

RULE PROPOSALS

BANKING

(a)

DIVISION OF BANKING

Interest Rates

Class II Installment Loan Interest Rate and Small Business Loan Interest Rate

Proposed Repeal: N.J.A.C. 3:6-7 and 3:6-9

Authorized By: Angelo R. Bianchi, Commissioner,
Department of Banking.
Authority: N.J.S.A. 17:1-8.1, 17:9A-53C and 17:9A-
59.27.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roger F. Wagner, Deputy Commissioner
Department of Banking
Division of Banking
CN 040
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-73.

The agency proposal follows:

Summary

The Legislature, with the adoption of S-3005, Chapter 103, P.L. 1981, effective March 31, 1981, removed the authority of the Commissioner of Banking to establish the interest rate on Class II installment loans and Small Business Loans. The new legislation stipulates that the rate or rates of interest which may be charged on such loans are to be agreed to by the bank and the borrower. Since the Commissioner no longer has the authority to establish the interest rate on these loans, the regulations must be repealed.

Social Impact

The Legislature, with the adoption of the aforementioned legislation, concluded that the removal of limiting rate restrictions will afford the general public with greater access to lendable funds. It will further result in the availability of funds at competitive market rates.

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Economic Impact

Specified rate limitations have periodically resulted in a decrease or removal of available funds for consumer and small business loans. With the elimination of such artificial rate ceilings, lenders will be able to adjust rate charges in line with current economic demands. This, therefore, will remove the periodic drought of available funds and stabilize the ability of borrowers to obtain desired loans.

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

SUBCHAPTER 7. [CLASS II INSTALLMENT LOAN INTEREST RATE] (RESERVED)

[3:6-7.1 Maximum interest rate

The maximum rate of interest which may be contracted for and received on Class II installment loans on or after January 14, 1980 shall be 15 per cent per annum. This regulation shall have prospective effect only. Such interest shall be calculated in accordance with N.J.S.A. 17:9A-53 et seq. and shall remain in force until such time as this regulation is rescinded or until said rate is revised by a subsequent regulation.]

SUBCHAPTER 9. [SMALL BUSINESS LOAN INTEREST RATE] (RESERVED)

[3:6-9.1 Maximum interest rate

The maximum rate of interest which may be contracted for and received on Small Business Loans on or after 12:01 A.M. May 9, 1980 shall be 15 per cent per annum. This regulation shall have prospective effect only. Such interest shall be calculated in accordance with N.J.S.A. 17:9A-59.25 et seq. and shall remain in force until such time as this regulation is rescinded or until said rate is revised by a subsequent regulation.]

(a)

DIVISION OF BANKING

**Reserve Requirements
Nonmember Commercial Banks**

Proposed Repeal: N.J.A.C. 3:8-3 and 3:8-4

Authorized By: Angelo R. Bianchi, Commissioner,
Department of Banking.
Authority: N.J.S.A. 17:1-8.1, 17:9A-48 and 17:9A-49.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roger F. Wagner, Deputy Commissioner
Department of Banking
Division of Banking
CN 040
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-74.

The agency proposal follows:

Summary

The Legislature, with the adoption of a A-3470, Chapter 373, P.L. 1981, effective December 30, 1981, stipulated that State

chartered nonmember commercial banks shall maintain reserve balances on deposits as prescribed by the Federal Reserve Board pursuant to the Depository Institutions Deregulation and Monetary Control Act of 1980, P.L. 96-221. The Federal Reserve Board has established reserves pursuant to the aforementioned Act and, therefore, State chartered nonmember commercial banks are required to maintain reserve as prescribed by the Federal Reserve.

The State legislation further provided that the Commissioner of Banking may prescribe, by regulation, such additional reserve amounts as he deems appropriate for State nonmember banks. With the standardization of reserves for all commercial banks being established by the Federal Reserve, the Commissioner does not deem it necessary, at this time, to prescribe any additional reserves for State nonmember banks. Therefore, he is repealing the existing State reserve regulation.

A-3470 also removed the provision in the law which allowed the Commissioner to define the words "immediate liabilities" and "time liabilities", as they related to deposits subject to reserve requirements. The Federal Reserve has prescribed standard definitions of liabilities subject to reserves for all institutions. This, along with the legislative removal of the delegated authority in this area is the reason for the proposed repeal of N.J.A.C. 3:8-4.

Social Impact

There will be no direct social impact other than the standardization of reserves among all commercial institutions. This possibly could result in more or less funds being made available for bank loans depending upon reserve requirements established by the Federal Reserve.

Economic Impact

The Federal government, through its adoption of the Depository Institutions Deregulation and Monetary Control Act of 1980 and its delegation to the Federal Reserve Board to set reserve standards, is attempting to centralize monetary controls over all financial institutions' deposits. The State action in removing our existing regulation will allow our State institutions to compete on an equal footing with Federal Reserve member banks.

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

SUBCHAPTER 3. [RESERVES TO BE MAINTAINED BY BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM] (RESERVED)

[3:8-3.1 Required reserve

Each bank of this State, not a member of the Federal Reserve System, shall maintain as its required reserve such reserves as are prescribed by the Federal Reserve Bank for member banks. Notwithstanding this requirement, no bank of this State, which is not a member of the Federal Reserve System, shall be required to maintain reserves in amounts in excess of the reserves required for member banks.

3:8-3.2 Direct obligations of United States as portion of required reserves

A nonmember of the Federal Reserve System may include up to 50 percent of its total required available funds in unpledged direct obligations of the United States which have a maturity of not more than 18 months.

3:8-3.3 Reports

Each bank not a member of the Federal Reserve System may be

required to file with the Department of Banking reports in such a manner as the Commissioner of Banking shall from time to time prescribe to indicate compliance with this subchapter.]

SUBCHAPTER 4. ["IMMEDIATE LIABILITIES" AND "TIME LIABILITIES" FOR BANKS DEFINED] (RESERVED)

[3:8-4.1 Definitions

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

"Immediate liabilities" include all deposits payable on demand, or in less than 30 days, or in less than 30 days after demand.

"Time liabilities" include all deposits other than deposits included in the definition of immediate liabilities.]

CIVIL SERVICE

(a)

CIVIL SERVICE COMMISSION

Layoffs and Demotions

Proposed New Rules: N.J.A.C. 4:1-24.1 and 24.3 through 24.12

Proposed Repeal: N.J.A.C. 4:1-16.1 through 16.5, 4:2-16.1 and 16.2 and 4:3-16.1 and 16.2

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

Authority: N.J.S.A. 11:5-1a, 11:15-9, 11:15-10, 11:22-10.1, 11:22-10.2, 11:26D-1.

A **public hearing** concerning this rule will be held on March 2, 1982 at 1:00 P.M. at:

Thomas A. Edison College
101 West State Street
(First Floor Conference Room)
Trenton, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-77.

The agency proposal follows:

Summary

Both the State government and local government are presently suffering economic distress and are undergoing layoffs. During these layoffs, Civil Service has the responsibility for determining what will happen with affected employees. Title 11 of New Jersey Statutes gives Civil Service broad discretion in making these

determinations. It simply provides for 45 day notice to the employee and for "reemployment or demotional rights." N.J.S.A. 11:26D-1.

During the layoff actions in the middle 1970s, our present rules were developed. At that time, we anticipated relatively small State layoffs and our prime concern was the affect on employees. The philosophy behind these rules was to minimize this effect. As a result, very broad based employees' rights were provided including rights to comparable titles at the same level, rights to lower in-line titles and lower similar titles. In administering the layoff, we present the State employee with a large range of options and permit the employee to select their preferred position. This has an incredible displacement effect. For example, in the recent Labor and Industry layoffs approximately 78 employees were laid of, but over 900 employees were affected by job changes. In local governmental service, we do not permit such option selection, but rather require that the least senior employees be displaced.

Many complaints have been received regarding this system from both employees and employers. The effect of this system on the State departments where layoffs have occurred has been the massive reshuffling of employees and has required a considerable amount of retraining. Some employers have even questioned whether or not they are actually achieving a cost savings, particularly when factors such as morale and a lowering of productivity are also considered.

It is projected that more layoffs at both the State and local levels are in store in the future. Therefore, this proposal was drafted with an eye towards a balancing of needs between the employer and employee.

The primary differences between these proposed rules and our current ones are that the proposal provides that the least senior employees will be the only ones affected, comparable lateral rights (which are not provided for by statute) are eliminated although demotional lateral rights are not, mass distribution of 45 day notices may be obviated, non-permanent employees will be laid off before any permanent employees receive a notice of anticipated layoff, management's right to reassign employees after a layoff action will be reinstated, option selection by employees will be eliminated with this decision being made by the Department of Civil Service and fewer employees will be affected with a concomitant lessening of disruption and retraining.

This proposal is a basis for discussion. The Commission actively solicits employee, union and employer input both in the form of written comments and at the public hearing.

Social Impact

This proposal will have broad reaching impact, primarily on State employees and employers. Since the present layoff system for local governmental employees is substantially similar to this proposal, the impact will be significantly less.

This proposal should ease some of the tensions affecting employees throughout a department when a layoff occurs. It will provide employees with a clear understanding of their position and permit a more effective planning of careers impacted by a layoff. Additionally, the entire process will be facilitated and should be accomplished in less time.

The numbers of employees affected by a layoff action will be substantially reduced. However, the number of titles available to an affected employee will be significantly narrowed. This proposal also requires employers to make significant management decisions, both in terms of removing non-permanent employees and reassigning permanent employees.

Economic Impact

The end result of a layoff action under this proposal will result in cost savings over the present system. While the same number of employees will probably be laid off, the effect will be greatest on

non-permanent employees and lesser on permanent employees. The cost of retraining should be considerably lessened, since fewer employees will be affected. There should also be an intangible savings in that this proposal should not have as detrimental an impact on morale and productivity as our current system.

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

CHAPTER 1
CIVIL SERVICE RULES

SUBCHAPTER 24. LAYOFFS AND DEMOTIONS

4:1-24.1 Layoffs permitted

Pursuant to N.J.S.A. 11:15-9 and 11:22-10.1, an appointing authority may layoff or demote an employee for reasons of economy, efficiency or other valid reason requiring a reduction in the number of employees.

4:1-24.2 (Reserved)

4:1-24.3 Prerequisite to layoff of permanent employees

(a) No permanent employee shall be served a 45-day notice of anticipated layoff or demotion until all non-permanent employees in the same title in the same department are laid off or demoted. Non-permanent employees with permanent status in another title, shall be returned to that title. Other non-permanent employees shall be separated in the following order:

1. Emergency employees;
2. Temporary employees;
3. Povisional employees;
4. Probationary employees.

4:1-24.4 Notice of layoff

(a) No permanent or probationary employee shall be laid off or demoted in lieu of layoff before s/he has been served either personally or by certified mail with a written notice.

1. The notice shall contain the following:
 - i. The effective date of the layoff action;
 - ii. The reason for the layoff;
 - iii. The employee's appeal rights.
2. The notice shall be personally served on all affected employees and posted at least 45 days before the layoff becomes effective.

(b) Prior to the service of notice on employees and posting, the notices shall be sent for review to the Department of Civil Service, Division of Classification and Compensation (State) or to the Division of Local Government Services (local) (see N.J.A.C. 4:1-24.2 and 4:1-24.5). At the same time, the appointing authority shall submit a list of the number and title(s) of positions being abolished.

(c) Individual notices shall be served on the least senior employees in the titles selected by the appointing authority for layoff or demotion. They shall also be served on the least senior employees within a 50 mile radius of the place of business in lower titles in the title series selected by the appointing authority for layoff or demotion.

(d) A general notice shall be served on all other employees who will be affected by layoff or demotion. This general notice shall serve as individual notice.

