATION

Local Property Tax

Readoption: N.J.A.C. 18:12, 18:12A, 18:14–18:17

Proposed: July 5, 1983 at 15 N.J.R. 1082(a).
Adopted: August 12, 1983 by John R. Baldwin, Director, Division of Taxation.
Filed: August 12, 1983 as R.1983 d.355, **without change**.

Authority: N.J.S.A. 54:1-35.1, et seq., 54:4-26, 54:4-23.21, 54:4-8.19, 54:4-8.47, 54:3-21.5, 54:50-1, et seq., 54:4-3.80, 54:4-1, et seq., 54:3-14, 54:4-8.40, et seq., 54:4-23.1, et seq., and P.L. 1968, c.49, sec. 7.

Effective Date: August 12, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 12, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

DIVISION OF TAXATION

Local Property Tax
Senior Citizens' Deduction

Adopted Amendment: N.J.A.C. 18:14-3.9

Proposed: June 6, 1983 at 15 N.J.R. 885(a).
Adopted: August 18, 1983 by John R. Baldwin, Director, Division of Taxation.
Filed: August 18, 1983 as R.1983 d.366, **without change**.

Authority: N.J.S.A. 54:4-8.40 specifically 54:4-8.47.

Effective Date: September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 12, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(d)

DIVISION OF TAXATION

Sales and Use Tax
Readoption: N.J.A.C. 18:24 (except that 18:24-25.2(a)3i and ii have not been readopted)

Proposed: July 5, 1983 at 15 N.J.R. 1086(a).
Adopted: August 12, 1983 by John R. Baldwin, Director, Division of Taxation.
Filed: August 12, 1983 as R. 1983 d. 357, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 54:32B-24.

Effective Date: August 12, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 12, 1988.

Summary of Public Comments and Agency Responses:

Comment, predicated on two recent Tax Court cases, was received from a taxpayer pointing out that portions of the rules concerning data processing were invalid. The Division of Taxation responded that N.J.A.C. 18:24-25.2(a)3i and ii would be deleted from the text of subchapter 25, Data Processing. In addition, N.J.A.C. 18:24-25.2(b)3 would be amended to specifically state that certain sales are exempt from sales and use tax.

Full text of the changes between proposal and adoption follows:

18:24-25.2 Electronic data processing transactions

(a) Rules concerning the taxable transactions include the following:

1.-2. (No change.)

3. Examples of taxable transactions:

[i. The sale of addressed labels purchased by a customer for use in soliciting business, mailing advertisement or any other similar purpose;

ii. Sales of computer-prepared mailing lists;]

[iii.] **i.** The charges for additional copies of records, reports, tabulations, and the like which are prepared by rerunning the original program;

[iv.] **ii.** Electronic data processing equipment manufacturers, service bureaus and data processing educational centers are deemed to be the consumers of tangible personal property which is used in training others. They are required to pay the tax on their purchases of such property; training aids which they purchase for resale, however, are taxable to the ultimate users.

(b) (No change.)

(a)

DIVISION OF TAXATION

Sales and Use Tax
Taxation of Mobile Homes

Adopted Amendment: N.J.A.C. 18:24-7.19

Proposed: July 5, 1983 at 15 N.J.R. 1088(a).
Adopted: August 18, 1983 by John R. Baldwin, Director, Division of Taxation.
Filed: August 18, 1983 as R.1983 d.367, **without change**.

Authority: N.J.S.A. 54:32B-1, et seq. specifically 54:32B-24 and P.L. 1982, c.204.

Effective Date: September 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 12, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

DIVISION OF TAXATION

Transfer Inheritance Tax and Estate Tax

Readoption: N.J.A.C. 18:26

Proposed: July 5, 1983 at 15 N.J.R. 1088(b).
Adopted: August 12, 1983 by John R. Baldwin, Director, Division of Taxation.
Filed: August 12, 1983 as R.1983 d.356, **without change**.

Authority: N.J.S.A. 54:50-1.

Effective Date: August 12, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 12, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

DIVISION OF TAXATION

Gross Income Tax
Setoff of Individual Liability

Readoption: N.J.A.C. 18:35-1 and 18:35-2

Proposed: July 5, 1983 at 15 N.J.R. 1091(a).
Adopted: August 12, 1983 by John R. Baldwin, Director, Division of Taxation.
Filed: August 12, 1983 as R.1983 d.353, **without change**.

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

Effective Date: August 12, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 12, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

OTHER AGENCIES

(d)

DELAWARE RIVER BASIN COMMISSION

Adopted Amendments of Basin Regulations-Water Quality

Effective Date: June 29, 1983.

On June 29, 1983, the Delaware River Basin Commission, pursuant to N.J.S.A. 32:11D-88, amended its Comprehensive Plan and Basin Regulations relating to water quality standards; water supply policy; diversions; releases and reservoir management during drought; and water conservation policy.

Full text of the adopted amendments follows:

No. 83-11

A RESOLUTION to amend the Comprehensive Plan and Basin Regulations relating to water quality standards.

WHEREAS, the Commission staff has conducted a comprehensive study of water supply and demand in the Delaware River Basin (Level B Study), and has recommended certain revisions to the Commission's Water Quality Standards relating to salinity (chloride and sodium concentrations) of water in the tidal Delaware River: and

WHEREAS, the Level B Study considered alternative salinity-control standards, expressed as maximum 30-day chloride concentrations at river-mile 98, from 121 mg/l to 220 mg/l, and corresponding sodium concentrations from 67 mg/l to 122 mg/l; and

WHEREAS, the parties to the amended decree of the **United States Supreme Court in New York v. New Jersey**, 347 U.S. 995 (1954) have recommended certain revisions to the Commission's Water Quality Standards relating to salinity (chloride and sodium concentrations) of water in the Delaware estuary; and

WHEREAS, the Commission held public hearings on May 25, June 2, and June 3, 1983, on these recommended revisions, and has received and considered testimony from water users and other interested parties: now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Comprehensive Plan and Article 3 of **Basin Regulations--Water Quality** are hereby amended as follows:

A. Amend subsection 3.30.3C.12 to read:

12. **Chlorides**. Maximum 30-day average concentration of 180 mg/l at R.M. 98.

B. Insert new subsection 3.30.3C.14 to read:

14. **Sodium**. Maximum 30-day average concentration of 100 mg/l at R.M. 98.

C. Delete subsection 3.30.4C.12.

No. 83-12

A RESOLUTION to amend the Comprehensive Plan by establishing the policy that the drought of record will be used as the basis for determination and planning of dependable water supply.

WHEREAS, the Commission staff has conducted a comprehensive study of water supply and demand in the Delaware River Basin (Level B Study), and has recommended certain revisions to the Commission's Comprehensive Plan relating to design drought for water supply and salinity control; and

WHEREAS, the parties to the amended decree of the **United States Supreme Court in New York v. New Jersey**, 347 U.S. 995 (1954) have recommended certain revisions to the Commission's Comprehensive Plan relating to design drought; and

WHEREAS, the Commission held public hearings on May 25, June 2, and June 3, 1983, on these recommended revisions, and has received and considered testimony from water users and other interested parties; now therefore

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Comprehensive Plan and Article 2 of the **Water Code of the Delaware River Basin** are hereby amended by the addition of a new Section 2.400 to read as follows:

2.400 **Design Streamflow Criteria**

2.400.1 **Water Supply**. The drought of record, which occurred in the period 1961-1967, shall be the basis for determination and planning of dependable Basin water supply.

2.400.2 **Salinity Control**. The drought of record, which occurred in the period 1961-1967, shall be the basis for planning and development of facilities and programs for control of salinity in the Delaware estuary.

2.400.3 **Waste-Assimilative Capacity**. (See Section 4.30.7.7 of **Basin Regulation--Water Quality--** Administrative Manual--Part III.)

No. 83-14

A RESOLUTION to amend the Comprehensive Plan by the addition of policy on the conservation of water.

WHEREAS, the **Delaware River Basin Comprehensive (Level B) Study** of May, 1981 concluded that the goal of a 15 percent reduction in depletive use shall be established for application during declared water emergencies; and

WHEREAS, the Governors of the four Basin States and the Mayor of New York City have unanimously agreed to the **Interstate Water Management Recommendations of the Parties to the U.S. Supreme Court Decree of 1954 to the Delaware River Basin Commission Pursuant to Commission Resolution 78-20**; and

WHEREAS, Recommendation 11 of these **Interstate Water Management Recommendations** states that:

The Commission should include within its Comprehensive Plan a statement of general policy that conservation measures in the Basin designed for implementation during drought periods shall be based upon the objective of reducing overall depletive use of fresh water by 15 percent; and

WHEREAS, the Commission held public hearings on May 25, June 2, and June 3, 1983 on this proposed amendment, and has received and considered testimony from water users and other interested parties; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission;

The Comprehensive Plan and Article 2 of the **Water Code of the Delaware River Basin** are amended by the addition of new Section 2.1.4 to read as follows:

2.1.4 **Depletive Use Reduction During Drought**

It shall be the policy of the Commission that conservation measures in the Basin designed for implementation during drought periods shall be based upon the objective of reducing overall depletive use of fresh water by 15 percent.

No. 83-13

A RESOLUTION to amend the Comprehensive Plan relating to criteria for defining drought warning and drought conditions, and to a schedule of phased reductions in diversions, releases and flow objectives during such periods.

WHEREAS, the allowable diversions out of the Delaware River Basin to New York City and northeastern New Jersey, as well as downstream releases from the City's upper basin reservoirs, are prescribed under the provisions of the 1954 amended decree of the United States Supreme Court; and

WHEREAS, the Commission has declared a drought emergency condition on two occasions in 1965 and 1981 pursuant to Section 3.3(a) and Section 10.4 of the Delaware River Basin Compact; and

WHEREAS, the adoption of criteria in advance as to what constitutes drought conditions warranting emergency action will be useful to water users and the general public, as well as to water management officials of the parties; and

WHEREAS, the experience during these emergencies has shown the value of a drought operation formula setting forth diversion rates and streamflow objectives for guidance of reservoir operation; and

WHEREAS, the Commission has held public hearings on May 25, June 2, and June 3, 1983 on the proposed criteria and schedule recommended by the parties to the amended 1954 decree of the United State Supreme Court, and has received and considered testimony from water users and other interested parties; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Comprehensive Plan and Article 2 of the **Water Code of the Delaware River Basin** are hereby amended by the addition of new Sections 2.5.3 and 2.5.4 to read as follows:

2.5.3 **Schedule of Phased Reductions in Diversions, Releases and Flow Objectives During Drought**

A. **Criteria Defining Conditions**

For purposes of water management pursuant to Section 3.3 and Article 10 of the Compact, diversions of water from the Delaware River Basin by the City of New York and State of New Jersey, compensating reservoir releases from the New York City Delaware

Basin Reservoirs, reservoir releases from Beltzville Reservoir, Blue Marsh Reservoir, and other reservoirs under the jurisdiction or control of the Commission, and streamflow objectives at the USGS gaging stations located at Montague, New Jersey, and Trenton, New Jersey, shall be governed by a schedule based upon a differentiation among "normal", "drought warning", and "drought" conditions defined by the combined storage in the Cannonsville, Pepacton and Neversink Reservoirs as set forth in Figure 1 entitled "Operation Curves for Cannonsville, Pepacton and Neversink Reservoirs". The division of the drought-warning zone into upper and lower halves shall be defined as a physically equal division, or 20 billions of gallons in each zone.

B. **Schedule of Reductions**

The schedules of phased reductions set forth in Tables 1 and 2 shall govern (1) the maximum allowable rates of diversion waters from the Delaware River Basin by the City of New York and State of New Jersey; (2) the minimum compensating releases to be made by the City of New York from its reservoirs in the upper Delaware Basin; and the streamflow objectives at the USGS gaging stations located at Montague, New Jersey and Trenton, New Jersey.

TABLE 1
Interstate Operation Formula for Reductions
In Diversions, Releases, and Flow Objectives
During Periods of Drought

NYC Storage Condition	NYC Div. mgd	NJ Div. mgd	Montague Flow Objective cfs	Trenton Flow Objective cfs
Normal	800	100	1750	3000
Upper Half-- Drought Warning	680	85	1655	2700
Lower Half-- Drought Warning	560	70	1550	2700
Drought	520	65	1100-1650†	2500-2900†
Severe Drought (to be negotiated based on conditions)				

†Varies with time of year and location of salt front as shown on Table 2.

TABLE 2
Flow Objectives for Salinity Control
During Drought Periods

Seven-day Average Location of "Salton Front," River-mile†	Flow Objective, Cubic Feet Per Second At: Montague, N.J. Dec-Apr	May-Aug	Sept-Nov	Trenton, N.J. Dec-Apr	May-Aug	Sept-Nov
Upstream of R.M. 92.5	1600	1650	1650	2700	2900	2900
Between R.M. 87.0 and R.M. 92.5	1350	1600	1500	2700	2700	2700
Between R.M. 82.9 and R.M. 87.0	1350	1600	1500	2500	2500	2500
Downstream of R.M. 82.9	1100	1100	1100	2500	2500	2500

†Measured in statute miles along the navigation channel from the mouth of Delaware Bay.

During "drought" conditions as defined by Figure 1, the streamflow objectives at the Montague and Trenton gaging stations shall be established as set forth in Table 2, in accordance with the seven-day average location of the 250 mg/l isochlor (the "salt front") in the Delaware estuary.

C. **Diversion Allowances and Release Requirements**

(1) The City of New York may divert waters from the Delaware Basin at maximum rates equivalent to the quantities set forth in Table 1.

(2) The State of New Jersey may divert waters from the Delaware River Basin, from the Delaware River or its tributaries in New Jersey, at maximum rates equivalent to the quantities set forth in Table 1.

(3) The City of New York shall release water from one or more of its storage reservoirs in the upper Delaware Basin in quantities designed to maintain the minimum basic rates of flow at the USGS gaging station located at Montague, New Jersey, as set forth in Tables 1 and 2.

D. **Computation of Diversions**

(1) Diversions by the City of New York during "normal" conditions, as defined by Figure 1, shall be computed as provided in Section III.A.4. of the Amended Decree of the U.S. Supreme Court in New Jersey v. New York, 347 U.S. 995 (1954). At no time during a 12-month period of the Water Year, commencing June 1, shall the aggregate total quantity diverted by the City of New York, divided by the number of days elapsed since the preceding May 31, exceed the maximum permitted rate of diversion.

(2) Diversions by the State of New Jersey during "normal" periods, as defined by Figure 1, shall be computed as provided in Section V.B. of the amended Decree of the U.S. Supreme Court in New Jersey v. New York, 347 U.S. 995 (1954). The total diversion by the State of New Jersey shall not exceed an average of 100 mgd as a monthly average, with the diversion on any day not to exceed 120 million gallons, and its total diversion without compensating releases shall not exceed 100 mgd during any calendar year.

(3) Diversions by the City of New York and State of New Jersey set forth in Table 1 during "drought warning" and "drought" conditions as defined by Figure 1, shall be computed as a daily running average, commencing on the day such drought warning or drought operations become effective, as provided in subsection E of this Section. If the allowable diversion for any condition period following entry into drought warning operations is not fully used, the unused portion may not be credited or used during subsequent periods.

(4) Upon return to normal operations, following a period of drought warning or drought operations, diversions by the City of New York and State of New Jersey shall be computed as averages commencing upon the date of return to normal operations.

E. **Effective Period for Drought Operating Schedule**

(1) The schedule of diversions, releases and streamflow objectives for "drought warning" operations as provided in Subsection B shall go into effect automatically whenever the combined storage in the New York City Delaware Basin Reservoirs declines below the drought warning line, defined in Figure 1 and remains below that line for five consecutive days.

(2) The schedule of diversions, releases and streamflow objectives for "drought" operations as provided in Subsection B shall go into effect immediately whenever the combined storage in the New York City Delaware Basin reservoirs declines below the drought line defined in Figure 1, and remains below that line for five consecutive days.

(3) When the combined storage in the New York City Delaware Basin reservoirs (including the projected water runoff equivalent of actual snow and ice within the watersheds tributary to the reservoirs) reaches a level 15 billion gallon above the drought warning line, as defined in Figure 1, and remains above that level for five consecutive days, the drought warning and drought operations schedules set forth in Subsection B shall automatically terminate, and normal operations shall be resumed as provided in the Amended Decree of the U.S. Supreme Court in New Jersey v. New York, 347 U.S. 995 (1954).

(4) Pursuant to Section 3.3(a) of the Compact, the Parties to the

U.S. Supreme Court Decree in New Jersey v. New York, 347 U.S. 995 (1954), have given their unanimous consent to adoption and implementation by the Commission of the drought operation schedules provided in this section. The Parties have agreed that the drought operation formula will go into effect automatically, and be binding on parties for not less than 180 days following the triggering of drought warning operations, unless terminated automatically by improved storage conditions as provided in Subsection E.3. During the 180-day period following triggering of drought warning operations, authorized representatives of the City of New York, States of Delaware, New Jersey, and New York, and Commonwealth of Pennsylvania, as parties to the U.S. Supreme Court Decree, shall convene no less frequently than once each month to review current conditions, and they may extend, modify, or extend as modified the schedules provided in this section. If no unanimous agreement as to a continuing drought operation formula is reached within the 180-day period, all Parties shall be released from the terms of the formula and schedules and may pursue their rights and obligations under the Delaware River Basin Compact and the U.S. Supreme Court Decree.

2.5.4 **Drought Emergency Actions**

A. **Criteria Defining Conditions**

For purposes of water management pursuant to Section 3.3 and Article 10 of the Compact, the determination of drought warning and drought conditions shall be based upon the combined storage in the Cannonsville, Pepacton and Neversink Reservoirs, in accordance with Figure 1, entitled "Operation Curves for Cannonsville, Pepacton and Neversink Reservoirs". The division of the drought-warning zone into upper and lower halves shall be defined as a physically equal division, or 20 billions of gallons in each zone.

B. **Drought Emergency Declaration**

It is the policy for the Commission that a drought emergency will be declared for purposes of imposing mandatory in-basin conservation measures andother appropriate actions whenever combined storage in the New York City Delaware Basin reservoirs falls into the drought zone as defined in Figure 1 for five consecutive days. Termination of a drought emergency will be considered by the Commission whenever combined storage in the New York City Delaware Basin reservoirs reaches a level 40 billion gallons above the drought warning line as defined in Figure 1 and remains above that line for 30 consecutive days. The drought emergency will be terminated by the Commission whenever the combined storage in the New York City Delaware Basin reservoirs reaches 40 billion gallons above the drought warning line defined in Figure 1 and remains above that line for 60 consecutive days, unless the Commission unanimously agrees to extend the emergency.

Effect of Policy

This policy is not intended to extend, impair, or conflict with the Commission's authority under the Compact to delcare or terminate a drought emergency or water-shortage emergency in the Basin, or subregion thereof, in other instances as conditions may require.

An order adopting the regulations was filed with the Office of Administrative Law on August 3, 1983 as R.1983 d.343. Pursuant to N.J.S.A. 52:14B-2(a) and N.J.S.A. 32:11D-88, the regulations are exempt from the notice, comment, and other rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. These regulations are not subject to codification and will not appear in the New Jersey Administrative Code, but will be incorporated into Title 18, Part 410 of the Code of Federal Regulations. A chart concerning operation curves for Cannonsville, Pepacton and Neversink Reservoirs was submitted as part of the Commission's regulations. This chart can be inspected at:

Office of Administrative Law
Administrative Filings
88 East State Street
Trenton, New Jersey 08625

MISCELLANEOUS NOTICES

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code License Examinations

Notice is hereby given that Multi-State test modules for the following Uniform Construction Code license specialties will be given on October 22, 1983:

1. Building Inspector – RCS
2. Building Inspector – ICS
3. Electrical Inspector – ICS
4. Plumbing Inspector – ICS
5. Fire Protection Inspector – ICS
6. Inplant Inspector
7. Facility Fire Protection Supervisor
8. Elevator General

The final date for registration is September 14, 1983. Information concerning registration, location and the time schedule for the test modules can be obtained by calling or writing to:

Ms. Judy Gregorio
National Certification Program for Construction Code Inspectors
P.O. Box 2883
Princeton, NJ 08541
(609) 734-3683.

(b)

DIVISION OF LOCAL GOVERNMENT SERVICES

Intergovernmental Review of Federal Programs and Direct Development Activities
State Review Process

The Division of Local Government Services has prepared regulations for the review of applications by State and local governments, nonprofit organizations and areawide agencies for Federal financial assistance under qualifying programs. These regulations were developed pursuant to Presidential Executive Order 12372 and are published in this edition of the Register at 15 N.J.R. 1494(a)

A list of programs subject to the new State Review Process has been prepared and copies have been sent to the municipal and county chief executive officers. Copies of this list are available by writing to:

STATE REVIEW PROCESS
Urban Assistance Unit
Division of Local Government Services
363 West State Street
CN 803
Trenton, New Jersey 08625

Or by telephone at 609-292-9025.

ENVIRONMENTAL PROTECTION

(c)

PLANNING GROUP

Uranium Exploration, Mining and Processing

Public Notice

Take notice that the New Jersey Department of Environmental Protection pursuant to the authority of N.J.S.A. 13:15-5 will hold two public hearings to receive information on the possible dangers posed by uranium mining and production activities in New Jersey and to identify the issues that are of concern to the citizens of the State. These hearings are required in conjuction with the Department of Environmental Protection's legislative mandate to prepare a report ot the Governor and Legislature that identifies issues of concern and includes recommendations for the prohibition or regulation of uranium mining production activities in New Jersey.

Written and oral testimony concerning uranium in New Jersey will be received at public hearings to be held on:

September 13, 1983 at 7:00 P.M.
Jefferson Twp. Municipal Building
Weldon Road
Lake Hopatcong, New Jersey

September 14, 1983 at 7:00 P.M.
Hillcrest School Gymnasium
Mackapin Road
West Milford, New Jersey

The Department has prepared a background paper containing general information on uranium mining, potential environmental and health effects and the geographic areas of the State in which uranium is likely to be found. The paper may be obtained from:

Susan Aranoff
Planning Group
Department of Environmental Protection
Trenton, New Jersey 08625

Or in the office of the:

Township Clerk
Township of Jefferson

Township Clerk
Township of W. Milford

Copies of the background paper will also be available at the hearing sites.

The hearing record will remain open through September 24, 1983. Written comments should be submitted to:

Lawrence Schmidt, Assistant Director
Planning Group
Department of Environmental Protection
CN 402
Trenton, New Jersey 08625

LAW AND PUBLIC SAFETY

(a)

DIVISION OF MOTOR VEHICLES

Bulk Commodities Application

Public Notice

Take notice that Clifford W. Snedeker, Director, Division of Motor Vehicles pursuant to the authority of N.J.S.A. 39:5E.11, hereby lists the names 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)
B & R Trucking
2113 Glenwood Drive
Pt. Pleasant, NJ 08742

Contract Carrier (Non-Grandfather)
M. M. Wilson, Inc.
339 Fairmount Road
Long Valley, NJ 07853

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.

ADDITIONAL FILINGS

OFFICE OF ADMINISTRATIVE LAW NOTE: The following proposals were submitted and received by the Office of Administrative Law on time according to the proposal deadline schedule. However, because of technical difficulties and typesetting deadlines, the proposals could not be included in the Rule Proposals section in this Register and have, therefore, been placed under Additional Filings to facilitate their timely publication.

COMMUNITY AFFAIRS

(a)

DIVISION OF LOCAL GOVERNMENT SERVICES

Intergovernmental Review of Federal Programs and Direct Development Activities State Review Process

Proposed New Rule: N.J.A.C. 5:38 Proposed Repeal: N.J.A.C. 5:42

Authorized By: John P. Renna, Commissioner, Department of Community Affairs.
Authority: N.J.S.A. 52:27D-3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Barry Skokowski, Director
Division of Local Government Services
Department of Community Affairs
363 W. State Street
CN 803
Trenton, NJ 08625
Attention: State Review Process

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 1983-476.

The agency proposal follows:

Summary

The proposed new rules establish the State Review Process as a procedure for the review of applications by State agencies, local governments, nonprofit organizations and areawide agencies for Federal financial assistance under qualifying programs and for the review of direct Federal development actions as set forth in the Federal Register, Volume 48, Number 123, 24 June 1983. Pursuant to Presidential Executive Order 12372, it is intended to replace the intergovernmental consultation system developed under Federal Office of Management and Budget (OMB) Circular A-95 which has been rescinded by President Reagan's Executive Order 12372.

The proposed system places the review responsibility upon designated and appropriate State, areawide and local government agencies. The Department of Community Affairs, through the Division of Local Government Services, is responsible for coordinating and administering the Intergovernmental Review of Federal Programs (State Review Process) pursuant to Presidential Executive Order 12372. In accordance with the Executive Order and implementing Federal rules, the Director of the Division of Local Government Services is designated as the single point of contact for coordinating the review process. The Division also is responsible for reviewing, coordinating the transmitting the comments of State agencies, local governments and areawide agencies to the Federal funding agency.

Pursuant to Presidential Executive Order 12372 and implementing Federal rules, a review period of 30 days for noncompeting continuation awards; 60 days for financial assistance other than noncompeting awards; and 60 days for direct development activities of Federal agencies is provided.

The new rules also provide for the resolution of differences between applicants for Federal financial assistance and reviewing agencies.

The Federal Aid Project Notification and Review System rules (N.J.A.C. 5:42) are repealed because they were adopted pursuant to Federal Office of Management and Budget Circular A-95. The text of N.J.A.C. 5:42 may be found in the New Jersey Administrative Code.

Social Impact

The proposed new rules will have a positive social impact. It is expected that the rules will expedite the application review process. Furthermore, they will facilitate the identification and resolution of possible conflicts which may arise as a result of a funding request.

The proposed rules clearly define the lines of communication between the applicant for Federal financial assistance; the reviewing agencies; and the Department of Community Affairs through its Division of Local Government Services serving as the single point of contact for the State Review Process.

The rules implement a review system that will minimize duplication of effort with a consequent saving in time, money and effort on the part of State and local officials.

Economic Impact

The economic impact of the proposed new rules may be stated in terms similar to the Social Impact identified above. The impact will be found in the increased level of communication and awareness of project funding requests by State agencies and local governments. There are more than 300 programs eligible for review. The State Review Process will assist in the Coordination of funding strategies and aid in the identification of potentially conflicting situations where one grant proposal is in direct conflict with another.

The process proposed by these rules will assist in the identification of duplicative efforts and projects. In addition, it will encourage a higher level of coordination among all levels of government. Collectively, these activities will result in a saving of time, effort and money.

Full text of the proposed repeal can be found in the New Jersey Administrative Code at N.J.A.C. 5:42.

Full text of the proposed new rule follows.

CHAPTER 38
INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS AND DIRECT DEVELOPMENT ACTIVITIES

SUBCHAPTER 1. STATE REVIEW PROCESS

5:38-1.1 Applicability

These rules provide the procedures to be followed by State agencies, local governments, nonprofit organizations and areawide agencies when applying for Federal financial assistance and Federal direct development activities covered by Presidential Executive Order 12372 and implementing Federal rules.

5:38-1.2 Definitions

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

"Applicant" means a State agency, local government, areawide agency or nonprofit organization.

"Areawide agency" means an agency designated to perform metropolitan or regional planning for the area within which the assistance is to be used, and which is, to the greatest practicable extent, composed of or responsible to the elected officials of a unit of areawide government or of the units of general local government within whose jurisdiction such agency is authorized to engage in such planning as determined by the Federal Office of Management and Budget pursuant to the Demonstration Cities and Metropolitan Development Act of 1966, as amended.

"Days" means calendar days.

"Director" means the Director of the Division of Local Government Services within the State Department of Community Affairs who is the single point of contact as required by Presidential Executive Order 12372 and implementing Federal rules.

"Local government" means a local unit of government including a county, municipality, local public authority, special district, or any agency or instrumentality of a local government.

"Nonaccommodation" means a decision by a Federal agency that is not in accord with a State Process Recommendation regarding a request for Federal financial assistance or Federal direct development activity.

"Noncompeting continuation award" means Federal financial assistance the receipt of which is noncompetitive and continuing as defined by the individual Federal funding agencies.

"Nonprofit organization" means a public or private institution of higher education, hospital or other nonprofit organization such as, but not limited to, a community action agency, research institute, educational association, health center or social service agency.

"Qualifying program" means a program for Federal financial assistance subject to the State Review Process developed pursuant to Presidential Executive Order 12372.

"Review period" means the time designated by a Federal funding agency for the State to conduct the State Review Process review of an application for financial assistance under a qualifying program or direct Federal development activity.

"Single Point of Contact" means that agent designated by a State for intergovernmental review of application for Federal financial assistance and Federal direct development activities pursuant to Presidential Executive Order 12372 and implementing Federal rules.

"State Process Recommendation" means a statement representing a policy position of the State of New Jersey which may be transmitted to the Federal funding agency pursuant to Presidential Executive Order 12372 and implementing Federal rules.

"State Reviewing Agency" means a State department or agency designated to review applications for Federal financial assistance and Federal direct development activities as part of the State Review Process.

"Time for review" means the time available for the completion of the entire review process as set forth in these regulations.

5:38-1.3 Review period

(a) Pursuant to Presidential Executive Order 12372 and implementing Federal rules, except in unusual circumstances, to be determined by the Federal funding agency, the review period will be 30 days for noncompeting continuation awards; 60 days for financial assistance other than noncompeting awards; and 60 days for direct Federal development activities.

(b) Review periods established by Federal funding agencies for financial assistance are as follows:

DURATION OF REVIEW PERIODS

FEDERAL AGENCY	30 days/ non-competing continuation awards (1)	60 days/ financial assistance other than non-competing awards (1)	60 days/ all programs
ACTION	x	x	
Agriculture	x	x	
Commerce	x	x	
Defense			x
Education	x	x	
Energy	x	x	
Environmental Protection Agency	x	x	
Federal Emergency Management Agency			x
General Services Administration			x
Health & Human Services	x	x	
Housing & Urban Development	(2)	(3)	
Interior	x	x	
Justice	x	x	
Labor	x	x	
NASA			(4)
National Endowment for the Arts			x
National Science Foundation	x	x	
Postal Service			(4)
Small Business Administration			x
Transportation			x
Veterans Administration			x

(1) Areawide agencies are provided a 60 day review period for programs and activities subject to Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended.

(2) 30 days on proposed assistance under a covered mortgage insurance program or under the Urban Development Action Grant Program (UDAG).

(3) 60 days on proposed financial assistance other than a covered mortgage insurance program.

(4) Direct development activities only.

5:38-1.4 Review process; applications for financial assistance

(a) Prior to the submission of an application to a Federal funding agency for financial assistance under a qualifying program, the applicant and reviewing agencies shall adhere to the following procedures:

1. Provide the Director and appropriate reviewing agency(s) with an application review package as prescribed by the Director at least 30 days for noncompeting continuation awards, and at least 60 days

for financial assistance other than noncompeting awards, prior to submission of an application to the Federal funding agency as set forth in N.J.A.C. 5:38-1.3. The application review package will be defined in guidelines to be prepared in accordance with N.J.A.C. 5:38-1.12.

2. Applicants for Federal financial assistance shall submit the application review package to the appropriate reviewing agencies as identified in guidelines issued by the Director:

i. A State department shall simultaneously submit the application review package to:

(1) The Director;
(2) Office of the Governor;
(3) State reviewing agency(s);
(4) County reviewing agency(s); and
(5) Areawide agency(s).

ii. A county shall simultaneously submit the application review package to:

(1) The Director;
(2) Office of Governor;
(3) State reviewing agency(s);
(4) Adjacent county(s); and
(5) Areawide agency(s).

iii. A municipality shall simultaneously submit the application review package to:

(1) The Director;
(2) Office of the Governor;
(3) State reviewing agency(s);
(4) County of location; and
(5) Areawide agency.

iv. An areawide agency shall simultaneously submit the application review package to:

(1) The Director;
(2) Office of the Governor;
(3) State reviewing agency(s); and
(4) County(s) within service area.

v. A nonprofit organization shall simultaneously submit the application review package to:

(1) The Director;
(2) Office of the Governor;
(3) State reviewing agency(s);
(4) County reviewing agency(s) within service area; and
(5) Areawide agency.

vi. For purposes of 1i, ii, iii and v above, submission to areawide agencies shall be required only for those programs subject to Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended, as identified by the individual Federal funding agency.

3. The time for review shall commence upon receipt of the application review package by the Director.

4. Upon receipt of an application review package, the Director shall provide notice thereof to both the applicant and the reviewing agency(s).

5. The reviewing agency(s), when it chooses to comment, shall submit comments on the application review package to the applicant and the Director simultaneously. This submission shall be received by the Director prior to the termination of the time for review by at least 10 days for noncompeting continuation awards and 15 days for financial assistance other than noncompeting awards.