4:1-24.5 Review of notices and corrective actions

(a) The Director of the Division of Classification and Compensation (State) and the Director of Local Government Services (local) shall review all notices that are to be served on employees. If notices are determined to be improper the director shall either disapprove the notices or, in the case of

minor error, at his/her discretion, s/he shall notify the appointing authority of the error and proceed on a conditional basis.

(b) The conditional status of the layoff determinations shall be removed after the corrective actions have been completed and approved by the director. This must occur prior to the effective date of the layoff.

(c) An appointing authority that has had its notices disapproved may initiate new layoff procedures by serving its employees with corrected notices.

4:1-24.6 Order of layoff or demotion

(a) The Directors of the Division of Classification and Compensation (State) and the Division of Local Government Services (local), acting for the Chief Examiner and Secretary, shall determine layoff and demotional rights.

1. All layoff and demotion rights shall be based on the employee's status as recorded on Department of Civil Service records.

2. Such determination shall be made prior to the effective date of the layoff.

(b) The order of layoff and demotion shall be based on seniority as determined by the Director of the Division of Classification and Compensation (State) and the Director of Local Government Services (local) except that:

1. Employees with less than satisfactory performance ratings for the 12-month period immediately preceding the layoff shall be the first laid off or demoted regardless of seniority or veterans' status. In local service this applies only to those jurisdictions whose performance rating systems have been approved by the Department of Civil Service.

2. In the competitive division, employees who have previously been demoted in lieu of layoff to their current title in their current department shall be the last persons considered for the current layoff actions. They shall have absolute seniority; i.e., they shall be senior over all other employees in their demotional title within the department. Employees appointed from a special reemployment list shall not have absolute seniority. Employees demoted in lieu of layoff to a previous unrelated permanent title shall not have absolute seniority.

(c) The least senior employee in the affected title shall be laid off or demoted. S/he shall have demotional rights against the least senior employee within a 50 mile radius of the place of business.

(d) An employee with permanent status in a higher title shall exercise demotional rights against an employee in a designated lower title regardless of the seniority of the employee in the lower title (see N.J.A.C. 4:1-24.8(c) and (d)).

4:1-24.7 Seniority

(a) In the competitive division, seniority is the amount of continuous permanent time in the current title, related comparable and related higher title.

(b) In th non-competitive and labor division, seniority is the amount of total continuous permanent time regardless of title.

(c) Leaves of absence without pay shall be deducted from an employee's seniority except for military, educational and sick leave.

(d) Suspensions shall be deducted from an employee's seniority.

(e) Employees who have been laid off or demoted and reappointed from a special reemployment list shall be considered as having served continuous time; however, the amount of time that had elapsed between the layoff or demotion and reappointment shall be deducted from the employee's seniority.

(f) If two or more people have the same seniority, the tie shall be broken by the following factors which shall be applied in order:

1. A disabled veteran shall have seniority over a veteran. A veteran shall have seniority over a non-veteran.

2. The employee with the higher performance rating shall have seniority over an employee with a lower rating, providing they were rated by the same supervisor. In local service, this applies only to those jurisdictions whose performance rating system has been approved by the Department of Civil Service.

3. The employee with greater total length of service before a break in service, in a title on the same or higher class level, shall have seniority.

4. The employee with the greater length of continuous permanent service, regardless of title, shall have seniority.

5. The employee with the greater total length of non-continuous permanent service shall have seniority, regardless of title.

6. The employee who ranks higher on the employment list for the title shall have seniority.

7. The employee who has served the greater amount of time in that title as a provisional employee shall have seniority.

4:1-24.8 Demotional rights

(a) An employee with permanent status in a higher competitive title shall exercise demotional rights against an employee in a lower designated title in the same department regardless of the seniority of the employee in the lower title. (See also N.J.A.C. 4:1-24.10.)

(b) An employee's demotional rights shall be based on his/her current permanent title and any previous permanent title.

(c) An employee shall also have rights to a previous unrelated permanent title which is at the same or lower level than the employee's current permanent title. However, such rights shall be based on the aggregate amount of permanent time in that title subsequent to any break in service.

(d) An employee in the competitive division may not exercise demotional rights in the non-competitive or labor division unless the following conditions are met:

1. The employee in the competitive division shall have had permanent status in the non-competitive or labor division; and

2. The employee in the competitive division has a greater amount of continuous permanent service, regardless of title, than the employee being displaced.

(e) An employee in a professional title may not exercise demotional rights against a para-professional or non-professional title which is outside the title series as determined by the Director, Division of Classification and Compensation (State) or the Director of Local Government Services (local), unless the professional had prior permanent status in that title.

(f) If an employee refuses to accept a reasonable demotional right s/he shall be considered to have resigned in good standing and shall not be placed on a special reemployment list. Such employees shall have regular reemployment rights pursuant to N.J.A.C. 4:1-16.13.

(g) The Director, Division of Classification and Compensation (State) or the Director of Local Government Services (local) shall select that title and location to which an employee shall be demoted.

4:1-24.9 Special reemployment rights

(a) Pursuant to N.J.S.A. 11:15-9 and 11:22-10.1 an employee laid off or demoted for reasons other than disciplinary shall have his/her name placed on a special reemployment list. The purpose of the special reemployment list is to restore the affected employee to his/her original title in the same department from which s/he was laid off, demoted or displaced.

(b) The Director of the Division of Classification and Compensation (State) and the Director of the Division of Local Government Services (local), acting for the Chief Examiner and Secretary, shall determine the special reemployment rights of the employee to be laid off or demoted and, prior to the effective

date of the layoff, notify the employee and the appointing authority of the special reemployment rights.

(c) Special reemployment rights may be exercised against positions that are held by non-permanent employees or are vacant and are to be filled.

(d) An employee who is laid off or demoted in lieu of layoff shall be placed on a special reemployment list for the same, comparable, and lower related titles as those from which s/he has been laid off or demoted.

(e) In State service, special reemployment rights shall be exercised regardless of department. In local service, special reemployment rights shall be exercised regardless of department and among all autonomous authorities in a jurisdiction.

(f) A special reemployment list shall not have a termination date.

(g) Employees shall be placed on a special reemployment list in order of seniority. They shall be appointed in the order certified.

(h) Employees shall be retained on or removed from a special reemployment list in accordance with rules covering other lists. However, if an employee refuses to accept a reasonable offer of a position in his/her original title, the employee shall be considered to have rejected his/her special reemployment rights and shall be removed from all such lists. An employee shall be removed from the special reemployment list when the employee is appointed to the title from which s/he was laid off or demoted.

(i) Priority of eligibility lists shall be implemented in accordance with N.J.A.C. 4:1-12.3.

(j) Special reemployment lists shall have priority over any transfers.

4:1-24.10 Criteria for determining demotional and special reemployment rights

(a) The Director of the Division of Classification and Compensation (State) and the Director of Local Government Services (local), acting for the Chief Examiner and Secretary, shall determine the titles to which an employee has demotional and special reemployment rights.

(b) This determination shall be narrowly construed and based on Civil Service Job specifications. The following criteria shall be applied:

1. The title shall have comparable or lower related duties and responsibilities.

2. The titles shall have the same, similar or lower education and experience requirements.

3. There shall be no additional, different or special skills, licenses, or certification requirements.

(c) All professional trainee titles that have the same educational requirement and no experience requirement shall be special reemployment rights for professional titles.

4:1-24.11 Layoff rights for part-time employees

(a) Part-time permanent employees are entitled to the same layoff rights as full-time employees except that seniority shall be prorated.

1. The following order shall be followed when a permanent part-time employee displaces another employee. A permanent part-time employee shall displace:

i. An employee with provisional or temporary status in a full-time or part-time position;

ii. A permanent part-time employee with less seniority;

iii. A permanent full-time employee with less seniority.

(b) A permanent part-time employee who displaces a full-time employee must work full-time.

4:1-24.12 Appeals

(a) Permanent employees and employees laid off or demoted during their working test period shall have a right to appeal their layoff or demotion. Only two issues will be entertained:

1. An appeal of the good faith of a layoff or demotion is solely whether or not the appointing authority laid off or demoted the employee for the reason specified in the 45 day notice. Such appeals shall be subject to a hearing and final administrative determination by the Civil Service Commission.

2. An appeal of whether or not Civil Service properly determined an employee's seniority, demotional and/or special reemployment rights must specify the alleged error and provide a detailed basis with supporting argument and documentation. The written submission shall be reviewed and a final administrative determination issued by the Chief Examiner and Secretary.

(b) Appeals must be filed within 20 calendar days of receipt of the final notice of demotion or layoff and must specify exactly what is being appealed, the basis for the appeal, and the remedy sought.

(c) The burden of proof is on the employee.

(d) All appeals shall be addressed to:

Director, Division of Administrative
Practices and Labor Relations
Department of Civil Service
CN312
Trenton, New Jersey 08625

4:1-16.1 [Layoffs] (Reserved)

[The appointing authority may lay off an employee in the classified service for purposes of efficiency or economy or other valid reason requiring a reduction of the number of employees in a given class.]

4:1-16.2 [Prerequisite to layoff] (Reserved)

(a) No permanent employee shall be laid off until all emergency, temporary and provisional employees and all probationers, who are serving their working test period, holding positions in the same class in the organization unit are separated; nor shall a permanent employee be laid off except in accordance with the procedure as prescribed in these rules.

(b) Whenever possible, such employee shall be demoted in lieu of layoff to some lesser office or position in the same organization unit as determined by the chief examiner and secretary.]

4:1-16.3 [Order of layoff or demotion] (Reserved)

(a) Whenever there are two or more permanent employees in the class from which layoff, or demotion in lieu of layoff, is to be made, employees in that class with an unsatisfactory performance rating for the 12-month period immediately preceding the layoff or demotion shall be the first laid off or demoted.

(b) Layoff or demotion for all other employees in that class shall be as follows:

1. Layoff or demotion of permanent employees shall be in the order of seniority in the class, the person or persons last appointed will be the first laid off or demoted.

2. In all cases where there are employees who are veterans, a disabled veteran, or a veteran shall be retained, in that order, in preference to a non-veteran having equal seniority in his or her class.]

4:1-16.4 [Notice in layoff or demotion] (Reserved)

(a) No permanent employee in the classified service or employee serving a working test period after regular appointment shall be laid off or demoted in lieu of layoff until he shall have been given notice in writing, personally or by certified mail, of the date upon which he will be laid off or demoted and the reasons for the action. Such notice shall be served at least 45 days before the layoff or demotion becomes effective and a copy of such notice must be sent to the Civil Service Department at the same time.

(b) An employee who shall be laid off or demoted in lieu of layoff shall have the right of appeal to the commission, provided such appeal is received by the Commission within 20 days after the date of receipt of notice.

(c) See also N.J.A.C. 4:2-16.1, 4:3-16.1]

4:1-16.5 [Demotional and reemployment rights] (Reserved)

[(a) The chief examiner and secretary shall, after receipt of the notice, determine the demotional and reemployment rights of the employee to be laid off or demoted and within a reasonable time not to exceed 45 days notify the employee and the appointing authority of such rights.

(b) The name of any employee laid off or demoted in lieu of layoff shall be placed on a special reemployment list for the position from which he has been laid off or demoted.

(c) When an office or position of the same or comparable duties and responsibilities to that previously held by the employee is to be filled in the same organization unit, his name shall be certified from the special reemployment list for appointment.

(d) If a comparable position in any other unit is to be filled by appointment from an open competitive eligible list or a regular reemployment list, the name of the employee on the special reemployment list shall be certified before using the open competitive list or a regular reemployment list.

(e) See also N.J.A.C. 4:2-16.2, 4:2-16.3 and 4:3-16.2]

4:2-16.1 [Notice of layoff to employees who are serving their working test period] (Reserved)

[(a) This section stipulates normal layoff notice for employees who have not completed their working test period.

(b) Notice:

1. Appointing authorities laying off regularly appointed employees during a working test period must also give the same 45 day notice of layoff provided permanent employees under N.J.A.C. 4:1-16.4.

2. However, if an employee fails a working test period which ends prior to a projected layoff he may be removed at the end of the working test period, although the 45 day period has not ended. Moreover, an appointing authority may still remove employees during the working test period for those valid causes enumerated under N.J.A.C. 4:1-16.9, subject to the normal appeal procedures to the Civil Service Commission.]

4:2-16.2 [Determination of lateral displacement, demotional and reemployment rights by the Department of Civil Service] (Reserved)

[(a) This section describes the procedure that will be followed by the Department of Civil Service upon receipt of a 45 day notice of layoff from an appointing authority and reflects the practice in effect since May 1, 1974. It will apply to all permanent employees in the competitive, non-competitive, and labor divisions of the classified service.

(b) Definitions:

1. "Blanket 45 day notice" means a 45 day notice of layoff or demotion in lieu of layoff, which is posted and given general distribution in the organizational unit of layoff to notify all employees of a reduction in force and the possible application of seniority and demotional rights by those employees directly affected by the layoff. The general notice must be personally served as well as posted.

i. All 45 day notices, whether blanket or personal or other written notifications, to permanent employees affected by a layoff situation shall specify the employee's appeal rights regarding such actions. In cases where a blanket 45 day notice of layoff is issued, the 20

day appeal period to the Commission and/or the Chief Examiner and Secretary shall toll from the date the employee received individual written final notification of layoff or demotion in lieu of layoff.

2. "Class level" means a group of class titles with the same or similar duties, responsibilities, qualifications, and the same rank, salary range and evaluated job content that converts to that salary range.

3. "Demotional rights" means the right of a permanent employee to displace another employee in the same organizational unit who holds a title on a lower class level, which is among the class titles determined as layoff demotional rights for the title from which the employee is being displaced (see (e)3 below). This is the only displacement which may be made regardless of the seniority held by the employee in the lower class level.

i. Demotional rights may extend beyond those titles authorized above to include any class title previously held on a permanent basis but in such cases displacement may be made only on the basis of greater permanent continuous service in the State Government.

ii. The demotional rights of an unsatisfactory employee shall not be impaired.

4. "Employee's organizational unit" for layoff and demotion purposes, means the lawfully established Department or autonomous authority.

5. "Lateral displacement rights" means the right of a permanent employee to displace another employee in the same organizational unit holding a title on the same class level who has either less seniority, an unsatisfactory performance rating, or does not have permanent status on that class level. For layoff and demotion purposes, seniority is defined as the amount of time which an employee has served continuously in a permanent capacity in a title or titles on the same class level or a title or titles on higher class levels that are related, as defined in (e)1 below, to the class title from which he/she is laid off or demoted, regardless of organizational unit where served. In accordance with N.J.A.C. 4:1-16.3, an employee whose most recent performance rating is unsatisfactory shall be the first laid off and therefore loses lateral seniority displacement rights. His/her lateral rights will be limited to vacant positions or against provisional employees.

6. "Permanent status" means the attainment of tenure and rights resulting from regular appointment and successful completion of the working test period. Those having permanent status in a lower title will be considered to be serving in the lower title. Those with no status in a lower title will have their name returned to the open competitive list from which they were appointed, if it still exists. Those employees serving provisionally pending open competitive examinations or those on approved leave of absence from a classified title serving in an unclassified title will have no layoff rights unless they have previous permanent service.

7. "Special reemployment rights" means the rights of a permanent employee to be certified to a vacancy that is to be filled by an appointing authority or against another employee who is serving temporarily or provisionally pending open competitive examination in a title on the same or lower class level in any of the organizational units of the State and those pending promotional examination in the same organizational unit. The name of the employee laid off or demoted will be placed on a special reemployment list for the same or lower class level titles appropriate for certification, with the provision that the certification and appointment to any position having a class title below the class level of the one from which the employee was laid off or demoted in lieu of layoff will in no way affect retention on lists for higher class level titles nor will appointment to a title on the same class level affect retention on the list for the specific title from which the employee was laid off or demoted in lieu of layoff.

i. If the reduction in force results in the employee being displaced to a position on the same class level in another location, (region, institution, district, etc.) the employee shall have special reemployment rights to the location from which he/she was

displaced.

ii. (b)4i above does not apply to an employee who has been demoted and displaced to a position within a lower class level in the same or another location, or been laid off; in such cases, the employee shall have special reemployment rights to all locations.

iii. An employee's refusal to exercise lateral displacement rights at this time by not accepting a reasonable offer of a position on the same class level and chooses to separate is considered to be a resignation in good standing. Regular reemployment rights only will prevail.

iv. Employees who elect to retire shall not be eligible for Special Reemployment Rights.

(c) Order of layoff:

1. Emergency appointments; appointments to temporary (extra) positions; provisional appointments to permanent positions including provisional appointment pending promotional examination.

2. All probationers who are serving their working test period including probationers serving their working test period following promotional examination.

3. Permanent employees whose most recent performance rating is unsatisfactory.

4. All other permanent employees whose most recent performance rating is satisfactory or better. However, seniority on the class level will be used to determine the order of layoff.

(d) Upon receipt of a 45 day layoff notice, the Director of Classification and Compensation, shall act for the Chief Examiner and Secretary in determining the lateral displacement seniority, special reemployment and demotional rights for permanent employees in classified positions. The layoff rights of all permanent employees on the class level shall be reviewed to determine if the 45 day notice was in order; if not, the notice will be returned to the appointing authority for correction.

(e) The Director of Classification and Compensation shall determine:

1. Lateral Displacement Rights: Those class titles in the same organizational unit which are on the same class level as the class titles affected by abolition or layoffs to which seniority rights apply.

i. The criteria for making this determination are:

(1) General: The general consideration is that the title have the same or similar duties, responsibilities, qualifications, the same rank, salary range and evaluated job content that converts to that salary range, and that a permanent incumbent of the affected title could perform the duties of the selected titles by virtue of having qualified for the State affected title.

(2) Specific considerations:

(A) The functions are similar to the affected title.

(B) The salary job content evaluation is the same regardless of workweek hours.

(C) The educational requirements are the same and the mandatory educational requirements do not exceed those of the affected title.

(D) The experience requirements are the same and do not exceed those of the affected title.

(E) There are no special skills, licenses or certifications required that are not mandatory for the affected title.

2. Seniority: The criteria for establishing the length of service in those class titles are:

i. The amount of time which an employee has served continuously in a permanent capacity in a title or titles on the same class level of a title or titles on higher class levels that are related to the class title in accordance with the criteria contained herein from which he/she is laid off or demoted, regardless of organizational unit where served.

ii. If there has been a title change with no qualifying examination, employee receives credit for that period at same or higher title shall be considered to be continuing in lower permanent title and accruing seniority in that lower title.

iii. An employee while serving provisionally or in his/her working test period in a higher title shall be considered to be continuing in

lower permanent title and accruing seniority in that lower title.

iv. Seniority of person returning to permanent status at the class level via Regular Reemployment List begins as of the date of the permanent appointment from the Regular Reemployment List; however, prior service shall be considered when breaking ties. (See (e)2vii below.)

v. Seniority of persons returning to permanent status on the same class level via Special Reemployment List begins as of date of original permanent appointment to that class level but is subject to deduction of the time while laid off or demoted.

vi. The following periods shall be deducted from an employee's class level seniority:

(1) Leaves without pay, except those leaves without pay enumerated below:

- (A) Sick leave (including maternity);
- (B) Military leave;
- (C) Educational leave.

(2) Suspension.

vii. In cases where two employees with satisfactory or better performance ratings have the same seniority, the tie shall be broken when determining lateral displacement rights and demotional rights by considering the following order:

(1) Veteran's status – in such cases the disabled veteran shall be retained in preference to the veteran and the employee with veteran's status in preference to the non-veteran;

(2) Performance ratings – the employee rated outstanding shall be retained in preference to the employee rated satisfactory for the 12 month period immediately preceding the date of the layoff only if both were evaluated by the same Rater;

(3) Permanent service prior to a break in service in a title on the same or higher class level (see N.J.A.C. 4:1-16.13);

(4) The total length of continuous permanent service with the State;

(e) Total length of non-continuous permanent service with the State;

(6) Standing on employment list;

(7) Time as provisional in that title.

viii. "Banking seniority" An employee who has been laid off or is demoted in lieu of layoff is considered to have banked any seniority he may have in the title from which he was laid off. Should he be reemployed from the Special Reemployment List in that title he will regain the seniority he has "banked" or accrued.

3. Demotional Rights:

i. Those class titles in the same organizational unit below the class level from which employees are being laid off as a result of abolition of positions or through displacement in a layoff situation. The criteria for making this determination are:

(1) General: The general consideration is that the titles have similar duties, responsibilities, qualifications, (equal or to a lesser degree) and that a permanent incumbent of the affected title could perform the duties of the selected titles by virtue of having qualified for the affected title.

(2) Specific Considerations:

(A) The functions are similar to the affected title;

(B) The salary job content evaluation results in a lower salary range or single rate than that of the affected title;

(C) The educational requirements are the same and the mandatory educational requirements do not exceed those of the affected title;

(D) The experience requirements do not exceed those of the affected title;

(E) There are no specific skills, licenses or certifications required that are not mandatory for the affected title;

ii. Absolute seniority: This is the seniority one obtains as a result of having been demoted in lieu of layoff. The employee's seniority in the title to which he/she has been demoted is considered greater than that of all employees currently serving in that title. If more than one employee has absolute seniority, seniority between or among them must be determined based on the seniority they held in the title from which they were demoted.

4. Special Reemployment Rights: Those class titles in the same

or any of the organizational units of the State to which Special Reemployment Rights apply and for which Special Reemployment Lists are established.

i. The criteria for making this determination are substantially the same as those for determining Lateral Displacement and Demotional Rights except that, in addition:

(1) Where the functions, duties and responsibilities of a title have a basic similarity, no minimum education requirements and have the same or less job related experience requirements than the affected title, it is included.

(2) For affected professional class titles, professional Trainees titles which require the same baccalaureate degree as the affected titles but no experience, are included.

ii. For the above determinations, lists of titles are recommended by the classification staff, approved and issued by the Director of Classification and Compensation and furnished the Department to which the layoff occurs and to the Civil Service Department Personnel Administrative Services Section. Special Reemployment Lists for competitive classes are furnished to the Division of Examinations, Department of Civil Service.

iii. The Director of Classification and Compensation shall act for the Chief Examiner and Secretary in notifying the appointing authority and involved employees of the determinations regarding lateral displacement, seniority demotional and special reemployment rights of the employees. Such determination shall be made prior to expiration of the 45 day period whenever possible.

(f) The same procedure outlined above will be followed in effecting layoffs for employees holding permanent status in titles allocated to the Non-Competitive and Labor Divisions of the classified service. In addition:

1. An employee having permanent status in a competitive title shall have bumping and demotion rights against non-competitive or labor titles only if the employee has previously held on a permanent basis that particular title in the non-competitive or labor division and has greater permanent continuous service in the State Government than the permanent employee being displaced.

2. An employee having permanent status in a higher non-competitive or labor title can displace another employee in a lower title in the non-competitive or labor division provided that the employee being displaced has less seniority than the employee in the higher title. Seniority shall include all permanent continuous service in State Government.

3. At the discretion of the appointing authority, displaced competitive employees may be placed in vacant non-competitive or labor positions after notifying the Department of Civil Service of such intent.