6. If conflicts or issues arise, the reviewing agency(s) and the applicant should seek to resolve their differences. The Director shall be notified by both the applicant and reviewing agency(s) of any changes or modifications in the proposal and review comments. Any resolution of differences and changes or modifications in the proposal or comments shall be accomplished prior to the submission of the application to the Federal funding agency within the time provided for review as set forth in (a)1 above.

5:38-1.5 Transmittal of review comments

(a) The Director shall review, coordinate and transmit to the Federal finding agency all comments received from reviewing agencies during the time for review. At his/her discretion, the Director reserves the right to transmit a State Process Recommendation to the Federal funding agency in addition to transmittal of all reviewing agency(s) comments.

5:38-1.6 Nonaccommodation of review comments

(a) Pursuant to Presidential Executive Order 12372 and implementing Federal rules, in those instances where the Federal agency cannot accommodate a State Process Recommendation forwarded by the Director, the Federal funding agency will provide the Director with an explanation of its nonacccomodation.

(b) The Director shall have 10 days to respond to the finding of nonaccommodation. The 10 day period shall commence on the date of the original explanation to the Director by the Federal agency.

(c) Under certain conditions (for example, emergency, statutory deadline) it may not be feasible for the Federal funding agency to wait the full 10 days before implementing its decision. When this condition prevails, the nonaccommodation explanation will include an explanation of the inability to provide the 10 day waiting period.

(d) Upon receipt of notification of nonaccommodation from a Federal funding agency, the Director shall notify the appropriate reviewing agency(s) and the applicant.

(e) Additional comments generated by the reviewing agencies during the 10 day review period shall be forwarded to the Director who shall review, coordinate and transmit these comments to the Federal funding agency. At his/her discretion, the Director reserves the right to transmit his/her own response to the Federal funding agency in addition to transmittal of all reviewing agency comments.

5:38-1.7 Interstate situations

(a) Pursuant to Presidential Executive Order 12372 and implementing Federal rules, in those cases where an action taken by a Federal agency with respect to financial assistance and direct Federal development activity will have an impact on interstate areas, the Federal agency will notify the affected states through their single point of contact. In New Jersey this is the Director of the Division of Local Government Services in the State Department of Community Affairs.

(b) Except in unusual circumstances (for example, emergencies, fiscal assistance awards at the end of the year) the Federal agency will provide the states at least 60 days for review before making a decision with respect to Federal funding assistance or direct Federal development.

(c) The Director upon notification of intended action shall notify the appropriate reviewing agency(s) as determined by the Director and coordinate the comments received with the other affected state(s) using the affected state's single point of contact.

(d) The Director shall review, coordinate and transmit to the Federal funding agency all comments received from reviewing agencies during the time for review. At its discretion, the Director reserves the right to transmit a State Process Recommendation to the Federal funding agency in addition to transmittal of all reviewing agency(s) comments.

(e) The procedure for nonaccommodation of comments and recommendations by the Federal agency is set forth in N.J.A.C. 5:38-1.6.

5:38-1.8 Direct Federal development

(a) Pursuant to Presidential Executive Order 12372 and implementing Federal rules, when a Federal agency undertakes an act of direct development, it shall notify the Director.

(b) The Director shall identify and notify the State, county, municipal and areawide agency(s) which may be affected by the proposed direct Federal development activity.

(c) Pursuant to Presidential Executive Order 12372 and implementing Federal rules, 60 days shall be provided for review of the proposed Federal action. The Federal agency reserves the right to reduce the period for review.

(d) The reviewing agencies shall forward comments to the Director at least 15 days prior to the date comments are due at the Federal agency.

(e) The Director shall review, coordinate and transmit to the Federal funding agency all comments received from reviewing agencies during the time for review. At its discretion, the Director reserves the right to transmit a State Process Recommendation to the Federal funding agency in addition to transmittal of all reviewing agency(s) comments.

(f) The procedures for nonaccommodation of comments and recommendations by the Federal agency shall be as set forth in N.J.A.C. 5:38-1.6.

5:38-1.9 Review of Federally required State plans

(a) Pursuant to Presidential Executive Order 12372, for State administered Federal programs which require a State Plan as a condition for funding, the State may simplify or consolidate the required State Plan or substitute a plan or other document developed by the State for its own purposes to meet Federal requirements:

1. Consolidate means that the State may meet statutory and regulatory requirements by combining two or more Federally required State plans into one document. The State may also choose the format, and select the submission date and planning period.

2. Simplify means that the State may develop its own plan format, choose its own submission date, and select the planning period covered by the plan for a Federally required State plan.

3. Substitute means that, unless prohibited by statute, the State may use a plan or other document that has been developed for its own purposes to meet Federal requirements.

(b) State plans required by the Federal Government that are eligible for modification under Presidential Executive Order 12372 are set forth in the Federal Register, Volume 48, Number 123, June 24, 1983.

(c) Any proposed plan simplification, consolidation or substitution shall be submitted to the following for review and comment on the impact of the proposed simplification, consolidation or substitution:

1. The Director;
2. Office of the Governor;
3. State reviewing agency(s);
4. County reviewing agency(s); and
5. Appropriate areawide agency(s).

(d) Reviewing agencies shall be accorded a minimum of 30 days to evaluate the proposed simplification, consolidation or substitution.

(e) Reviewing agencies, if commenting, shall forward copies of comments directly to the Director and the State agency requesting the review.

5:38-1.10 Environmental reviews

(a) Direct Federal action and specific programs listed in the Catalog of Federal Domestic Assistance may require an environmental assessment or an Environmental Impact Statement (EIS) under Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA) and Presidential Executive Order 11514 of March 4, 1970.

(b) When submission of such environmental information is required by a Federal agency, this environmental information including any Finding of No Significant Impact, shall be submitted to the Commissioner of New Jersey Department of Environmental Protection as the State agency responsible for review and comment under provisions of NEPA and Presidential Executive Order 11514.

5:38-1.11 Duration of approval

An application for financial assistance under a qualifying program that has completed the State Review Process, but has not been approved by the Federal funding agency, shall be resubmitted for the State Review Process if the same application is resubmitted to the Federal funding agency more than one year after the completion of its review by the State Review Process.

5:38-1.12 Guidelines

The Director shall prepare, revise, as necessary, and distribute guidelines for the direction of applicants and reviewing agencies as deemed appropriate.

LAW AND PUBLIC SAFETY

(a)

BOARD OF PSYCHOLOGICAL EXAMINERS

Academic and Professional Experience Requirements for Licensure; Examinations; Misconduct; Psychological Work by Members of Other Professional Groups

Proposed Readoption with Amendments: N.J.A.C. 13:42

Authorized By: State Board of Psychological Examiners, Clement Cardillo, Chairman.
Authority: N.J.S.A. 45:14B-13, 45:14B-24(e) and 45:1-3.2.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clement Cardillo, Chairman
Board of Psychological Examiners
1100 Raymond Boulevard, Room 512
Newark, NJ 07102

The Board of Psychological Examiners thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on January 17, 1984. The readoption of the existing rules becomes effective upon acceptance for filing by the Office of Administrative Law of a notice of their readoption. The concurrent amendments become effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1983-483.

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), the "sunset" provision, the State Board of Psychological Examiners proposes to readopt its regulations (N.J.A.C. 13:42). The rules were first adopted in January of 1979. They specify the educational, experiential and examination requirements for licensure as a psychologist in New Jersey set out a partial guideline of activities deemed to be misconduct in the practice of psychology and specify limitations on advertising.

The Board has reviewed and revised its regulations over approximately two years, taking into account the comments and inquiries they have received as to the operation of the regulations. The proposed readoption contains extensive revisions of the current text to make the rules more efficient and understandable. For example, the proposed amendments include definitions of professional psychological services, psychological principles and procedures; restate with more precision and requirements for an allied degree; and alter, to reflect the realities of practice, the required number of client contact hours of experience necessary for licensure; amend the definition of misconduct of a psychologist by adopting specific ethical standards which provide grounds for disciplinary action against a board licensee; and include specific requirements for proper advertising and provide the criteria which must be met to qualify as a member of another professional group exempt from the requirement of licensure under the Act.

Social Impact

The rules have promoted the legislative objective to assure the public will receive competent psychological services by clearly setting out standards of education, experience and examination necessary to qualify for licensure, and by more precisely defining standards of professional conduct to guide licensees. If the rules are not readopted, candidates for licensure will be without regulatory guidance as to the specific experience and education they should obtain in order to qualify for licensure. Psychologists would also have a less clear picture of the type of activity deemed to be professional misconduct with consequent adverse effects on the members of the public served by them.

The proposed revisions will provide to licensees and potential licensees a clearer statement of the qualifications necessary for licensing under the Act, of their ethical responsibilities, of prohibited conduct which may result in disciplinary action and will provide a clearer statement to unlicensed individuals of what qualifications they must possess in order to be exempt from licensure.

Economic Impact

With the exception of the changes in the fee structure, the readoption of the presently existing rules will not present any additional economic impact upon licensees, candidates for licensure or the general public.

The fees currently charged by the Board of Psychological Examiners have remained unchanged since 1979, some have not been changed since a much earlier date, despite continuous inflationary pressures. As a result, Psychological Board income has not kept pace with expenses, thus leaving the Board to operate at a deficit. The Board is mandated by statute to eliminate the deficit and become self-supporting. The proposed fee structure is devised to balance income with the anticipated budget in an equitable manner by spreading the increased fees among all candidates, licensees and permit holders.

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

SUBCHAPTER 1. GENERAL PROVISIONS

13:42-1.1 Examination review procedure

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

(a) A candidate who fails the American Association of State Psychology Boards sponsored written examinations, may request a review of papers and grades as available. The candidate shall be responsible for payment of any fees required by the American Association of State Psychology Boards. Such a request must reach the Board secretary in writing within 45 days of the date of the letter of notification of examination results. The secretary shall subsequently arrange a mutually convenient date for the candidate and a Board examiner to review the materials at the Board office.

(b) A candidate who fails the oral examination of professional practice may request a review of the examination. Such request must reach the Board secretary in writing within 45 days of the date of the letter of notification of examination results. The Board secretary will make the tape of the oral examination available to the candidate at the Board office on a mutually convenient date.

(c) Following review of the examination, a candidate who fails the oral examination may request an appeal of the decision. Requests for appeal shall only be granted upon a showing of good cause. Such requests must reach the Board secretary in writing within 45 days of the date of the examination review. For purposes of establishing good cause required for this subsection, the Board shall consider the following:

1. Good cause for deferral of the results of an examination shall be limited to proof of unusual circumstances surrounding the examination which adversely and significantly influenced the candidate's performance or proof that the scope of the examination conducted did not sufficiently address the candidate's professional work sample.

2. Good cause for reversal of the results of an examination shall be limited to proof of examiner bias toward the candidate, the candidate's orientation or kind of work, or proof of a substantial and material error on the part of the examiners.

(d) Should an appeal be granted, the Board may decide the appeal based on written material submitted and/or the taped examination. The Board may also appoint a subcommittee which shall be designated to make a recommendation on the matter to the Board after conducting an inquiry or investigation deemed necessary by the subcommittee. Should a subcommittee be designated to make a recommendation on the matter, it shall subsequently present to the Board the following:

1. The basis for the appeal;

2. The reasons advanced for changing the Board's previous decision;

3. The reasons supporting the Board's previous decision; and

4. Its recommendation either to sustain, overturn or modify the Board's previous decision and the reasons for that recommendation.

(e) A letter shall be mailed to the candidate with the Board's decision and the reasons for that decision promptly after the subcommittee's presentation to the Board.

13:42-1.2 Fees

(a) Charges for examinations, licensure and other services are:

1. Application fee: [$30.00] **$50.00**.
2. Examination fee: [$75.00] **$125.00 written, $25.00 oral**.
   i. Re-examination fee: **$125.00 written, $25.00 oral**.
3. Initial license fee [-]: annually proprated to end of biennial period: [$30.00 (annual)] **$100.00 (biannually)**.
4. License renewal fee, biennial: [$60.00] **$100.00**.
5. Late renewal fee [-] [plus renewal fee] **in addition to biennial renewal:** [$20.00] **$25.00**.
6. Reinstatement fee [-] [plus renewal fee] **in addition to biennial renewal fee:** [$60.00] **$75.00**.
7. **Reciprocity: $75.00.**
8. **Temporary permit: $25.00.**
9. **Replacement wall certificate: $20.00.**
10. **Verification of licensure: $15.00.**
11. **Notice of licensure: $10.00.**

(b) It is the candidate's responsibility to see that all mandated fees reach the Board office as follows:

1. Application, examination, re-examination and reinstatement fees are required to initiate Board action in one's behalf.

2. An initial license fee is required upon notice of successful completion of candidacy and before issuance of a license.

3. A license renewal fee must reach the Board office by June 30 of the renewal year in order to avoid a late renewal fee.

4. A late renewal fee must reach the Board office by December 31st of the renewal year in order to avoid removal from the licensee lists and a reinstatement fee prior to reinstatement.

13:42-1.3 Licensee to display notice

(a) Every licensee shall prominently display in [a conspicuous location in their office] **every place of conducting independent practice** the following notice:

> (Name of Individual) is licensed by the Board of Psychological Examiners, an agency of the Division of Consumer Affairs. Any member of the consuming public [having a complaint concerning the manner in which this practice is conducted should notify the Board of Psychological Examiners at Room 329, 1100 Raymond Boulevard, Newark, New Jersey, 07102, or the Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey, 07102] **may notify the Board of any complaint relative to the practice conducted under this license at the Board of Psychological Examiners, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07102.**

13:42-1.4 Unlicensed practice of psychology

(a) The unlicensed practice of psychology occurs if either of the following is present:

1. Offering or rendering of professional psychological services for a fee, monetary or otherwise, by an unlicensed person who is not otherwise explicitly exempted from the Act; or

2. Use of any title or description which implies the individual is a psychologist or is an expert or has special competence in the field of psychology which implies the offering or rendering of professional psychological services or the use of psychological principles or procedures or implies that such person is licensed under this Act.

(b) Definitions of terms are as follows:

1. Professional psychological services include, but are not limited to, the use or advertisement of the use of, the theories, principles, procedures, techniques or devices of psychology, for a fee, monetary or otherwise. Such services include but are not limited to:

i. Psychological assessment of a person or group including but not limited to: administration, scoring and interpretation of psychological tests and devices for the purpose of educational placement, job placement, job suitability, personality evaluation, intelligence, psycho-diagnosis, treatment planning and disposition; career and vocational planning and development, personal development, management development, institutional placements, assessments in connection with legal proceedings and the actions of state agencies including but not limited to divorce, child custody cases and criminal cases.

ii. Psychological intervention to promote optimal development or growth or to ameliorate personality disturbances or maladjustments of an individual or group including but not limited to: individual psychotherapy, group therapy, family systems therapy, organizational development.

iii. Consultations to individuals, groups, organizations, state agencies and the courts where actions affecting the optimal development of individuals or amelioration of personality disturbances and maladjustments of individuals and groups are based upon psychological principles, theories, assessments and interventions. This includes but is not limited to consultation to: organizations, institutions and agencies, the courts municipalities, and the police, and to individuals and groups.

2. Psychological principles are operating assumptions derived from the theories of psychology that include but are not limited to: personality, motivation, learning and behavior systems, psychophysiological psychology, cognitive psychology and psychological measurement.

3. Psychological procedures are applications which employ the principles of psychology and associated techniques, instruments and devices. These procedures include but are not limited to: psychological interviews, counseling, psychotherapy, psychological assessments, and the development of assessment methods, including but not limited to: mental states, aptitude, interests, attitude, behavior, intellectual abilities and emotional states.

(c) A person not licensed under this Act is prohibited from implying licensure under the Practicing Psychology Licensing Act by using:

1. A title or description which would lead a reasonable person to think that the person is a licensed psychologist; or

2. A title or description which when combined with other circumstances (for example, a graduate degree in psychology or an allied field, membership in psychological organizations, training or certification in applied psychological methods, professional association and identification with licensed psychologist) would lead a reasonable person to think that the practitioner is a licensed psychologist.

SUBCHAPTER 2. ACADEMIC AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR LICENSURE

[13:42-2.1 Degree in closely allied field]

[(a) For the purpose of determining whether a doctoral degree is one in a "closely allied field" as set forth in N.J.S.A. 45:14B-17(a), the following areas of graduate study, in addition to a dissertation psychological in nature, must be included in the applicant's record:

1. Psychological Measurement and/or Assessment - six credits;
2. Psychological Therapy and/or Counseling - six credits;
3. Personality Theory and Human Development Theory - six credits;
4. Psychopathology - six credits;
5. Learning Theory - six credits;
6. Research and Statistical Design - six credits.

(b) In the event of a deficiency in one of the above areas, the Board may, in its discretion, award up to six credits for the dissertation in substitution if it is psychological in nature, if the Board has not already provided credit for this work. If there is a question about the psychological nature of the dissertation or courses the determination will be made by the Board with the advice of the Chairman of the graduate department of psychology of the degree-granting institution.]

[13:42-2.2 Allied degree]

[A doctoral degree in a "field allied to psychology" shall be obtained from an educational regionally accredited institution accredited by the Middle States Association of Colleges and Schools. Such degree must be based upon at least 40 graduate credit hours specifically in the field of psychology. The applicant shall also submit evidence of an additional 20 credit hours, also specifically in the field of psychology but which do not have to be obtained as part of the doctoral program. Such credits may have been granted at a predoctoral or post-doctoral level and must be obtained as part of an educational (training) program in a regionally accredited institution.]

13:42-2.1 Allied degree

(a) A doctoral degree in a "field allied to psychology" as set forth in N.J.S.A. 45:14B-17(a) shall be obtained from a regionally accredited educational institution or one which is recognized by the New Jersey State Board of Education. This accreditation will be accepted as long as the following criteria are met:

1. No more than one-third of the doctoral credits are transferrable from other graduate programs and other graduate schools;

2. Credits from regionally non-accredited schools may not be transferred;

3. A residency requirement of personal matriculated attendance during at least one continuous academic year, defined as the period between the time school opens in the institution after the general summer vacation until the next succeeding summer vacation shall begin (but no less than eight months), of doctoral study is enforced:

4. The accrediting body is generally recognized within the national academic community.

(b) The doctoral degree must be based upon at least 40 doctoral credit hours earned specifically within the field of psychology and within one doctoral program. The applicant shall submit evidence of an additional 20 credit hours, also specifically in the field of psychology, but which do not have to be obtained as part of the doctoral program. Such credits may have been granted at a pre-doctoral or post-doctoral graduate level and must be obtained as part of an educational program in a regionally accredited institution.

(c) Thirty-six of the required 60 credit hours specifically in the field of psychology must be distributed across the following areas of graduate study:

1. Personality Theory and Human Development Theory - six credits;

2. Learning Theory and/or physiological Psychology - six credits;

3. Psychological Measurement and/or Assessment - six credits;

4. Psychopathology - six credits;

5. Psychological Therapy and/or Counseling - six credits;

6. Research and Statistical Design - six credits.

(d) The doctoral dissertation must be psychological in nature. If there is question about the psychological nature of the dissertation or courses, the determination will be made by the Board with the advice of the chairperson of the graduate department of psychology of the degree-granting institution and after consulting with the chairperson of the graduate department in which the degree was earned.

(e) Up to six credits may, in the Board's discretion, be awarded for a dissertation which is psychological in nature. These credits may be used either to satisfy the requirement of having at least 40 doctoral credit hours specifically within the field of psychology and earned within one doctoral program, or to satisfy a credit deficiency in one or more of the required distribution areas of doctoral study.

13:42-2.[3]**2** Equivalent Training

[In interpreting the "otherwise had training" clause of N.J.S.A. 45:14B-17(a), the Board may in its discretion after review admit an applicant for licensure to an examination who has exhibited "exceptional merit" in the field of applied psychology as determined by the Board upon application to it if such person holds an earned doctorate, the dissertation of which is clearly psychological in nature.]

(a) A candidate may be admitted to licensing examination pursuant to N.J.S.A. 45:14B-17(a) where the following equivalent training is demonstrated:

1. Applicant has an earned doctorate;

2. Applicant's dissertation is clearly psychological in nature;

3. Applicant has extensive experience in the field of applied psychology for at least five years after receiving an earned doctorate, a period of time extending up to the time of application.

4. Applicant has evidence of substantial post-doctoral study and training;

5. Evidence is presented that the applicant's work in the field of applied psychology is generally accepted by the local and/or regional psychological community as meeting the standards of professional psychological practice and contributing substantially to that community.

(b) After reviewing the above equivalent training, the Board may, in its discretion, admit the applicant to the examination process for licensure.

13:42-2[4]**3** Student of psychology

"Student of psychology" as set forth in N.J.S.A. 45:14B6c shall be interpreted to mean a person who is presently registered at a regionally accredited institution and is there matriculated into a graduate program of study leading toward a doctoral degree in psychology or an allied field. In addition, the student transcript (or previous transcripts accepted by the degree-granting college or university as specifically supportive of the present graduate program leading toward the graduate degree) shall reflect academic training specific to the duties assigned the student engaged in such psychological practice. Furthermore, any cognitive material or experience gained within the supervision of such practice shall be considered an enrichment to, rather than a substitute for, the above required academic training. The student shall also receive credit from the degree-granting institution for this experience.

13:42-2.[5]**4** Supervised experience

[(a) With respect to the supervised experience requirement as set forth in N.J.S.A. 45:14B-17(b), the following shall be applicable.

(b) The processing of a candidate's application is dependent upon successful completion and documentation of a minimum of two years of supervised experience, one year of which shall have been post-doctoral.]

(a) As prescribed in N.J.S.A. 45:14B-17(b), "supervised experience" shall mean psychological practice that meets the following criteria:

1. Unsupervised independent practice by the candidate is prohibited. **Supervised practice shall be conducted in accordance with the followng requirements:**

i. The candidate's clients shall include only those who have been approved in advance by the supervisor(s).

[2.]**ii.** The professional work of the candidate throughout the period of supervision must be reviewed weekly by the supervisor(s), in whole or in part, on a face-to-face individual basis with the candidate. [for an average of at least one hour per week throughout the period of supervision for every five clients. No more than five candidates shall be under concurrent supervision by the supervisor.]

iii. The final professional responsibility for the welfare of the client rests with the supervisor(s).

[3. Supervisors are required to attest to compliance with paragraphs 1 and 2 of this subsection, using forms provided by the Board for that purpose, indicating the dates during which the candidate has been under their supervision, the nature of the cases assigned, and the proficiency rating earned by the candidates.

4. The equivalent of one year of full-time practice is set at a minimum of 1750 hours, equal to but no more than 35 hours per week on a 50-week per year basis.

5. Supervised experience not completed prior to the filing of an application for licensure, unless conducted in a facility expressly permitted by law (N.J.S.A. 45:14B-6c), will require the issuance of a 3-year temporary permit (45:14B-6f), obtainable by the following procedures:

i. Filing the application with all supporting materials.

ii. Submission of request in writing for a three-year temporary permit.

iii. Arranging for the supervisor to provide the Board with a written statement detailing the planned hours of supervised time, hours of practice required for the candidate to qualify for admission to examination and/or licensure, the nature of the work assignments planned, and evidence that the supervisor meets the requirements of N.J.S.A. 45:14B-17(b).

iv. Estimated date of completion of supervised experience.

6. Documentation of supervised experience for holders of temporary permits shall be filed with the Board by both the candidate and the supervisor(s), individually and in confidence, every six (6) months for evaluation of the candidate's progress. The candidate is responsible in this regard for the supervisor's cooperation.

7. Under no circumstances are fees for client services to be billed or accepted by the candidate. The supervisor retains full professional responsibility for assessing and collecting fees from clients. However, the supervisor may indicate that the services are rendered in association with a supervisee.

8. Any questions concerning the implementation of all or any part of this policy shall be directed in writing to the Board of Psychological Examiners for its consideration and ruling.]

iv. The supervisor retains full professional responsibility for assessing and collecting fees from clients. Under no circumstances are fees for client services to be billed or accepted independently by the candidate.

v. The candidate must inform potential clients in writing of his or her candidate status, lack of license, and of the possibility that insurance companies may not reimburse services rendered by a non-licensed person.

vi. Fees must be commensurate with the candidate's status and experience when compared to those asked by licensed psychologists in the local area. It is the candidate's responsibility to justify any fees charged in light of this requirement.

vii. Outside of legally exempt settings (N.J.S.A. 45:14B-6(a), (b) and (c)), a candidate shall not conduct more than 20 client hours per week and, shall limit supervised work to the number of clients and client hours per week that gives every possibility of professional client service.

2. A supervisor must:

i. Be a licensed psychologist for at least three years prior to beginning supervision, or

ii. Be clearly eligible for licensure. Such eligibility requires:

(1) Possession of an earned doctorate in psychology or in a closely allied field from a recognized educational institution; and

(2) Possession of an earned doctorate during the time of supervision;

(3) Demonstration of substantial experience in the field of applied psychology or, in the case of a psychiatrist, demonstrated substantial experience in the practice of psychotherapy; and

(4) In the delivery of psychological/psycho-therapeutic service, supervised practice of work in a professional setting must be verified that may be reasonably judged equivalent to the two years of supervision mandated by N.J.S.A. 45:14B-17(b).

iii. A supervisor may not supervise more than five candidates at a given time.

iv. A supervisor must attest to the candidate's compliance with (a)1 above and to his satisfaction of the requirements enumerated in (a)2 above. On forms provided by the Board, a supervisor must also indicate the dates during which the candidate has been under supervision, the nature of the cases assigned, and the proficiency rating earned by the candidates.

3. The equivalent of one year of full-time practice for a candidate is set at a minimum of 1,750 hours which must include at least 1,000 client contact hours and 200 hours of supervision of which 100 hours must be face-to-face supervision with no more than 20 client contact hours per week and a minimum of four hours of supervision per week on a 50 week basis.

13:42-2.5 Temporary permit

(a) Pursuant to N.J.S.A. 45:14B-6(e), a temporary permit may be issued for the independent practice of psychology for a period not to exceed one year.

1. The temporary permit may be renewed in the discretion of the Board as long as the total time under this permit does not exceed one year.

2. The Board, in its discretion, may issue the temporary permit to the following persons upon their filing of an application for licensing under the Act:

i. A psychologist who is licensed in another state, while that psychologist is completing the requirements of the New Jersey examination process.

ii. A person with an earned doctorate in psychology or an allied field from a recognized educational institution who has completed the supervised experience required for licensing under this Act and who has been for at least five years post doctorate in the active practice of applied psychology and who has demonstrated exceptional merit in that practice; while that psychologist is completing the requirements of the New Jersey examination process.

3. In the event that the temporary permit is granted to a candidate who has passed the written examination but has not presented the Board with a case study for oral examination, the candidate shall have 45 days from the date of issuance of the permit to submit the written case to the Board office. Failure to meet this deadline means automatic revocation of the temporary permit.

4. In the event of failure of either the written or oral examination the continuance of the temporary permit is conditioned upon the candidate meeting the following requirements:

i. Immediate appearance before a committee of the Board by the candidate to review the current caseload;

ii. Demonstration to the satisfaction of the Board that the welfare of the public is protected by continuation of the permit;

iii. Acceptance of such limitations as the Board may deem necessary to assure competent psychological practice.

5. A candidate for New Jersey licensure shall be responsible for the completion of the examination process within the time allotted before the expiration of the temporary permit. The candidate must assume only the number and kind of cases that could be transferred to a licensed psychologist should there be a failure in the examination and/or the expiration or revocation of the temporary permit not to exceed one year.

(b) A temporary permit not to exceed a total of three years pursuant to N.J.S.A. 45:14B-6(f) may be granted to a candidate for licensure who has satisfied the following requirements:

1. Filed an application for licensure with all required supporting materials.

2. Has otherwise met all the requirements for admission to examination except the requisite number of hours of supervised psychological practice.

3. Requested in writing the issuance of this temporary permit for the purpose of meeting the supervision requirement.

4. Arranged for a supervisor who has been licensed as a psychologist in New Jersey for at least two years and who has no more than four other candidates for licensure under supervision.

5. Arranged for the supervisor to provide the Board with a written statement detailing the planned hours of supervised time per week, the nature of the work assignments and the estimated date of completion of the supervised experience.

(c) A holder of the temporary permit allowed in N.J.S.A. 45:14B-6(f) is responsible for the following:

1. Documentation of supervised experience under the permit on such forms as the Board may require under the permit shall be filed with the Board by both the candidate and the supervisor(s), individually and in confidence, every six (6) months for evaluation of the candidate's progress. The candidate is responsible in this regard for the supervisor's

cooperation.

2. Supervised practice must follow the norms mandated in N.J.A.C. 13:42-2.4(a)1.

3. Requisite supervisory hours should be obtained and the examination process should be successfully completed within the time allotted in the temporary permit. The candidate should undertake only the number and kind of cases that could be readily transferred to a licensed psychologist should he fail to complete the examination process successfully within the term of the permit.

4. In the event of failure of either the written or oral examination the continuance of a permit is conditioned upon the candidate meeting the following requirements:

i. Immediate appearance before a committee of the Board by the candidate and supervisor to review the current caseload;

ii. Demonstration to the satisfaction of the Board that the welfare of the public is protected by continuation of the permit;

iii. Acceptance of such limitations as the Board may deem necessary to assure competent psychological practice.

5. For applicants already employed in an exempt setting pursuant to N.J.S.A. 45:14B-6(a), and (b), a temporary permit may be granted for the following reasons:

i. To increase the number of actual client contact hours up to the permitted 20 hours per week;

ii. To obtain experience with clients that the candidate intends to work with and in therapy of the kind the candidate intends to use under a license and which are unavailable in the exempt setting;

iii. To experience working with a given supervisor whose orientation and experience is different from that of the supervisor in the exempt setting, in order to broaden the candidate's training.

SUBCHAPTER 3. EXAMINATIONS

13:42-3.1 American Association of State Psychology Boards Exam; required

(a) All candidates who have been admitted to sit for examination shall take the American Association of State Psychology Boards **(AASPB)** sponsored examination. A satisfactory score is defined minimally as one standard deviation below the national mean **of all doctoral level candidates taking the examination on a given date.** [Candidates shall submit a typed work sample and be orally examined by at least two Board members upon passing the written examination.]

(b) All candidates passing the written examination shall then take an oral examination of their professional practice based on a work sample in accord with guidelines to be supplied to the candidate by the Board and as follows:

1. A current work sample representative of the candidate's present practice shall be presented prior to the oral examination.

2. The work sample shall be specified as being in the area of clinical, counseling, industrial or social psychology.

3. The text of the work sample shall be between 15 and 20 pages in length, typed and double-spaced. All tests and protocols used as the basis for professional intervention shall be presented as appendices.

13:42-3.2 Out-of-State psychologists; examination

(a) Psychologists licensed in another state, who [did not pass] **have not passed the AASPB sponsored written examination** at the minimal level established by [this] **the** Board [shall take the examination sponsored by the American Association of State Psychology Boards and submit such current scores to the Board.] **and in effect at the time of application shall take and successfully pass that examination and shall be deemed otherwise eligible before being admitted to oral examination.**

(b) [Psychologists who have successfully passed the American Association of State Psychology Boards examination at the minimal level required by the Board of Examiners of the State of New Jersey] **Any applicant who has previously taken the AASPB sponsored examination in another state and who has successfully passed at the minimal level established by the Board and in effect at the time of application,** and who have been deemed otherwise eligible [may] **shall** be admitted to oral examination.

13:42-3.3 License without examination

(a) Psychologists who hold a diploma from the American Board of Professional Psychology [in the following specialties, Clinical, Counseling, School, and Industrial or any other specialty to be awarded in the future, and whose diplomas were] awarded by examination will be licensed following satisfactory completion of an oral interview with the Board[,] or designated [member or] member(s) thereof.

[(b) If such psychologists were awarded diplomas in these specialties (or in any to be established) without examination, the Board may in its discretion issue a license upon examination of credentials, or by full (written and oral) or partial (written or oral) examination as the Board deems necessary in order to evaluate the applicant's competence to practice psychology.]

(b) If such diplomas were awarded without examination, the Board in its discretion may require any of the following prior to issuing a license:

1. Examination of credentials;

2. Passing of the written or the oral examination; or

3. Passing of both the written and oral examinations.

(c) The decision in this matter shall rest upon the Board's determination of what may be necessary to evaluate the applicant's competency to practice psychology.

13:42-3.4 Failure of examination

[The oral examination shall be administered following the successful completion of the written examination. Failure in either the written or oral segment of the examination, but not both, shall entitle the Board to limit re-examination to the segment failed. An unsuccessful candidate may obtain review of his/her examination results at the Board's offices with at least one of the oral examiners present.]