4. Absolute seniority will not apply to title associated to the non-competitive and labor divisions.

(g) Special conditions:

1. A permanent employee affected by a layoff shall be permitted to exercise his/her lateral displacement rights to displace any employee in the organization unit in a title on the same class level with less seniority. If there are no permanent employees with less seniority on the same class level or if the employee declines to exercise lateral displacement rights, he or she shall be permitted to exercise demotional rights against any employee in a class title(s) to which such rights apply. In either case the special reemployment rights of the employee remain the same and may be exercised at the employee's discretion.

2. Employees serving in a working test period who are displaced will be returned to the employment list, if active, either open competitive or promotional as the case may be.

3. Absolute seniority will not apply to employees appointed from the Special Reemployment List.

4. Appointments from the Special Reemployment List take precedence over the transfer of a permanent or temporary employee from one organization unit to another.

(h) No reassignments or intradepartmental transfers from assignments made as a result of reduction in force procedure will

be permitted for a period of one year from the effective date of the reduction in force unless specifically requested by the department and approved by the Chief Examiner and Secretary as an administrative necessity. However, in accordance with N.J.A.C. 4:1-15.3, temporary intradepartmental transfers will be permitted to satisfy temporary redistribution of workload requirements. Assignees continuing to serve in these positions beyond the six month period will be subject to certification from the Special Reemployment List.

(i) All permanent employees and those in their working test period have the right to appeal within 20 calendar days of receipt of final notice of lateral displacement, demotion or layoff. The employee appealing must specify the grounds on which the appeal is based -- the burden of proof is on the appellant. Appeals must be based on one or both of the following grounds:

1. Issue A – Good Faith

i. This appeal will be subject to a hearing by the Civil Service Commission. The sole issue at such a hearing will be whether the appointing authority acted in “good faith” when it imposed a reduction in force.

ii. Such appeals should be addressed to the:

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

2. Issue B: Improper application of lateral displacement, seniority, demotional and/or special reemployment rights.

i. This appeal will be subject to a review of the written record by the Chief Examiner and Secretary. The Chief Examiner and Secretary will consider only whether the Department of Civil Service properly applied its standards when determining the lateral displacement, seniority, demotional and/or special reemployment rights.

ii. The person appealing must present written argument and/or documentation to substantiate the claim of administrative error and justify the relief sought.

iii. Such appeals should be addressed to the:

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

4:3-16.1 [Notice of layoff to employees who are serving their working test period] **(Reserved)**

[(a) This section stipulates normal layoff notice for employees who have not completed their working test period.

(b) Notice:

1. Appointing authorities laying off regularly appointed employees during a working test period must also give the same 45 day notice of layoff provided permanent employees under N.J.A.C. 4:1-16.4.

2. However, if an employee fails a working test period which ends prior to a projected layoff he may be removed at the end of the working test period, although the 45 day period has not ended. Moreover, an appointing authority may still remove employees during the working test period for those valid causes enumerated under N.J.A.C. 4:1-16.9, subject to the normal appeal procedures to the Civil Service Commission.]

4:3-16.2 [Determination of demotional and reemployment rights by the Department of Civil Service] **(Reserved)**

[(a) This section describes the procedure that will be followed by the Department of Civil Service upon receipt of a 45 day layoff notice from the authorities, effective January 1, 1981.

(b) Definitions:

1. “Blanket 45 day notice” means a 45-day notice of layoff or demotion which is posted and/or given general distribution in the

organizational unit of layoff to notify all employees of the reduction in force and the possible application of seniority or demotional rights by those employees directly affected by the layoff.

2. “Demotional right” means the right of a permanent employee to displace another permanent employee in the same organizational unit who holds a title on a lower level, regardless of the seniority held by the employee in the lower level.

3. “Employee’s organizational unit” means for layoff and demotion purposes in municipalities and counties, the organization unit is considered to be the lawfully established department.

4. “Level” means a group of class titles with the same or similar duties, responsibilities, qualifications, or salary range.

5. “Seniority right” means the right of a permanent employee to displace another permanent employee in the same organizational unit holding a title on the same level who has less seniority. For layoff and demotion purposes, seniority is defined as the amount of time which an employee has served continuously in a permanent capacity in a title on the same level from which he/she is being laid off or demoted, in the jurisdiction in which the layoff or demotion is being effected, regardless of organization unit.

6. “Special reemployment right” means the right of a permanent employee to be certified against another employee who is serving temporarily or provisionally in a title on the same, comparable or lower level in any of the organizational units of the jurisdiction. If there are no incumbents against whom special reemployment rights can be exercised, the name of the employee so laid off or demoted will be placed on a special reemployment list for the same, comparable or lower level titles for appropriate certification with the provision that certification and appointment to any position having a class title below the level of the one from which the employee was laid off or demoted in lieu of layoff will in no way affect retention on lists for higher titles.

(c) Procedure: Positions in the competitive division:

1. Upon receipt of a 45-day layoff notice, the Director of Local Government Services, shall act for the Chief Examiner and Secretary in determining the seniority, special reemployment and demotional rights of the employees.

i. First, the seniority rights of all permanent employees shall be calculated to determine if the 45 day notice was in order, if not, the notice will be returned to the appointing authority for correction.

(1) Employees holding emergency, temporary or provisional appointments or probationers on the level on which the layoff is being effected shall be terminated, before any permanent employee in a title on that level is issued a 45-day notice.

(2) The 45-day notice shall be issued to the permanent employee with the least amount of seniority in the titles on the level on which the layoff is being effected. In addition, a blanket 45-day notice shall be issued to employees in the organizational unit involved. (Note: Probationers must also be given the same 45-day notice of layoff as a permanent employee (see N.J.A.C. 4:3-16.1).

(3) If there are two or more permanent employees in the class from which layoff, or demotion in lieu of layoff, is to be made, the person with the least favorable performance rating for the 12 month period immediately preceding the date of layoff or demotion shall be the first laid off or demoted. This criteria applies only to those jurisdictions whose performance rating systems have been approved by the Department of Civil Service.

(4) In situations where demotion or layoff rights as determined by permanent status, seniority or performance ratings result in a tie, the following factors shall be considered in their respective order.

(A) Veterans status: A disabled veteran shall be considered more senior than the non-disabled veteran. A non-disabled veteran shall be considered senior to a non-veteran;

(B) The total length of service prior to a break in service in a title on the same or higher class level;

(C) The total length of continuous permanent service, regardless of title within the jurisdiction;

(D) Total length of non-continuous permanent service, regardless

of title within the jurisdiction;

(E) Prior standing (rank) on the employment list for the title, if information is available;

(F) Time served as a provisional in that title.

ii. The special reemployment rights of the employees being laid off or demoted shall be calculated to determine those titles for which the employees shall be placed on special reemployment lists.

iii. The individual's demotional rights shall be calculated to determine if demotional rights to a lower title exist.

2. The Branch Office Manager shall forward recommendations along with the following material to the Director of Local Government Services for a determination to be made:

i. The examination announcement by which the laid off employee obtained permanent status.

ii. A copy of the latest approved specification for the title.

iii. The salary range for the title.

iv. A list of all titles in which emergency, temporary, or provisional employees are serving in all of the organizational units of the jurisdiction together with the names of the incumbents, the salary ranges for the titles, and copies of the specifications for each title.

v. A list of all permanent employees serving in the same, comparable, or lower titles in the same organizational unit and their dates of seniority, salary ranges and the appropriate specifications.

3. The Director of Local Government Services shall act for the Chief Examiner and Secretary in notifying the appointing authority and involved employees of the determination regarding seniority, special reemployment, and demotional rights of the employees. Such determination shall be made prior to expiration of the 45-day period.

4. All appeals and requests for review concerning any of these determinations shall be directed to:

Chief Examiner and Secretary
Department of Civil Service
Arnold Constable Building
Trenton, New Jersey 08625

(d) Procedure: Positions in the non-competitive and labor divisions:

1. The same procedure outlined above will be followed in effecting layoffs for employees holding permanent status in titles allocated to the non-competitive or labor divisions of the classified service.

2. An employee having permanent status in a competitive title shall have bumping rights against non-competitive or labor titles if he/she has more seniority than those being displaced. Seniority shall include all permanent continuous service in the jurisdiction.

3. An employee having permanent status in a higher non-competitive or labor title can displace another employee in a lower title provided that the employee being displaced has less seniority than the employee in the higher title. Seniority shall include all permanent continuous service in the jurisdiction.

4. At the discretion of the appointing authority, displaced competitive employees may be placed in vacant non-competitive or labor positions after notifying the Department of Civil Service of such intent.

(e) Limitations:

1. An employee affected by a layoff shall be required to exercise his/her seniority or demotional right. Refusal to accept a comparable position on the same level as one's permanent title (exercise of seniority rights) shall be considered a voluntary resignation by the employee unless the appointing authority agrees to allow the employee to voluntarily demote to a lower level title. In such cases, a permanent employee in a lower level title may not be displaced; the voluntary demotion must be made to a vacant position. The employee shall not be placed on a special reemployment list for the former title (or level) in this situation.

2. The Department of Civil Service recommends that, where other positions are available for placement of those whose positions are being abolished, assignment to these positions be made on a

seniority basis unless there are substantial reasons for not doing so.]

HEALTH

(a)

DIVISION OF HEALTH PLANNING AND RESOURCES DEVELOPMENT

Certificate of Need: Reviews of Long-Term Care Facilities and Services Policy Manual

Proposed Amendment: N.J.A.C. 8:33H-3.3

Authorized By: Joanne E. Finley, M.D., M.P.H.,
Commissioner, Department of Health (with approval
of Health Care Administration Board).

Authority: N.J.S.A. 26:2H-1 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

John A. Calabria, Coordinator
Health Planning Services
New Jersey Department of Health
CN 360, Room 403
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-79.

The agency proposal follows:

Summary

The Statewide Health Coordinating Council has recommended to the Commissioner that the current rules be amended to add a paragraph, hereby referenced as N.J.A.C. 8:33H-3.3(a)4, which defines required Medicare/Medicaid/Medicaid-eligible utilization levels for new and/or expanded long-term care facilities. The rules generally require that 35 percent of new beds at such facilities be available for direct admission of Medicare/Medicaid/Medicaid-eligible patients. The rules also require that the facilities reflect this preferential direct Medicare/Medicaid/Medicaid-eligible admissions requirement as a written admissions policy and as part of its Medicaid provider agreement. Finally, the rules include a provision by which a Certificate of Need applicant can request a review of the financial feasibility of complying with the admission percentages required if such applicant can produce documentation that compliance will produce a financial hardship. Such review may result in a finding by the Department that a lower percentage is required for financial feasibility.

These rules codify and clarify a long-standing Statewide Health Coordinating Council practice on Certificate of Need approval for new or expanded long-term care facilities. In addition these rules correspond with a long standing licensure requirement for long term care facilities to make a reasonable number of its beds available to indigent persons, N.J.A.C. 8:30-14.4. **New Jersey Association of Health Care Facilities v. Finley**, 168 N.J. Super. 152, 402 A.2d 246 (1979), affirmed 83 N.J. 67, 415 A.2d 1147, certiorari denied, appeal dismissed 101 S. Ct. 342. This practice required a facility

to make available 35 percent of its new beds for Medicaid recipients. The rules codify that practice but expand it to include Medicare and Medicaid-eligible patients, as well as require that these be direct admissions from the Medicaid long-term care waiting list or Medicare patients who intend to convert to Medicaid when their Medicare benefits expire—not private pay patients who convert to Medicaid when their private resources are expended.

Social Impact

N.J.S.A. 26:2H-1 (as amended) recognizes as "public policy of the State that hospitals and related health care services of the highest quality, of demonstrated need, efficiently provided and properly utilized at a reasonable cost are of vital concern to the public health. In order to provide for the protection and promotion of the health of inhabitants of the State, promote the financial solvency of hospitals and similar health care facilities and contain the rising cost of health care services, the State Department of Health... shall have the central, comprehensive responsibility for the development and administration of the State's policy with respect to health planning, hospital and health care services, and health facility cost containment programs. . . ."