(a) Failure in either the written or oral segments of the examination, but not both, shall entitle the Board to limit re-examination to the segment failed.

1. The written examination may be retaken at any subsequent scheduled examination session provided that the applicable requirements of N.J.A.C. 13:42-1.2(a) and (b) have been satisfied.

2. The oral examination may be taken only as follows:

i. First re-examination: at least six months after the date of first examination;

ii. Second re-examination: at least one year after the date of the second examination;

iii. Successive re-examination: at least one year after the date of the previous reexamination and after having shown proof of meeting any additional professional training required by the Board before admittance to a subsequent examination;

iv. In every instance, the applicable requirements of N.J.A.C. 13:42-1.2(a) and (b) must have been satisfied.

SUBCHAPTER 4. MISCONDUCT DEFINED FOR PURPOSES OF N.J.S.A. 45:14B-24

13:42-4.1 Misconduct; generally

(a) Misconduct, as grounds for revocation, suspension, refusal to renew or grant a license shall include but not be limited to the following:

1. Misconduct in the practice of psychology by persons licensed by the State Board of Psychological Examiners:

i.–xvi. (No change.)

[xvii. Failing on the part of candidates for licensure under supervision to be guided by the ethical standards of the American Psychological Association presently in effect and as adopted by the Board.]

xvii. Participating in a conflict of interest may include:

(1) Dual relationships which could limit objectivity, impair professional judgement or increase risk of exploitation. Examples of such dual relationships include but are not limited to research using or treatment of employees, tenants, students, supervisees, close friends or relatives.

(2) Within an institution or agency, failure to attempt to prevent distortion, misuse or suppression of psychological findings.

(3) Failure to attempt to prevent misuse of licensee's influence due to personal, social, organizational, financial or political situations and pressures.

(4) Exploitation of the trust and dependency of clients.

(5) Failure to inform all parties involved in a conflict of interests that has arisen of the nature and direction of the loyalties and responsibilities involved, and to take appropriate action.

xviii. In the undertaking of research, failure to:

(1) Minimize the possibility that the findings will be misleading.

(2) Provide thorough discussion of the limitations of their data and alternative hypotheses, especially where the work touches on social policy or might be construed to the detriment of persons in specific age, sex, ethnic, socioeconomic or other social groups.

(3) Reveal contrary or disconfirming data, or acknowledge the existence of alternative hypotheses and explanations of their findings.

(4) Disclose the actual authors of work in proportion to their professional contribution.

(5) Treat research participants ethically and ensure ethical treatment of research participants by collaborators, assistants, students and employees.

xix. In supervisory positions, failure to:

(1) Provide adequate and timely evaluations where required to employees, trainees, students and others whose work they supervise.

(2) Provide informed choice, confidentiality, due process and protection from physical and mental harm to their subordinates.

(3) Provide appropriate working conditions, constructive consultation, and experience opportunities.

xx. Failure to accurately and objectively represent their competence, education, training and experience. For example, psychologists should not claim as evidence of professional qualifications any degree which was not obtained from an accredited academic institution or one acceptable under the rules of the New Jersey State Department of Higher Education.

xxi. In financial arrangements with clients, failure to:

(1) Safeguard the best interests of the client.

(2) Ensure that clients understand financial arrangements in advance of incurring a financial obligation to the psychologist including but not limited to specifying what the fee is, whether and to what extent it will be covered by insurance or by other third party coverage and whether the psychologist will accept installment payments.

(3) Assist clients in finding needed services in the instances where payment of the usual fee would be a hardship.

(4) Refuse the giving or receiving of a commission, rebate or other form of remuneration for referral of clients for professional services, whether by an individual or by an agency.

xxii. Failure to ensure competence consistent with their professional responsibilities including:

(1) The seeking of continuing education such as training, experience or counsel.

(2) As teachers, careful preparation so that their instruction is accurate, current and scholarly.

(3) Undertaking any activity in which their personal problems are likely to lead to inadequate performance or harm to a client, colleague, student or research participant, or failure to seek competent professional assistance in order to determine whether to suspend, terminate or limit the scope of their professional and/or scientific activities when personal problems arise.

(4) Failure to remain abreast and follow relevant Federal, State and local statutes and regulations and standards of practice concerning their practice of the profession.

(5) Engaging in or condoning practices that are inhumane or result in illegal or otherwise unjustifiable discrimination on the basis of race, handicap, age, gender, sexual preference, religion or national origin in hiring, promotion or training.

(6) Failing to have an understanding of psychological or educational measurement, validation problems, and other test research while undertaking responsibility for decisions involving individuals or policies based on test results.

xxiii. Improper advertising:

(1) Definitions

(A) The term "advertisement" shall mean any attempt directly or indirectly by publication, dissemination or circulation in print or electronic or miscellaneous media which directly or indirectly induces or attempts to induce any person or entity to purchase or enter into an agreement to purchase services, treatment, or goods related thereto from a Board licensee.

(B) "Board licensee" shall mean any professional licensee of the New Jersey State Board of Psychological Examiners.

(C) The term "routine professional service" shall refer to a service which a board licensee or professional association routinely performs.

(D) The term "print media" shall include newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, direct mail, matchcovers and other items disseminated by means of the printed word.

(E) The term "electronic media" shall include but not be limited to radio and television, telephone and other electronic means of communication.

(F) Miscellaneous media is to include aerial displays, sound equipment from a motor vehicle and any other advertising promotional media.

(G) The term "range of fees" shall refer to an expressly stated upper and lower limit on the fees charged for services or goods offered by a Board licensee.

(2) A Board licensee may provide information to the public by advertising in print or electronic media.

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

(A) Any statement, claim or format which is false, fraudulent, misleading or deceptive.

(B) Any misrepresentation of a material fact.

(C) The suppression, omission or concealment of any material fact under circumstances in which a Board licensee knows or should know that the omission is improper or prohibits a prospective patient from making a full and informed judgment on the basis of the information set forth in the advertisement.

(D) Any claim that the service performed or the materials used are professionally superior to that which is ordinarily performed or used in the profession.

(E) Any promotion of a professional service which the Board licensee knows or should know is beyond the licensee's ability to perform.

(F) A technique or communication which appears to intimidate, exert undue pressure or to unduly influence a

prospective patient or consumer.

(G) Any personal testimonial attesting to the quality or competence of a service or treatment offered by a licensee.

(H) The communication of any fact, data or information which may personally identify a patient.

(I) An offer to pay, give or accept a fee or other consideration to or from a third party for the referral of a patient.

(J) Any format or element thereof which is unprofessional.

(K) Any print, language or format which directly or indirectly obscures a material fact.

(L) Offers of gratuitous services or discounts in connection with professional services, but this clause shall not be construed to relate to the negotiation of fees between professionals and patients or clients, or to prohibit the rendering of professional services for which no fee is charged.

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

(4) A Board licensee shall not engage either directly or through the use of any agent, employee or representative in in-person solicitation with a prospective patient or consumer. This, however, shall not prohibit the offering of services by a Board licensee to any bona fide representative of prospective patients including, but not limited to employers, labor union representatives, or insurance carriers.

(5) Advertising making reference to or setting forth a fee shall be limited to that which contains a fixed or a stated range of fees for specifically described routine professional services or goods offered by licensees. A board licensee who advertises fees shall disclose all relevant and material variables and considerations which are ordinarily included in such a service so that the fee will be clearly understood by prospective patients. In the absence of such disclosures, the stated fees shall be presumed to include everything ordinarily required for such a service. No additional charges shall be made for an advertised service unless the advertisement includes a specific delineation of additional services contemplated in the fee to be charged therefor.

(6) All board licensee advertisements shall contain the name and address or telephone number of the board licensee, professional service corporation or trade name under which the practice is conducted and shall also set forth the names or license numbers of all licensees who are principals, partners, or officers in the firm or entity.

(7) The responsibility for the form and content of any advertisement offering services or goods by a board licensee shall be jointly and severally that of each board licensee who is a principal, partner or officer of the firm or entity identified in the advertisement.

(8) The time period during which an advertised fee will remain in effect shall be set forth on the face of the advertisement. In the absence of such disclosure, the effective period shall be deemed to be 30 days from the date of the advertisement's initial publication.

(9) A video or audio tape of every advertisement communicated by electronic media shall be retained by the board licensee and shall be made available for review upon request by the Board or its designee. A copy of any advertisement appearing in the print media shall also be retained by the licensee and made available for review. The tapes and print media, copies required to be retained herein, shall be kept for a period of three years from the date of initial publication or dissemination of the advertisement.

xxiv. Failure to maintain professional confidentiality including the following:

(1) Failure to safeguard information about an individual that has been obtained by a psychologist in the course of his or her teaching, practice, or investigation unless:

(A) There is a clear and imminent danger to the individual or to society. In such cases information should be revealed only to appropriate professional workers or public authorities.

(B) The information contained in clinical or consulting relationships, or evaluating data concerning children, students, employees, and others are discussed only for professional purposes and only with persons clearly connected with the case.

(C) Personal information obtained during the course of professional work in writing, lectures or other public forums is revealed with adequate prior consent or where the identity of the persons involved is adequately disguised.

(D) The originator and other persons involved have given their express permission to share confidential communications with the individual concerned.

(E) Research subjects grant explicit permission for the identity to be revealed. The psychologist assumes responsibility for adequately disguising his or her source.

(F) When confidential records are to be maintained the psychologist makes provision for the protection of confidential information.

xxv. Improper professional relationships including:

(1) Failure to make full use of all the professional, technical and administrative resources that best serve the interests of consumers. Psychologists are responsible to understand the areas of competence in the profession and related professions.

(2) Following discovery of violations of ethical standards by other psychologists, failure to attempt to rectify the situation informally. If the violation does not seem amenable to an informal solution, or is of a more serious nature, failure to bring such unethical activities to the attention of the appropriate local, state and/or national authorities (if an informal solution is not reached).

(3) Failure to terminate a clinical or consulting relationship when it is reasonably clear that the consumer is not benefitting from it, and failure to offer help to the consumer to find alternative sources of assistance.

(4) As employees, failure to make known to responsible persons and to propose modification or termination when services are being used in a way that is not beneficial to participants.

(5) Exploitation of their professional relationships with clients, supervisors, students, employees, or research participants sexually or otherwise. Sexual harassment – defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient – condoned or engaged in.

xxvi. Improper participation in assessment and/or testing in which:

(1) The client is not provided an explanation of the nature and the purposes of the test and the test results in language that the client can understand unless there is an explicit exception to this right agreed upon in advance.

(2) Failure to utilize established scientific procedures and observe relevant professional standards when responsible for the development and standardization of psychological tests and other assessment techniques.

(3) Failure in reporting test results to indicate reservations regarding validity or reliability resulting from testing circumstances or inappropriateness of the test norms for the person tested. Failure to strive to ensure that the results of assessments and their interpretations are not misused by others.

(4) Failure to make every effort to avoid and prevent the misuse of obsolete measures.

(5) Inability to demonstrate that the validity of the programs and procedures used in arriving at interpretations are based on appropriate evidence in offering test scoring and interpretation services. The public offering of an automated test

interpretation is considered as a professional-to-professional consultation.

(6) The encouragement or promotion of the use of psychological assessment techniques by inappropriately trained or otherwise unqualified persons through teaching, sponsorship or supervision.

SUBCHAPTER 5. [ADVERTISING] **(RESERVED)**

[13:42-5.1 Limitations; advertising

When announcing professional services, psychologists should limit the information to: name, highest academic degree conferred, date and type of licensure, diplomate status, address, telephone number, office hours, and, at the individual practitioner's discretion, an appropriate brief listing of the types of psychological services offered and fee information. The fee information may state fixed prices, or a stated range of prices, for specified routine professional services provided such advertising clearly states whether additional charges may be incurred for related services which may be required in individual cases.

13:42-5.2 Prohibitions

(a) Psychologists shall refrain from advertising that:

1. Is false, fraudulent, deceptive, or misleading.
2. Represents intimidation or undue pressure.
3. Uses testimonials.
4. Guarantees any service.
5. Offers gratuitous services or discounts in connection with professional services, but this clause shall not be construed to relate to the negotiation of fees between professionals and patients or clients, or to prohibit the rendering of professional services for which no fee is charged.
6. Makes claims of professional superiority which cannot be sustained by the licensee, who shall have the burden of proof.]

iv. In every instance the applicable requirements of 13:42-1.2(a) and (b) must have been satisfied.

SUBCHAPTER 6. PSYCHOLOGICAL WORK BY MEMBERS OF OTHER PROFESSIONAL GROUPS

13:42-6.1 Members of other professional groups

(a) For the purposes of deciding whether a given group qualifies as another "professional group" pursuant to N.J.S.A. 45:14B-8, the following criteria must be met:

1. The group's activity must be based on an identifiable body of theoretical knowledge which is not simply a part of or identical with that of psychology.

2. Entrance into professional membership is regulated by generally accepted standards of knowledge, training and proficiency.

3. The group's activity either in itself or in its focus is demonstrably unique to it.

4. The activity of the group is guided by generally accepted quality standards, ethical principles, and requirements for an independent profession.

5. The ordinary accoutrements of a profession are present: for example, professional journals, regional and national conferences, specific academic curricula and degrees, regional and national certification, awards for outstanding practice within the profession.

(b) It is the responsibility of the person seeking to establish authority to practice psychology under N.J.S.A. 45:14B-8 to act according to the accepted standards of the particular profession and to engage only in those activities of a psychological nature that are generally accepted within that profession as part of its practice. The burden of proof in these matters rests with such person.

TRANSPORTATION

(a)

LOCAL AID

Municipal Operations
Municipal Construction

Proposed Readoptions: N.J.A.C. 16:16 and 16:17

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:15-1 to 27:15-20.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, NJ 08625

The Department of Transportation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978) Subchapters 4 of Chapters 16 and 17 expired on July 6, 1983. The readoption of Subchapters 4 becomes effective upon acceptance by the Office of Administrative Law of a notice of their readoption.

This proposal is known as PRN 1983-455.

The agency proposal follows:

Summary

In accordance with the "sunset" and other provisions of Executive Order No. 66(1978), the Department of Transportation proposes to readopt N.J.A.C. 16:16 and 16:17 concerning Municipal Operations and Municipal Construction, respectively, within the State Local Aid funding system. Subchapters 4 of Chapters 16 and 17 expired on July 6, 1983. The proposal readopts Subchapters 4 without change and also reviews the entire Chapters 16 and 17. New expiration dates will be determined for both Chapters upon adoption.

Municipal Aid Formula funds are appropriated by the Legislature as the State's share of the cost of the construction, reconstruction, grading, drainage, maintenance, lighting or repair of municipal roads. The allotment of funds is based on a formula which provides that allotments to municipalities be determined by the average of its percentage of the total municipal road miles in the State and its percentage in the latest Federal census modified to meet requirements of N.J.S.A. 27:15-1.

The municipality in order to obtain funding is required to submit detailed plans and supplementary specifications for the project to the Department for review and approval, prior to entering into contracts.

Numerous projects have been completed and are being completed under the cost sharing method and past experience has indicated that the system works, based upon availability of funds.

The regulations have been reviewed by the Bureau of Local Aid and have been found adequate, necessary and meet the objectives for which they were promulgated.

The chapters are summarized as follows:

N.J.A.C. 16:16-1.1 and 16:17-1.1, outline the general provisions and guidelines to be met by municipalities in the funds allocation process.

N.J.A.C. 16:16-2.1 and 16:17-2.1 establish the procedure and prerequisites to be met by municipalities when submitting plans and specifications and the review and approval process.

N.J.A.C. 16:16-3.1 and 16:17-3.1, entail the contractural process.

N.J.A.C. 16:16-4.1 and 16:17-4.1, establish the State's participation in the cost of the acquisition of right-of-way, the cost of engineering consultants when local government does not have a full time engineering staff and the power of the Commissioner to rescind previously allocated, but unexpended funds.

Social Impact

These rules will impact on the State, county and municipality in that the forces required to complete the specific project would be in close coordination and cooperative effort. The rules also establish confidence in the ability of State and local government to safeguard the public's interest by the check and balance system in the expenditure of funds by ensuring that final payment is not made until the project has been accepted by all parties.

Economic Impact

The Department (representing the State), and the local governments will incur direct and indirect costs for personnel acquirements in the review and approval process and the costs involved in the acquisition of right-of-way and obtaining engineering consultants when the local governments do not have a full time engineering staff. Several millions of dollars have been expended in the past under this program to assist various municipalities within the State.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 16:16 and 16:17 as supplemented by the New Jersey Register.

(a)

TRANSPORTATION OPERATIONS

Miscellaneous Traffic Rules
Route US 1 & 9, The Pulaski Skyway

Proposed New Rule: N.J.A.C. 16:30-7.5

Authorized By: John P. Sheridan, Jr., Commissioner, Department of Transportation and Clifford W. Snedeker, Director, Division of Motor Vehicles (approval as required by N.J.S.A. 39:4-94.1).
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:1-1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, NJ 08625

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

This proposal is known as PRN 1983-445.

The agency proposal follows:

Summary

The proposed new rule will establish the exclusion of trucks along Route US 1 and 9, the Pulaski Skyway, in Essex and Hudson Counties. Based upon requests from local officials, engineering studies were conducted by the Department's Bureau of Traffic Engineering. The engineering studies found that the large volume of vehicular traffic coupled with steep upgrades and restricted maneuvering room on that portion of Route US 1 and 9 known as the Pulaski Skyway, including the ramps and connections thereto, and the constant use of Pulaski Skyway by truck traffic could create undue stress on the roadway structure, wherein alternate routes for trucks are available. Additionally, the safety and welfare of the public is directly affected by the truck traffic. The Department, therefore proposes new rule N.J.A.C. 16:30-7.5 in accordance with the request by local officials. Appropriate signs will be erected advising the motoring public.

Social Impact

The proposed new rule will exclude truck traffic along Route US 1 and 9, the Pulaski Skyway and reduce the traffic volume along this highway system for the enhancement of the safety and well-being of the populace in Essex and Hudson Counties.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

Full text of the proposed new rule follows.

16:30-7.5 Route US 1 and 9, The Pulaski Skyway

(a) It has been found and determined that the safety and welfare of the public require that the use of Route US 1 and 9, The Pulaski Skyway in the Counties of Essex and Hudson be limited to certain classes of vehicles. Therefore, the use of the aforesaid section of the highway by trucks is prohibited.

(b) The following vehicles are exempt from the provisions of this section:

1. Emergency vehicles; and
2. Maintenance or service vehicles actually engaged in the inspection, maintenance or reconstruction of The Pulaski Skyway.

(c) "Trucks" shall be as defined in N.J.S.A. 39:1-1.

OTHER AGENCIES

(b)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Zoning Regulations

Proposed Readoption: N.J.A.C. 19:4-6

Authorized By: Hackensack Meadowlands Development Commission, Anthony Scardino, Jr., Executive Director.
Authority: N.J.S.A. 13:17-1 et seq., specifically 13:17-b(i).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Vincent Fox
Director of Administration
Hackensack Meadowlands Development Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

The Hackensack Meadowlands Development Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978) these rules would otherwise expire on October 5, 1983. The readoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of a notice of their readoption.

This proposal is known as PRN 1983-475.

The agency proposal follows:

Summary

In accordance with the Sunset and other provisions of Executive Order 66(1978), the HMDC proposes to readopt N.J.A.C. 19:4-6.1 through 19:4-6.28 which include the general provisions of the zoning rules. These rules were filed and became effective on May 1, 1970; however, with the implementation of Executive Order 66(1978), the scheduled expiration date for these rules is October 5, 1983. The readoption of the above zoning regulations does not change the terms, requirements, or fee structures associated with the existing zoning regulations. The Sunset provisions of the above Executive Order require the agency to periodically review the present regulations to determine their continuing usefulness.

Title 19, Chapter 4, Subchapter 6 of the HMDC regulations contain the general procedures and criteria which govern all types of development in the Meadowlands District. The specific zoning designations given to particular property located within the District are contained in Subchapters 1 through 5 of Chapter 4 and these latter regulations are not the subject of this readoption proposal. The particular provisions of Subchapter 6 that are the subject of this proposal can be described as follows. The Subchapter includes environmental performance standards and criteria governing noise emissions, and emissions into the air and water generated by development undertaken in the District. It also contains standards for the storage, utilization or manufacture of materials which are considered to be flammable, combustible, explosive, or hazardous (by virtue of the fact that they are radioactive materials). Subchapter 6 also provides that in the case of any development which borders the Hackensack River or its tributaries, a 50 foot wide "buffer" strip of wetland shall be preserved to ensure proper drainage and aesthetics at the edge of these water bodies.

The most comprehensive portion of the Subchapter 6 zoning regulations contain the standards for the design of buildings and other stuctures located within the Meadowlands District. These provisions require design which maximizes aesthetic values and utilizes the most farsighted and imaginative architectural concepts for building. Particular provisions in this Subchapter also specify the amount and location of on and off site parking facilities, loading facilities and signs associated with commercial, office, and industrial development. Subchapter 6 also provides that the Commission may designate structures within the District as landmarks and establish regulations for the reconstruction, enlargement or alteration of these stuctures. In addition, these regulations contain the standards and criteria governing the reconstruction, enlargement, or alteration of nonconforming uses and structures in the District.

Finally, the Subchapter 6 regulations establish the procedures for review of development applications by the Chief Engineer and by the Commission (in the case of development proposed in "specially planned districts"). The regulations establish the requirements for public hearings before the Chief Engineer and before the Commission and also set forth the procedures for the enforcement of the HMDC zoning regulations. The final provision of Subchapter 6 incorporates the official District zoning map into the zoning regulations.

Social Impact

These rules have and will continue to impact on all persons proposing new development in the District or proposing to alter existing buildings and structures in the District. There is an exemption contained in the regulations or site plan review for persons proposing alterations to one or two family homes in Low Density Residential zones in the Distict (Subchapter 3). These categories of development (i.e., one or two family residences) are to be reviewed according to the standards and criteria contained in applicable municipal codes. In relation to those proposals for development that are governed by the HMDC zoning regulations, the Subchapter 6 regulations will continue to directly effect the codes and standards applied by the 14 constituent municipalities in the Meadowlands District. In this regard, the Hackensack Meadowlands Development Act provides that a constituent municipality may adopt only codes and standards which are consistent with the District master plan and zoning regulations. The specific manner in which the provisions of Subchapter 6 apply to persons proposing development in the District is explained in more detail in the Summary section above.

The general provisions of the Subchapter 6 zoning regulations, as they have been applied with the specific provisions of Subchapters 1 thorugh 5, have had a substantial impact on the development of the 20,000 acres of property located within the Meadowlands District and thus the northern part of this state. Most of these zoning regulations have been in effect since 1972. During the period from 1972 to the present the HMDC has reviewed over 7,000 applications seeking approval of zoning certificates, subdivisions, building permits, and certificates of occupancy. These applications have included proposals for commercial, residential and industrial development.

Economic Impact

The economic impact of these regulations on this portion of the State can best be described by indicating that new development in the Meadowlands District has generated approximately 5,000 new residents and 40,000 jobs since 1972. This represents approximately six percent of the residents and 20 percent of employees projected at full District development. In addition, over the past five years there has been new construction valued at approximately $275 million.

Subchapter 6 contains no specific provisions with respect to the collection of fees associated with the review of development applications. These specific fee provisions are found in other subchapters of the zoning regulations. However, all persons proposing development in the District will continue to incur the fees contained in previously adopted regulations which fees are associated with the review of development applications. In addition, such persons will continue to incur costs associated with the compliance with environmental performance standards as well as the costs associated with public hearings convened to consider these applications (e.g., costs to prepare transcripts, costs to notify interested parties of the hearings, etc.).

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 19:4-6.

INDEX OF ADOPTED RULES

The *Index of Adopted Rules* contains rules which have been promulgated subsequent to the most recent update of the New Jersey Administrative Code. **Rules which are being promulgated in this Register, and which appear in the Table of Rules in this issue, do not appear in this index. These rules will appear in next month's Index of Adopted Rules.**

The rules in this index are listed in order of their N.J.A.C. citations. Accompanying the N.J.A.C. citation for each rule is a brief description of the rule's content, the Register citation for its proposal notice, its Office of Administrative Law (OAL) document citation (which should be used if ordering a copy of the rule from OAL), and the Register citation for its adoption. At the bottom of the listing for each Title is the date of the most recent Code update for that Title.

The Index of Adopted Rules appears in the first Register of each month, complementing the *Index of Proposed Rules* which appears in the second Register of each month. Together, these indices make available to a Code and Register subscriber all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activities from the initial proposal through final promulgation.

For any rule not yet published in a Code update, the full text of the proposal notice as published in the Register, plus the full text of any changes published with the adoption notice in the Register, constitute an official copy of the promulgated rule. If the full text of either the proposed rule or any changes does not appear in the Register, it is available for a fee from:

Administrative Filings
CN 301
Trenton, New Jersey 08625

To be certain 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 October 5, 1979.

HOW TO USE THE TABLE OF CITATIONS

Generally, the key to locating a particular adopted rule is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule your are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research.

The N.J.A.C. citation itself indicates the extent of the changes to a rule. Every citation includes, at a minimum, the numerical designation of the title and chapter (**1:30**), and may include subchapter and section designations (1:30-**1.1**). In general, the less specific the citation, the more extensive the rule change. For example, 1:30 means that much or all of chapter 30 of title 1 has been modified; 1:30-1 means that several sections of subchapter 1 of 1:30 have been revised; and 1:30-1.1 means that only section 1 of 1:30-1 has been changed.

An N.J.A.C. citation that includes several section numbers (1:30-1.1, 1.3, 1.4) or several different subchapter and section numbers (1:30-1.1, 2.1, 4.3) means that similar or related changes have been made to those provisions. Additionally, a citation may designate an entirely new rule rather than an amended one.

In general, each rule is listed separately and chronologically. However, where an adoption notice contained several related rule adoptions or amendments within a single chapter, all of those changes may be under a single entry. Therefore, to be certain that you have found all of the changes to a given rule, be sure to scan the citations above and below that rule to find any entries which might contain related rule adoptions, including the one you are researching.

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW–TITLE 1				
1:1-2.2	Contested cases and OAL jurisdiction	14 N.J.R. 486(a)	R.1982 d.467	15 N.J.R. 23(a)
1:1-3.3	Pre-hearing conferences and tape-recording	14 N.J.R. 606(a)	R.1982 d.297	14 N.J.R. 975(a)
1:1-3.11	Succession of parties in contested cases	14 N.J.R. 606(b)	R.1982 d.295	14 N.J.R. 975(b)
1:1-9.1, 9.2, 9.6, 9.7	Interlocutory review and emergency relief	14 N.J.R. 1182(a)	R.1982 d.472	15 N.J.R. 25(a)
1:1-10.1	Pre-hearing conferences by telephone	15 N.J.R. 582(a)	R.1983 d.268	15 N.J.R. 1093(a)
1:1-13.2, 13.3, 14.5	Interlocutory review and emergency relief	14 N.J.R. 1182(a)	R.1982 d.472	15 N.J.R. 25(a)
1:1-14.1	Consolidation of cases	14 N.J.R. 674(b)	R.1982 d.296	14 N.J.R. 975(c)
1:1-16.5	Substantiation of final decisions	14 N.J.R. 608(a)	R.1982 d.292	14 N.J.R. 975(d)
1:2-2	Conference hearings and Civil Service cases	15 N.J.R. 66(a)	R.1983 d.87	15 N.J.R. 435(a)
1:2-3	"Hearings on the papers" and MV cases	15 N.J.R. 68(a)	R.1983 d.86	15 N.J.R. 436(a)
1:2-3.1	Correction: MV cases and "hearings on the papers"	15 N.J.R. 68(a)	R. 1983 d.86	15 N.J.R. 1243(a)
1:6A	Special Education Program hearing rules	14 N.J.R. 930(a)	R.1982 d.462	15 N.J.R. 25(b)
1:6A-2.2, 4.2, 5.5	Special Education Program hearing rules	15 N.J.R. 2(a)	R.1983 d.88	15 N.J.R. 437(a)
1:6A-3.3, 4.4, 4.5	Special Education Program hearing rules	15 N.J.R. 451(a)	R.1983 d.253	15 N.J.R. 1015(a)
1:20	Representation fee hearings before PERC Appeal Board	14 N.J.R. 862(a)	R.1983 d.305	15 N.J.R. 1243(b)
1:30	Agency rulemaking	14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 29(a)
1:30-2.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 543(a)
1:30-3.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 101(a)
1:31	Organization of OAL	Organizational	R.1982 d.291	14 N.J.R. 976(a)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R.1982 d.339	14 N.J.R. 1163(b)