The New Jersey State Health Plan, the Health Systems Plans of the Health Systems Agencies, the New Jersey Department of Human Services, and the Department of the Public Advocate have all recognized and sought solutions to the problem of an ever-growing Medicaid waiting list for admissions to long-term care facilities—a list which has grown from 1,340 in September, 1975, to 3,081 in November, 1981. This list has grown despite the previously mentioned practice on approved Certificates of Need that 35 percent of new long-term care beds be made available for Medicaid patients—chiefly because the condition did not specify "direct" admissions from the waiting list and was often interpreted as including private pay patients who subsequently converted to Medicaid.

The Medicaid waiting list consists of persons certified by the New Jersey Medical Assistance Program (Medicaid) as requiring long-term care facility placement. The problem is particularly acute for those patients waiting in the "community" as opposed to those waiting in hospitals. While the latter are receiving at least some form of inpatient care, the former may be receiving little or no care at all while they wait at home or in the home of a friend or relative.

For those waiting in hospitals, the wait is costly and may be counterproductive to their needs and chances of recovery. The majority wait in acute care hospitals—costly both in economic and quality terms since an acute hospital bed is inherently a costly place to provide for a long-term care patient and because it is not the type of care the patient needs. Others wait in State psychiatric hospitals, again costly and inappropriate care.

Thus, these rules are important for both quality and cost reasons. Not only may they reduce the cost of inappropriate institutional care but they also will encourage long-term care patient placement in an institutional environment that is suitable to meet their unique needs.

Economic Impact

The average long-term care facility in New Jersey currently has in excess of 50 percent of its beds occupied by Medicaid patients. Therefore, it is felt that these rules will not have a significant impact on most long-term care providers. In the event that an applicant feels that these rules will impose a severe hardship, there is a means of requesting a review of the financial feasibility of meeting all the requirements.

However, it is possible that these rules may cause some increase in State Medicaid expenditures. But this is viewed as a modest, necessary increase given the increase in need. An estimate of such a possible increase follows:

1. Total number of new beds licensed 1977-1980 equals 2500 or an average of 625 per year.
2. 35% of 625 equals 219 beds minimum for direct Medicare/Medicaid/Medicaid-eligible admissions.
3. In 1981, approximately 65% of Medicaid patients were ICF-A, 30% ICF-B, and 5% SNF.

4. 1981 ICF-A average Medicaid rate equals \$44.49 per day.
1981 ICF-B average Medicaid rate equals \$34.82 per day.
5. 65% of 219 equals 142 beds for ICF-A.
30% of 219 equals 66 beds for ICF-B.
6. 142 x \$44.49 x 365 equals \$2,300,733 yearly cost
66 x \$34.82 x 365 equals \$ 838,813 yearly cost

\$3,139,547

Thus, it could cost the Medicaid Program approximately \$3 million dollars per year, at current rates, to implement these rules. It must be noted that since only 52 percent of Medicaid costs are borne by the State, the total State budget impact would be 52 percent of \$3 million or \$1,560,000. However, from this total would have to be subtracted other factors which cannot be quantified at this time. These include:

1. The Medicare and Medicaid-eligible patients admitted under these rules.

2. Any waiting list patients who would have been admitted even without these rules.

3. Most significantly, savings could be accomplished to the extent that any Medicaid long-term care payment required under these rules would replace Medicaid payments to hospitals for patients who no longer require acute care but cannot now be placed in a long-term care facility. Such Medicaid payments to hospitals vary but are higher than the Medicaid ICF rates.

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

8:33H-3.3 Expansion and new construction

(a) Standards are as follows.

1.-3. (No change.)

4. Standard III-04, utilization of new and/or additional beds by Medicare/Medicaid/Medicaid-eligible recipients. Long-term care facilities seeking Certificate of Need approval to add beds to an existing facility or to construct a new facility will be required to comply with the following utilization criteria:

i. New LTC facility construction:

(1) **Minimum of 35 percent of total LTC bed complement to be available for direct admission of Medicare/Medicaid/Medicaid-eligible patients.**

(2) **Facility must continue to maintain direct Medicare/Medicaid/Medicaid-eligible admissions to 35 percent of its LTC bed complement over a 12 month period of time.**

(3) **Facility must reflect this requirement for preferential direct Medicare/Medicaid/Medicaid-eligible admissions as part of its written admission policies, as well as its Medicaid provider agreement.**

ii. Bed addition to existing LTC facility over 60 beds after expansion and which currently has Medicare/Medicaid/Medicaid-eligible patients occupying 35 percent or more of its total licensed capacity.

(1) **Minimum of 35 percent of new beds must be available for direct admission of Medicare/Medicaid/Medicaid-eligible patients.**

(2) **Facility must continue to maintain direct admission of Medicare/Medicaid/Medicaid-eligible patients to 35 percent of total LTC bed complement.**

(3) **Facility must reflect this requirement for preferential direct Medicare/Medicaid/Medicaid-eligible admissions as part of its amended written admissions policies, as well as in its amended Medicaid provider agreement.**

iii. Bed addition to existing LTC facility over 60 beds after expansion and which currently has Medicare/Medicaid/Medicaid-eligible patients occupying less than 35 percent of its total licensed capacity.

(1) **Minimum of 35 percent of total LTC bed complement after**

expansion must be available for direct admission of Medicare/Medicaid/Medicaid-eligible patients.

(2) Facility must reflect this requirement for preferential direct Medicare/Medicaid/Medicaid-eligible admissions as part of its amended written admissions policies, as well as in its amended Medicaid provider agreement.

iv. Bed addition to existing LTC facility which remains at 60 beds or less after expansion.

(1) Minimum of 35 percent of new beds must be available for direct admission of Medicare/Medicaid/Medicaid-eligible patients.

(2) Over a 12-month period of time, a "reasonable" percentage of the facility's total bed complement must be available for direct Medicare/Medicaid/Medicaid-eligible admissions. This "reasonable" percentage will be determined annually by agreement between the facility and the Department.

v. Any applicant for a Certificate of Need for a new or expanded LTC facility who can produce documentation that the previously outlined percentages will cause a financial hardship can request a review of the financial feasibility of those percentages, which may result in a finding by the Department that a lower percentage is required for financial feasibility.

(b) (No change.)

(a)

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**Long-Term Care Facilities
Standards for Licensure**

**Proposed Amendments: N.J.A.C. 8:39-1.1
and 1.16 through 1.21**

Authorized By: Joanne E. Finley, M.D., M.P.H.,
Commissioner, Department of Health (with Approval
of Health Care Administration Board).

Authority: N.J.S.A. 26:2H-1 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dr. Solomon Goldberg, Director
Licensing, Certification and Standards
Division of Health Facilities Evaluation
N.J. Department of Health
CN 367
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-81.

The agency proposal follows:

Summary

The proposed amendments to N.J.A.C. 8:39 Standards for Licensure of Long-Term Care Facilities will revise the existing regulations as follows:

1. The experience requirements for a registered professional nurse to qualify as a charge nurse will be revised to be consistent with the remainder of the definition (N.J.A.C. 8:39-1.1).

2. The schedule for preparing a nursing care plan, reassessing the nursing needs, and writing progress notes for each patient will be

revised to bring about consistency and decrease the required documentation without affecting the quality of nursing care (N.J.A.C. 8:39-1.16(k)10 and (o)1).

3. The requirement for the staff or consultant pharmacist to participate in meetings of the Evaluation Committee will be eliminated. The pharmacist will continue to participate in other staff committees (N.J.A.C. 8:39-1.17).

4. N.J.A.C. 8:39-1.18(g) requires the facility to appoint a dietitian on a full-time, part-time, or consultant basis. The operative date of this regulation is July 1, 1982. The operative date has been delayed annually since adoption by amendment due to the anticipated increase in cost to long-term care facilities and the assertion by the New Jersey State Medicaid program that they did not have adequate funds to pay for the increase. The proposed revision decreases the required number of hours of consultation from a dietitian in order to provide a cost-effective regulation that can be implemented.

5. The requirements for production sheets and for a monthly summary of the numbers and kinds of diets served daily to patients will be deleted, thus decreasing the documentation required of the food service supervisor (N.J.A.C. 8:39-1.18(h)4 and (j)12).

6. The requirement for the supervisor of each rehabilitation service offered by the facility to participate in meetings of the Evaluation Committee will be eliminated. The supervisor of each rehabilitation service offered will continue to participate in other staff committees (N.J.A.C. 8:39-1.19(c)4).

7. The requirement for providing social work consultation to the social work designee will be revised by establishing time frames based on the designee's education and experience (N.J.A.C. 8:39-1.20(d)).

8. The requirements for patient activities will be revised to allow for more flexibility in planning (N.J.A.C. 8:39-1.21(c)1).

Social Impact

Long-term care facilities should be able to provide better patient care because additional time can be allotted to patient oriented activities and direct patient care due to the decrease in the required documentation.

Economic Impact

Long-term care facilities should realize a savings from the elimination of the requirements for the staff or consultant pharmacist and the supervisor of each rehabilitation service offered to participate in meetings of the Evaluation Committee. In addition, the revisions in the requirements for social work consultation will reduce costs for the facilities affected by the revision.

The revision of N.J.A.C. 8:39-1.18(g) regarding the hours of consultation from a dietitian will have an economic impact if this regulation becomes operative. However, the establishment of a specific number of hours allows for reimbursement to the facility in the rate-setting process.

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

8:39-1.1 Definitions and/or qualifications

"Charge nurse" shall mean a person who is licensed in the State of New Jersey as:

1.-2. (No change.)

3. Has at least one year of full-time, or full-time equivalent, experience in nursing supervision and/or nursing administration in a health care facility; or if a registered professional nurse, has at least [three] **one** year[s] of full-time, or full-time equivalent, experience in rehabilitative or geriatric nursing.

4. (No change.)

8:39-1.16 Nursing services

(a)-(j) (No change.)

(k) The director of nursing services shall be responsible for the direction, provision and quality of nursing care provided. He/she shall be responsible for, but not limited to, the following:

1.-9. (No change.)

10. Ensuring that a registered professional nurse prepares an individual nursing care plan for each patient upon admission, reassesses the nursing needs of each patient [every seven days for skilled patients, every 14 days for ICF-A patients, and every 30 days for ICF-B patients.] **as necessary but at least every 30 days for skilled patients, every 60 days for ICF-A patients, and every 90 days for ICF-B patients,** writes clinical notes, and writes progress notes indicating the patient's response to nursing care at least every 30 days for skilled [and ICF-A] patients, **every 60 days for ICF-A patients,** and every [60] **90** days for ICF-B patients, or in accordance with an alternative schedule which he/she justifies and documents in the patient's medical record;

11.-12. (No change.)

(l)-(n) (No change.)

(o) In accordance with written job descriptions and with the standards in this document, nursing personnel shall enter in the patient's medical record:

1. The nursing care plan. This shall be reviewed, and revised if necessary, at least every [seven] **30** days for skilled patients, every [14] **60** days for ICF-A patients, and every [30] **90** days for ICF-B patients, [and revised at least every 30 days for skilled and ICF-A patients, and every 60 days for ICF-B patients] or in accordance with an alternative schedule which is justified and documented in the patient's medical record;

2.-7. (No change.)

8:39-1.17 Pharmaceutical services

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

(g) The staff or consultant pharmacist shall be responsible for the direction, provision and quality of the pharmaceutical services provided. He/she shall be responsible for, but not limited to, the following:

1.-3. (No change.)