(Title 1, Transmittal 2 dated June 21, 1982)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
AGRICULTURE–TITLE 2				
2:2-2.1, 2.6, 2.10, 2.13, 2.14, 2.15, 2.17, 2.18	Swine brucellosis control	14 N.J.R. 487(b)	R.1982 d.237	14 N.J.R. 833(a)
2:2-2.3	Calfhood brucellosis vaccination	14 N.J.R. 487(a)	R.1982 d.234	14 N.J.R. 833(b)
2:2-2.19	Brucellosis testing for intrastate movement	14 N.J.R. 865(a)	R.1982 d.360	14 N.J.R. 1154(a)
2:3-3.7	Swine brucellosis control	14 N.J.R. 487(b)	R.1982 d.237	14 N.J.R. 833(a)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R.1982 d.235	14 N.J.R. 833(c)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R.1982 d.235	14 N.J.R. 833(c)
2:23	Voluntary Gypsy-Moth Suppression Program	15 N.J.R. 370(a)	R.1983 d.267	15 N.J.R 1093(b)
2:32-2	Sire Stakes Program	15 N.J.R. 69(a)	R.1983 d.84	15 N.J.R. 439(a)
2:50-1.1	Dairy farmers and relief from notice of intent	14 N.J.R. 489(b)	R.1982 d.238	14 N.J.R. 833(d)
2:68-1	Commercial feeding stuffs: Association standards	15 N.J.R. 583(a)	R.1983 d.325	15 N.J.R. 1372(a)
2:69-1.11	Commercial values of fertilizers	14 N.J.R. 402(a)	R.1982 d.236	14 N.J.R. 833(e)
2:71-2.28	Fruits and vegetables: rates for inspection services	15 N.J.R. 462(a)	R.1983 d.312	15 N.J.R. 1245(a)
2:73-2	Readopted: State Seal of Quality for eggs	15 N.J.R. 584(a)	R.1983 d.313	15 N.J.R. 1245(b)
2:85-1	Repealed: Agricultural Preserve Demonstration Program	15 N.J.R. 371(a)	R.1983 d.169	15 N.J.R. 889(a)
	(Title 2, Transmittal 19 dated June 21, 1982)			
BANKING–TITLE 3				
3:1-9.4–9.21	Home mortgage disclosure	15 N.J.R. 4(a)	R.1983 d.85	15 N.J.R. 439(b)
3:1-10.1	Real property transactions: Executive officer defined	14 N.J.R. 490(a)	R.1982 d.242	14 N.J.R. 834(a)
3:1-11	"Executive officer" and affiliated persons	14 N.J.R. 490(b)	R.1982 d.243	14 N.J.R. 834(b)
3:1-14	Revolving Credit Equity Loans	Emergency	R.1983 d.275	15 N.J.R. 1107(a)
3:2-2	Repealed: Plain language review of contracts	14 N.J.R. 454(a)	R.1982 d.213	14 N.J.R. 755(a)
3:6-3	Standardization of executive officer classification	14 N.J.R. 491(a)	R.1982 d.244	14 N.J.R. 834(c)
3:6-7.1–7.8	Mutual savings banks: Investment restatement accounting	14 N.J.R. 676(a)	R.1982 d.307	14 N.J.R. 988(a)
3:6-13	Automated teller machines	15 N.J.R. 190(a)	R.1983 d.286	15 N.J.R. 1179(a)
3:6-14	Foreign banks: Biennial certification fee	15 N.J.R. 6(a)	R.1983 d.42	15 N.J.R. 330(a)
3:7-5, 5.1-5.5	Statement of interest: Officers defined	14 N.J.R. 492(a)	R.1982 d.245	14 N.J.R. 834(d)
3:11-1.1	Readopted: Approval of banks to exceed 10% limitation on investments	15 N.J.R. 658(b)	R.1983 d.264	15 N.J.R. 1094(a)
3:11-2.1	Commercial bank lending: Approved subsidiaries	15 N.J.R. 110(a)	R.1983 d.108	15 N.J.R. 622(a)
3:11-7.2, 7.8, 7.9	Expanded lending limitations	15 N.J.R. 192(a)	R.1983 d.133	15 N.J.R. 688(a)
3:11-7.7	Time deposit balances and 10 percent limitation	14 N.J.R. 608(b)	R.1982 d.263	14 N.J.R. 909(a)
3:17-7.1, 7.3	Small loan lenders and second mortgage purchases	15 N.J.R. 111(a)	R.1983 d.120	15 N.J.R. 622(b)
3:23-2.1	License fees for credit sales and loan businesses	15 N.J.R. 463(a)	R.1983 d.183	15 N.J.R. 889(b)
3:26-3.1	Readopted: Action upon Detection of Crime	15 N.J.R. 372(a)	R.1983 d.184	15 N.J.R. 889(c)
3:28-5.1–5.7	Mutual savings and loan: Investment restatement accounting	14 N.J.R. 678(a)	R.1982 d.306	14 N.J.R. 989(a)
3:38-1	Licensing of mortgage bankers and brokers	14 N.J.R. 571(a)	R.1982 d.302	14 N.J.R. 977(a)
3:38-2, 3, 4, 5, 6	Mortgage bankers and brokers: Rules of operation	14 N.J.R. 493(a)	R.1982 d.303	14 N.J.R. 977(b)
	(Title 3, Transmittal 18 dated June 21, 1982)			
CIVIL SERVICE–TITLE 4				
4:1-2.1	"Base salary" defined	14 N.J.R. 679(a)	R.1982 d.331	14 N.J.R. 1089(a)
4:1-5.11	Hearings: Decision notification	15 N.J.R. 111(b)	R.1983 d.100	15 N.J.R. 543(b)
4:1-7.11	Hours of work and compensation	14 N.J.R. 938(a)	R.1983 d.159	15 N.J.R. 801(a)
4:1-8.3	Notice of examinations	15 N.J.R. 726(a)	R.1983 d.307	15 N.J.R. 1245(c)
4:1-8.8B	Veterans' age reduction	14 N.J.R. 455(a)	R.1982 d.326	14 N.J.R. 1089(b)
4:1-10.1, 10.2, 10.3, 10.5	Noncompetitive and labor titles	14 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:1-12.10	Notifying eligibles of certification	14 N.J.R. 940(a)	R.1983 d.17	15 N.J.R. 141(a)
4:1-13.4	Police and firefighters: Working test periods	14 N.J.R. 115(a)	R.1982 d.204	14 N.J.R. 709(a)
4:1-15.2	Lateral title change	14 N.J.R. 940(b)	R.1983 d.340	15 N.J.R. 1372(a)
4:1-16.13	Request for reemployment (local)	15 N.J.R. 272(b)	R.1983 d.222	15 N.J.R. 1015(b)
4:1-17.16	Advancing of sick leave (State)	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)
4:1-18.2, 18.6–18.8	Hours of work and compensation	14 N.J.R. 938(a)	R.1983 d.159	15 N.J.R. 801(a)
4:1-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
4:1-18.5	Inclement weather emergency policy (State)	15 N.J.R. 273(a)	R.1983 d.196	15 N.J.R. 889(d)
4:1-20.9	Tuition aid program (State)	15 N.J.R. 274a)	R.1983 d.306	15 N.J.R. 1246(a)
4:1-25.1	Public inspection of records	14 N.J.R. 942(a)	R.1983 d.134	15 N.J.R. 689(a)
4:2-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R.1982 d.326	14 N.J.R. 1089(b)
4:2-6.8	Repealed: (see 4:1-10)	14 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:2-7.1	Repealed (see 4:1-7.11, 18.8)	14 N.J.R. 938(a)	R.1983 d.159	15 N.J.R. 801(a)
4:2-10.1, 10.2	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:2-15.2	Repealed (see 4:1-15.2)	14 N.J.R. 940(b)	R. 1983 d.340	15 N.J.R. 1372(a)
4:2-17.14	Repealed: Sick leave advance	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
4:2-18.1	Repealed (see 4:1-18.5)	15 N.J.R. 273(a)	R.1983 d.196	15 N.J.R. 889(d)
4:2-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
4:2-20.3	Granting of increments after denial	15 N.J.R. 112(a)	R.1983 d.164	15 N.J.R. 890(a)
4:2-20.9	Repealed (see 4:1-20.9)	15 N.J.R. 274(a)	R.1983 d.306	15 N.J.R. 1246(a)
4:2-20.12	Repealed (see 4:1-25.1)	14 N.J.R. 942(a)	R.1983 d.134	15 N.J.R. 689(a)
4:3-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R.1982 d.326	14 N.J.R. 1089(b)
4:3-6.9	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:3-13.1	Repealed: Formerly CSPM (Local) 13-4.101	14 N.J.R. 115(a)	R.1982 d.204	14 N.J.R. 709(a)
4:3-17.6	Repealed: Sick leave advance	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)
4:3-18.1	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
4:6	Overtime Committee Rules	14 N.J.R. 1126(a)	R.1983 d.158	15 N.J.R. 801(b)

(Title 4, Transmittal 16 dated June 21, 1982)

COMMUNITY AFFAIRS–TITLE 5

5:10-1.3	Hotels and multiple dwellings	13 N.J.R. 387(b)	R.1981 d.363	13 N.J.R. 704(a)
5:10-1.4	Row houses and multiple dwelling jurisdiction	15 N.J.R. 375(a)	R.1983 d.156	15 N.J.R. 803(a)
5:10-1.17	Readopted: Hotel and multiple dwelling inspection fees	14 N.J.R. 909(b)	R.1982 d.334	14 N.J.R. 1089(c)
5:10-2.2	Hotels and multiple dwellings	13 N.J.R. 387(b)	R.1981 d.363	13 N.J.R. 704(a)
5:10-2.2, 25.3	Standards for hotels and multiple dwellings	14 N.J.R. 119(a)	R.1982 d.253	14 N.J.R. 910(a)
5:10-25.3	Hotels and multiple dwellings	13 N.J.R. 387(b)	R.1981 d.363	13 N.J.R. 704(a)
5:11-2.1	Emergency relocation benefits	15 N.J.R. 6(b)	R.1983 d.59	15 N.J.R. 330(b)
5:11-3.2	Duplicate rental assistance	14 N.J.R. 72(a)	R.1982 d.71	14 N.J.R. 278(a)
5:11-3.11	Emergency relocation benefits	15 N.J.R. 6(b)	R.1983 d.59	15 N.J.R. 330(b)
5:11-9.2	Relocation assistance hearings	13 N.J.R. 186(d)	R.1981 d.183	13 N.J.R. 332(a)
5:11-9.2	Parties to relocation assistance hearing	14 N.J.R. 1188(a)	R.1982 d.487	15 N.J.R. 83(b)
5:12	Repeal State aid for urban renewal projects	13 N.J.R. 187(a)	R.1981 d.180	13 N.J.R. 333(a)
5:12	Plain language review of residential leases	13 N.J.R. 473(a)	R.1981 d.424	13 N.J.R. 782(b)
5:12	Repealed: Plain language review of leases	14 N.J.R. 222(a)	R.1982 d.139	14 N.J.R. 426(a)
5:13-1.1, 1.5, 1.19, 1.20, 1.25, 1.27	Limited dividend and nonprofit housing corporations	15 N.J.R. 193(a)	R.1983 d.145	15 N.J.R. 803(b)
5:13-1.3, 1.21–1.24, 1.26	Repealed	15 N.J.R. 193(a)	R.1983 d.145	15 N.J.R. 803(b)
5:17	Expiration date for retirement community disclosure	13 N.J.R. 560(d)	R.1981 d.425	13 N.J.R. 782(c)
5:21	Repealed: Uniform standards for mobile homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:22-1.4	Residential tax exemptions: additions and improvements	15 N.J.R. 586(a)	R.1983 d.258	15 N.J.R. 1094(b)
5:22-2.6	Multiple dwelling exemptions and tax list designations (joint adoption, see 18:12-6A.8)	14 N.J.R. 72(b)	R.1982 d.78	14 N.J.R. 278(b)
5:23	Readopted: Uniform Construction Code	14 N.J.R. 1247(a)	R.1983 d.144	15 N.J.R. 803(c)
5:23-1.4	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:23-1.4, -2	Uniform Construction Code	13 N.J.R. 119(a)	R.1981 d.134	13 N.J.R. 258(b)
5:23-2.5	Uniform Construction Code	13 N.J.R. 120(a)	R.1981 d.133	13 N.J.R. 258(c)
5:23-2.5	Uniform Construction Code	13 N.J.R. 390(a)	R.1981 d.462	13 N.J.R. 885(d)
5:23-2.6	Uniform Construction Code inspections	13 N.J.R. 187(b)	R.1981 d.182	13 N.J.R. 333(b)
5:23-2.8	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:23-2.38	Licensing	14 N.J.R. 734(a)	R.1982 d.436	14 N.J.R. 1449(a)
5:23-3	Uniform Construction Code	13 N.J.R. 121(a)	R.1981 d.132	13 N.J.R. 258(d)
5:23-3.2	Uniform Construction Code	13 N.J.R. 120(a)	R.1981 d.133	13 N.J.R. 258(c)
5:23-3.3	Uniform Construction Code interpretations	13 N.J.R. 561(a)	R.1981 d.454	13 N.J.R. 886(a)
5:23-3.3	Uniform Construction Code: Casino hotels	13 N.J.R. 561(b)	R.1981 d.455	13 N.J.R. 886(b)
5.23-3.8A	Products violating the Uniform Construction Code	15 N.J.R. 587(a)	R.1983 d.296	15 N.J.R. 1247(a)
5:23-3.9	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:23-3.14, 3.15	Building and plumbing subcode supplements	14 N.J.R. 1326(a)	R.1983 d.12	15 N.J.R. 141(c)
5:23-4.3	Temporary appointments of municipal code officials	13 N.J.R. 863(a)	R.1982 d.23	14 N.J.R. 142(b)
5:23-4.6	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:23-4.8	Uniform Construction Code	13 N.J.R. 120(a)	R.1981 d.133	13 N.J.R. 258(c)
5:23-4.8	Interlocal Construction Code enforcement (recodified as 5:23-4.17(d))	14 N.J.R. 495(a)	R.1982 d.401	14 N.J.R. 1300(a)
5:23-4.8(c)	Now codified as 5:23-4.19	14 N.J.R. 456(a)	R.1982 d.220	14 N.J.R. 755(b)
5:23-4.8, 4.10	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:23-4.10A	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.42	14 N.J.R.233(a)
5:23-4.10A	Recodified as 5:23-4.25A	14 N.J.R. 496(a)	R.1982 d.232	14 N.J.R. 834(e)
5:23-4.15, 4.26	Licensing	14 N.J.R. 734(a)	R.1982 d.436	14 N.J.R. 1449(a)
5:23-4.17, 4.20	UCC enforcing agency fees	14 N.J.R. 943(a)	R.1982 d.402	14 N.J.R. 1300(b)
5:23-4.19	Remitting of UCC training fees	14 N.J.R. 456(a)	R.1982 d.220	14 N.J.R. 755(b)
5:23-4.20	Uniform Construction Code: Periodic inspection fees	14 N.J.R. 1129(a)	R.1982 d.463	15 N.J.R. 32(a)
5:23-4.20	Correction: UCC periodic inspection fees	14 N.J.R. 1129(a)	R.1982 d.463	15 N.J.R. 84(a)
5:23-4.25A	Manufactured homes standards	14 N.J.R. 496(a)	R.1982 d.232	14 N.J.R. 834(e)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
5:23-5.2	Uniform Construction Code	13 N.J.R. 119(a)	R.1981 d.134	13 N.J.R. 258(b)
5:23-5.2, 5.9, 5.11	Licensing	14 N.J.R. 734(a)	R.1982 d.436	14 N.J.R. 1449(a)
5:23-5.3, 5.5	Uniform Construction Code	13 N.J.R. 390(a)	R.1981 d.462	13 N.J.R. 885(d)
5:23-5.5	Uniform Construction Code	13 N.J.R. 635(a)	R.1981 d.463	13 N.J.R. 886(c)
5:23-5.5	Licensing of Code officials	13 N.J.R. 801(a)	R.1982 d.10	14 N.J.R. 143(b)
5:23-5.5	Fire subcode officials and construction licensing	14 N.J.R. 8(a)	R.1982 d.56	14 N.J.R. 234(a)
5:23-5.5,5.6,5.7	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R.1982 d.8	14 N.J.R. 143(a)
5:23-5.8, 5.9	Licensing of Code officials	13 N.J.R. 801(a)	R.1982 d.10	14 N.J.R. 143(b)
5:23-5.11	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R.1982 d.8	14 N.J.R. 143(a)
5:23-5.11	Uniform Construction Code	13 N.J.R. 119(a)	R.1981 d.134	13 N.J.R. 258(b)
5:24-1.3	Condominium and cooperative conversion	13 N.J.R. 70(a)	R.1981 d.131	13 N.J.R. 258(e)
5:24-1.3	Correction: Condominium and cooperative conversion	13 N.J.R. 70(a)	R.1981 d.131	13 N.J.R. 333(c)
5:24-1.4, 1.5, 1.12	Condominium and cooperative conversion	13 N.J.R. 392(a)	R.1981 d.354	13 N.J.R. 562(a)
5:24-2	Protected tenancy for disabled and seniors	13 N.J.R. 802(a)	R.1982 d.9	14 N.J.R. 144(a)
5:25-2.8	Restoration of builders' registrations	14 N.J.R. 9(a)	R.1982 d.55	14 N.J.R. 234(b)
5:25-3.1	New home warranty and mixed use property	13 N.J.R. 863(b)	R.1982 d.22	14 N.J.R. 145(a)
5:25-5.5	New home warranties and builders' registration	13 N.J.R. 187(c)	R.1981 d.181	13 N.J.R. 333(d)
5:25-5.5	Warranty coverage claims	14 N.J.R. 944(a)	R.1982 d.386	14 N.J.R. 1210(a)
5:26	Planned real estate development full disclosure	12 N.J.R. 631(b)	R.1981 d.130	13 N.J.R. 259(a)
5:26-2.4	Registration fees for planned developments	14 N.J.R. 609(a)	R.1982 d.260	14 N.J.R. 912(a)
5:26-2.4, 3.1, 10.5	Planned real estate development full disclosure	13 N.J.R. 474(a)	R.1981 d.365	13 N.J.R. 704(b)
5:27	Rooming and boarding houses	13 N.J.R. 393(a)	R.1981 d.359	13 N.J.R. 704(c)
5:27-1.6	Rooming and boarding houses: License fees	15 N.J.R. 7(a)	R.1983 d.60	15 N.J.R. 330(c)
5:27-1.6, 2.1	Multi-building rooming and boarding houses	14 N.J.R. 1075(a)	R.1982 d.422	14 N.J.R. 1365(a)
5:27-1.6	Rooming and boarding houses and discrimination	13 N.J.R. 562(b)	R.1981 d.435	13 N.J.R. 842(e)
5:27-2.1	Fire safety in boarding houses;	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1210(b)
5:27-3.2	Rooming houses and discrimination	13 N.J.R. 562(b)	R.1981 d.435	13 N.J.R. 842(e)
5:27-3.5	Boarding houses: Non-ambulatory residents	14 N.J.R. 499(a)	R.1982 d.379	14 N.J.R. 1211(a)
5:27-3.12	Limited tenure residents and boarding houses	15 N.J.R. 375(b)	R.1983 d.157	15 N.J.R. 804(a)
5:27-4.8, 5.1, 5.3, 5.8, 5.9	Fire safety in boarding houses	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1210(b)
5:27-5.1	Fire drills in rooming houses	14 N.J.R. 1248(a)	R.1982 d.490	15 N.J.R. 84(b)
5:27-5.3	Correction: Fire safety in boarding houses	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1300(c)
5:27-10.6	Boarding houses: self-administration of medicine	14 N.J.R. 499(a)	R.1982 d.379	14 N.J.R. 1211(a)
5:27-12	Safety improvement loans	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1210(b)
5:27-12.2	Boarding houses: rental assistance agreements	15 N.J.R. 587(b)	R.1983 d.251	15 N.J.R. 1015(c)
5:29	Petitions for rules	13 N.J.R. 259(b)	R.1981 d.242	13 N.J.R. 395(a)
5:30	Readopted: Local Finance Board rules	15 N.J.R. 463(b)	R.1983 d.277	15 N.J.R. 1180(a)
5:30	Correction: Local Finance Board rules	15 N.J.R. 463(b)	R.1983 d.277	15 N.J.R. 1373(b)
5:30-1.11	Realized revenue analysis report	13 N.J.R. 475(a)	R.1981 d.381	13 N.J.R. 755(a)
5:30-3.3	"Dedication by rider" to local budgets	14 N.J.R. 301(a)	R.1982 d.186	14 N.J.R. 654(a)
5:30-3.4	Filing of municipal budget amendments	13 N.J.R. 188(a)	R.1981 d.216	13 N.J.R. 395(b)
5:30-9.2	Form of tax collection record	13 N.J.R. 121(b)	R.1981 d.122	13 N.J.R. 260(a)
5:30-9.3	Tax collector examination	13 N.J.R. 70(d)	R.1981 d.121	13 N.J.R. 260(b)
5:70	Congregate Housing Services Program	14 N.J.R. 609(b)	R.1982 d.272	14 N.J.R. 912(b)
5:71	County offices on aging	13 N.J.R. 395(c)	R.1981 d.356	13 N.J.R. 563(a)
5:80-4.1	NJHFA: Debarment and suspension	12 N.J.R. 385(a)	R.1981 d.255	13 N.J.R. 397(a)
5:80-5	Housing Finance Agency: transfer of ownership interests	15 N.J.R. 822(a)	R.1983 d.315	15 N.J.R. 1373(c)
5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R.1982 d.288	14 N.J.R. 983(a)
5:100-1.5, 1.6	Ombudsman for institutionalized elderly	15 N.J.R. 588(a)	R.1983 d.215	15 N.J.R. 1016(a)
5:100-2	Ombudsman for institutionalized elderly	15 N.J.R. 588(a)	R.1983 d.215	15 N.J.R. 1016(a)

(Title 5, Transmittal 16 dated March 19, 1981)

EDUCATION–TITLE 6

6:2-1.1, 1.2, 1.7-1.19	Filing appeals before State Board	14 N.J.R. 261(a)	R.1982 d.268	14 N.J.R. 913(a)
6:3-1	School districts: general provisions	15 N.J.R. 376(a)	R.1983 d.248	15 N.J.R. 1016(b)
6:3-1.10	School districts: standards for determining seniority	15 N.J.R. 464(a)	R.1983 d.255	15 N.J.R. 1017(a)
6:11-3.3	Fees for certificates and transcript evaluation	14 N.J.R. 1188(b)	R.1983 d.40	15 N.J.R. 244(a)
6:11-3.12, 4.7	County substitute certification: School nurse, athletic coach	14 N.J.R. 1010(a)	R.1982 d.486	15 N.J.R. 84(c)
6:11-7	Repealed existing subchapter	14 N.J.R. 456(b)	R.1982 d.269	14 N.J.R. 914(a)
6:11-7.1	State Approval of Teacher Education	14 N.J.R. 456(b)	R.1982 d.269	14 N.J.R. 914(a)
6:20-3.1	Building use charge by receiving districts	14 N.J.R. 499(b)	R.1982 d.270	14 N.J.R. 914(b)
6:20-3.1	Correction: Operative date of building use charge	14 N.J.R. 499(b)	R.1982 d.270	14 N.J.R. 978(b)
6:21-5.1–5.12	Standards for school buses	15 N.J.R. 383(a)	R.1983 d.247	15 N.J.R. 1019(a)
6:21-6, 18, 19	Repealed: see 6:21-5.1–5.12	15 N.J.R. 383(a)	R.1983 d.247	15 N.J.R. 1019(a)
6:28-5.10, 5.11,	Approval of auxiliary services for private	14 N.J.R. 617(a)	R.1982 d.316	14 N.J.R. 1054(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
6.10, 6.11	school students			
6:29-6.3	County substitute certification: Athletic coach	14 N.J.R. 1010(a)	R.1982 d.486	15 N.J.R. 84(c)
6:53	Vocational education safety standards	14 N.J.R. 619(a)	R.1982 d.368	14 N.J.R. 1154(b)
6:64-2.1–2.4	County library reorganization	15 N.J.R. 194(a)	R.1983 d.199	15 N.J.R. 890(b)
6:66	Archives and History and Records Management: transferred to Department of State by Governor's Reorganization Plan	———	———	15 N.J.R. 818(a)
6:66-2.15, 2.17, 2.20, 2.21, 3.12, 3.13	Records Management: microfilm systems and standards	15 N.J.R. 590(a)	R.1983 d.241	15 N.J.R. 1019(b)
6:68-4.1–4.9	Library Construction Incentive Act rules	15 N.J.R. 196(a)	R.1983 d.198	15 N.J.R. 890(c)
6:72-77	State Museum: transferred to Department of State by Governor's Reorganization Plan	———	———	15 N.J.R. 270
6:79-1.9, 1.11	Child nutrition program changes	14 N.J.R. 1248(b)	R.1983 d.71	15 N.J.R. 440(a)

(Title 6, Transmittal 18 dated June 21, 1982)

ENVIRONMENTAL PROTECTION–TITLE 7

7:1A	Water Supply Bond Act loans	14 N.J.R. 10(a)	R.1982 d.167	14 N.J.R. 573(c)
7:1A	Extension of application closing date	Public Notice	R.1982 d.167	14 N.J.R. 1172(a)
7:1A-2.5, 2.12, 2.13	Water Supply Bond Act loans	14 N.J.R. 499(c)	R.1982 d.281	14 N.J.R. 915(a)
7:1A-3	Emergency interim repair of water systems	14 N.J.R. 1075(b)	R.1983 d.26	15 N.J.R. 141(d)
7:1C-1.5	Fees for 90-day construction permits	13 N.J.R. 123(c)	R.1981 d.187	13 N.J.R. 334(b)
7:1C-1.5	Maximum fees for waterfront development permits	13 N.J.R. 564(a)	R.1981 d.473	13 N.J.R. 943(b)
7:1C-1.13	90-day construction permits	Procedural	R.1981 d.48	13 N.J.R. 128(b)
7:1H-3.4	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R.1983 d.50	15 N.J.R. 330(d)
7:2	Readopted: State Park Service rules	15 N.J.R. 822(b)	R.1983 d.320	15 N.J.R. 1373(d)
7:6-1.37	Water skiing events on private lakes	15 N.J.R. 765(a)	R.1983 d.280	15 N.J.R. 1180(b)
7:7-2	Waterfront development permits	13 N.J.R. 73(c)	R.1981 d.355	13 N.J.R. 564(b)
7:7A-1.13	Correction to Code: Wetlands maps	———	———	14 N.J.R. 1403(a)
7:7A-1.13	Wetlands maps in Atlantic and Cumberland Counties	15 N.J.R. 119(a)	R.1983 d.335	15 N.J.R. 1374(a)
7:7D-2.3, 2.5, 2.8	CAFRA procedural rules	13 N.J.R. 75(a)	R.1981 d.267	13 N.J.R. 401(b)
7:7E	Coastal Management Program: "Routine implementation" determination	———	———	14 N.J.R. 1467(b)
7:7E-5.3, 5.6, 5.7	Coastal resource and development	14 N.J.R. 1129(b)	R.1983 d.27	15 N.J.R. 142(a)
7:7F	Shore Protection Program	14 N.J.R. 865(b)	R.1982 d.421	14 N.J.R. 1365(b)
7:8	Storm water management	14 N.J.R. 1022(a)	R.1983 d.24	15 N.J.R. 142(b)
7:9-2	Readopted: rules on individual subsurface disposal systems	15 N.J.R. 591(a)	R.1983 d.243	15 N.J.R. 1042(a)
7:9-4, -5, -6	Water quality standards	12 N.J.R. 108(c)	R.1981 d.80	13 N.J.R. 194(b)
7:9-8, -11, -14	Repealed	12 N.J.R. 108(c)	R.1981 d.80	13 N.J.R. 194(b)
7:9-10.2, 10.3, 10.9	Pinelands and coastal area sewerage approval	14 N.J.R. 504(a)	R.1982 d.298	14 N.J.R. 979(a)
7:9-10.4, 10.5, 10.6	One-year suspension of rules	14 N.J.R. 504(a)	R.1982 d.298	14 N.J.R. 979(a)
7:9-13.3, 13.5, 13.6	Sewer extension ban	12 N.J.R. 639(b)	R.1981 d.224	13 N.J.R. 402(a)
7:10	Readopted: Safe Drinking Water Act rules	15 N.J.R. 592(a)	R.1983 d.244	15 N.J.R. 1019(c)
7:10-8	Repealed: See 7:18	13N.J.R. 260(d)	R.1981 d.279	13 N.J.R. 481(c)
7:11-2	Consolidated Rate Schedule: D&R Canal and Spruce Run-Round Valley	15 N.J.R. 122(a)	R.1983 d.191	15 N.J.R. 891(a)
7:11-2, -4	Water rate schedule: D and R, Spruce Run-Round Valley	14 N.J.R. 681(a)	R.1982 d.455	14 N.J.R. 1449(b)
7:11-4	Repealed (see 7:11-2)	15 N.J.R. 122(a)	R.1983 d.191	15 N.J.R. 891(a)
7:12	Readopted: Shellfish-Growing Water Classification	15 N.J.R. 595(a)	R.1983 d.249	15 N.J.R. 1020(a)
7:12-1.1, 1.3,	Condemnation of certain shellfish beds	13 N.J.R. 191(b)	R.1981 d.190	13 N.J.R. 339(b)
7:12-1.2–1.5	Shellfish beds: Reclassification	14 N.J.R. 310(a)	R.1982 d.182	14 N.J.R. 655(a)
7:12-1.3	Condemnation of certain shellfish areas	13 N.J.R. 566(a)	R.1981 d.431	13 N.J.R. 755(b)
7:12-2	Shellfish waters condemnation	13 N.J.R. 191(b)	R.1981 d.190	13 N.J.R. 339(b)
7:13-1.11(b)7	Flood plain delineation of Great Egg Harbor River	12 N.J.R. 506(a)	R.1981 d.88	13 N.J.R. 194(d)
7:13-1.11(b)8	Flood plain delineation of Mullica River and tributaries	12 N.J.R. 506(b)	R.1981 d.7	13 N.J.R. 194(e)
7:13-1.11(d)49	Flood hazard area delineations	12 N.J.R. 640(b)	R.1981 d.144	13 N.J.R. 339(c)
7:13-1.11(d)50	Flood hazard area delineations	12 N.J.R. 640(a)	R.1981 d.145	13 N.J.R. 340(a)
7:13-1.11(c)17	Delaware Basin floodway delineations	13 N.J.R. 805(a)	R.1982 d.154	14 N.J.R. 472(b)
7:13-1.11(b)9	Floodway delineations along Tuckahoe River	13 N.J.R. 921(a)	R.1982 d.155	14 N.J.R. 473(a)
7:13-1.11(d)47	Floodway delineations in Hackensack basin	14 N.J.R. 19(a)	R.1982 d.156	14 N.J.R. 473(b)
7:13-1.11(d)39	Floodway delineations: Woodbridge and Rahway rivers	13 N.J.R. 920(a)	R.1982 d.157	14 N.J.R. 473(c)
7:13-1.11(b)5	Delineated streams along Upper Mullica River	14 N.J.R. 367(b)	R.1982 d.209	14 N.J.R. 755(c)
7:13-1.11(d)31	Delineated streams in Somerset County	14 N.J.R. 367(a)	R.1982 d.392	14 N.J.R. 1211(b)
7:13-1.11(d)42	Floodway delineations in Union County	14 N.J.R. 870(a)	R.1982 d.428	14 N.J.R. 1365(c)
7:13-1.11(b)6	Floodway delineations along Cedar Creek, Lacey Twp.	14 N.J.R. 683(a)	R.1982 d.430	14 N.J.R. 1365(d)
7:13-1.11(c)2	Floodway delineations along Big Timber Creek	14 N.J.R. 505(a)	R.1982 d.431	14 N.J.R. 1366(a)
7:13-1.11(c)27	Floodway delineations along Pond Run, Mercer County	14 N.J.R. 506(a)	R.1982 d.432	14 N.J.R. 1366(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7:13-1.11(d)48	Floodway delineations in Morris County	14 N.J.R. 870(b)	R.1982 d.453	14 N.J.R. 1451(a)
7:13-1.11(d)48	Floodway delineations in Essex County	14 N.J.R 1027(a)	R.1982 d.478	15 N.J.R. 32(b)
7:13-1.11(d)1	Floodway delineations in Hunterdon County	14 N.J.R. 1131(b)	R.1983 d.109	15 N.J.R. 622(c)
7:13-1.11(c)28	Floodway delineations in Burlington County	14 N.J.R. 1434(a)	R.1983 d.135	15 N.J.R. 689(b)
7:13-1.11(d)3	Floodway delineations in Somerset-Union counties	14 N.J.R. 1131(a)	R.1983 d.136	15 N.J.R. 690(a)
7:13-1.11(c)29	Floodway delineations in Monmouth County	14 N.J.R. 1134(a)	R.1983 d.168	15 N.J.R. 893(a)
7:13-1.11(b)10	Flood delineations in Ocean-Monmouth counties	14 N.J.R. 1189(a)	R.1983 d.197	15 N.J.R. 894(a)
7:13-1.11	Readopted: Delineated Floodway rules	15 N.J.R.839(a)	R.1983 d.321	15 N.J.R. 1374(b)
7:14	Pollutant discharge and waste management	12 N.J.R. 569(f)	R.1981 d.84	13 N.J.R. 194(c)
7:14-2	Construction of wastewater treatment facilities	14 N.J.R. 75(a)	R.1982 d.338	14 N.J.R. 1155(b)
7:14-2.12	Correction: Select trench backfill payment width	14 N.J.R. 75(a)	R.1982 d.338	15 N.J.R. 440(b)
7:14-5, App. A	Statewide septage management	13 N.J.R. 124(a)	R.1982 d.82	14 N.J.R. 336(c)
7:14A	Conditions for users of DTW	12 N.J.R. 569(f)	R.1981 d.84	13 N.J.R. 194(c)
7:14A	Readopted: NJPDES permit program rules	15 N.J.R. 606(a)	R.1983 d.260	15 N.J.R. 1094(c)
7:14A-1.8, 1.9, 2.1	Fee schedule for NJPDES permittees	14 N.J.R. 684(a)	R.1982 d.495	15 N.J.R. 85(a)
7:14A-1.9	Water quality: Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:14A-4	Industrial waste management facilities	12 N.J.R. 569(f)	R.1981 d.373	13 N.J.R. 705(a)
7:14A-4.2, 4.3	Hazardous waste management	14 N.J.R. 1137(a)	R.1983 d.25	15 N.J.R. 146(a)
7:14A-4.3	"Wastewater treatment unit" defined	14 N.J.R. 506(b)	R.1982 d.310	14 N.J.R. 1054(b)
7:14A-5.11, 5.13, 5.15, 5.16	Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:14A-11, 13.1	Hazardous waste management	13 N.J.R. 724(a)	R.1982 d.97	14 N.J.R. 338(a)
7:14A-13.4	Pollutant discharge and waste management	13 N.J.R. 89(a)	R.1981 d.214	13 N.J.R. 403(a)
7:17	Hard clam depuration pilot plant program	12 N.J.R. 253(a)	R.1981 d.56	13 N.J.R. 194(a)
7:18	Laboratory certification and standards of performance	13 N.J.R. 260(d)	R.1981 d.279	13 N.J.R. 481(c)
7:19	Water diversion and water supply allocation permits	13 N.J.R. 639(a)	R.1981 d.488	14 N.J.R. 42(a)
7:19-3	Water diversion fees for non-growing use	14 N.J.R. 459(a)	R.1982 d.239	14 N.J.R. 834(f)
7:19-3.9	Annual review: fee schedule for water supply allocation	————	————	15 N.J.R. 950(a)
7:21	Water policy and supply council	Organizational	R.1981 d.366	13 N.J.R. 705(b)
7:22	Natural Resources Bond Fund	13 N.J.R. 481(d)	R.1981 d.456	13 N.J.R. 886(d)
7:23-2	Flood control bond grants	13 N.J.R. 192(a)	R.1981 d.223	13 N.J.R. 403(b)
7:24	Dam restoration grants	13 N.J.R. 9(a)	R.1981 d.104	13 N.J.R. 195(b)
7:25-2	Use of Wildlife Management Areas	15 N.J.R. 840(a)	R.1983 d.336	15 N.J.R. 1374(c)
7:25-2.14	Field trials and horseback riding permits	15 N.J.R. 387(a)	R.1983 d.185	15 N.J.R. 894(b)
7:25-4.6	Nongame and exotic wildlife inspection	13 N.J.R. 806(a)	R.1981 d.513	14 N.J.R. 102(a)
7:25-5	Game Code	13 N.J.R. 262(a)	R.1981 d.253	13 N.J.R. 403(c)
7:25-5	1982-83 Game Code	14 N.J.R. 402(b)	R.1982 d.212	14 N.J.R. 755(d)
7:25-5.13, 5.28, 5.29	1982–83 Game Code changes	14 N.J.R. 871(a)	R.1982 d.351	14 N.J.R. 1158(a)
7:25-5	1983-1984 Game Code	15 N.J.R. 771(a)	R.1983 d.302	15 N.J.R. 1247(b)
7:25-6	1982-1983 Fish Code	13 N.J.R. 483(a)	R.1981 d.470	13 N.J.R. 887(a)
7:25-6	1983 Fish Code	14 N.J.R. 872(a)	R.1982 d.429	14 N.J.R. 1366(c)
7:25-7.2	Oyster seed beds recodification	13 N.J.R. 193(a)	R.1981 d.189	13 N.J.R. 340(b)
7:25-7.10	Taking of oysters	13 N.J.R. 125(a)	R.1981 d.199	13 N.J.R. 403(d)
7:25-7.10	Senior citizen's oyster license	14 N.J.R. 629(a)	R.1982 d.337	14 N.J.R. 1158(b)
7:25-7.13	Crab dredging	13 N.J.R. 125(b)	R.1981 d.200	13 N.J.R. 404(a)
7:25-9.1	Taking of hard clams: size tolerance control	14 N.J.R. 689(a)	R.1983 d.270	15 N.J.R. 1095(a)
7:25-9.2	Hard clam harvest penalties	13 N.J.R. 404(b)	R.1981 d.362	13 N.J.R. 706(a)
7:25-9.4	Bay scallops	13 N.J.R. 126(a)	R.1981 d.256	13 N.J.R. 404(c)
7:25-12.1	Sea clam harvesting	Emergency	R.1981 d.448	13 N.J.R. 843(a)
7:25-12.1	Harvest of sea clams	13 N.J.R. 613(a)	R.1981 d.486	13 N.J.R. 943(c)
7:25-12.1	1982 sea clam harvest limits	Emergency	R.1982 d.80	14 N.J.R. 288(a)
7:25-12.1	Sea clam harvest	14 N.J.R. 881(a)	R.1982 d.393	14 N.J.R. 1213(a)
7:25-14	Atlantic Coast crabbing	13 N.J.R. 262(b)	R.1981 d.299	13 N.J.R. 546(a)
7:25-14	Crab pots	15 N.J.R. 388(b)	R.1983 d.291	15 N.J.R. 1181(a)
7:25-14.8–14.10	Crab harvesting	13 N.J.R. 645(a)	R.1982 d.169	14 N.J.R. 578(a)
7:25-15.1	Hard clam relay program	13 N.J.R. 645(b)	R.1982 d.117	14 N.J.R. 387(a)
7:25-15.1	Readopted: Relay of hard clams	14 N.J.R. 1055(a)	R.1982 d.411	14 N.J.R. 1300(d)
7:25-16.1	Upstream line revisions	13 N.J.R. 484(a)	R.1981 d.469	13 N.J.R. 887(b)
7:25-16.1	Upstream fishing lines	14 N.J.R. 882(a)	R.1982 d.454	14 N.J.R. 1451(b)
7:25-18A	Readopted: Fisheries closures and advisories	15 N.J.R. 39(a)	R.1983 d.102	15 N.J.R. 543(c)
7:25-21	Terrapin	13 N.J.R. 126(b)	R.1981 d.198	13 N.J.R. 405(a)
7:25-22.1	Marine finfish: Menhaden season	14 N.J.R. 945(a)	R.1983 d.137	15 N.J.R. 690(b)
7:25A-1.1	Emergency: Oyster dredging license moratorium	Emergency	R.1981 d.94	13 N.J.R. 195(a)
7:25A-1.1, 1.2	Oyster dredging licenses	13 N.J.R. 192(b)	R.1981 d.188	13 N.J.R. 340(c)
7:25A-2.1–2.7	Oyster management in Delaware Bay	13 N.J.R. 192(c)	R.1981 d.197	13 N.J.R. 405(b)
7:25A-3.1	Oyster seed beds recodification	13 N.J.R. 193(a)	R.1981 d.189	13 N.J.R. 340(b)
7:25A-3.1	1982 seed oyster season	14 N.J.R. 264(a)	R.1982 d.148	14 N.J.R. 426(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7:25A-3.1	1983 oyster seed bed season	15 N.J.R. 200(a)	R.1983 d.161	15 N.J.R. 804(b)
7:26-1	Solid waste administration	12 N.J.R. 511(a)	R.1981 d.281	13 N.J.R. 484(b)
7:26-1	Hazardous waste management	12 N.J.R. 511(a)	R.1981 d.370	13 N.J.R. 706(b)
7:26-1.1	Pollutant discharge and waste management	12 N.J.R. 569(f)	R.1981 d.84	13 N.J.R. 194(c)
7:26-1.1, 1.4	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-1.4	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-1.4	Correction: Hazardous waste management	14 N.J.R. 1137(a)	R.1983 d.25	15 N.J.R. 333(a)
7:26-1.4	Sanitary landfill closure and post-closure	14 N.J.R. 883(a)	R.1983 d.192	15 N.J.R. 894(c)
7:26-1.7	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-1.8	Hazardous waste management	13 N.J.R. 724(a)	R.1982 d.97	14 N.J.R. 338(a)
7:26-2.9, 2.13	Sanitary landfill closure and post-closure	14 N.J.R. 883(a)	R.1983 d.192	15 N.J.R. 894(c)
7:26-2.14	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-3.2,4.7	Solid waste collection and haulage	Procedural	R.1981 d.49	13 N.J.R. 129(a)
7:26-3.8	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-4	Readopted: solid waste fee schedules	15 N.J.R. 662(a)	R.1983 d.269	15 N.J.R. 1095(b)
7:26-4.7	Registration of hazardous waste collector/haulers	14 N.J.R. 368(a)	R.1982 d.289	14 N.J.R. 979(b)
7:26-4.10	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R.1983 d.50	15 N.J.R. 330(d)
7:26-5.5	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-6	Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R.1982 d.434	14 N.J.R. 1368(a)
7:26-6	Correction: Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R.1982 d.434	15 N.J.R. 900(a)
7:26-7, -8	Solid waste administration	12 N.J.R. 511(a)	R.1981 d.281	13 N.J.R. 484(b)
7:26-7.4	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-7.4, 7.5, 7.7	Waste oil management as hazardous material	14 N.J.R. 20(a)	R.1982 d.494	15 N.J.R. 88(a)
7:26-7.6	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-8.13, 8.15	Waste oil management	14 N.J.R. 20(a)	R.1982 d.494	15 N.J.R. 88(a)
7:26-8.13, 8.16	Dioxin and dibenzofuran contamination	Emergency	R.1983 d.292	15 N.J.R. 1184(a)
7:26-8.16	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-9	Hazardous waste management	12 N.J.R. 511(a)	R.1981 d.370	13 N.J.R. 706(b)
7:26-9.1, 9.5, 9.9	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-9.1, 9.2, 9.4,-10, 11.2, 11.3, 11.5, 11.7, 12.1, 12.2	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-11, -12	Hazardous waste management	12 N.J.R. 511(a)	R.1981 d.370	13 N.J.R. 706(b)
7:26-12.2	Hazardous waste management	13 N.J.R. 724(a)	R.1982 d.97	14 N.J.R. 338(a)
7:26-13	Siting of new hazardous waste facilities	15 N.J.R. 113(a)	R.1983 d.276	15 N.J.R. 1096(a)
7:26-14	Resource recovery grants	13 N.J.R. 9(a)	R.1981 d.184	13 N.J.R. 340(d)
7:26-14	Codification correction: Resource recovery grants	13 N.J.R. 9(a)	R.1981 d.184	15 N.J.R. 147(a)
7:26-15	Recycling of municipal solid waste (joint adoption, see 14A:6)	13 N.J.R. 865(a)	R.1982 d.32	14 N.J.R. 206(b)
7:26-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R.1983 d.119	15 N.J.R. 622(d)
7:27-2	Control and prohibition of open burning	12 N.J.R. 690(a)	R.1981 d.135	13 N.J.R. 264(a)
7:27-9	Sulfur in fuels	13 N.J.R. 870(a)	R.1982 d.456	14 N.J.R. 1452(a)
7:27-10	Sulfur in coal	12 N.J.R. 571(a)	R.1981 d.185	13 N.J.R. 341(a)
7:27-16	Air pollution control: Volatile organic substances	13 N.J.R. 127(a)	R.1982 d.3	14 N.J.R. 145(b)
7:28-24	Licensing of nuclear medicine technologists	14 N.J.R. 507(a)	R.1982 d.457	14 N.J.R. 1455(a)
7:28-41	Mercury vapor lamps	13 N.J.R. 9(b)	R.1981 d.464	13 N.J.R. 887(c)
7:29B	Noise measurement	13 N.J.R. 127(b)	R.1982 d.81	14 N.J.R. 339(a)
7:30-1, -2, -4, -8	State Pesticide Control Code	14 N.J.R. 787(a)	R.1982 d.435	14 N.J.R. 1385(a)
7:30-3,-5,-6,-7	State Pesticide Control Code	14 N.J.R. 787(a)	R.1983 d.166	15 N.J.R. 915(a)
7:30-10	State Pesticide Control Code: Pesticide use	14 N.J.R. 787(a)	R.1983 d.63	15 N.J.R. 333(b)
7:36-3.1	Green Acres reimbursement	14 N.J.R. 461(a)	R.1982 d.231	14 N.J.R. 835(a)
7:38-1.17	Wild and scenic rivers addition	13 N.J.R. 568(a)	R.1982 d.2	14 N.J.R. 147(a)
7:50	Pinelands management	13 N.J.R. 569(a)	R.1982 d.131	14 N.J.R. 388(a)
7:50	Pinelands Comprehensive Management Plan and Sunset Provision	Public Notice	————	14 N.J.R. 1102(b)
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HEALTH–TITLE 8				
8:13-2.1, 2.3, 2.4, 2.7-2.9, 2.11, 2.13-2.15	Soft-shell clam depuration	14 N.J.R. 415(a)	R.1982 d.241	14 N.J.R. 835(b)
8:18-1	Repealed: Children's boarding home rules	14 N.J.R. 1436(b)	R.1983 d.101	15 N.J.R. 544(a)
8:21-2.34	Repealed (see 8:21-12)	14 N.J.R. 1265(a)	R.1983 d.115	15 N.J.R. 623(a)

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8:21-3.23	Legal animal repellants	14 N.J.R. 79(a)	R.1982 d.123	14 N.J.R. 389(a)
8:21-3.24	Ingredients for human self-defense sprays	14 N.J.R. 1029(a)	R.1982 d.451	14 N.J.R. 1456(a)
8:21-3.25	Sale and possession of nitrous oxide	14 N.J.R. 1190(a)	R.1983 d.41	15 N.J.R. 244(b)
8:21-10	Designated fluid milk products	12 N.J.R. 643(c)	R.1980 d.539	13 N.J.R. 13(f)
8:21-12	Nonalcoholic beverages and bottled water	14 N.J.R. 1265(a)	R.1983 d.115	15 N.J.R. 623(a)
8:21-12.5	Correction: labeling of bottled water	15 N.J.R. 623(a)	————	15 N.J.R. 809(a)
8:22-1	State Sanitary Code–Campgrounds	13 N.J.R. 130(a)	R.1981 d.161	13 N.J.R. 342(a)
8:22-2	Repeal mobile home park rules	12 N.J.R. 577(d)	R.1980 d.499	13 N.J.R. 13(c)
8:23-1.4	Psittacosis testing of quarantined birds	15 N.J.R. 466(a)	R.1983 d.207	15 N.J.R. 918(a)
8:24	Retail food establishments; vending machines	14 N.J.R. 509(a)	R.1983 d.98	15 N.J.R. 544(b)
8:24	Correction: retail food establishments	————	R.1983 d.98	15 N.J.R. 809(b)
8:25	Readopted: Youth Camp Safety rules	15 N.J.R. 467(a)	R.1983 d.186	15 N.J.R. 918(b)
8:25-6.12	Youth camp certification fees	14 N.J.R. 1191(a)	R.1982 d.476	15 N.J.R. 33(a)
8:30	Expiration date	13 N.J.R. 265(a)	R.1981 d.283	13 N.J.R. 485(b)
8:30	Long-term care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:30	Repealed (see 8:39)	15 N.J.R. 279(a)	R.1983 d.236	15 N.J.R. 1022(b)
8:30-1.4	Health care facilities licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:30-14	Recodified as 8:39-27	15 N.J.R. 279(a)	R.1983 d.236	15 N.J.R. 1022(b)
8:31-22.1	Doctors' offices in medical facilities	13 N.J.R. 807(a)	R.1982 d.273	14 N.J.R. 915(b)
8:31-23.1	Parking garage standards	13 N.J.R. 807(b)	R.1982 d.274	14 N.J.R. 916(a)
8:31-24.1	Hospital personnel housing	13 N.J.R. 808(a)	R.1982 d.275	14 N.J.R. 916(b)
8:31-25.1	Mobile intensive care paramedics: Approved	14 N.J.R. 1331(a)	R.1983 d.28	15 N.J.R. 147(b)
8:31-26.1	Health care facilities: ownership by convicted persons	15 N.J.R. 307(a)	R.1983 d.235	15 N.J.R. 1021(a)
8:31-26.3	All health care facilities: Employee physicals	14 N.J.R. 1274(a)	R.1983 d.69	15 N.J.R. 337(a)
8:31-26.3	Health care facilities: employee physical exams	15 N.J.R. 470(a)	R.1983 d.234	15 N.J.R. 1022(a)
8:31-26.4	Child abuse and neglect	13 N.J.R. 12(a)	R.1981 d.157	13 N.J.R. 342(b)
8:31-26.4	Correction: Child abuse reporting	13 N.J.R. 12(a)	R.1981 d.157	13 N.J.R. 756(a)
8:31-26.5	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:31-27	Megavoltage radiation (recodified as 8:33I)	13 N.J.R. 406(b)	R.1981 d.406	13 N.J.R. 756(b)
8:31-28.1, 28.3	Need and designation of regional services	12 N.J.R. 515(a)	R.1980 d.528	13 N.J.R. 13(d)
8:31-30.1	Plan Review Fee multiplier	13 N.J.R. 265(b)	R.1981 d.284	13 N.J.R. 486(a)
8:31A-7	1982 SHARE regulations	13 N.J.R. 266(a)	R.1981 d.325	13 N.J.R. 571(c)
8:31A-7	SHARE Manual: 1983 rate review guidelines	14 N.J.R. 887(a)	R.1982 d.452	14 N.J.R. 1456(b)
8:31A-7	SHARE Manual: relief from overspending challenge	15 N.J.R. 200(b)	R.1983 d.201	15 N.J.R. 918(c)
8:31A-8.1	Hospital reporting: medical discharge abstract	15 N.J.R. 470(b)	R.1983 d.338	15 N.J.R. 1374(d)
8:31A-9.2	Correction to Code: SHARE Manual	10 N.J.R. 534(c)	R.1979 d.25	14 N.J.R. 44(a)
8:31A-10.1	Mobile unit rate guidelines	13 N.J.R. 647(a)	R.1982 d.38	14 N.J.R. 208(a)
8:31B-2.2, 2.4	Uniform Bill-Patient Summary (Inpatient)	13 N.J.R. 410(a)	R.1981 d.404	13 N.J.R. 756(c)
8:31B-3	Hospital procedural and methodological regulations	12 N.J.R. 515(b)	R.1980 d.455	12 N.J.R. 645(c)
8:31B-3	Procedural and methodological regulations	13 N.J.R. 486(b)	R.1981 d.494	14 N.J.R. 45(a)
8:31B-3	Nursing Management Report: RIM Methodology	14 N.J.R. 737(a)	R.1982 d.427	15 N.J.R. 43(a)
8:31B-3	Hospital rate setting: RIM and other 1983 changes	14 N.J.R. 737(a)	R.1982 d.427	14 N.J.R. 1389(a)
8:31B-3.19	Hospital rate setting: Patient care cost finding	14 N.J.R. 737(a)	R.1983 d.194	15 N.J.R. 919(a)
8:31B-3.20D	Rate of return: For-profit hospitals	13 N.J.R. 266(b)	R.1981 d.290	13 N.J.R. 486(c)
8:31B-3.26, 3.72	Hospital rate setting: economic factor; periodic adjustments	15 N.J.R. 471(a)	R.1983 d.206	15 N.J.R. 920(a)
8:31B-3.27, 3.73	Hospital rate setting: capital facilities; reconciliation	15 N.J.R. 201(a)	R.1983 d.200	15 N.J.R. 920(b)
8:31B-4	Hospital financial elements and reporting regulations	12 N.J.R. 516(a)	R.1980 d.453	12 N.J.R. 645(a)
8:31B-4.44, 4.66	1983 Financial Elements and Reporting	14 N.J.R. 946(b)	R.1982 d.449	14 N.J.R. 1457(a)
8:31B-4.62	Excluded health care services	12 N.J.R. 643(d)	R.1981 d.10	13 N.J.R. 92(a)
8:31B-5.1, 5.2, 5.3	Diagnostic related groups	13 N.J.R. 726(b)	R.1982 d.27	14 N.J.R. 147(b)
8:31B-6.1–6.5	Mobile unit rate guidelines	13 N.J.R. 647(a)	R.1982 d.38	14 N.J.R. 208(a)
8:33	Certificate of Need application changes	13 N.J.R. 267(a)	R.1981 d.296	13 N.J.R. 487(b)
8:33-2.2	Batching cycle for long-term care facilities	15 N.J.R. 307(b)	R.1983 d.205	15 N.J.R. 920(c)
8:33D-1.3	Regional hemophilia care centers	13 N.J.R. 727(a)	R.1982 d.26	14 N.J.R. 147(c)
8:33E-1.1	Cardiac diagnostic facilities	13 N.J.R. 649(a)	R.1982 d.24	14 N.J.R. 147(d)
8:33E-2.2	Cardiac surgical centers	13 N.J.R. 651(a)	R.1982 d.25	14 N.J.R. 147(e)
8:33F-1.1–1.4, 1.6, 1.7	Regional end-stage renal services	13 N.J.R. 922(b)	R.1982 d.143	14 N.J.R. 426(c)
8:33G	Certificate of Need reviews: CT scanners	13 N.J.R. 487(c)	R.1981 d.472	13 N.J.R. 944(a)
8:33G-1.2, 1.4	CT scanners: Need review	14 N.J.R. 1275(a)	R.1983 d.64	15 N.J.R. 337(b)
8:33H-3.3	Medicare and Medicaid beds in long-term care	14 N.J.R. 191(a)	R.1982 d.180	14 N.J.R. 578(b)
8:33H-3.3	Long-term care: expansion and new construction	15 N.J.R. 473(a)	R.1983 d.195	15 N.J.R. 921(a)
8:33I	Megavoltage radiation units (recodified from 8:31-27)	13 N.J.R. 406(b)	R.1981 d.406	13 N.J.R. 756(b)
8:37	Expiration date	13 N.J.R. 265(a)	R.1981 d.283	13 N.J.R. 485(b)
8:37	Intermediate care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:37	Repealed (see 8:39)	15 N.J.R. 279(a)	R.1983 d.236	15 N.J.R. 1022(b)
8:37-4.7	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:39	Licensure of long-term care facilities	15 N.J.R. 279(a)	R.1983 d.236	15 N.J.R. 1022(b)
8:39-Foreword	Long-term care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)

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8:71	Interchangeable drug products	Emergency	R.1981 d.27	13 N.J.R. 132(a)
8:71	Interchangeable drug products	12 N.J.R. 644(b)	R.1981 d.81	13 N.J.R. 217(d)
8:71	Interchangeable drug product list	13 N.J.R. 269(a)	R.1981 d.364	13 N.J.R. 706(c)
8:71	Interchangeable drug list	12 N.J.R. 644(b)	R.1981 d.405	13 N.J.R. 757(a)
8:71	List of interchangeable drugs	13 N.J.R. 354(a)	R.1981 d.403	13 N.J.R. 757(b)
8:71	Interchangeable drug products	13 N.J.R. 654(a)	R.1981 d.503	14 N.J.R. 45(d)
8:71	Correction: Generic drug list	13 N.J.R. 654(a)	R.1981 d.503	14 N.J.R. 102(b)
8:71	Generic drug list additions	13 N.J.R. 217(c)	R.1982 d.58	14 N.J.R. 235(a)
8:71	Amitriptyline addition	14 N.J.R. 22(b)	R.1982 d.106	14 N.J.R. 342(a)
8:71	Generic drug list additions	14 N.J.R. 22(a)	R.1982 d.115	14 N.J.R. 389(c)
8:71	Additions to generic drug list	14 N.J.R. 22(a)	R.1982 d.197	14 N.J.R. 655(b)
8:71	Additions to generic drug list	14 N.J.R. 369(a)	R.1982 d.240	14 N.J.R. 836(a)
8:71	Correction: Generic drug list	14 N.J.R. 369(a)	R.1982 d.240	14 N.J.R. 980(a)
8:71	Generic drug list changes	14 N.J.R. 22(a)	R.1982 d.371	14 N.J.R. 1159(a)
8:71	Generic drug list changes	13 N.J.R. 645(a)	R.1982 d.372	14 N.J.R. 1159(b)
8:71	Generic drug list changes	14 N.J.R. 369(a)	R.1982 d.373	14 N.J.R. 1160(a)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R.1982 d.374	14 N.J.R. 1160(b)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R.1982 d.426	14 N.J.R. 1392(a)
8:71	Correction: Generic drug list	14 N.J.R. 690(a)	R.1982 d.426	15 N.J.R. 33(b)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R.1982 d.488	15 N.J.R. 90(a)
8:71	Generic drug list additions	14 N.J.R. 690(a)	R.1982 d.489	15 N.J.R. 91(a)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R.1983 d.30	15 N.J.R. 147(e)
8:71	Additions to generic drug list	14 N.J.R. 1077(a)	R.1983 d.31	15 N.J.R. 148(a)
8:71	Steri-med 50mg hydrochlorothiazide tabs	14 N.J.R. 887(b)	R.1983 d.32	15 N.J.R. 148(b)
8:71	Generic drug list deletions	14 N.J.R. 1030(b)	R.1983 d.34	15 N.J.R. 149(a)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R.1983 d.65	15 N.J.R. 339(a)
8:71	Generic drug list changes	14 N.J.R. 888(a)	R.1983 d.138	15 N.J.R. 690(c)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R.1983 d.139	15 N.J.R. 691(a)
8:71	Generic drug list changes	15 N.J.R. 127(a)	R.1983 d.140	15 N.J.R. 691(b)
8:71	Oxycodones; Schedule II policy	14 N.J.R. 1077(a)	———	15 N.J.R. 700(a)
8:71	Generic drug list changes	15 N.J.R. 127(a)	R.1983 d.272	15 N.J.R. 1100(a)
8:71	Generic drug list addition	14 N.J.R. 690(a)	R.1983 d.273	15 N.J.R. 1100(b)
8:71	Generic drug list changes	15 N.J.R. 126(b)	R.1983 d.274	15 N.J.R. 1100(c)

(Title 8, Transmittal 14 dated September 18, 1980)

HIGHER EDUCATION–TITLE 9

9:1-6.1, 6.4	Petitions from out-of-state institutions	14 N.J.R. 372(a)	R.1982 d.219	14 N.J.R. 756(a)
9:2-2.25	Mandatory retirement at State colleges	14 N.J.R. 947(a)	R.1982 d.444	14 N.J.R. 1458(a)
9:2-2.25	Correction: State college retirement	14 N.J.R. 947(a)	R.1982 d.444	15 N.J.R. 809(c)
9:2-13.1–13.12	State college auxiliary organizations	14 N.J.R. 1141(a)	R.1982 d.493	15 N.J.R. 91(b)
9:4-1.5	County colleges: Chargebacks to sending counties	14 N.J.R. 690(b)	R.1982 d.335	14 N.J.R. 1099(a)
9:4-1.6	County colleges: General education requirements	15 N.J.R. 203(a)	R.1983 d.147	15 N.J.R. 805(a)
9:4-3.1, 3.10	County college annual audit	14 N.J.R. 318(a)	R.1982 d.218	14 N.J.R. 757(a)
9:4-3.4	Correction: Assets to be capitalized by county colleges	———	———	15 N.J.R. 700(b)
9:4-5	County colleges reduction in force rules	15 N.J.R. 128(a)	R.1983 d.146	15 N.J.R. 805(b)
9:5-1.5	State funding for senior citizens	15 N.J.R. 73(b)	R.1983 d.118	15 N.J.R. 625(a)
9:7	Readopted: Student Assistance Programs	15 N.J.R. 129(a)	R.1983 d.126	15 N.J.R. 692(a)
9:7-2.10	Student Assistance Programs: minimum academic progress	15 N.J.R. 205(a)	R.1983 d.261	15 N.J.R. 1101(a)
9:7-3.1	1983-84 Tuition Aid Grant Award Table	15 N.J.R. 206(a)	R.1983 d.250	15 N.J.R. 1032(a)
9:11-1	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R.1982 d.385	14 N.J.R. 1214(c)
9:11-1.5, 1.16	Educational Opportunity Fund financial aid rules	15 N.J.R. 206(b)	R.1983 d.170	15 N.J.R. 924(b)
9:12-1, -2	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R.1982 d.385	14 N.J.R. 1214(c)

(Title 9, Transmittal 17 dated June 21, 1982)