4. Participating in staff committees, including, but not limited to, the patient care policy, [evaluation,] pharmaceutical, and infection control committees and providing consultation to the discharge planning committee;

5.-10. (No change.)

(h)-(i) (No change.)

8:39-1.18 Dietary services

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

(f) The facility shall ensure that the dietary service:

1.-3. (No change.)

4. [Follows production sheets noting amounts of food and times of preparation;]

Renumber 5.-10. as 4.-9.

(g) The facility shall appoint a dietitian on a full-time, part-time or consultant basis. The dietitian shall provide dietary services in the facility [two] **at least eight** hours per [week] **month**. [for the first 16 patients, and an additional hour for each additional eight patients. Facilities of 240 patients shall have one full-time dietitian. Additional dietitian time shall be provided in the facility proportionate to the number of patients over 240, at a ratio of one additional hour per eight additional patients. The consultant's hours shall be scheduled for different times on successive visits.]

(h)-(i) (No change.)

(j) The food service supervisor, under the direction of a dietitian, shall be responsible for, but not limited to, the following:

1.-11. (No change.)

12. Providing [a monthly summary, including, but not limited to, the following:] **records of weekly menus of all diets served to patients.**

[i. Records of weekly menus of all diets served to patients; and

ii. The numbers and kinds of diets served daily to patients.]

(k) (No change.)

8:39-1.19 Rehabilitation services

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

(c) The facility shall appoint a supervisor for each rehabilitation service offered, who shall be responsible for the direction, provision and quality of the rehabilitative care provided. He/she shall be responsible for, but not limited to, the following:

1.-3. (No change.)

4. Participating in staff committees, including, but not limited to, the patient care policy, [evaluation,] pharmaceutical, discharge planning and infection control committees;

5.-9. (No change.)

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

8:39-1.20 Social work services

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

(d) The facility shall appoint a social worker, or a designee who receives on-site consultation from a social worker. A social worker or designee shall provide social work services in the facility one hour per week for every six patients. [Facilities of 210 patients shall have one full-time social worker or full-time designee. Additional social work time shall be provided in the facility proportionate to the number of patients over 210, at a ratio of one additional hour per six additional patients.] Social work consultation to the designee shall be at least [two] **eight** hours per [week] **month** in facilities with more than 60 patients. Facilities of 60 or fewer patients shall have four hours of social work consultation per month. **Social work consultation shall be provided in accordance with the following time frames:**

1. For at least two years, if the social work designee has an associate's degree with two years of social work experience;

2. For at least one year, if the social work designee has a bachelor's degree other than in social work; or

3. For at least six months, if the social work designee has a bachelor's degree in social work without a practicum in a health care or geriatric setting;

4. Social work consultation shall not be required when the social work designee has a bachelor's degree in social work and has completed a practicum in a health care or geriatric setting.

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

8:39-1.21 Patient activities services

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

(c) The facility shall ensure that:

1. A diversity of physical, social, intellectual, spiritual, cultural, and recreational activities is available, consisting of individual, group, and/or independent activities on seven days of the week, including evenings;

2.-6. (No change.)

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

(a)

DIVISION OF HEALTH FACILITIES EVALUATION

Standards for Licensure of Residential Health Care Facilities Fire Protection

Proposed Amendment: N.J.A.C. 8:43-3.22

Authorized By: Joanne E. Finley, M.D., M.P.H.,
Commissioner, Department of Health (with Approval
of Health Care Administration Board).

Authority: N.J.S.A. 26:2H-1 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dr. Solomon Goldberg, Director
Licensing, Certification and Standards
Division of Health Facilities Evaluation
N.J. Department of Health
CN 367
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-78.

The agency proposal follows:

Summary

The proposed amendment to Standards for Licensure of Residential Health Care Facilities revises the existing regulation to provide a minimal number of alarm bells consistent with safety requirements.

Social Impact

There is no discernible social impact since the amendment is clarifying existing regulations rather than establishing additional rules.

Economic Impact

This amendment should reduce the cost to facilities while still providing adequate safety.

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

8:43-3.22 Specifications for electrical automatic fire alarm and detection systems; Office of State Fire Marshall

(a)-(o) (No change.)

(p) Each floor shall have at least one alarm bell for every 1,200 [square] **running feet of corridor space or additional fraction thereof. Each floor shall have at least one alarm bell at the front of the building and at the rear of the building at a minimum.**

(q) (No change.)

(a)

COMMUNITY HEALTH SERVICES

**Controlled Dangerous Substances
Transfer of CDS Prescription Information
Between Pharmacies (Schedules III-V);
Amend Schedules I, III, IV and V**

**Proposed Amendments: N.J.A.C. 8:65-7.14,
7.18, 10.1, 10.3 and 10.4**

Authorized By: Joanne E. Finley, M.D., M.P.H.
Commissioner, Department of Health.
Authority: N.J.S.A. 24:21-3.

Public Hearing: March 8, 1982 (N.J.A.C. 8:65-7.14 and 7.18).

A public hearing concerning N.J.A.C. 8:65-7.14 and 8:65-7.18 will be held on March 8, 1982 at 10:00 A.M. at:

Auditorium
Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Lucius A. Bowser, Chief
Drug Control Program
120 South Stockton Street
CN 364
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-82.

The agency proposal follows:

Summary

The proposed amendments to N.J.A.C. 8:65-7.14 and 7.18 on transfer of prescription information of Schedules III, IV or V controlled dangerous substances closely follows the additional new rule of the U.S. Department of Justice, Drug Enforcement Administration effective October 5, 1981 and was initiated by various professional pharmacy organizations and associations such as the National Association of Boards of Pharmacy, National Association of Chain Drug Stores, National Association of Retail Druggists, the American Pharmaceutical Association and the American Society of Consultant Pharmacists.

The amendments to N.J.A.C. 8:65-10.1 follows the placement into Schedule I of a product having no legitimate medical use or manufacture in the United States as adopted as a final rule by the U.S. Department of Justice, Drug Enforcement Administration effective September 22, 1981.

The amendments to N.J.A.C. 8:65-10.3 and 10.4 follows the transfer of Mazindol from Schedule III to Schedule IV accomplished as a final rule of the U.S. Department of Justice, Drug Enforcement Administration, effective November 27, 1981, because of a study proving the potential for abuse of Mazindol is more closely akin to Schedule IV. Placing Halazepam into Schedule IV follows the final rule of the U.S. Department of Justice, Drug Enforcement Administration effective October 29, 1981. It will control this newly marketed product that has a low potential for abuse and which is akin to similar products of its class. Placing Alphazolam into Schedule IV follows the final rule of the U.S. Department of Justice, Drug Enforcement Administration effective November 12, 1981. It will control this newly marketed product that has a low potential for abuse and which is akin to similar products of its class.

Social Impact

Re: N.J.A.C. 8:65-7.14 and 7.18: The amendments would be a convenient means to aid patients in acquiring needed medications closer to their residence. It would provide an opportunity to take advantage of more competitive pricing, and would allow patients to receive medications while away temporarily from his/her permanent residence.

Re: N.J.A.C. 8:65-10.1: The amendment would control the production, distribution or sale of an opiate product that has no legitimate use in the United States.

Re: N.J.A.C. 8:65-10.3 and 10.4: The amendments would control the manufacture, distribution and dispensing of the low potential abusing drug, Halazepam and Alphazolam. The transfer

of Maxindol from Schedule III to Schedule IV would not cause any changes for the public as it will not be treated differently than at present.

Economic Impact

Re: N.J.A.C. 8:65-7.14 and 7.18: The amendments would impact primarily upon pharmacies, but as stated above, it was initiated at the request of pharmaceutical organizations and associations. Because of the possibility of receiving competitive prices for their medications, patients may witness a savings.

Re: N.J.A.C. 8:65-10.1: The amendment would not have any burdensome effects on researchers, manufacturers or small businesses because of security and recordkeeping requirements it might impose.

Re: N.J.A.C. 8:65-10.3 and 10.4: The amendments would not cause any significant impact upon distributors or dispensers of Mazindol and only a minor initial impact on the product's manufacturer because of package redesign. They would not have any significant or burdensome effect upon researchers, manufacturers, distributors or small businesses because of security and recordkeeping it might impose. With respect to Alphazolam, this proposal would allow the company to market the drug in accordance with a recently received NDA approval. Not to adopt this proposal might have an economic impact upon the manufacturer of this recently approved drug.

Full text of the proposal follows.

8:65-7.14 Refilling of prescriptions; Schedules III and IV

(a)-(g) (No change.)

(h) **The transfer of original prescription information for a controlled dangerous substance listed in Schedule III or IV for the purpose of refill dispensing is permissible between pharmacies on a one time basis subject to the following requirements:**

1. The transfer is communicated directly between two licensed pharmacists and the transferring pharmacist records the following information:

i. Write the word "VOID" on the face of the invalidated prescription;

ii. Record on the reverse of the invalidated prescription the name, address and DEA registration number of the pharmacy to which it was transferred and the name of the pharmacist receiving the prescription information;

iii. Record the date of the transfer and the name of the pharmacist transferring the information.

2. The pharmacist receiving the transferred prescription information shall reduce to writing the following:

i. Write the word "TRANSFER" on the face of the prescription.

ii. Provide all information required to be on a prescription pursuant to N.J.S.A. 24:21-17 and include:

(1) Date of issuance of original prescription;

(2) Original number of refills authorized on original prescription;

(3) Date of original dispensing;

(4) Number of valid refills remaining and date of last refill;

(5) Pharmacy's name, address and DEA registration number and original number from which the prescription information was transferred;

(6) Name of transferor pharmacist.

3. Both the original and transferred prescription must be maintained for a period of two years from the date of the last refill.

4. Pharmacies electronically accessing the same prescription record must satisfy all information requirements of a manual mode for prescription transferral.

5. The procedure allowing the transfer of prescription information for refill purposes is permissible only if allowable under existing State or other applicable law.

8:65-7.18 Requirement of prescriptions; Schedule V

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

(d) The transfer of original prescription information for a controlled dangerous substance listed in Schedule V for the purpose of refill dispensing is permissible between pharmacies on a one time basis subject to the following requirements:

1. The transfer is communicated directly between two licensed pharmacists and the transferring pharmacist records the following information:

i. Write the word "VOID" on the face of the invalidated prescription;

ii. Record on the reverse of the invalidated prescription the name, address and DEA registration number of the pharmacy to which it was transferred and the name of the pharmacist receiving the prescription information;

iii. Record the date of the transfer and the name of the pharmacist transferring the information.

2. The pharmacist receiving the transferred prescription information shall reduce to writing the following:

i. Write the word "TRANSFER" on the face of the prescription.

ii. Provide all information required to be on a prescription pursuant to N.J.S.A. 24:21-17 and include:

(1) Date of issuance of original prescription;

(2) Original number of refills authorized on original prescription;

(3) Date of original dispensing;

(4) Number of valid refills remaining and date of last refill;

(5) Pharmacy's name, address and DEA registration number and original number from which the prescription information was transferred;

(6) Name of transferor pharmacist.

3. Both the original and transferred prescription must be maintained for a period of two years from the date of the last refill.

4. Pharmacies electronically accessing the same prescription record must satisfy all information requirements of a manual mode for prescription transferral.

5. The procedure allowing the transfer of prescription information for refill purposes is permissible only if allowable under existing State or other applicable law.

8:65-10.1 Controlled dangerous substances; Schedule I

(a) (No change.)

(b) The following is Schedule I listing of the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substances code number.

1. Opiates: Unless specifically excepted or unless listed in another schedule, any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation (listed by generic/established or chemical name with CDS code):⁸

... Alpha Methylfentanyl 9614

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

8:65-10.3 Controlled dangerous substances; Schedule III

(a) (No change.)

(b) The following is Schedule III listing the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substances code numbers.