HUMAN SERVICES–TITLE 10

10:1-2	Public comments and petitions regarding department rules	———	R.1983 d.165	15 N.J.R. 924(c)
10:4	Group homes and community relations	14 N.J.R. 1192(a)	R.1982 d.475	15 N.J.R. 33(c)
10:38	Interim Assistance Procedures Manual	13 N.J.R. 220(d)	R.1981 d.225	13 N.J.R. 412(c)
10:44A	Group homes and supervised apartments for developmentally disabled	14 N.J.R. 531(a)	R.1983 d.23	15 N.J.R. 149(b)
10:49-1.2	Amend recipient controls	12 N.J.R. 274(a)	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.2	Medicaid ID: Special Status Card	14 N.J.R. 418(a)	R.1982 d.261	14 N.J.R. 917(b)
10:49-1.3	Provider participation	13 N.J.R. 496(c)	R.1981 d.393	13 N.J.R. 758(c)
10:49-1.3, 1.4	Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:49-1.5	Amend recipient controls	12 N.J.R. 274(a)	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Record keeping by providers	12 N.J.R. 520(b)	R.1981 d.329	13 N.J.R. 574(b)
10:49-1.7	Utilization of insurance benefits	12 N.J.R. 187(c)	R.1981 d.123	13 N.J.R. 272(a)
10:49-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R.1982 d.52	14 N.J.R. 235(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:49-1.13,1.14	Providers using management agencies	13 N.J.R. 272(b)	R.1981 d.246	13 N.J.R. 412(d)
10:49-1.17	Suspension of provider from Medicaid program	12 N.J.R. 581(a)	R.1980 d.501	13 N.J.R. 17(a)
10:49-1.17	Suspended providers	13 N.J.R. 222(a)	R.1981 d.315	13 N.J.R. 574(c)
10:49-1.17	Provider participation	13 N.J.R. 496(c)	R.1981 d.393	13 N.J.R. 758(c)
10:49-1.24	Medical day care in hospital-affiliated facilities	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:49-1.26	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:49-1.27	Final audits	13 N.J.R. 133(c)	R.1981 d.114	13 N.J.R. 273(a)
10:49-5	Readopted: Fair Hearing rules	15 N.J.R. 848(a)	R.1983 d.327	15 N.J.R. 1375(b)
10:49-1.27	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R.1983 d.5	15 N.J.R. 155(a)
10:49-5.3,5.4	Recipient fair hearings	12 N.J.R. 581(b)	R.1980 d.512	13 N.J.R. 17(f)
10:49-5.6	Recipient fair hearings	12 N.J.R. 581(b)	R.1980 d.512	13 N.J.R. 17(f)
10:49-6.5	Medicaid: Payment recovery from estates	14 N.J.R. 80(a)	R.1982 d.147	14 N.J.R. 427(c)
10:49-6.8	Compromising claims	12 N.J.R. 582(a)	R.1980 d.502	13 N.J.R. 17(b)
10:50	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:50-2.7	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:51	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:51-1.7	Pharmacy Manual: legend drug dispensing fee	Emergency	R.1983 d.333	15 N.J.R. 1386(a)
10:51-1.13, 1.14	Emergency amend "Less than effective" drugs	Emergency	R.1981 d.476	13 N.J.R. 945(a)
10:51-1.13, 1.14	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R.1982 d.28	14 N.J.R. 158(a)
10:51-1.14, 1.17	Pharmaceutical Services: Fees and delivery	14 N.J.R. 1336(a)	R.1983 d.56	15 N.J.R. 339(b)
10:51-1.17	Legend drug dispensing fee	13 N.J.R. 575(c)	R.1981 d.411	13 N.J.R. 758(d)
10:51-1.19	Emergency amendment: "Less than effective" drugs	Emergency	R.1981 d.476	13 N.J.R. 945(a)
10:51-1.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R.1982 d.28	14 N.J.R. 158(a)
10:51-1(App.B,D)	Pharmaceutical Services Manual	13 N.J.R. 134(a)	R.1981 d.124	13 N.J.R. 274(a)
10:51-1(App.B,D)	Non-legend drugs and legend services	13 N.J.R. 739(a)	R.1981 d. 505	14 N.J.R. 46(a)
10:51-1(App. E)	Pharmacy Manual: Protein replacements	14 N.J.R. 418(b)	R.1982 d.211	14 N.J.R. 757(b)
10:51-1(App. B,C,D)	Pharmaceutical Services	14 N.J.R. 1142(a)	R.1982 d.458	14 N.J.R. 1458(b)
10:51-1(App.B,D,E)	Pharmaceutical Services	15 N.J.R. 664(a)	R.1983 d.293	15 N.J.R. 1253(b)
10:51-2	Pharmacy Manual billing procedures	13 N.J.R. 274(b)	R.1981 d.247	13 N.J.R. 415(a)
10:51-2.6	Reporting chemotherapy injectable drugs	14 N.J.R. 813(a)	R.1982 d.340	14 N.J.R. 1161(a)
10:51-3	Pharmaceutical services in LTC facilities	13 N.J.R. 415(b)	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	13 N.J.R. 577(b)	R.1981 d.465	13 N.J.R. 887(d)
10:51-3.15	Pharmacy Manual: Capitation rates	Emergency	R.1983 d.333	15 N.J.R. 1386(a)
10:51-4.5	Repeal payments for pharmaceutical consultants	12 N.J.R. 410(a)	R.1981 d.101	13 N.J.R. 228(c)
10:51-5	Readopted: PAAD in Pharmacy Manual	15 N.J.R. 209(a)	R.1983 d.155	15 N.J.R. 806(a)
10:51-5.9, 5.12	Prescription policies; telephone orders	15 N.J.R. 209(a)	R.1983 d.155	15 N.J.R. 806(a)
10:51-5.16, 5.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R.1982 d.28	14 N.J.R. 158(a)
10:51-5.28-5.33	Pharmaceutical Assistance to the Aged	13 N.J.R. 289(a)	R.1981 d.248	13 N.J.R. 415(c)
10:51-6	Expired: Institutional Pharmacy Permits	15 N.J.R. 209(a)	R.1983 d.155	15 N.J.R. 806(a)
10:52	Hospital and special hospital manuals	13 N.J.R. 416(a)	R.1981 d.327	13 N.J.R. 578(a)
10:52-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.1	Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:52-1.1	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:52-1.3	Non-covered hospital services	13 N.J.R. 14(d)	R.1981 d.126	13 N.J.R. 291(a)
10:52-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R.1982 d.73	14 N.J.R. 278(c)
10:52-1.3	Second opinion requirement on certain surgery	14 N.J.R. 1143(a)	R.1982 d.459	14 N.J.R. 1458(c)
10:52-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R.1982 d.52	14 N.J.R. 235(b)
10:52-1.9	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:52-1.17	Out-of-State inpatient hospital services	13 N.J.R. 15(a)	R.1981 d.162	13 N.J.R. 358(b)
10:52-1.17	Correction: Out-of-State hospital services	13 N.J.R. 15(a)	R.1981 d.162	13 N.J.R. 416(b)
10:52-1.18	Out-of-State hospital services	13 N.J.R. 359(a)	R.1981 d.293	13 N.J.R. 497(a)
10:52-2.2	Uniform billing of hospital services	13 N.J.R. 93(a)	R.1982 d.13	14 N.J.R. 158(b)
10:52-2.8A	Outpatient dental services	13 N.J.R. 416(c)	R.1981 d.479	13 N.J.R. 946(a)
10:52-2.13	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:52-3.6	Outpatient dental services	13 N.J.R. 416(c)	R.1981 d.479	13 N.J.R. 946(a)
10:53	Hospital and special hospital manuals	13 N.J.R. 416(a)	R.1981 d.327	13 N.J.R. 578(a)
10:53-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:53-1.1	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:53-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R.1982 d.73	14 N.J.R. 278(c)
10:53-1.3	Second opinion requirement	14 N.J.R. 1143(a)	R.1982 d.459	14 N.J.R. 1458(c)
10:53-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:53-1.15	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:53-2.18	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:54-1	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:54-1.2	Routine chest X rays	13 N.J.R. 94(a)	R.1981 d.125	13 N.J.R. 292(b)
10:54-1.2	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R.1982 d.73	14 N.J.R. 278(c)
10:54-1.2	Second opinion requirement	14 N.J.R. 1143(a)	R.1982 d.459	14 N.J.R. 1458(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:54-1.3	Record keeping by providers	12 N.J.R. 520(b)	R.1981 d.329	13 N.J.R. 574(b)
10:54-1.5	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R.1981 d.374	13 N.J.R. 706(d)
10:54-1.6	Reimbursement for anesthesia time	12 N.J.R. 413(a)	R.1981 d.220	13 N.J.R. 417(b)
10:54-1.20	Physicians Services: Sterilization by hysterectomy	14 N.J.R. 1337(a)	R.1983 d.55	15 N.J.R. 339(c)
10:54-1.22	Routine chest X rays	13 N.J.R. 94(a)	R.1981 d.125	13 N.J.R. 292(b)
10:54-2.1	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:54-2.4, 2.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:54-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:54-3	Procedure Code Manual	12 N.J.R. 520(c)	R.1980 d.511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 95(a)	R.1981 d.111	13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 223(a)	R.1981 d.211	13 N.J.R. 418(c)
10:54-3	Procedure codes for pacemakers	13 N.J.R. 297(a)	R.1981 d.251	13 N.J.R. 430(a)
10:54-3	Procedure codes for physicians services	13 N.J.R. 298(a)	R.1981 d.305	13 N.J.R. 578(b)
10:54-3	Physician services procedure codes	13 N.J.R. 298(b)	R.1981 d.314	13 N.J.R. 578(c)
10:54-3	Procedure Code Manual	13 N.J.R. 578(d)	R.1981 d.475	13 N.J.R. 946(b)
10:54-3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R.1982 d.73	14 N.J.R. 278(c)
10:54-3	Procedure codes: Second opinion requirement	14 N.J.R. 1143(a)	R.1982 d.459	14 N.J.R. 1458(c)
10:54-3	Procedure codes: Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:55	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:56	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:56-1.8, 1.12	Dental Services Manual	12 N.J.R. 700(a)	R.1981 d.219	13 N.J.R. 430(b)
10:56-1.14, 1.15	Limitations on diagnostic dental services	13 N.J.R. 875(a)	R.1982 d.403	14 N.J.R. 1301(a)
10:56-3.15	Orthodontics	13 N.J.R. 134(b)	R.1981 d.113	13 N.J.R. 299(b)
10:57-1.4	Podiatry services	13 N.J.R. 360(a)	R.1981 d.300	13 N.J.R. 579(a)
10:57-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:57-1.9	Podiatry services	13 N.J.R. 360(a)	R.1981 d.300	13 N.J.R. 579(a)
10:57-1.20, 2.5–2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:58	Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:59	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:59-1.7, 1.8	Repair of durable medical equipment	12 N.J.R. 25(a)	R.1980 d.510	13 N.J.R. 17(d)
10:59-1.9	Medical Supplier Manual	13 N.J.R. 430(c)	R.1981 d.376	13 N.J.R. 707(a)
10:59-1.10	Repair of durable medical equipment	12 N.J.R. 25(a)	R.1980 d.510	13 N.J.R. 17(d)
10:59-1.10	IPPB equipment	13 N.J.R. 223(b)	R.1981 d.328	13 N.J.R. 579(b)
10:59-1.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R.1980 d.510	13 N.J.R. 17(d)
10:59-2.6–2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:59-2.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R.1980 d.510	13 N.J.R. 17(d)
10:60	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:60-1, 2.1–2.3	Home Health Services Manual revisions	14 N.J.R. 264(b)	R.1982 d.199	14 N.J.R. 656(a)
10:60-1.3	Covered home health services: medical supplies	15 N.J.R. 610(a)	R.1983 d.266	15 N.J.R. 1102(a)
10:60-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:61-1.4	Record retention requirements	13 N.J.R. 95(b)	R.1981 d.110	13 N.J.R. 299(c)
10:61-1.4	Physician orders for laboratory services	13 N.J.R. 430(d)	R.1981 d.342	13 N.J.R. 579(c)
10:61-2.3	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:61-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:62	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:62-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:62-1.7	Procedure codes for ophthamologists and optometrists	13 N.J.R. 299(d)	R.1981 d.280	13 N.J.R. 497(b)
10:62-3	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:63-1.2	Rehabilitation in long-term care	14 N.J.R. 420(a)	R.1982 d.210	14 N.J.R. 757(c)
10:63-1.4	Long Term Care Manual	12 N.J.R. 700(a)	R.1981 d.219	13 N.J.R. 430(b)
10:63-1.4	Special equipment in long-term care	13 N.J.R. 877(a)	R.1982 d.110	14 N.J.R. 391(a)
10:63-1.5	Inspection of long-term care	14 N.J.R. 81(a)	R.1982 d.72	14 N.J.R. 279(a)
10:63-1.5	Medical Evaluation Team (LTC) and alternate care option	15 N.J.R. 485(a)	R.1983 d.304	15 N.J.R. 1254(a)
10:63-1.6	Level III care in LTC facilities	14 N.J.R. 462(a)	R.1982 d.264	14 N.J.R. 917(c)
10:63-1.8	Long Term Care Manual	12 N.J.R. 700(a)	R.1981 d.219	13 N.J.R. 430(b)
10:63-1.8	Clinical records in long-term care facilities	12 N.J.R. 701(a)	R.1981 d.33	13 N.J.R. 146(c)
10:63-1.11	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:63-1.14	Retention of records in LTC facilities	13 N.J.R. 431(a)	R.1981 d.345	13 N.J.R. 579(d)
10:63-1.19	LTCSM: Termination of Medicaid eligibility	13 N.J.R. 15(b)	R.1981 d.62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	12 N.J.R. 701(a)	R.1981 d.23	13 N.J.R. 146(a)
10:63-1.22	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R.1983 d.5	15 N.J.R. 155(a)
10:63-2	Readopted: Billing Procedures in long-term care	15 N.J.R. 421(a)	R.1983 d.182	15 N.J.R. 925(a)
10:63-3.1	Reimbursement to Long Term Care Facilities	12 N.J.R. 702(a)	R.1981 d.87	13 N.J.R. 227(a)
10:63-3.2	LTC: Related–party lease costs	14 N.J.R 742(a)	R.1983 d.74	15 N.J.R. 442(b)
10:63-3.8	LTC's nursing care costs	13 N.J.R. 360(b)	R.1981 d.326	13 N.J.R. 579(e)
10:63-3.10	LTC: Capital Facilities Allowance rate	14 N.J.R. 743(a)	R.1983 d.73	15 N.J.R. 443(a)
10:63-3.20	Long-term care facilities: Reimbursement appeals	14 N.J.R. 269(a)	R.1983 d.11	15 N.J.R. 156(a)

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10:63-3.21	Rescission: Long-term care per diem reduction	13 N.J.R. 498(a)	R.1981 d.375	13 N.J.R. 707(b)
10:64	Hearing Aid Services Manual	14 N.J.R. 413(a)	R.1982 d.74	14 N.J.R. 279(b)
10:65	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:65-1.2–1.8, 2.1, 2.4–2.7	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:65-2.1	Medical day care rates	13 N.J.R. 362(a)	R.1981 d.318	13 N.J.R. 580(a)
10:66	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:66-1.5, 1.6	Mental health partial care services	13 N.J.R. 662(a)	R.1982 d.19	14 N.J.R. 158(c)
10:66-2.10	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:66-3.1-3.3	Independent clinic services procedure codes	13 N.J.R. 363(a)	R.1981 d.313	13 N.J.R. 580(b)
10:66-3.3	Procedure codes for Medicaid	12 N.J.R. 662(b)	R.1981 d.112	13 N.J.R. 299(e)
10:66-3.3	Independent Clinic Services Manual	13 N.J.R. 224(a)	R.1981 d.212	13 N.J.R. 431(b)
10:66-3.3	Mental health partial care services	13 N.J.R. 662(a)	R.1982 d.19	14 N.J.R. 158(c)
10:66-3.3	Family planning procedure codes	13 N.J.R. 663(a)	R.1982 d.84	14 N.J.R. 343(b)
10:67-1.2	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:67-1.8	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R.1981 d.374	13 N.J.R. 706(d)
10:67-2.5,2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:67-2.10	Psychological services procedure codes	13 N.J.R. 298(a)	R.1981 d.305	13 N.J.R. 578(b)
10:68-2.5,2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:69A	Readopted: Pharmaceutical Assistance Manual (PAAD)	15 N.J.R. 211(a)	R.1983 d.154	15 N.J.R. 806(b)
10:69A-2.1	Pharmaceutical Assistance for Aged and Disabled	14 N.J.R. 321(b)	R.1982 d.198	14 N.J.R. 659(a)
10:69A-5.6	PAA eligibility determinations	13 N.J.R. 432(a)	R.1981 d.332	13 N.J.R. 580(c)
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10:81	PAM: Readopted Federal requirements	13 N.J.R. 759(a)	R.1981 d.518	14 N.J.R. 102(c)
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10:81-2, 3	PAM: readopted AFDC application and eligibility rules	15 N.J.R. 933(a)	R.1983 d.319	15 N.J.R. 1375(c)
10:81-2.6, 2.17, 2.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R.1982 d.482	15 N.J.R. 92(a)
10:81-2.7	PAM: Deprivation of parential support in AFDC-C	12 N.J.R. 703(a)	R.1981 d.28	13 N.J.R. 146(b)
10:81-3.1, 3.5, 3.11, 3.13, 3.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R.1982 d.482	15 N.J.R. 92(a)
10:81-3.17	PAM: Readopted revisions	14 N.J.R. 1168(a)	R.1982 d.441	14 N.J.R. 1459(a)
10:81-3.35	PAM: Legally responsible relatives	14 N.J.R. 814(a)	R.1982 d.352	14 N.J.R. 1161(b)
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10:81-7.22	PAM: Funeral and burial contributions	14 N.J.R. 462(b)	R.1982 d.286	14 N.J.R. 980(b)
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10:81-7.26, 8.4	PAM: RSDI lump sum benefits	13 N.J.R. 925(a)	R.1982 d.90	14 N.J.R. 344(a)
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10:81-10	PAM: Refugee programs	14 N.J.R. 948(a)	R.1982 d.425	14 N.J.R. 1397(b)
10:81-10.7	PAM: Corrections to Administrative Code	———	———	15 N.J.R. 1388(c)
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10:82-1, 2, 3	ASH: readopted rules on AFDC eligible units, monthly grants, resources	15 N.J.R. 935(a)	R.1983 d.318	15 N.J.R. 1377(a)
10:82-1.2, 1.4, 1.5, 1.7, 2.1–2.6, 2.8–2.10, 2.13, 2.19	ASH: Federal requirements	14 N.J.R. 952(a)	R.1982 d.443	14 N.J.R. 1459(b)
10:82-2.1, 2.2, 2.18, 2.20	ASH: Readopted revisions	14 N.J.R. 1169(a)	R.1982 d.440	14 N.J.R. 1461(a)
10:82-2.9	Correction: Stepparent's income in AFDC-C	13 N.J.R. 763(a)	R.1981 d.519	14 N.J.R. 281(a)
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10:82-3.13, 4.1, 4.3, 4.4, 4.15	ASH: Federal requirements	14 N.J.R. 952(a)	R.1982 d.443	14 N.J.R. 1459(b)
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10:87	Emergency amend Food Stamp Manual	Emergency	R.1981 d.64	13 N.J.R. 226(b)
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10:87	Correction: FSM–Federal requirements	13 N.J.R. 769(a)	R.1981 d.517	14 N.J.R. 208(b)
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10:87-2.32, 2.34, 2.35	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
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10:87-12.5, 12.6	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-12.7	Readopted FSP revisions	15 N.J.R. 247(a)	R.1983 d.72	15 N.J.R. 444(a)
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10:89	Readopted Home Energy Assistance rules	13 N.J.R. 888(a)	R.1982 d.62	14 N.J.R. 281(c)
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10:94-5.4, 5.5, 5.6	Correction: Medicaid Only computation amounts	13 N.J.R. 501(a)	R.1981 d.385	13 N.J.R. 846(a)
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10:94-5.4, 5.5, 5.6	Medicaid Only: eligibility computation amounts	Emergency	R.1983 d.289	15 N.J.R. 1187(a)

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8:39-1	Foreword: Amend operational dates	13 N.J.R. 265(a)	R.1981 d.283	13 N.J.R. 485(b)
8:39-1.1	Long term care standards	13 N.J.R. 268(a)	R.1981 d.285	13 N.J.R. 495(a)
8:39-1.1, 1.16–1.21	Long-term care facilities: Licensure standards	14 N.J.R. 193(a)	R.1982 d.146	14 N.J.R. 427(a)
8:39-1.4	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:39-1.33	LTC facilities: Construction standards	13 N.J.R. 809(a)	R.1982 d.276	14 N.J.R. 916(c)
8:39-1.34	LTC facilities: Additional standards	13 N.J.R. 809(b)	R.1982 d.277	14 N.J.R. 916(d)
8:39-1.35	Operational dates	13 N.J.R. 265(a)	R.1981 d.283	13 N.J.R. 485(b)
8:39-1.35	Long-term care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:40	Repealed: interim rules for abortion facilities	15 N.J.R. 308(a)	R.1983 d.202	15 N.J.R. 922(a)
8:42-1.4, 2.4	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:42-1.8	Child abuse and neglect	13 N.J.R. 12(a)	R.1981 d.157	13:N.J.R. 342(b)
8:42-2	Readopted: Inpatient drug treatment facilities	14 N.J.R. 812(a)	R.1982 d.391	14 N.J.R. 1214(a)
8:42-2	Repealed (see 8:42B)	15 N.J.R. 397(a)	R.1983 d.309	15 N.J.R. 1248(a)
8:42A	Alcoholism treatment facilities	13 N.J.R. 217(b)	R.1981 d.236	13 N.J.R. 411(a)
8:42A-2.2	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:42B	Drug treatment facilities: licensure	15 N.J.R. 397(a)	R.1983 d.309	15 N.J.R. 1248(a)
8:43-1.4	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:43-2.6	Residential health care facilities	15 N.J.R. 8(a)	R.1983 d.90	15 N.J.R. 440(c)
8:43-2.13	Licensure of Residential Health Care Facilities	12 N.J.R. 644(a)	R.1980 d.529	13 N.J.R. 13(e)
8:43-3.3, 3.20, 3.22	Residential health care standards	13 N.J.R. 268(b)	R.1981 d.297	13 N.J.R. 495(b)
8:43-3.22	Residential health care: Fire protection	13 N.J.R. 495(c)	R.1981 d.402	13 N.J.R. 756(d)
8:43-3.22	Fire safety in residential care homes	14 N.J.R. 194(a)	R.1982 d.145	14 N.J.R. 427(b)
8:43-4.13	Residential care facilities: personal needs allowance	15 N.J.R. 309(a)	R.1983 d.204	15 N.J.R. 923(a)
8:43-4.13, 4.14	Residential health care standards	13 N.J.R. 268(b)	R.1981 d.297	13 N.J.R. 495(b)
8:43-6.9	Licensure of Residential Health Care Facilities	12 N.J.R. 644(a)	R.1980 d.529	13 N.J.R. 13(e)
8:43-7.1	Residential health care facilities	15 N.J.R. 8(a)	R.1983 d.90	15 N.J.R. 440(c)
8:43A-1.5	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:43A-2.1, 2.2	Ambulatory care facilities: Construction standards	13 N.J.R. 810(a)	R.1982 d.278	14 N.J.R. 916(e)
8:43A-3.1	Child abuse and neglect	13 N.J.R. 12(a)	R.1981 d.157	13 N.J.R. 342(b)
8:43A-8.1	Ambulatory care facilities: Surgical services	15 N.J.R. 9(a)	R.1983 d.92	15 N.J.R. 440(d)
8:43A-9.4, 9.7, 9.11	Drug abuse treatment centers	14 N.J.R. 529(a)	R.1982 d.390	14 N.J.R. 1214(b)
8:43A-9.9	Outpatient drug abuse counseling	15 N.J.R. 10(a)	R.1983 d.91	15 N.J.R. 441(a)
8:43B-1.8	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:43B-1.13	Child abuse and neglect	13 N.J.R. 12(a)	R.1981 d.157	13 N.J.R. 342(b)
8:43B-3.1, 3.1A	Hospital construction standards	13 N.J.R. 811(a)	R.1982 d.279	14 N.J.R. 916(f)
8:43B-8.3	Early detection of biochemical disorders in newborn infants	15 N.J.R. 311(a)	R.1983 d.203	15 N.J.R. 923(b)
8:43B-8.3, 8.6	Hospital facilities: Maternal and newborn services	14 N.J.R. 1276(a)	R.1983 d.68	15 N.J.R. 338(a)
8:43B-15.12, 15.12A	Renal dialysis services: Construction standards	13 N.J.R. 812(a)	R.1982 d.280	14 N.J.R. 917(a)
8:43F-2.3	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:43F-3.3	Health care facilities: ownership by convicted persons	15 N.J.R. 307(a)	R.1983 d.235	15 N.J.R. 1021(a)
8:43F-3.26	Medical day care in long-term facilities	15 N.J.R. 11(a)	R.1983 d.89	15 N.J.R. 441(b)
8:43F-4.3, 4.20	Medical day care: admission physical; social workers	15 N.J.R. 312(a)	R.1983 d.208	15 N.J.R. 923(c)
8:45-1.3	Licensure of clinical laboratories	13 N.J.R. 653(a)	R.1981 d.493	14 N.J.R. 45(b)
8:57-1.1	Reportable diseases	14 N.J.R. 1277(a)	R.1983 d.67	15 N.J.R. 338(b)
8:57-1.1–1.18	Reportable disease rules	12 N.J.R. 577(e)	R.1980 d.498	13 N.J.R. 13(b)
8:57-4	Readopted: Immunization of Pupils in Schools	15 N.J.R. 781(a)	R.1983 d.311	15 N.J.R. 1253(a)
8:57-4.5, 4.10, 4.12, 4.13, 4.15, 4.16	Immunization of pupils in school	13 N.J.R. 738(a)	R.1981 d.502	14 N.J.R. 45(c)
8:65	Administrative corrections	———	———	15 N.J.R. 164(b)
8:65-1.1	Controlled dangerous substances: Registration fees	14 N.J.R. 1191(b)	R.1983 d.29	15 N.J.R. 147(c)
8:65-7.5	Prescriptions for controlled substances: time limits	15 N.J.R. 125(a)	R.1983 d.193	15 N.J.R. 923(d)
8:65-7.8	CDS prescription filling requirements	13 N.J.R. 130(b)	R.1981 d.452	13 N.J.R. 845(a)
8:65-7.10	CDS: Prescriptions in LTCF's	13 N.J.R. 130(c)	R.1981 d.453	13 N.J.R. 845(b)
8:65-7.14, 7.18	Controlled dangerous substances	14 N.J.R. 195(a)	R.1982 d.124	14 N.J.R. 389(b)
8:65-8.7	Controlled dangerous substances	13 N.J.R. 131(a)	R.1981 d.238	13 N.J.R. 411(b)
8:65-10	Controlled dangerous substances: schedule changes	15 N.J.R. 844(a)	R.1983 d.339	15 N.J.R. 1375(a)
8:65-10.1, 10.2	Controlled dangerous substances	Emergency	R.1981 d.50	13 N.J.R. 132(b)
8:65-10.1, 10.2	Rescheduling of methaqualone	14 N.J.R. 1029(b)	R.1982 d.450	14 N.J.R. 1457(b)
8:65-10.1, 10.3, 10.4	Controlled dangerous substances	14 N.J.R. 195(a)	R.1982 d.124	14 N.J.R. 389(b)
8:65-10.4, 10.8	Controlled dangerous substances	Emergency	R.1981 d.50	13 N.J.R. 132(b)
8:65-10.5	Loperamide removed from Controlled Substances	15 N.J.R. 126(a)	R.1983 d.171	15 N.J.R. 924(a)
8:70-1.4	Resubmission of rejected generic drug products	14 N.J.R. 1030(a)	R.1983 d.33	15 N.J.R. 147(d)
8:71	Interchangeable drug products	12 N.J.R. 465(a)	R.1980 d.454	12 N.J.R. 645(b)
8:71	Interchangeable drug products	12 N.J.R. 516(b)	R.1981 d.25	13 N.J.R. 131(b)
8:71	Interchangeable drug products	12 N.J.R. 465(b)	R.1981 d.26	13 N.J.R. 131(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:94-7.5	Medicaid Only: Burial and funeral expenses	14 N.J.R. 816(a)	R.1982 d.354	14 N.J.R. 1162(c)
10:94-8	Medicaid Only	12 N.J.R. 663(a)	R.1981 d.177	13 N.J.R. 364(b)
10:94-9	Medical Assistance for Aged Continuation	14 N.J.R. 1084(a)	R.1982 d.461	14 N.J.R. 1463(b)
10:98	State Plan for blind and visually impaired	14 N.J.R. 745(a)	R.1982 d.311	14 N.J.R. 1058(b)
10:98	State Plan for Vocational Rehabilitation Services	14 N.J.R. 1193(a)	R.1983 d.149	15 N.J.R. 807(b)
10:100-1.23	Readopt SSI payment levels	13 N.J.R. 502(a)	R.1981 d.386	13 N.J.R. 773(b)
10:100-1.23	Readopted: SSI payment levels	14 N.J.R. 760(a)	R.1983 d.315	14 N.J.R. 1059(a)
10:100-1.23	SSI payment levels (recodified as 10:100-App.A)	Emergency	R.1983 d.290	15 N.J.R. 1188(a)
10:100-3.6	Special Payments Handbook: Funeral contributions	14 N.J.R. 463(b)	R.1982 d.285	14 N.J.R. 981(a)
10:100-App.A	SSI payment levels	Emergency	R.1983 d.290	15 N.J.R. 1188(a)
10:109-1	Ruling 11	13 N.J.R. 581(b)	R.1981 d.445	13 N.J.R. 846(b)
10:109-1.4	Ruling 11: Tuition Aid	14 N.J.R. 375(b)	R.1982 d.227	14 N.J.R. 837(b)
10:109-3.2, 3.4	Ruling 11–Sick leave and leave without pay	13 N.J.R. 515(a)	R.1981 d.395	13 N.J.R. 774(a)
10:109–App.I,II	Ruling 11: Salary increases for CWA employees	13 N.J.R. 741(a)	R.1981 d.498	14 N.J.R. 46(b)
10:109-App. II	County welfare agencies: Salary parity with State	14 N.J.R. 630(a)	R.1982 d.319	14 N.J.R. 1060(a)
10:121-2	Adoption subsidy	14 N.J.R. 746(a)	R.1982 d.321	14 N.J.R. 1060(b)
10:121-5.1	Medical information form	12 N.J.R. 703(c)	R.1981 d.63	13 N.J.R. 226(a)
10:121A	Adoption agency practices	13 N.J.R. 99(a)	R.1981 d.298	13 N.J.R. 516(a)
10:122-1.1–1.3, 2.1, 2.2, 2.4, 2.5, 2.6, 3.1–3.6	Child care centers for ages 2 1/2–5	15 N.J.R. 214(a)	R.1983 d.179	15 N.J.R. 926(a)
10:122-4.1, 4.3–4.7	Child care centers: Staff requirements	14 N.J.R. 816(b)	R.1982 d.384	14 N.J.R. 1218(a)
10:122-4.1, 4.3–4.7	Correction: Child care centers	14 N.J.R. 816(b)	R.1982 d.384	14 N.J.R. 1307(a)
10:122-4.2	Standards for child care centers	14 N.J.R. 82(a)	R.1982 d.136	14 N.J.R.428(c)
10:122-4.4, 4.6, 5.1–5.4, 6.1–6.9, 7.1,7.2,7.6,7.7	Child care centers for ages 2 1/2–5	15 N.J.R. 214(a)	R.1982 d.179	15 N.J.R. 926(a)
10:122-7.1–7.7	Child care centers	14 N.J.R. 82(a)	R.1982 d.136	14 N.J.R. 428(c)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R.1981 d.423	13 N.J.R. 774(b)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R.1981 d.423	14 N.J.R. 287(a)
10:123-3.1, 3.2	Personal needs allowance: Residential health care	14 N.J.R. 699(a)	R.1982 d.301	14 N.J.R. 981(b)
10:124	Children's shelter facilities and homes	14 N.J.R. 125(a)	R.1982 d.222	14 N.J.R. 761(a)
10:130	Shelters for victims of domestic violence	14 N.J.R. 197(a)	R.1982 d.138	14 N.J.R. 429(a)
10:130	Repealed: Children's shelters manual	14 N.J.R. 125(a)	R.1982 d.222	14 N.J.R. 761(a)
10:131	Adoption assistance and child welfare	14 N.J.R. 744(a)	R.1982 d.317	14 N.J.R. 1057(b)
10:132	Court actions and proceedings	13 N.J.R. 595(b)	R.1981 d.434	13 N.J.R. 846(c)
10:140	1982 State Plan for Services to Developmentally Disabled	14 N.J.R. 699(b)	R.1982 d.320	14 N.J.R. 1060(c)

(Title 10, Transmittal 15 dated November 10, 1980)

CORRECTIONS–TITLE 10A

(Title 10A, Transmittal 7 dated June 21, 1982)

INSURANCE–TITLE 11

11:1-5.5	Notice of Cancellation and Nonrenewal: property and casualty insurance	————	————	15 N.J.R. 810(a)
11:1-14	Licensees: Address change; process serving	14 N.J.R. 748(a)	R.1982 d.336	14 N.J.R. 1099(b)
11:2-17.7	Claims settlement practices	14 N.J.R. 966(a)	R.1982 d.400	14 N.J.R. 1307(b)
11:2-18	Readable policies	14 N.J.R. 967(a)	R.1982 d.410	14 N.J.R. 1307(c)
11:2-18.4	Correction: Readable policies	14 N.J.R. 1308	R.1982 d.410	14 N.J.R. 1398(b)
11:3-7.3, 7.7	Additional personal injury protection	14 N.J.R. 543(b)	R.1982 d.246	14 N.J.R. 917(d)
11:3-8	Nonrenewal of autombile policies	15 N.J.R. 231(a)	R.1983 d.190	15 N.J.R. 927(a)
11:13	Commercial lines insurance	14 N.J.R. 1045(a)	R.1982 d.423	14 N.J.R. 1398(c)

(Title 11, Transmittal 17 dated June 21, 1982)

LABOR–TITLE 12

12:15-1.3	Maximum weekly benefit rates	13 N.J.R. 602(b)	R.1981 d.419	13 N.J.R. 777(a)
12:15-1.3	Correction: Operative date	13 N.J.R. 602(b)	R.1981 d.419	13 N.J.R. 894(b)
12:15-1.3	1983 unemployment and disability benefits	14 N.J.R. 969(a)	R.1982 d.383	14 N.J.R. 1218(b)
12:15-1.4	Taxable wage base for unemployment compensation	13 N.J.R. 602(c)	R.1981 d.421	13 N.J.R. 777(b)
12:15-1.4	Correction: Operative date	13 N.J.R. 602(c)	R.1981 d.421	13 N.J.R. 894(b)
12:15-1.4	1983 wage base for unemployment contributions	14 N.J.R. 970(a)	R.1982 d.382	14 N.J.R. 1219(a)
12:15-1.5	Unemployment compensation contribution rates	13 N.J.R. 603(a)	R.1981 d.418	13 N.J.R. 777(c)
12:15-1.5	1983 contribution rates for government entities	14 N.J.R. 970(b)	R.1982 d.381	14 N.J.R. 1219(b)
12:17-10.3, 10.4	Repayment of unemployment benefits	15 N.J.R. 74(a)	R.1983 d.83	15 N.J.R. 447(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
12:45	Vocational Rehabilitation Services: legal authority	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:46	Vocational Rehabilitation Services: Administration	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:47	Vocational Rehabilitation Services: advisory councils	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:48	Vocational Rehabilitation Services: potential, eligibility, economic need	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:49	Vocational Rehabilitation Services: appeals	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:50	Repealed: Disability Determinations Service	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:51	Vocational rehabilitation facilities	13 N.J.R. 230(a)	R.1981 d.289	13 N.J.R. 517(a)
12:56-3.2	Correction to Code: Exemptions from minimum wage rates	———	———	15 N.J.R. 43(b)
12:56-7.2	Wage and hour: "Administrative" defined	14 N.J.R. 1145(a)	R.1982 d.468	15 N.J.R. 36(a)
12:57	Wage orders for minors	13 N.J.R. 307(a)	R.1981 d.226	13 N.J.R. 441(c)
12:190	Safety standards for explosives	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:191	Repealed	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:192	Repealed	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:193	Repealed	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:195	Carnival-amusement rides	13 N.J.R. 441(d)	R.1981 d.321	13 N.J.R. 603(b)
12:235-1.5	Workers' compensation benefit rates	13 N.J.R. 604(a)	R.1981 d.420	13 N.J.R. 777(d)
12:235-1.5	1983 workers' compensation benefits	14 N.J.R. 971(a)	R.1982 d.380	14 N.J.R. 1219(c)

(Title 12, Transmittal 14 dated January 14, 1981)

LAW AND PUBLIC SAFETY–TITLE 13

13:1	Readopted: Police Training Commission rules	15 N.J.R. 866(a)	R.1983 d.316	15 N.J.R. 1382(b)
13:3-1.2, 1.11 1.14, 1.16, 1.17	Amusement games control	15 N.J.R. 680(a)	R.1983 d.303	15 N.J.R. 1254(b)
13:3-1.10, 1.14, 2.2, 3.9, 4.3	Amusement games licensing forms, fees	14 N.J.R. 1194(a)	R.1982 d.498	15 N.J.R. 93(a)
13:3-2.2, 3.4, 3.5, 3.6, 3.8 3.9, 3.10, 3.15, 4.3, 7.1, 7.2, 7.9	Amusement games control	15 N.J.R. 680(a)	R.1983 d.303	15 N.J.R. 1254(b)
13:3-8.1–8.7	Repealed	14 N.J.R. 1194(a)	R.1982 d.498	15 N.J.R. 93(a)
13:19-2	Repealed: Probationary Driver Licenses	15 N.J.R. 501(b)	R.1983 d.242	15 N.J.R. 1035(b)
13:20-7.3, 7.4	Readopted: Motor vehicle inspection	14 N.J.R. 918(a)	R.1982 d.364	14 N.J.R. 1162(e)
13:20-7.4	Motor vehicle inspection: repeal odd-even system	Emergency	R.1983 d.294	15 N.J.R. 1261(a)
13:20-17.3	Attendance fee for driver improvement school	14 N.J.R. 1145(b)	R.1982 d.485	15 N.J.R. 93(b)
13:20-31.3	Fee for driver alcohol education program	14 N.J.R. 1195(a)	R.1983 d.19	15 N.J.R. 156(b)
13:20-32.6, 32.9, 32.11	Motor vehicle reinspection centers: Fees	14 N.J.R. 1196(a)	R.1983 d.20	15 N.J.R. 156(c)
13:21-4.5	Repealed: "Title only" motor vehicle certification	14 N.J.R. 632(a)	R.1982 d.370	14 N.J.R. 1163(a)
13:21-9.3	Restoration fee for motor vehicle license	14 N.J.R. 1146(a)	R.1982 d.484	15 N.J.R. 94(a)
13:27-3.13	Board of Architects examination fees	15 N.J.R. 502(a)	R.1983 d.271	15 N.J.R. 1102(b)
13:27A	Price posting in barber shops	14 N.J.R. 749(a)	R.1982 d.387	14 N.J.R. 1219(d)
13:28-2	Correction: Expiration date for N.J.A.C. 13:28-2	———	———	15 N.J.R. 347(a)
13:29-1.6	CPA qualifying requirements	14 N.J.R. 749(b)	R.1982 d.405	14 N.J.R. 1309(a)
13:29-1.7	Board of Accountancy: conditional credit	14 N.J.R. 1279(a)	R.1983 d.211	15 N.J.R. 1035(c)
13:29-3.1–3.9, 3.12–3.18	Board of Accountancy: Professional misconduct	14 N.J.R. 895(a)	R.1982 d.407	14 N.J.R. 1309(b)
13:32-1.8	Pressure seal on plumbing permit applications	14 N.J.R. 750(a)	R.1982 d.388	14 N.J.R. 1219(e)
13:33-1.1–1.7, 1.9–1.13, 1.15–1.19, 1.25, 1.34, 1.39, 1.42	Licensure of ophthalmic dispensers and technicians	14 N.J.R. 545(a)	R.1983 d.15	15 N.J.R. 157(a)
13:33-1.38	Minimum standards for eyeglass dispensing	14 N.J.R. 1085(a)	R.1983 d.81	15 N.J.R. 447(b)
13:35-1–6	Board of Medical Examiners: standards and rules	15 N.J.R. 503(a)	R.1983 d.314	15 N.J.R. 1255(a)
13:35-6.5	Responsibility for pronouncement of death	14 N.J.R. 90(a)	R.1982 d.214	14 N.J.R. 767(a)
13:35-6.5	Correction: Responsibility for pronouncement of death	14 N.J.R. 767(a)	R.1982 d.214	14 N.J.R. 918(b)
13:35-7,9,10	Repealed (see 13:35-1–6)	15 N.J.R. 503(a)	R.1983 d.314	15 N.J.R. 1255(a)
13:35-9	Certified Nurse-Midwife and lay midwife practice	14 N.J.R. 632(b)	R.1982 d.416	14 N.J.R. 1400(a)
13:35-11	In-State clinical training by foreign medical schools	15 N.J.R. 75(a)	R.1983 d.97	15 N.J.R. 550(b)
13:36-3.4	Mortuary science examination subjects	14 N.J.R. 897(a)	R.1982 d.409	14 N.J.R. 1309(c)
13:36-4.1	Mortuary science: License renewals	14 N.J.R. 751(a)	R.1982 d.333	14 N.J.R. 1110(a)
13:36-5.12	Mortuary advertising requirements	14 N.J.R. 898(a)	R.1982 d.404	14 N.J.R. 1309(d)
13:37-9.2	Practical nursing licensure by examination	14 N.J.R. 701(a)	R.1982 d.406	14 N.J.R. 1309(e)
13:37-12.1	Board of Nursing: Licensure fees	14 N.J.R. 635(a)	R.1982 d.408	14 N.J.R. 1310(a)
13:39-6.4, 6.5, 6.7, 6.8, 9.13	Computerized recordkeeping in pharmacies	14 N.J.R. 1343(a)	R.1983 d.22	15 N.J.R. 157(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
13:39-9.16	Board of Pharmacy examination fee	14 N.J.R. 1280(a)	R.1983 d.21	15 N.J.R. 157(c)
13:39-9.16	Board of Pharmacy fees	15 N.J.R. 78(a)	R.1983 d.95	15 N.J.R. 553(a)
13:40-1.1, 2.1	Engineers and surveyors: Sealing of documents	14 N.J.R. 1345(a)	R.1983 d.36	15 N.J.R. 157(d)
13:40-3.1	Engineers and land surveyors: Misconduct	14 N.J.R. 1196(b)	R.1983 d.16	15 N.J.R. 158(a)
13:40-6.1	Examination fees for engineers and surveyors	15 N.J.R. 78(b)	R.1983 d.148	15 N.J.R. 807(c)
13:41-3.2	Professional planning examination fees	15 N.J.R. 79(a)	R.1983 d.114	15 N.J.R. 626(a)
13:43-3.3	Certified Shorthand Reporter disclosure	15 N.J.R. 80(a)	R.1983 d.122	15 N.J.R. 626(b)
13:44-2.9	Veterinary board: Temporary permits	15 N.J.R. 130(a)	R.1983 d.113	15 N.J.R. 626(c)
13:44-4.1	Veterinary Medical Examiners fee schedule	14 N.J.R. 1281(a)	R.1982 d.502	15 N.J.R. 94(b)
13:44-4.1	Veterinary Medical Examiners: registration fees	15 N.J.R. 612(a)	R.1983 d.252	15 N.J.R. 1035(d)
13:45A-18.1	Fee for consumer contract review	14 N.J.R. 464(a)	R.1982 d.221	14 N.J.R. 767(b)
13:46-1.1	Boxing and wrestling programs: Definitions	14 N.J.R. 751(b)	R.1982 d.389	14 N.J.R. 1220(a)
13:46-1.2–1.4	Weights and classes: Recodified as subchapter 1A	14 N.J.R. 751(b)	R.1982 d.389	14 N.J.R. 1220(a)
13:46-4	Boxing and wrestling programs: Licenses and permits	14 N.J.R. 751(b)	R.1982 d.389	14 N.J.R. 1220(a)
13:46-15.15–15.18	Complimentary tickets for boxing and wrestling events	14 N.J.R. 971(b)	R.1982 d.398	14 N.J.R. 1220(b)
13:46-18.12, 18.18	Repealed	14 N.J.R. 635(b)	R.1982 d.271	14 N.J.R. 919(a)
13:46-18.15	Same day boxing programs	14 N.J.R. 635(b)	R.1982 d.271	14 N.J.R. 919(a)
13:47A-3.1	Securities industry: Nonduplication of fingerprinting	14 N.J.R. 550(a)	R.1982 d.304	14 N.J.R. 981(c)
13:47A-5.2	Broker-dealer registration	14 N.J.R. 551(a)	R.1982 d.265	14 N.J.R. 919(b)
13:47A-9.13	Repealed exemption restriction for private offering to sophisticated investors	14 N.J.R. 552(a)	R.1982 d.266	14 N.J.R. 919(c)
13:47B-1.1	Correction to Code: Liquid measuring devices	———	———	14 N.J.R. 1315(b)
13:70-3, 14, 15, 19, 29	Readopted: Thoroughbred rules	15 N.J.R. 685(a)	R.1983 d.295	15 N.J.R. 1256(a)
13:70-3.47	Thoroughbred rules	14 N.J.R. 1146(b)	R.1983 d.14	15 N.J.R. 158(b)
13:70-4.1	Thoroughbred racing: License fees	14 N.J.R. 1444(a)	R.1983 d.103	15 N.J.R. 553(b)
13:70-6.55, 6.56, 18.6	Thoroughbred rules	14 N.J.R. 1146(b)	R.1983 d.14	15 N.J.R. 158(b)
13:70-19.43	Repealed (see 13:70-3,14,15,19,29)	15 N.J.R. 685(a)	R.1983 d.295	15 N.J.R. 1256(a)
13:71-1.23	Harness racing: No smoking in barn areas	15 N.J.R. 873(b)	R.1983 d.337	15 N.J.R. 1383(a)
13:71-5,9, 21,23	Readopted: Harness rules	15 N.J.R. 685(a)	R.1983 d.295	15 N.J.R. 1256(a)
13:71-6.24, 11.9	Harness racing: Vaccination; respiratory bleeding	14 N.J.R. 1147(a)	R.1983 d.13	15 N.J.R. 158(c)
13:71-7.1	Harness racing: License fees	14 N.J.R. 1445(a)	R.1983 d.104	15 N.J.R. 554(a)

(Title 13, Transmittal 18 dated June 21,1982)

PUBLIC UTILITIES–TITLE 14

(Title 14, Transmittal 16 dated June 21, 1982)

ENERGY–TITLE 14A

14A:3	Correction: Expiration date of N.J.A.C. 14A:3, Energy Conservation	———	———	15 N.J.R. 701(a)
14A:3-1,2, 3,4,6,7, 8,9	Readopted: Energy Conservation rules	15 N.J.R. 789(a)	R.1983 d.298	15 N.J.R. 1256(b)
14A:3-11.3, 11.5	Designation of used oil collection sites	13 N.J.R. 681(a)	R.1982 d.262	14 N.J.R. 919(d)
14A:3-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R.1983 d.119	15 N.J.R. 622(d)
14A:12-1	Computing cost savings in shared-savings contracts	14 N.J.R. 820(a)	R.1983 d.10	15 N.J.R. 158(d)

(Title 14A, Transmittal 8 dated June 21, 1982)

STATE–TITLE 15

15:2	Commercial recording: Expedited information services	15 N.J.R. 14(a)	R.1983 d.61	15 N.J.R. 340(d)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R.1982 d.339	14 N.J.R. 1163(b)

(Title 15, Transmittal 13 dated March 19, 1981)

PUBLIC ADVOCATE–TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978)

TRANSPORTATION–TITLE 16

16:22-1.1, 1.2, 1.4	Transportation Rehabilitation and Improvement funds	14 N.J.R. 97(a)	R.1982 d.68	14 N.J.R. 284(a)
16:25-13	Railroad crossing and bridge cases	14 N.J.R. 1197(a)	R.1983 d.45	15 N.J.R. 341(a)
16:26-1.1	Traffic signal information	13 N.J.R. 152(b)	R.1981 d.164	13 N.J.R. 372(a)
16:27-1.4	Repeal traffic and parking on NJDOT property	13 N.J.R. 153(a)	R.1981 d.165	13 N.J.R. 372(b)
16:28-1.2	Speed limit on Route I-80	13 N.J.R. 153(b)	R.1981 d.150	13 N.J.R. 372(c)
16:28-1.15	Speed limits along Route 13	13 N.J.R. 155(a)	R.1981 d.152	13 N.J.R. 372(d)
16:28-1.16	Speed rates on I-195	14 N.J.R. 323(a)	R.1982 d.172	14 N.J.R. 580(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28-1.17	Speed limits on Route 147	13 N.J.R. 239(a)	R.1981 d.196	13 N.J.R. 451(a)
16:28-1.23	Speed limits along Route 18	13 N.J.R. 744(b)	R.1981 d.484	13 N.J.R. 947(d)
16:28-1.23	School speed zone on Route 18 in Old Bridge	Emergency	R.1982 d.465	15 N.J.R. 41(a)
16:28-1.23	Speed rate on Route 18 in East Brunswick	14 N.J.R. 1446(a)	R.1983 d.51	15 N.J.R. 341(b)
16:28-1.23	Readopted school zone on Route 18 in Old Bridge	15 N.J.R. 41(a)	R.1983 d.70	15 N.J.R. 448(a)
16:28-1.23	Speed limits on Route 18 in Monmouth and Midlesex Counties	15 N.J.R. 519(a)	R.1983 d.232	15 N.J.R. 1036(a)
16:28-1.41	US 9 and 35 speed changes in Atlantic County	13 N.J.R. 838(a)	R.1982 d.11	14 N.J.R. 160(c)
16:28-1.49	Speed limits on Route 35	13 N.J.R. 451(b)	R.1981 d.333	13 N.J.R. 612(a)
16:28-1.56	Speed rates on US 40 and 322	14 N.J.R. 323(a)	R.1982 d.172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US 130	14 N.J.R. 323(a)	R.1982 d.172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US130 in Gloucester County	14 N.J.R. 824(a)	R.1982 d.323	14 N.J.R. 1060(d)
16:28-1.69	Speed rates on US 130 in North Brunswick	14 N.J.R. 1197(b)	R.1982 d.499	15 N.J.R. 94(c)
16:28-1.72	Speed limits on US 206 and 130 in Bordentown	14 N.J.R. 324(a)	R.1982 d.168	14 N.J.R. 580(b)
16:28-1.90	School zone on Route 166 in Dover Twp.	15 N.J.R. 520(a)	R.1983 d.231	15 N.J.R. 1036(b)
16:28-1.111	Speed limits for Route 87	13 N.J.R. 452(a)	R.1981 d.334	13 N.J.R. 613(a)
16:28A-1.1, 1.2, 1.4, 1.7	Parking on Routes US1, 1 and 9, 4, US9	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.2	Parking on Routes 1 and 9	13 N.J.R. 239(b)	R.1981 d.195	13 N.J.R. 452(b)
16:28A-1.2	Parking on Route 1 and 9 in Newark	14 N.J.R. 1049(a)	R.1982 d.420	14 N.J.R. 1402(a)
16:28A-1.3, 1.5	Parking on Routes 3 and 5	14 N.J.R. 552(b)	R.1982 d.247	14 N.J.R. 919(e)
16:28A-1.4	Route 4 bus stops	14 N.J.R. 98(a)	R.1982 d.83	14 N.J.R. 347(b)
16:28A-1.4	Bus stops on Route 4 in Elmwood Park	14 N.J.R. 825(a)	R.1982 d.328	14 N.J.R. 1100(b)
16:28A-1.6	Restricted parking along Route 7	13 N.J.R. 522(a)	R.1981 d.383	13 N.J.R. 778(b)
16:28A-1.6	Restricted parking on Route 7	13 N.J.R. 745(a)	R.1981 d.483	13 N.J.R. 947(b)
16:28A-1.6	Parking on Route 7	14 N.J.R. 424(a)	R.1982 d.203	14 N.J.R. 710(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 154(a)	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 157(b)	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.7	US 9 parking	13 N.J.R. 239(b)	R.1981 d.195	13 N.J.R. 452(b)
16:28A-1.7	Parking on US 9	13 N.J.R. 240(a)	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.7	Restricted parking along Route US 9	13 N.J.R. 452(c)	R.1981 d.335	13 N.J.R. 613(b)
16:28A-1.7	Restricted parking on US 9	13 N.J.R. 745(b)	R.1981 d.487	13 N.J.R. 947(f)
16:28A-1.7	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R.1982 d.44	14 N.J.R. 236(a)
16:28A-1.7	Parking on US9	14 N.J.R. 199(a)	R.1982 d.116	14 N.J.R. 391(b)
16:28A-1.7	Parking on US 9 in Dover Twp, Ocean County	15 N.J.R. 686(a)	R. 1983 d.279	15 N.J.R. 1181(c)
16:28A-1.8	Parking and bus stops on Route 10	14 N.J.R. 464(b)	R.1982 d.223	14 N.J.R. 838(a)
16:28A-1.9	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R.1982 d.45	14 N.J.R. 236(b)
16:28A-1.9	Readopted: Route 17 parking in Mahwah	14 N.J.R. 429(e)	R.1982 d.201	14 N.J.R. 710(b)
16:28A-1.9	Parking on Route 17 in Paramus	15 N.J.R. 520(b)	R.1983 d.228	15 N.J.R. 1036(c)
16:28A-1.9, 1.10, 1.11, 1.13, 1.15	Parking on Routes 17, 20, 21, US22, 23	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.13	Parking on US22	14 N.J.R. 199(a)	R.1982 d.116	14 N.J.R. 391(b)
16:28A-1.13	Route US 22	13 N.J.R. 154(a)	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 753(a)	R.1982 d.313	14 N.J.R. 1061(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 1198(a)	R.1982 d.500	15 N.J.R. 94(d)
16:28A-1.14	Restricted parking along Route US 22 alternate	13 N.J.R. 453(b)	R.1981 d.336	13 N.J.R. 613(c)
16:28A-1.15	Route 23 parking	13 N.J.R. 154(a)	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.15	Parking on Route 23	13 N.J.R. 241(a)	R.1981 d.192	13 N.J.R. 454(b)
16:28A-1.15	Restricted parking along Route 23	13 N.J.R. 454(a)	R.1981 d.337	13 N.J.R. 613(d)
16:28A-1.15	Parking on Route 23 (Temporary)	14 N.J.R. 1199(a)	R.1982 d.501	15 N.J.R. 95(a)
16:28A-1.15	Parking on Route 23 in Sussex County	Emergency	R.1983 d.96	15 N.J.R. 555(a)
16:28A-1.15	Readopted: Parking on Route 23 in Sussex County	15 N.J.R. 555(a)	R.1983 d.225	15 N.J.R. 1036(d)
16:28A-1.16	Restricted parking along Route 24	13 N.J.R. 455(a)	R.1981 d.338	13 N.J.R. 613(e)
16:28A-1.16	Route 24 parking	14 N.J.R. 553(a)	R.1982 d.248	14 N.J.R. 919(f)
16:28A-1.18	Restricted parking along Route 27	13 N.J.R. 373(c)	R.1981 d.312	13 N.J.R. 613(f)
16:28A-1.18	Route 27 bus stops in Edison	13 N.J.R. 934(a)	R.1982 d.46	14 N.J.R. 236(c)
16:28A-1.18	Parking on Route 27	14 N.J.R. 554(a)	R.1982 d.249	14 N.J.R. 920(a)
16:28A-1.18	Route 27 parking in South Brunswick	15 N.J.R. 317(a)	R.1983 d.150	15 N.J.R. 807(d)
16:28A-1.18, 1.19	Parking on Routes 27, 28	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.19	Route 28 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.19	Route 28 parking	13 N.J.R. 157(b)	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 242(a)	R.1981 d.193	13 N.J.R. 455(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 240(a)	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.19	Route 28 parking in Roselle Park	14 N.J.R. 138(a)	R.1982 d.111	14 N.J.R. 391(c)
16:28A-1.20, 1.21	Parking on Routes 29 and US 30	14 N.J.R. 554(b)	R.1982 d.250	14 N.J.R. 920(b)
16:28A-1.21	Parking on US30	14 N.J.R. 825(b)	R.1982 d.322	14 N.J.R. 1061(b)
16:28A-1.22	Parking on Route 31	14 N.J.R. 555(a)	R.1982 d.251	14 N.J.R. 920(c)
16:28A-1.23	Route 33 parking	13 N.J.R. 154(a)	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.23	Route 33 parking	13 N.J.R. 156(a)	R.1981 d.154	13 N.J.R. 374(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.23	Route 33 parking in Hopewell Township	13 N.J.R. 838(b)	R.1982 d.12	14 N.J.R. 161(a)
16:28A-1.23, 1.24, 1.25	Parking on Routes 33, 34, 35	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.23, 1.25	Restricted parking on Routes 33 and 35	13 N.J.R. 746(a)	R.1981 d.482	13 N.J.R. 947(c)
16:28A-1.25	Route 35 parking	13 N.J.R. 157(a)	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.25	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R.1982 d.60	14 N.J.R. 284(b)
16:28A-1.25	Parking on Route 35	14 N.J.R. 324(b)	R.1982 d.173	14 N.J.R. 580(c)
16:28A-1.25	Route 35 parking	14 N.J.R. 1198(a)	R.1982 d.500	15 N.J.R. 94(d)
16:28A-1.25	Route 35 parking	14 N.J.R. 1199(a)	R.1982 d.501	15 N.J.R. 95(a)
16:28A-1.25	Route 35 parking in Dover Township	15 N.J.R. 318(a)	R.1983 d.151	15 N.J.R. 808(a)
16:28A-1.25	Parking on Route 35 in Old Bridge	15 N.J.R. 792(a)	R.1983 d.297	15 N.J.R. 1256(c)
16:28A-1.26	Parking on Route 36	13 N.J.R. 453(a)	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.26, 1.27	Parking on Routes 36, 38	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.27	Parking on Route 38	14 N.J.R. 424(a)	R.1982 d.203	14 N.J.R. 710(a)
16:28A-1.27	Parking on Route 38	14 N.J.R. 753(a)	R.1982 d.313	14 N.J.R. 1061(a)
16:28A-1.28	Restricted parking on US 40 and Route 70	13 N.J.R. 747(a)	R.1981 d.481	13 N.J.R. 947(e)
16:28A-1.28	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R.1982 d.44	14 N.J.R. 236(a)
16:28A-1.28, 1.31, 1.32	Parking on Routes 40, 45, 46	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 241(a)	R.1981 d.192	13 N.J.R. 454(b)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 242(b)	R.1981 d.194	13 N.J.R. 455(c)
16:28A-1.32	Restricted parking along Route US 46	13 N.J.R. 522(b)	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.32	Restricted parking on US 46	13 N.J.R. 747(b)	R.1981 d.480	13 N.J.R. 948(a)
16:28A-1.32	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R.1982 d.47	14 N.J.R. 236(d)
16:28A-1.33	Parking on Route 47	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.34	Parking on Route 49	14 N.J.R. 554(a)	R.1982 d.249	14 N.J.R. 920(a)
16:28A-1.34	Parking on Route 49 in Millville	14 N.J.R. 1283(a)	R.1983 d.1	15 N.J.R. 162(a)
16:28A-1.36, 1.37	Parking on Routes 57 and 70	13 N.J.R. 242(b)	R.1981 d.194	13 N.J.R. 455(c)
16:28A-1.36, 1.37	Parking on Routes 57, 70	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.37	Restricted parking along Route 70	13 N.J.R. 456(a)	R.1981 d.339	13 N.J.R. 614(a)
16:28A-1.37	Route 70 parking	13 N.J.R. 747(a)	R.1981 d.481	13 N.J.R. 947(e)
16:28A-1.37	Parking on Route 70 in Lakehurst	15 N.J.R. 426(a)	R.1983 d.172	15 N.J.R. 929(a)
16:28A-1.38	Parking on Route 71 in Belmar	14 N.J.R. 325(a)	R.1982 d.174	14 N.J.R. 580(d)
16:28A-1.38	Parking on Route 71 in Spring Lake Heights	15 N.J.R. 686(a)	R.1983 d.279	15 N.J.R. 1181(c)
16:28-1.38, 1.40, 1.41, 1.42, 1.45, 1.46	Parking on Routes 71, 73, 77, 79, 94, US 130	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.41	Parking on Route 77	14 N.J.R. 324(b)	R.1982 d.173	14 N.J.R. 580(c)
16:28A-1.43	Restricted parking along Route 82	13 N.J.R. 522(b)	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.44	Route 88 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.46	Parking on US 130	13 N.J.R. 746(a)	R.1981 d.482	13 N.J.R. 947(c)
16:28A-1.50	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R.1982 d.45	14 N.J.R. 236(b)
16:28A-1.50, 1.51	Parking on Routes 166, 168	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.51	Restricted parking along Route 168	13 N.J.R. 522(b)	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.52, 1.55, 1.57	Parking on Routes 173, US 202, US 206	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.55	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R.1982 d.47	14 N.J.R. 236(d)
16:28A-1.55	Restricted parking on State highways	13 N.J.R. 455(a)	R.1981 d.338	13 N.J.R. 613(e)
16:28A-1.55	Parking on US 202 in Morris Township	15 N.J.R. 131(a)	R.1983 d.111	15 N.J.R. 626(d)
16:28A-1.56, 1.63	Parking on US 202-206 and 202-31	14 N.J.R. 556(a)	R.1982 d.252	14 N.J.R. 920(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 156(a)	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.57	Parking along US 206	13 N.J.R. 453(b)	R.1981 d.336	13 N.J.R. 613(c)
16:28A-1.57	US206 parking in Hamilton Township	14 N.J.R. 139(a)	R.1982 d.112	14 N.J.R. 391(d)
16:28A-1.60	Restricted parking on Route US 322-47	13 N.J.R. 523(a)	R.1981 d.382	13 N.J.R. 779(b)
16:28A-1.61	Bus stops on US9W in Fort Lee	14 N.J.R. 139(b)	R.1982 d.113	14 N.J.R. 391(e)
16:28A-1.61	Bustops and parking on US 9W	14 N.J.R. 465(a)	R.1982 d.224	14 N.J.R. 838(b)
16:28A-1.61	Parking on US 9W in Fort Lee	15 N.J.R. 521(a)	R.1983 d.227	15 N.J.R. 1036(e)
16:28A-1.64	Route 41 parking	13 N.J.R. 157(a)	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.64	Parking on Route 41	14 N.J.R. 425(a)	R.1982 d.202	14 N.J.R. 710(c)
16:28A-1.64	Parking on Route 41 in Cherry Hill	14 N.J.R. 1446(b)	R.1983 d.52	15 N.J.R. 342(a)
16:28A-1.65	Route 15 parking	13 N.J.R. 154(a)	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.65	Parking on Route 15	14 N.J.R. 466(a)	R.1982 d.226	14 N.J.R. 838(c)
16:28A-1.65	Route 15 Parking	14 N.J.R. 1198(a)	R.1982 d.500	15 N.J.R. 94(d)
16:28A-1.66	Parking on Route 18	13 N.J.R. 239(b)	R.1981 d.195	13 N.J.R. 452(b)
16:28A-1.67	Route 63 parking	13 N.J.R. 157(a)	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.67, 1.71	Parking on Routes 63, 67	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.68	Route 93 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.68	Parking on Route 93	14 N.J.R. 199(a)	R.1982 d.116	14 N.J.R. 391(b)
16:28A-1.68, 1.70	Parking on Routes 93, 439	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.69	Parking on Route 124	13 N.J.R. 240(a)	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.70	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R.1982 d.60	14 N.J.R. 284(b)
16:28A-1.70	Parking on Route 439 in Elizabeth	15 N.J.R. 521(b)	R.1983 d.226	15 N.J.R. 1037(a)
16:28A-1.71	Bus stops on Route 67 in Fort Lee	14 N.J.R. 139(b)	R.1982 d.113	14 N.J.R. 391(e)
16:28A-1.72, 1.73	Parking on Routes 31-57 and 32	14 N.J.R. 555(a)	R.1982 d.251	14 N.J.R. 920(c)
16:28A-1.74–1.94	Parking on Routes 33-34, 35, 35-71, 37, US 40-50, 53, 59, I-80, 87, US 130, 33, 153, 159, 161, 182, 62, 208, 280, I-280, 287, I-295, US322, US322-45	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.81	Parking along Route 87 in Atlantic City	15 N.J.R. 234(a)	R.1983 d.130	15 N.J.R. 694(a)
16:28A-1.95	Readopted: Parking on Rising Sun Square Road	14 N.J.R. 825(b)	R.1982 d.322	14 N.J.R. 1061(b)
16:29-1.3, 1.20, 1.24–1.28	No passing zone changes	14 N.J.R. 1283(b)	R.1983 d.2	15 N.J.R. 162(b)
16:30-2.5	Stop intersection on Route 71, Oceanport-Eatontown	15 N.J.R. 318(b)	R.1983 d.152	15 N.J.R. 808(b)
16:30-2.6	Readopted: Stop sign on Old Yorke Road	14 N.J.R. 990(a)	R.1982 d.414	14 N.J.R. 1402(b)
16:30-3.4	Readopted: US9 bus and HOV lane	14 N.J.R. 661(b)	R.1982 d.299	14 N.J.R. 982(c)
16:30-3.6	Readopt HOV lanes along Route 444	13 N.J.R. 456(b)	R.1981 d.323	14 N.J.R. 614(b)
16:30-3.6	Repealed: HOV lanes on Parkway	14 N.J.R. 662(a)	R.1982 d.294	14 N.J.R. 982(d)
16:30-3.7	Bus lane on US 22 in Westfield-Mountainside	15 N.J.R. 522(a)	R.1983 d.229	15 N.J.R. 1037(b)
16:30-9.1	Drawbridge use on Route 35 in Old Bridge-Sayerville	15 N.J.R. 132(a)	R.1983 d.106	15 N.J.R. 554(b)
16:31-1.1	U turns on US 206 in Bordentown	15 N.J.R. 426(b)	R.1983 d.173	15 N.J.R. 930(a)
16:31-1.1	Turns on US 206 in Somerset County	15 N.J.R. 522(b)	R.1983 d.230	15 N.J.R. 1037(c)
16:31-1.3	Turns on Route 46 in Dover, Morris County	15 N.J.R. 319(a)	R.1983 d.153	15 N.J.R. 808(c)
16:31-1.10	Turns along Route US 30	13 N.J.R. 457(a)	R.1981 d.340	13 N.J.R. 614(c)
16:31-1.16	No left turn along Route 79	13 N.J.R. 614(d)	R.1981 d.460	13 N.J.R. 895(b)
16:31-1.17	Left turns on Route 73, Winslow Twp.	14 N.J.R. 466(b)	R.1982 d.225	14 N.J.R. 838(d)
16:31-1.18	Turns on Route 31 in Hunterdon County	14 N.J.R. 826(a)	R.1982 d.327	14 N.J.R. 1100(c)
16:31-1.19	Turns on Route 33 in Mercer County	14 N.J.R. 973(a)	R.1982 d.394	14 N.J.R. 1220(c)
16:31-1.20	Left turns on Route 28 in Somerset County	14 N.J.R. 1447(a)	R.1983 d.53	15 N.J.R. 342(b)
16:31-1.21	Turns on Route 15 in Morris County	15 N.J.R. 319(a)	R.1983 d.153	15 N.J.R. 808(c)
16:31A-1.4, 1.13, 1.17, 1.19, 1.23	Prohibited rights on red: Routes 4, 18, 24, 28, 33	13 N.J.R. 935(b)	R.1982 d.48	14 N.J.R. 236(e)
16:31A-1.25, 1.35, 1.37, 1.65	Prohibited rights on red: Routes 35, 49, US46, and 206	13 N.J.R. 936(a)	R.1982 d.49	14 N.J.R. 237(a)
16:31A-1.67	Route I-280 right-on-red prohibition in Orange	13 N.J.R. 937(a)	R.1982 d.50	14 N.J.R. 237(b)
16:31A-1.77	Route 181 right-on-red prohibition in Sparta	13 N.J.R. 937(b)	R.1982 d.51	14 N.J.R. 237(c)
16:32	Designated routes for special categories of trucks	Emergency	R.1983 d.124	15 N.J.R. 643(a)
16:32	Readopted: Designated routes for special categories of trucks	15 N.J.R. 643(a)	R.1983 d.259	15 N.J.R. 1102(c)
16:32	Correction: Designated routes for special categories of trucks	15 N.J.R. 1102(c)	R.1983 d.259	15 N.J.R. 1182(a)
16:41-8.1, 8.4, 8.5, 8.6	Outdoor advertising	13 N.J.R. 615(a)	R.1981 d.497	14 N.J.R. 46(d)
16:41A-7.1	Outdoor Advertising Tax Act	13 N.J.R. 616(a)	R.1981 d.496	14 N.J.R. 47(a)
16:51	Recodified as 16:73	13 N.J.R. 881(a)	R.1982 d.40	14 N.J.R. 209(a)
16:51-4	Repealed: Delegation of powers	13 N.J.R. 881(a)	R.1982 d.40	14 N.J.R. 209(a)
16:53-1.1–1.3, 1.6–1.9, 1.11, 1.19, 1.21–1.30, 2	Autobus specifications	14 N.J.R. 1347(a)	R.1983 d.110	15 N.J.R. 694(b)
16:53-2	Autobus specifications	13 N.J.R. 834(a)	R.1982 d.30	14 N.J.R. 160(b)
16:53-3.1–3.39, 4, 5.1, 6, 7, 8, 9.1, 9.2	Autobus specifications	14 N.J.R. 1347(a)	R.1983 d.110	15 N.J.R. 694(b)
16:54	Licensing of aeronautical facilities	12 N.J.R. 289(a)	R.1981 d.141	13 N.J.R. 374(c)
16:54-1.3	"Commercial purposes" and balloon operations	14 N.J.R. 326(a)	R.1982 d.175	14 N.J.R. 580(e)
16:56-3	Repeal aircraft registry logs	13 N.J.R. 457(b)	R.1981 d.341	13 N.J.R. 616(b)
16:58-2	Repealed: Sport parachuting license rules	14 N.J.R. 1289(b)	R.1983 d.8	15 N.J.R. 162(c)
16:65-9	Corporate reorganization of contractors	13 N.J.R. 524(a)	R.1981 d.399	13 N.J.R. 779(c)
16:72	N.J. Transit procurement policies and procedures	13 N.J.R. 158(a)	R.1981 d.176	13 N.J.R. 374(d)
16:73	Reduced Fare Transportation Program	13 N.J.R. 881(a)	R.1982 d.40	14 N.J.R. 209(a)

(Title 16, Transmittal 15 dated March 19, 1981)