1. (No change.)

i. (No change.)

ii. The following CDS code (listed by generic/established or chemical name with CDS code):

... [Mazindol] [1605]

...

2.-3. (No change.)

8:65-10.4 Controlled dangerous substances; Schedule IV

(a) (No change.)

(b) The following is Schedule IV listing the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substances code numbers.

1. Stimulants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (listed by generic/established or chemical name with CDS code):

- ... Mazindol 1650
- ...
- 2. Depressants.
- ... Halazepam 2762
- ...
- 3. Other substances . . .
- Alphazolam 2882
- ...

4. (No change.)

HUMAN SERVICES

(a)

DIVISION OF YOUTH AND FAMILY SERVICES

Manual of Standards Shelters for Victims of Domestic Violence

Proposed New Rules: N.J.A.C. 10:130

Authorized By: Timothy Carden, Commissioner, Department of Human Services.
Authority: N.J.S.A. 30:14-1 through 15 (P.L. 1979, c.337).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Steve Valli
Department of Human Services
Division of Youth and Family Services
One South Montgomery Street
CN 717
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-72.

The agency proposal follows:

Summary

The proposed standards provide guidelines for operators of domestic violence shelters in the provision of services to protect

victims of domestic violence. The Commissioner of the Department of Human Services, in consultation with a Governor's appointed Advisory Council, have developed the proposed standards. The responsibility of the Commissioner and the Advisory Council in developing standards for the operation of domestic shelters was established under P.L. 1979, Chapter 337.

Social Impact

The proposed standards will ensure that basic, uniform services are available to victims of domestic violence.

Economic Impact

Domestic violence shelter operators have previously been directed by the broad guidelines established under P.L. 1979, Chapter 337. It is anticipated that the domestic violence programs will be able to continue to meet these standards without additional funding. As a result, there should be little or no economic impact.

Full text of the proposed new rule follows.

CHAPTER 130 STANDARDS FOR SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE

SUBCHAPTER 1. GENERAL PROVISIONS

10:130-1.1 Goals for standards

In recognition of the fact that seeking and receiving shelter care is a trying emotional experience for victims of domestic violence, shelters for victims of domestic violence shall endeavor to provide an environment in which the client and family experience the least amount of disruption possible by attempting to ensure that the environment approximates "a home setting" to the extent possible, that the facility itself is clean and safe, and that clients are protected from further violence.

SUBCHAPTER 2. STANDARDS FOR SHELTERS

10:130-2.1 Standards

(a) A shelter shall have a 24 hour hotline, answered, preferably, by a live person or an answering service.

(b) A shelter shall have a 24 hour entry available.

(c) A shelter shall provide a residential area which provides safe refuge for victims of domestic violence. A shelter shall also provide a day program or drop-in center, located at the shelter site or in a separate facility, which can assist victims of domestic violence who have not made a decision to leave their home, or who have found other shelter but who nevertheless have a need for the services provided at the shelter.

(d) A shelter shall not discriminate in providing appropriate residential services and other services based on age, race, creed, national origin, sex, handicap condition, and/or financial status.

(e) A shelter shall arrange for or provide the following services to victims of domestic violence:

- 1. Emergency medical care;
- 2. Emergency legal assistance;
- 3. Marriage and family counseling and emergency psychological support and counseling, as requested; and
- 4. Information regarding education, welfare, and other available social services accomplished, wherever possible, by referrals to appropriate authorities or agencies.

(f) The shelter staff shall advocate on behalf of the client to assist them in receiving equitable and uniform services from agencies, such as, but not limited to, Division of Youth and Family Services, public assistance agencies, the Department of Education, and local educational agencies as well as appropriate governmental groups or agencies.

(g) To the extent feasible, one or more of the shelter personnel shall be fluent in the language of the non-English speaking population of the shelter. An effort shall be made to recruit and train victims of domestic assault as staff members.

(h) Information which may reveal the identity or location of a person seeking or receiving shelter services shall not be disclosed, except as otherwise specifically required by law.

(i) No shelter providing care for a minor who was in actual custody, guardianship, or the custody of a parent or other person at the time such person applied for shelter services, shall release the minor person, including the child's other parent or person sharing legal guardianship or custody, without the consent of the person who sought shelter, except as may be otherwise required by court order.

(j) A shelter shall have an ongoing individual and group counseling program.

(k) Shelters shall assure that nutritionally adequate meals are provided to all shelter residents.

(l) Shelters shall provide recreational programs for sheltered children.

(m) Shelter programs shall foster positive parenting skills and non-violent models.

(n) A shelter shall advocate for the provision of educational services for all school age children residing within the shelter. This shall be accomplished in accordance with the Public School Education Act of 1975 and the Guidelines for the education of children in spouse abuse centers set forth by the Division of School Programs, New Jersey State Department of Education and in cooperation with the County Superintendent of Schools and the appropriate local education agencies. The Guidelines (including all future supplements and amendments) are hereby adopted as part of this rule. Copies of the Guidelines may be obtained from the Division of Youth and Family Services for a fee consistent with N.J.S.A. 47:1A-1 et seq.

(o) A shelter shall undergo a health and safety inspection at least every two years.

(p) To the extent possible, an area of the shelters shall be designated for private communications with lawyers, counselors, etc.

(q) Established written house rules shall be presented and signed by clients upon entering the shelter.

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

This pre-proposal is known as PRN 1982-2.

TAKE NOTICE THAT by Order of the Board of Public Utilities dated January 13, 1982, the Office of Cable Television shall conduct a Generic Inquiry pursuant to the authority of N.J.S.A. 48:5A-1 et seq. into the following jurisdictional, economic and regulatory questions regarding two-way communication services provided by cable television companies, and any related topics which may become appropriate:

1. How are "two-way services" defined for purposes of this Inquiry?

2. How have existing rates and regulations affected the availability of these services by various potential providers?

3. Are there any non-video two-way services which are technologically unique to cable systems?

4. To what extent are emerging two-way services (a) technically and (b) functionally comparable to those provided or contemplated by telephone and other non-CATV providers of such services?

5. Is there any technological basis for differentiating rate treatment among providers of similar services?

6. Are CATV companies offering two-way communication services exempt from regulation under the public utility statutes of Title 48 of the New Jersey Statutes by virtue of the Cable Television Act?

7. Should such CATV companies be exempt as described above?

8. Is it material whether the two-way service is offered independent of conventional CATV service or whether it may only be subscribed to as part of a package including conventional CATV service?

9. Assuming such services are exempt from regulation under the public utility statutes, how shall the Office regulate such service so as not to work an undue hardship against or unfair advantage for one type of provider or purveyor over another?

10. Assuming such services are subject to regulation under the public utility statutes, specifically in what manner would you expect the Board to exercise its jurisdiction?

11. Does the service in question constitute common carrier service? Should CATV companies be designated as common carriers? If not, should specific services provided by CATV companies be designated as "common carrier services"?

12. Does the provision of services by a public utility subject all who provide similar service to such regulation?

13. Is it material whether the two-way communication service is provided directly by a regulated company or by leasing such service on leased channels?

14. Assuming no change in the present regulatory framework, are adjustments possible to minimize rate disparities between regulated and non-regulated providers of similar two-way services?

15. What effect does the present rate structure have on the development of "hybrid" two-way services (i.e. CATV services utilizing telephone and/or lines for return signals)? Should these arrangements be encouraged? How?

16. To what extent should telephone companies be allowed to provide these services on a deregulated basis? In light of Federal pre-emption, does the State have sufficient discretion to pursue an effective course in this regard?

17. What effects would specific pending Federal legislation and litigation have on the above questions?

18. Can the cost of "carrier" vs. "non-carrier" CATV plant be separated under present accounting methods?

19. What changes in CATV accounting practices might be necessary to do so?

PUBLIC UTILITIES

(a)

OFFICE OF CABLE TELEVISION

Jurisdiction and Rate Regulation for Two-Way Communication Services Provided by CATV Companies

**Rule Pre-Proposal: N.J.A.C. 14:17 and 14.18
Public Hearing: Dates to be Announced**

Interested persons may submit in writing, data, views and comments, arguments and/or propose additional questions within 45 days of this Notice to:

Office of Cable Television
Board of Public Utilities
1100 Raymond Boulevard
Newark, New Jersey 07102

Hearings will be held for oral comment after written materials have been received at a time and place to be announced. The purpose of this Director's Inquiry is to determine what recommendations or agency action may be appropriate.

TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Routes US 9, US 22 and Route 93

Proposed Amendments: N.J.A.C. 16:28A-1.7, 1.13 and 1.68

Authorized By: David W. Gwynn, Chief Engineer,
Transportation Operations and Local Aid.
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 March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-69.

The agency proposal follows:

Summary

These proposed amendments will revise and establish "no parking" zones along Route US 9 in Ocean and Lacey Townships, Ocean County; Marlboro Township, Monmouth County; Route 93 in Palisades Park Borough, Bergen County and Route US 22 in Lebanon Borough, Hunterdon County respectively, causing appropriate signs to be erected advising the motoring public.

The proposed changes in N.J.A.C. 16:28A-1.7 and 1.68 will designate "no parking" zones along Route US 9 in Ocean and Lacey Townships, Ocean County and Marlboro Township, Monmouth County, and along Route 93 in Palisades Park, Bergen County, and establish bus stops, where appropriate signs will be erected advising the motoring public.

Social Impact

The proposal will restrict parking along the areas designated and enhance the safety within Ocean, Monmouth and Bergen Counties.

The proposed changes in N.J.A.C. 16:28A-1.7 and 1.68 will restrict parking along the areas designated as bus stops for the safe and efficient on/off loading of passengers, thus, enhancing the safety and well being of the populace.

Economic Impact

These amendments will cause signs to be erected advising the motoring public. Additionally, direct and indirect costs will be incurred by the Departments' workforce and is dependent upon personnel, mileage and equipment to be utilized.

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

16:28A-1.7 Route US 9
(a) (No change.)

(b) The certain parts of State highway US 9 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. [and in] 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.-15. (No change.)

16. Along the westerly (southbound) side in Ocean Township, Ocean County:

i. Near side bus stop:

(1) Bryant Road (County Route 532) (150 feet).

17. Along the easterly (northbound) side in Ocean Township, Ocean County:

i. Near Side bus stop:

(1) Bryant Road (County Route 532) (105 feet).

18. Along the easterly (northbound) side in Marlboro Township, Monmouth County:

i. Near side bus stop:

(1) Station 452 "U-Turn" traffic signal (172 feet).

19. Along the westerly (southbound) side in Marlboro Township, Monmouth County:

i. Near side bus stop:

(1) Station 452 "U-Turn" traffic signal (168 feet).

20. All far side bus stops shall be 105 feet in length, unless otherwise noted; measured from the curb line of the intersecting street or the prolongation of the curb line of the street which intersects, were the bus stop is established.

21. Along the westerly (southbound) side in Lacey Township, Ocean County:

i. Far side bus stops:

(1) Lacey Road (Route 614) (115 feet);

(2) Bay Way (100 feet from prolongation of Bay Way);

(3) Beach Boulevard (105 feet);

(4) 2nd Street (150 feet).

ii. Near side bus stop:

(1) Oak Street (110 feet).

22. Along the easterly (northbound) side in Lacey Township, Ocean County:

i. Far side bus stops:

(1) Haines Street (105 feet);

(2) Nautilus Boulevard (105 feet);

(3) Sunrise Boulevard (105 feet);

(4) Parkers Point Boulevard (105 feet).

ii. Near side bus stops:

(1) Bay Way (105 feet);

(2) Laurel Boulevard (105 feet);

(3) Jones Road (175 feet).

23. All bus stops are to be the length specified, measured from the curb line of the intersecting street, or the prolongation of the curb line of the street which intersects.