TREASURY-GENERAL–TITLE 17

17:1	Readopted: General Administration pension rules	15 N.J.R. 523(a)	R.1983 d.174	15 N.J.R. 930(b)
17:1-1.3, 1.8, 1.18, 1.19	Transfer between retirement systems; hearings	14 N.J.R. 1290(a)	R.1982 d.491	15 N.J.R. 95(b)
17:1-1.5	Pensions: Monthly transmittals and interest charges	15 N.J.R. 80(b)	R.1983 d.77	15 N.J.R. 448(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
17:1-1.10	Pensions: Audit differences and minimum adjustments	14 N.J.R. 1200(a)	R.1982 d.470	15 N.J.R. 36(b)
17:1-1.14	Annual reports of salary changes	14 N.J.R. 200(a)	R.1982 d.358	14 N.J.R. 1163(c)
17:1-1.24	Pensioners' Group Health Insurance	14 N.J.R. 328(a)	R.1982 d.346	14 N.J.R. 1163(d)
17:1-2.3	Alternate Benefit Program: Salary agreements and deductions	14 N.J.R. 1149(a)	R.1982 d.438	14 N.J.R. 1464(a)
17:1-2.22, 2.23	Alternate Benefit Program: Life and disability insurance	14 N.J.R. 1200(b)	R.1982 d.483	15 N.J.R. 95(c)
17:1-2.36	Alternate Benefit Program: Transfers and interest	14 N.J.R. 1201(a)	R.1982 d.480	15 N.J.R. 96(a)
17:1-4.6, 4.25	Transfers and hearings	14 N.J.R. 1290(a)	R.1982 d.491	15 N.J.R. 95(b)
17:1-4.11	Pension purchases and final payments	14 N.J.R. 328(b)	R.1982 d.347	14 N.J.R. 1163(e)
17:1-4.13, 4.34	Pensions: Service credit; purchases	14 N.J.R. 1201(b)	R.1982 d.469	15 N.J.R. 36(c)
17:1-5,-7	Hearing request; Adjustment Program	14 N.J.R. 1290(a)	R.1982 d.491	15 N.J.R. 95(b)
17:1-8.12	Social Security: Employer penalties for late filings	14 N.J.R. 1202(a)	R.1982 d.471	15 N.J.R. 37(a)
17:1-8.12	Social Security: Late filing penalties	15 N.J.R. 319(b)	R.1983 d.132	15 N.J.R. 696(a)
17:1-8.14	Social Security late transmittal fee	15 N.J.R. 687(a)	R. 1983 d. 265	15 N.J.R. 1104(a)
17:1-12.1	Division of Pensions administrative priorities	14 N.J.R. 329(a)	R.1982 d.350	14 N.J.R. 1164(a)
17:1-12.2	Loan information	14 N.J.R. 1201(b)	R.1982 d.469	15 N.J.R. 36(c)
17:1-12.3	Retirement system loans	14 N.J.R. 1447(b)	R.1983 d.39	15 N.J.R. 245(a)
17:1-12.4	Interfund transfers: court attendants appointed sheriff's officers	15 N.J.R. 525(a)	R.1983 d.216	15 N.J.R. 1037(d)
17:1-12.5	Interfund transfers and accumulated interest	15 N.J.R. 526(a)	R.1983 d.217	15 N.J.R. 1037(e)
17:1-12.6	Pension credit for extended maternity leave	15 N.J.R. 1012(b)	R.1983 d.334	15 N.J.R. 1383(b)
17:2-2.3, 3.3 7.1, 7.2	PERS: Ineligibility; contributory insurance rates; interfund transfers	14 N.J.R. 1150(a)	R.1983 d.7	15 N.J.R. 162(d)
17:2-3.3	PERS: Contributory insurance rate	14 N.J.R. 200(b)	R.1982 d.343	14 N.J.R. 1164(b)
17:2-3.9	Repealed: PERS insurance liability for unenrolled members	15 N.J.R. 16(a)	R.1983 d.76	15 N.J.R. 449(a)
17:2-3.12, -5	PERS: Beneficiary designation; purchases	14 N.J.R. 1151(a)	R.1983 d.6	15 N.J.R. 163(a)
17:2-6.26	PERS: Critical disability claims	13 N.J.R. 748(a)	R.1981 d.515	14 N.J.R. 105(a)
17:3	Readopted: Teachers' Pension and Annuity Fund rules	15 N.J.R. 526(b)	R.1983 d.175	15 N.J.R. 930(c)
17:3-1.1	Teachers' Pension: Board meetings	14 N.J.R. 201(a)	R.1982 d.344	14 N.J.R. 1164(c)
17:3-1.11, 3.12	Teachers' Pension and Annuity Fund	14 N.J.R. 1202(b)	R.1983 d.78	15 N.J.R. 449(b)
17:3-5	Teachers' Pension: Purchase and eligible service	13 N.J.R. 618(b)	R.1981 d.510	14 N.J.R. 105(b)
17:3-5.5, 6.2	Teachers' Pension	14 N.J.R. 1202(b)	R.1983 d.78	15 N.J.R. 449(b)
17:3-6.4	Loan repayments to teachers' fund	13 N.J.R. 748(b)	R.1982 d.14	14 N.J.R. 161(c)
17:3-6.15	Teachers' Pension: Compulsory retirement	13 N.J.R. 620(a)	R.1981 d.509	14 N.J.R. 105(c)
17:3-7.1, 7.2	Teachers' Pension	14 N.J.R. 1202(b)	R.1983 d.78	15 N.J.R. 449(b)
17:4-1.12	Police and Firemen's Retirement: Proof of age	14 N.J.R. 1204(a)	R.1983 d.4	15 N.J.R. 163(b)
17:4-3.6	Police and Firemen's Retirement: Insurance liability	14 N.J.R. 1291(a)	R.1983 d.47	15 N.J.R. 342(c)
17:4-5.1	Insurance purchases and retirement	13 N.J.R. 310(b)	R.1982 d.292	13 N.J.R. 525(c)
17:4-5.3, 5.6	Police and Firemen's Retirement System changes	14 N.J.R. 1204(b)	R.1983 d.3	15 N.J.R. 163(c)
17:4-5.5	Police and Firemen's Retirement: Reinstatement	15 N.J.R. 132(b)	R.1983 d.127	15 N.J.R. 696(b)
17:4-6.2, 6.6	Insurance purchases and retirement	13 N.J.R. 310(b)	R.1982 d.292	13 N.J.R. 525(c)
17:4-6.4	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R.1983 d.3	15 N.J.R. 163(c)
17:4-6.14	Insurance purchases and retirement	13 N.J.R. 310(b)	R.1982 d.292	13 N.J.R. 525(c)
17:4-7.1, 7.2	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R.1983 d.3	15 N.J.R. 163(c)
17:5-1.9	State Police Retirement: Proof of age	14 N.J.R. 1205(a)	R.1983 d.49	15 N.J.R. 342(d)
17:5-2.4	State Police Retirement System	14 N.J.R. 1448(a)	R.1983 d.48	15 N.J.R. 342(e)
17:5-4.1, 4.2 4.3	State Police pension purchases and eligible service	13 N.J.R. 939(a)	R.1982 d.66	14 N.J.R. 284(e)
17:5-5.15	State Police: Critical disability claims	13 N.J.R. 939(a)	R.1982 d.67	14 N.J.R. 285(a)
17:5-6.1, 6.2	State Police Retirement: Interfund transfers	14 N.J.R. 1292(a)	R.1983 d.46	15 N.J.R. 343(a)
17:6-1.9	Consolidated Police and Firemen's: Interest charge	14 N.J.R. 1293(a)	R.1983 d.35	15 N.J.R. 163(d)
17:6-3.9	Consolidated police and firemen's disability	13 N.J.R. 749(b)	R.1982 d.349	14 N.J.R. 1164(d)
17:7	Readopted: Prison Officers' Pension Fund rules	15 N.J.R 527(a)	R.1983 d.176	15 N.J.R. 930(d)
17:8-2.6, 3.3	Supplemental Trust: Suspended deductions; withdrawal or retirement	15 N.J.R. 81(a)	R.1983 d.128	15 N.J.R. 697(a)
17:8-4	Supplemental Annuity: Voluntary employee contributions	14 N.J.R. 556(b)	R.1982 d.348	14 N.J.R. 1164(e)
17:9	Readopted: Health Benefits Program rules	15 N.J.R. 529(a)	R.1983 d.177	15 N.J.R. 930(e)
17:9	State Health Benefits Program	15 N.J.R. 792(b)	R.1983 d.330	15 N.J.R. 1383(c)
17:9-1.4, 1.6	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-1.5	Health Benefits Program: employer termination of participation	15 N.J.R. 793(a)	R.1983 d.332	15 N.J.R. 1383(d)
17:9-1.7	State Health Benefits Program: local governments	15 N.J.R. 884(a)	R.1983 d.331	15 N.J.R. 1383(e)
17:9-2.1, 2.2, 2.3, 2.6, 2.7, 2.11	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
17:9-2.10	HMO options for employees who move	15 N.J.R. 81(b)	R.1983 d.129	15 N.J.R. 697(b)
17:9-4.6	State Health Benefits Program: "Local, full time"	14 N.J.R. 1296(a)	R.1983 d.43	15 N.J.R. 343(c)
17:9-5.3, 5.5, 5.6, 5.8, 5.10	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-5.11	Health coverage and 10-month employees	14 N.J.R. 36(a)	R.1982 d.341	14 N.J.R. 1165(a)
17:9-6.1–6.6, 7.1, 7.2, 7.4	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:10	Readopted: Judicial Retirement System rules	15 N.J.R. 530(a)	R.1983 d.178	15 N.J.R. 931(a)
17:10-1.3, 1.4	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-1.8	Judicial Retirement System: proof of age	14 N.J.R. 1298(a)	R.1983 d.214	15 N.J.R. 1038(b)
17:10-2.1	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-3.1	Judicial Retirement: computation of benefits	14 N.J.R. 1299(a)	R.1983 d.213	15 N.J.R. 1038(c)
17:10-3.2	Judicial Retirement System: Maternity leave	14 N.J.R. 201(b)	R.1982 d.345	14 N.J.R. 1165(b)
17:10-3.6, 4.3, 4.4, 4.7, 4.8, 4.9, 5.1, 5.2, 5.3	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-5.10	Judicial Retirement System: Disability	14 N.J.R. 140(a)	R.1982 d.342	14 N.J.R. 1165(c)
17:10-6.1	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:12-5.1	Subscription fee for State contract information	14 N.J.R. 1085(b)	R.1982 d.481	15 N.J.R. 96(b)
17:16-5.1, 5.2	Readopted: State Investment Council, classification of funds	15 N.J.R. 531(a)	R.1983 d.233	15 N.J.R. 1038(d)
17:16-5.1–5.6	State Investment Council funds	14 N.J.R. 329(b)	R.1982 d.397	14 N.J.R. 1220(d)
17:16-17.2, 17.3	State Investment Council: Applicable funds; equity investments	15 N.J.R. 133(a)	R.1983 d.107	15 N.J.R. 627(a)
17:16-27.1, 27.2, 27.3	State Investment Council: Certificates of deposit	15 N.J.R. 794(a)	R.1983 d.281	15 N.J.R. 1182(b)
17:16-31.15	Cash Management Fund: Statement correction	14 N.J.R. 899(a)	R.1982 d.363	14 N.J.R. 1166(a)
17:16-37.1-37.4	State Investment Council: repurchase agreements	15 N.J.R. 795(a)	R.1983 d.282	15 N.J.R. 1182(c)
17:16-39.1-39.6	State Investment Council: bankers acceptances	15 N.J.R. 796(a)	R.1983 d.283	15 N.J.R. 1182(d)
17:16-43.1, 43.2	Mortgage-backed securities	14 N.J.R. 652(a)	R.1982 d.396	14 N.J.R. 1221(a)
17:16-44	State Employees Deferred Compensation Plan	14 N.J.R. 900(a)	R.1982 d.362	14 N.J.R. 1166(b)
17:20-10	Correction to Code: Lottery ticket rules	———	———	15 N.J.R. 166(a)
	(Title 17, Transmittal 17 dated June 21, 1982)			
TREASURY-TAXATION–TITLE 18				
18:3-1.2, 2.1	New Jersey wines	13 N.J.R. 839(a)	R.1982 d.181	14 N.J.R. 664(a)
18:5-12.5	Penalty for smuggling unstamped cigarettes	14 N.J.R. 331(a)	R.1982 d.256	14 N.J.R. 920(e)
18:7-1.1	Corporation Business Tax changes	14 N.J.R. 1206(a)	R.1983 d.62	15 N.J.R. 343(d)
18:7-1.15	Investment company defined	13 N.J.R. 684(b)	R.1982 d.34	14 N.J.R. 209(b)
18:7-3	Installment payments for corporation tax	13 N.J.R. 688(a)	R.1982 d.6	14 N.J.R. 105(d)
18:7-3.1, 3.3, 3.4	Corporation Business Tax changes	14 N.J.R. 1206(a)	R.1983 d.62	15 N.J.R. 343(d)
18:7-3.5	Corporation Business Tax and short table	14 N.J.R. 826(b)	R.1982 d.395	14 N.J.R. 1221(b)
18:7-3.5	Corporation Business Tax: short tax table	15 N.J.R. 320(a)	R.1983 d.219	15 N.J.R. 1038(e)
18:7-3.14	Correction: Installment payments for corporation tax	13 N.J.R. 688(a)	R.1982 d.6	14 N.J.R. 1065(a)
18:7-4.1, 4.10, 5.2, 8.5	Corporation Business Tax changes	14 N.J.R. 1206(a)	R.1983 d.62	15 N.J.R. 343(d)
18:7-11.12	Emergency extension for filing corporate return	Emergency	R.1981 d.163	13 N.J.R. 377(a)
18:7-11.12, 13.6, 14.2	Installment payments for corporation tax	13 N.J.R. 688(a)	R.1982 d.6	14 N.J.R. 105(d)
18:12-4	Local property tax: revaluation of real property	15 N.J.R. 322(a)	R.1983 d.221	15 N.J.R. 1039(a)
18:12-6A.8	Multiple dwelling exemptions and tax list designations (joint adoption, see 5:22-2.6)	14 N.J.R. 72(b)	R.1982 d.78	14 N.J.R. 278(b)
18:12-6A.8	Residential exemptions: improvements to multiple dwellings	15 N.J.R. 613(a)	R.1983 d.256	15 N.J.R. 1105(a)
18:12-7.12	Readopted: Homestead rebate filing extension	13 N.J.R. 948(b)	R.1982 d.41	14 N.J.R. 212(a)
18:12-7.12	Homestead Rebate: Extension of time to file	Emergency	R.1982 d.439	14 N.J.R. 1466(a)
18:12-9	Mobile homes tax moratorium (local property)	13 N.J.R. 162(b)	R.1981 d.207	13 N.J.R. 462(c)
18:12A-1.6	Appeals to county tax boards	14 N.J.R. 231(a)	R.1982 d.176	14 N.J.R. 580(f)
18:12A-1.12	Local property tax	13 N.J.R. 621(a)	R.1981 d.478	13 N.J.R. 948(c)
18:12A-1.20	County boards of taxation	13 N.J.R. 44(d)	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	13 N.J.R. 462(d)	R.1981 d.426	13 N.J.R. 779(f)
18:18-3.6	Distributers and gas jobbers bond ceiling	14 N.J.R. 202(a)	R.1982 d.140	14 N.J.R. 430(a)
18:19-1.1, 2.1, 2.2, 2.6, 2.10, 3.1, 3.3	Gallon and liter pricing of motor fuels	13 N.J.R. 855(a)	R.1982 d.77	14 N.J.R. 285(c)
18:19-2.2	Retail gasoline prices display	14 N.J.R. 331(b)	R.1982 d.257	14 N.J.R. 921(a)
18:19-2.7	Cash discounts: Motor fuel sales	14 N.J.R. 705(a)	R.1982 d.369	14 N.J.R. 1166(c)
18:19-2.7	Motor fuels sales: electronic pumps	15 N.J.R. 614(a)	R. 1983 d. 257	15 N.J.R. 1105(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
18:24-2.3	Sales and Use Tax Act	13 N.J.R. 163(a)	R.1981 d.209	13 N.J.R. 465(a)
18:24-2.15	Sales tax recordkeeping standards	13 N.J.R. 751(a)	R.1982 d.36	14 N.J.R. 212(b)
18:24-5.7	Capital improvement installations and sales tax	14 N.J.R. 140(b)	R.1982 d.141	14 N.J.R. 430(b)
18:24-7.19	Sales and Use Tax Act	13 N.J.R. 163(b)	R.1981 d.206	13 N.J.R. 465(b)
18:24-11.3	Sales Tax increase: transitional provisions	15 N.J.R. 324(a)	R.1983 d.220	15 N.J.R. 1039(b)
18:24-12.4	Sales Tax exemptions	13 N.J.R. 111(a)	R.1981 d.210	13 N.J.R. 465(c)
18:24-24.2	Underground gas tanks as real property	13 N.J.R. 883(b)	R.1982 d.85	14 N.J.R. 348(a)
18:24-27.1,27.2	Sales and Use Tax Act	13 N.J.R. 164(a)	R.1981 d.208	13 N.J.R. 465(d)
18:24-29	Sales tax exemption: household soaps and paper products	15 N.J.R. 797(a)	R.1983 d.324	15 N.J.R. 1384(a)
18:26-2.11	Transfer Inheritance Tax: distribution by agreement	15 N.J.R. 798(a)	R.1983 d.323	15 N.J.R. 1384(b)
18:24-28	Taxation of purchase or use of race horses	13 N.J.R. 622(a)	R.1981 d.436	13 N.J.R. 847(c)
18:26-2.12, 5.9 5.17, 5.19, 6.16, 6.17, 8.6, 8.12	Transfer Inheritance Tax	13 N.J.R. 623(a)	R.1981 d.477	13 N.J.R. 948(d)
3:26-8.7	Pre-audit payment of inheritance tax	14 N.J.R. 1153(a)	R.1982 d.445	14 N.J.R. 1464(b)
18:35-1.15	Exclusions from taxable gross income	14 N.J.R. 271(a)	R.1982 d.164	14 N.J.R. 581(a)
18:35-1.16	All-savers interest exclusion	14 N.J.R. 332(a)	R.1982 d.258	14 N.J.R. 921(b)
18:35-2	Debt liability and tax refunds and rebates	13 N.J.R. 940(a)	R.1982 d.161	14 N.J.R. 474(b)
18:35-2.3, 2.4, 2.5, 2.7	Gross income tax refunds and debt setoff	14 N.J.R. 705(b)	R.1982 d.479	15 N.J.R. 37(b)

(Title 18, Transmittal 16 dated January 14, 1981)

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

5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R.1982 d.288	14 N.J.R. 983(a)
19:1-1.6	Debarment and suspension from contracting	14 N.J.R. 1050(a)	R.1982 d.413	14 N.J.R. 1310(b)
19:1-5	Home improvement loan program	13 N.J.R. 312(b)	R.1981 d.268	13 N.J.R. 529(c)
19:3-1.1, 1.2, 1.4	Subdivision and zoning fees	15 N.J.R. 428(a)	R.1983 d.254	15 N.J.R. 1039(c)
19:4-3.2	Meadowlands zoning exemptions	14 N.J.R. 231(b)	R.1982 d.163	14 N.J.R. 581(b)
19:4-4.142	Variances and appeals	13 N.J.R. 529(d)	R.1981 d.446	13 N.J.R. 847(d)
19:4-5.17	Meadowlands variances	13 N.J.R. 694(a)	R.1982 d.1	14 N.J.R. 162(b)
19:4-6.25	Variances and appeals	13 N.J.R. 529(d)	R.1981 d.446	13 N.J.R. 847(d)
19:4-6.26	Meadowlands variances	13 N.J.R. 694(a)	R.1982 d.1	14 N.J.R. 162(b)
19:4-6.28	District zoning; change in zoning map	13 N.J.R. 624(a)	R.1981 d.467	13 N.J.R. 895(c)
19:4-6.28	Zoning change in Little Ferry	15 N.J.R. 133(b)	R.1983 d.142	15 N.J.R. 697(c)
19:4-6.28	Zoning change in Secaucus	15 N.J.R. 532(a)	R.1983 d.322	15 N.J.R. 1384(c)
19:4A	Flood plain management	15 N.J.R. 18(a)	R.1983 d.143	15 N.J.R. 697(d)
19:8	Readopted: Garden State Parkway rules	15 N.J.R. 615(a)	R.1983 d.237	15 N.J.R. 1039(d)
19:8-1.2	Speed limits on Garden State Parkway	14 N.J.R. 827(a)	R.1982 d.325	14 N.J.R. 1101(a)
19:8-1.9	Autobus length allowable on Parkway	14 N.J.R. 333(a)	R.1982 d.116	14 N.J.R. 581(c)
19:8-2.11	Garden State Arts Center	13 N.J.R. 247(e)	R.1981 d.169	13 N.J.R. 378(a)
19:8-2.12	Emergency service	13 N.J.R. 165(b)	R.1981 d.115	13 N.J.R. 315(a)
19:8-2.12	Emergency service fees on Garden State Parkway	15 N.J.R. 134(a)	R.1983 d.99	15 N.J.R. 554(c)
19:8-3.1	Tolls on Garden State Parkway	13 N.J.R. 248(a)	R.1981 d.170	13 N.J.R. 378(b)
19:8-7.3	State Police motor vehicle accident reports	13 N.J.R. 531(a)	R.1981 d.387	13 N.J.R. 780(a)
19:8-9	Off-premise outdoor advertising along Parkway	14 N.J.R. 901(a)	R.1982 d.361	14 N.J.R. 1166(d)
19:9	Readopted: Turnpike Authority rules	15 N.J.R. 886(a)	R.1983 d.301	15 N.J.R. 1257(a)
19:9-1.9	Out-of-service school buses	13 N.J.R. 751(b)	R.1981 d.520	14 N.J.R. 106(a)
19:9-1.9	Bus length on Turnpike	14 N.J.R. 1087(a)	R.1982 d.448	14 N.J.R. 1464(c)
19:9-1.15	Transportation of Explosives	15 N.J.R. 687(b)	R.1983 d.263	15 N.J.R. 1105(c)
19:9-2.1	Hearing officer in rejected bidder appeals	14 N.J.R. 974(a)	R.1982 d.446	14 N.J.R. 1464(d)
19:9-3.1	Towing rates	13 N.J.R. 49(b)	R.1981 d.37	13 N.J.R. 165(c)
19:9-4.2	Fees for photographs and slides	14 N.J.R. 974(b)	R.1982 d.447	14 N.J.R. 1464(e)
19:12	PERC: Negotiations and impasse procedures	Organizational	R.1981 d.357	13 N.J.R. 625(a)
19:16	Firemen and Police: Negotiations	Organizational	R.1981 d.357	13 N.J.R. 625(a)
19:17	Appeal Board on representation fees	14 N.J.R. 903(a)	R.1983 d.310	15 N.J.R. 1257(b)
19:25-1.7, 3	Pre-candidacy activity: "testing the waters"	15 N.J.R. 616(a)	R. 1983 d. 287	15 N.J.R. 1182(e)
19:25-8	Financial disclosure by legislative agents	13 N.J.R. 695(a)	R.1981 d.471	13 N.J.R. 895(d)
19:25-8	Interpretive statement on disclosure	13 N.J.R. 695(a)	R.1981 d.471	14 N.J.R. 392(a)
19:25-9.3, 9.7, 11.6, 12.6	Pre-candidacy activity: "testing the waters"	15 N.J.R. 616(a)	R.1983 d.287	15 N.J.R. 1182(e)
19:25-15	Public Financing of General Election for Governor	13 N.J.R. 49(a)	R.1981 d.54	13 N.J.R. 248(b)
19:25-1.53, 1.54, 15.11, 15.24	Pre-candidacy activity: "testing the waters"	15 N.J.R. 616(a)	R.1983 d.287	15 N.J.R. 1182(e)
19:25-15.38, 15.39	Correction: Political action committees	13 N.J.R. 49(a)	R.1981 d.54	15 N.J.R. 96(c)
19:25-16.3, 16.4, 16.5, 16.9,	Pre-candidacy activity: "testing the waters"	15 N.J.R. 616(a)	R.1983 d.287	15 N.J.R. 1182(e)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16.12, 16.25				
19:25-19	Financial disclosure by candidates for State office	15 N.J.R. 799(a)	R.1983 d.285	15 N.J.R. 1183(a)
19:25-19.1	Severability	13 N.J.R. 49(a)	R.1981 d.54	13 N.J.R. 248(b)
19:30-2.1–2.3	Economic Development Authority fees	13 N.J.R. 248(c)	R.1981 d.245	13 N.J.R. 465(e)
19:30-2.2	Additional administrative fees	15 N.J.R. 429(a)	R.1983 d.262	15 N.J.R. 1105(d)
19:30-4.2	Targeting of authority assistance	13 N.J.R. 625(b)	R.1981 d.457	13 N.J.R. 898(a)
19:30-4.4	EDA: Targeting of Authority assistance	13 N.J.R. 165(d)	R.1981 d.168	13 N.J.R. 378(c)
19:30-5	Debarment of applicants and contractors	12 N.J.R. 356(a)	R.1981 d.167	13 N.J.R. 378(d)
	(Title 19, Transmittal 16 dated January 14, 1981)			
TITLE 19 SUBTITLE K–CASINO CONTROL COMMISSION				
19:40-1.3	Conflicting terms and conditions	14 N.J.R. 558(b)	R.1982 d.254	14 N.J.R. 841(a)
19:41	Readopted: rules on Applications	15 N.J.R. 532(b)	R.1983 d.181	15 N.J.R. 931(b)
19:41-4.3	Employee residency qualifications	14 N.J.R. 37(a)	R.1982 d.63	14 N.J.R. 285(d)
19:41-5	Repealed (see 19:41)	15 N.J.R. 532(b)	R.1983 d.181	15 N.J.R. 931(b)
19:41-7.14	Personal History Disclosure Form 2A	14 N.J.R. 380(b)	R.1982 d.190	14 N.J.R. 664(b)
19:41-9.1, 9.4	Casino assessments	13 N.J.R. 531(b)	R.1981 d.367	13 N.J.R. 709(a)
19:41-9.7	Hotel alcoholic beverage license fees	14 N.J.R. 1364(a)	R.1983 d.80	15 N.J.R. 449(c)
19:41-9.9A	Junkets: Readopted emergency rules	15 N.J.R. 257(a)	R.1983 d.112	15 N.J.R. 627(b)
19:41-9.12, 9.13, 9.14, 9.16	Fixed fees and employee licensing	14 N.J.R. 38(a)	R.1982 d.57	14 N.J.R. 237(e)
19:41-9.15	Hotel employee registration fee	14 N.J.R. 232(a)	R.1982 d.162	14 N.J.R. 581(d)
19:41-9.19	Casino assessments	13 N.J.R. 531(b)	R.1981 d.367	13 N.J.R. 709(a)
19:41-11.1, 11.2, 11.3	Casino licensee agreements	13 N.J.R. 626(a)	R.1981 d.439	13 N.J.R. 847(e)
19:41-12.5	Casino assessments	13 N.J.R. 531(b)	R.1981 d.367	13 N.J.R. 709(a)
19:42	Readopted: rules on Hearings	15 N.J.R. 534(a)	R.1983 d.180	15 N.J.R. 931(c)
19:42-4.1–4.5	Exclusion of persons: Hearings	14 N.J.R. 904(a)	R.1982 d.359	14 N.J.R. 1167(a)
19:43-1.1, 1.2	Casino licensing requirements	13 N.J.R. 627(a)	R.1981 d.440	13 N.J.R. 848(a)
19:43-1.3	Service industry applications	14 N.J.R. 827(b)	R.1982 d.332	14 N.J.R. 1101(b)
19:43-1.8	Casino service industry licenses	12 N.J.R. 447(a)	R.1981 d.273	13 N.J.R. 534(a)
19:43-1.8	Casino service industry licenses	12 N.J.R. 447(a)	R.1981 d.273	13 N.J.R. 534(a)
19:44-17.10	Gaming school exterior advertising	13 N.J.R. 841(a)	R.1982 d.21	14 N.J.R. 162(c)
19:45	Accounting and internal controls	13 N.J.R. 534(b)	R.1981 d.437	13 N.J.R. 848(b)
19:45	Readopted: Accounting and internal controls	15 N.J.R. 240(a)	R.1983 d.125	15 N.J.R. 699(a)
19:45-1.1, 1.8, 1.9	Junkets: Readopted emergency rules	15 N.J.R. 257(a)	R.1983 d.112	15 N.J.R. 627(b)
19:45-1.3	Licensee's system of internal control	14 N.J.R. 381(a)	R.1982 d.189	14 N.J.R. 664(c)
19:45-1.3, 1.7	Correction: Annual audit	13 N.J.R. 47(c)	R.1981 d.272	13 N.J.R. 628(a)
19:45-1.3, 1.8	Casino accounting and internal controls	13 N.J.R. 47(c)	R.1981 d.272	13 N.J.R. 541(a)
19:45-1.12	Internal and gaming controls	13 N.J.R. 534(b)	R.1982 d.206	14 N.J.R. 710(d)
19:45-1.15	Gaming plaques	14 N.J.R. 708(a)	R.1982 d.329	14 N.J.R. 1101(c)
19:45-1.15	Gaming control	13 N.J.R. 534(b)	R.1982 d.171	14 N.J.R. 582(a)
19:45-1.24	Patrons' cash deposits	13 N.J.R. 47(c)	R.1981 d.272	13 N.J.R. 541(a)
19:45-1.24	Patrons' cash deposits	14 N.J.R. 381(a)	R.1982 d.189	14 N.J.R. 664(c)
19:45-1.34	Internal controls: slot booths	13 N.J.R. 534(b)	R.1982 d.171	14 N.J.R. 582(a)
19:45-1.36	Slot machine entry	14 N.J.R. 1052(a)	R.1983 d.239	15 N.J.R. 1040(b)
19:45-1.39	Resetting of progressive slot machines	14 N.J.R. 1053(a)	R.1983 d.300	15 N.J.R. 1259(a)
19:45-1.45	Internal controls: signatures	13 N.J.R. 47(c)	R.1981 d.272	13 N.J.R. 541(a)
19:45-1.46	Patron coupon redemption programs	14 N.J.R. 203(a)	R.1982 d.170	14 N.J.R. 582(b)
19:45-1.46	Coupon redemption and complimentary cash programs	14 N.J.R. 559(a)	R.1982 d.293	14 N.J.R. 983(b)
19:46	Readopted: Gaming Equipment rules	15 N.J.R. 429(b)	R.1983 d.163	15 N.J.R. 932(a)
19:46-1.2	Gaming plaques	14 N.J.R. 708(a)	R.1982 d.329	14 N.J.R. 1101(c)
19:46-1.3	Gaming chips	13 N.J.R. 534(b)	R.1981 d.408	13 N.J.R. 780(b)
19:46-1.6	Gaming chips and plaques	14 N.J.R. 828(a)	R.1983 d.299	15 N.J.R. 1259(b)
19:46-1.11, 1.26	Craps table and slot machine rules	13 N.J.R. 534(b)	R.1981 d.388	13 N.J.R. 780(c)
19:46-1.16, 1.18	Use of cards and dice	14 N.J.R. 829(a)	R.1983 d.308	15 N.J.R. 1259(c)
19:46-1.19	Blackjack play and wagering	14 N.J.R. 559(b)	R.1983 d.238	15 N.J.R. 1040(c)
19:46-1.33	Issuance and use of tokens	14 N.J.R. 569(a)	R.1982 d.330	14 N.J.R. 1101(d)
19:47	Readopted: Rules of the Games	15 N.J.R. 429(b)	R.1983 d.163	15 N.J.R. 932(a)
19:47-1.2, 1.4	Craps wagering	13 N.J.R. 534(b)	R.1981 d.388	13 N.J.R. 780(c)
19:47-1.6	"Double odds" option in craps	14 N.J.R. 382(a)	R.1982 d.230	14 N.J.R. 838(e)
19:47-1.10	Craps: point thrown	15 N.J.R. 242(b)	R.1983 d.240	15 N.J.R. 1041(a)
19:47-2	Blackjack play and wagering	14 N.J.R. 559(b)	R.1982 d.255	14 N.J.R. 841(b)
19:47-2.5	Blackjack shuffle and cut of cards	14 N.J.R. 567	R.1982 d.305	14 N.J.R. 991(a)
19:47-2.6	Correction: Blackjack dealing	14 N.J.R. 566	R.1982 d.255	14 N.J.R. 983(c)
19:47-2.6, 2.8	Readopt Blackjack wagering changes	13 N.J.R. 534(b)	R.1981 d.368	13 N.J.R. 709(b)
19:47-2.12	Blackjack play	13 N.J.R. 534(b)	R.1981 d.388	13 N.J.R. 780(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
19:47-2.13	Readopt Blackjack wagering	13 N.J.R. 534(b)	R.1981 d.368	13 N.J.R. 709(b)
19:47-5.2	Roulette payout odds	13 N.J.R. 534(b)	R.1981 d.388	13 N.J.R. 780(c)
19:47-5.7	Minimum and maximum wagering	13 N.J.R. 534(b)	R.1981 d.368	13 N.J.R. 709(b)
19:47-5.7	Blackjack wagering	14 N.J.R. 559(b)	R.1982 d.255	14 N.J.R. 841(b)
19:48-1.1, 1.4, 1.5, 1.8	Exclusion of persons: Hearings	14 N.J.R. 904(a)	R.1982 d.359	14 N.J.R. 1167(a)
19:49	Junkets: Readopted emergency rules	15 N.J.R. 257(a)	R.1983 d.112	15 N.J.R. 627(b)
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