16:28A-1.68 Route 93

(a) The certain parts of State highway Route 93 described in (a) of this section shall be, and hereby are designated and established as "no parking" zones where parking is prohibited at all times. [and in] 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.-2. (No change.)

3. Along Route 93 (Grand Avenue) south bound on the westerly side thereof, in the Borough of Palisades Park, Bergen County:

i. West Edsall Boulevard (Far side):

(1) Beginning at the southerly curb line of West Edsall Boulevard, extending 110 feet southerly therefrom.

ii. West Central Boulevard (Near side):

(1) Beginning at the northerly curb line of West Central Boulevard, extending 110 feet northerly therefrom.

iii. West Ruby Avenue (Near side):

(1) Beginning at the northerly curb line of West Ruby Avenue, extending 110 feet northerly therefrom.

16:28A-1.13 Route US 22

(a) The certain parts of State highway Route US 22 described [herein below] in (a) of this section shall be, and hereby are designated as 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.-4. (No change.)

5. Along both sides of Route US 22 in Lebanon Borough, Hunterdon County for the entire limits of Lebanon Borough including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

OFFICE OF ADMINISTRATIVE LAW NOTE: N.J.A.C. 16:28A-1.7(b)16 is reproduced as proposed in the December 21, 1981 Register at 13 N.J.R. 932(b).

TREASURY-GENERAL

(a)

DIVISION OF PENSIONS

Administration Annual Reports of Salary Changes

Proposed Amendment: N.J.A.C. 17:1-1.14

Authorized By: Willaim 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 March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph
Director, Division of Pensions
20 West Front Street
CM 295
Trenton, New Jersey 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 1982-71.

The agency proposal follows:

Summary

The proposed amendments permit employers of public employees to file reports of salary changes with the Division of Pensions during any quarter of the calendar year.

Social Impact

These amendments will affect employers of public employees who report salaries to the Division of Pensions. They will hopefully lead to more current salary figures in such reports with beneficial reporting results.

Economic Impact

The proposed amendments will not have any significant economic effect to the employers, the employee or the public.

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

17:1-1.14 Annual reports of salary changes

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

(f) A report of salary change may be filed with the Division during any quarter of the calendar year. Such report of salary change must be filed on or before the tenth day of the second month of the quarter to assure timely projection for the next quarterly report of contributions.

(b)

DIVISION OF PENSIONS

Public Employee's Retirement System Contributory Insurance Rates

Proposed Amendments: N.J.A.C. 17:2-3.3

Authorized By: Board of Trustees of the Public Employees' Retirement System, John P. Olender, Secretary.

Authority: N.J.S.A. 43:15A-17.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

John P. Olender
Secretary, Public Employees' Retirement System
Division of Pensions
20 West Front Street
CN-295
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-70.

The agency proposal follows:

Summary

This proposal does not substantively alter the rule concerning contributory insurance but is merely intended to more efficiently implement future rate changes that are approved by the PERS Board of Trustees.

Social Impact

Members of the PERS who have enrolled in the contributory insurance program may be indirectly affected by future rate changes but they are not substantively affected by this proposal at this time.

Economic Impact

There is no economic impact to anyone as a result of this particular amendment. Rate changes in the future may increase or decrease but there is no economic impact involved with the particular amendment itself.

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

17:2-3.3 Contributory insurance rate

All participating members' contribution rate for contributory group insurance shall be [one half of one percent of the member's

base or contractual salary, effective as of April 1, 1978] at a stated percent of the member's base or contractual salary and such rate will be periodically reviewed and determined by the Board of Trustees of the Public Employees' Retirement System.

(b)

(a)

BOARD OF TRUSTEES OF THE TEACHERS' PENSION AND ANNUITY FUND

**Administration
Dates of Board Meetings**

Proposed Amendments: N.J.A.C. 17:3-1.1

Authorized By: Board of Trustees of the Teachers' Pension and Annuity Fund, Mary Conrey, Secretary.
Authority: N.J.S.A. 18A:66-56.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mary C. Conrey, Secretary
Teacher's Pension and Annuity Fund
Division of Pensions
20 West Front Street
CN-295
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-67.

The agency proposal follows:

Summary

The proposed amendment concerns changing the date of the monthly meetings of the Board of Trustees of the Teachers' Pension and Annuity Fund from the second Thursday of the month to the first Thursday of the month. It is intended that such changes will become effective for the monthly meetings held during the calendar year 1982.

Social Impact

The proposed changes in meeting dates will not have any adverse, substantive effect upon the public or members of the retirement system. It is merely a scheduling change to improve the efficiency of administration of all of the retirement systems.

Economic Impact

This proposal will not have an adverse economic impact upon the public or members of the retirement systems since in its merely a scheduling change which does not involve any additional expense.

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

17:3-1.1 Board meetings

(a) The Board of Trustees shall meet on the [second] first Thursday of each month or at such time as may be deemed necessary by the Board.

[(b) No meeting will be held in the month of August unless it is deemed necessary by the chairman or the secretary.]

[(c)](b) The chairman may call for special meetings when necessary.

STATE HOUSE COMMISSION

**Judicial Retirement System
Insurance Coverage During Maternity Leave**

Proposed Amendments: N.J.A.C. 17:10-3.2

Authorized By: Judicial Retirement System, William J. Joseph, Secretary.
Authority: N.J.S.A. 43:6A-29d.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph
Secretary, Judicial Retirement System
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-68.

The agency proposal follows:

Summary

The purpose of this proposal is to eliminate any distinction between leaves of absence for maternity and leaves of absence for personal illness as indicated in a recent Attorney General's opinion. The subject of leaves of absence for personal illness is covered in N.J.A.C. 17:10-3.3.

Social Impact

Members of the Judicial Retirement System on maternity leave may be affected by this proposal.

Economic Impact

Members on certain maternity leaves of absence may have extended insurance coverage as a result of this proposal.

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

17:10-3.2 [Maternity leave] (Reserved)

[Insurance coverage shall be in force up to a maximum of one year during the period of an approved maternity leave.]

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Motor Fuels Tax Distributor and Gasoline Jobber Security Bond

Proposed Amendments: N.J.A.C. 18:18-3.6

Authorized By: Sidney Glaser, Director, Division of Taxation.
Authority: N.J.S.A. 54:39-10.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-83.

The agency proposal follows:

Summary

Under the proposed rule, the Director has discretion in requiring a bond from motor fuels distributors and gasoline jobbers in an amount no greater than three times the tax which would be payable on the greatest amount of fuels handled in a monthly period. The ceiling on such a bond has been raised from \$25,000 to \$500,000. The Director is authorized to take into account the applicant's prior record as a New Jersey taxpayer and other information establishing the applicant's financial responsibility in setting the amount of the bond.

Social Impact

The proposed rule safeguards the State's interest in taxes due from distributors and gasoline jobbers. The proposed rule revises the bond levels to more realistic ones in light of changed circumstances of the industry since the legislation was originally enacted in 1935.

Economic Impact

The economic impact of the proposed rule in the form of increased bond requirements will be greater than before upon motor fuels distributors and gasoline jobbers who apply for licenses in this State.

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

18:18-3.6 Amount of bond required

(a) (No change.)

(b) In fixing the total amount of the bond or bonds required to be filed by any distributor or gasoline jobber, the Director [will] **may** require a bond or bonds equivalent [in total amount to] **to an amount no greater than three times the tax on the greatest [monthly tax] amount of motor fuels handled during a monthly period of the previous 12-month period** in such manner as he may deem proper. **The Director shall take into account the**

applicant's prior record as a New Jersey taxpayer and all other information as may be available to him which would establish the applicant's financial responsibility.

1. (No change.)

2. The total amount of any bond or bonds required to be filed by any distributor or gasoline jobber can never be less than \$5,000 nor more than [\$25,000.00] **\$500,000;**

3. (No change.)

OTHER AGENCIES

(b)

CASINO CONTROL COMMISSION

Casino Service Industries Standards for Qualification

Proposed Amendment: N.J.A.C. 19:43-1.3

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.
Authority: N.J.S.A. 5:12-69.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard P. Franz
License Division
Casino Control Commission
Tennessee Avenue and the Boardwalk
Atlantic City, New Jersey 08401

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

This proposal is known as PRN 1982-75.

The agency proposal follows:

Summary

This proposal would allow certain publicly traded corporations which have been directed by the Casino Control Commission to file a Casino Service Industry license application to request permission from the Commission to file a modified form of such application. The Commission could grant such permission if it felt that it was not inimical to the policies of the Casino Control Act and if the enterprise involved demonstrated to the Commission's satisfaction that it met certain criteria concerning earnings, distribution of shares and assets.

Under the proposed amendments, should such permission be granted by the Commission, the enterprise would be required to submit filings, which it would have already prepared for the Securities and Exchange Commission, in lieu of the standard Business Entity Disclosure Form. It is anticipated that those Securities and Exchange Commission filings would provide the Commission with more information on larger corporations than is currently obtained by the Business Entity Disclosure Form while making it easier for those publicly traded corporations to file for a Casino Service Industry license.

Social Impact

It is anticipated that this proposed new rule would not have any significant social impact other than making it easier for certain publicly traded corporations to apply for a casino service industry license.

Economic Impact

It is not anticipated that this proposed new rule would have any significant economic impact other than making it easier for certain publicly traded corporations to apply for a casino service industry license.

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

19:43-1.3 Standards for qualifications

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

(d) Any enterprise directed to file an application for a casino service industry license pursuant to Section 92 (c) and (d) of the Act may request permission from the Commission to submit a modified form of such application. The Commission, in its discretion, may permit such modification if the enterprise can demonstrate to the Commission's satisfaction that:

1. It has had pre-tax earnings equal to or greater than \$2.5 million during the two immediately preceding fiscal years; and
2. There is a minimum public distribution of one million shares of said enterprise exclusive of the holdings of officers, directors, controlling shareholders and other concentrated or family holdings; and
3. That there are a minimum of 2,000 individual shareholders of said enterprise who own lots of between 100 and 500 shares; and
4. That the aggregate market value for all publicly held shares of said enterprise is equal to or greater than \$16 million; and
5. That the net tangible assets (net worth less good will) of said enterprise are equal to or greater than \$16 million; and
6. That granting such permission would not be inimical to the policies of the Act or the regulations of the Commission.

(e) Any modifications of a casino service industry license application permitted pursuant to this section may be in any form deemed appropriate by the Commission except that every such application shall include the following:

1. The appropriate Personal History Disclosure Forms for all those individuals required to so file by the Commission in consultation with the Division of Gaming Enforcement; and
2. Copies of all filings required by the Securities and Exchange Commission including all 10K's, 10Q's, 8K's, proxy statements and quarterly reports issued by the applicant during the two immediately preceding fiscal years; and
3. Properly executed Consents to Inspections, Searches and Seizures; Waivers of Liability for Disclosures of Information and Consents to Examination of Accounts and Records in forms as prescribed by the Commission; and
4. Payment of the appropriate casino service industry license fee; and
5. Any other information or documentation required at any time by the Commission or the Division of Gaming Enforcement.

(a)

CASINO CONTROL COMMISSION

**Accounting and Internal Controls
Procedure for control of coupon redemption programs**

Proposed New Rule: N.J.A.C. 19:45-1.46

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 18, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

William H. Delaney
Division of Financial Evaluation
and Control
Princeton Pike Office Park
Building No. 5
CN 208

Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-76.

The agency proposal follows:

Summary

The proposal controls the casino/hotel patron coupon redemption programs providing patrons money or tokens.

Social Impact

Regulations will be imposed on casino/hotel coupon promotions which are affecting the general public.

Economic Impact

The increased availability of funds to patrons along with the strengthening of internal procedures should result in greater tax revenues. Casino gross revenue figures will be made more accurate and will insure payment of the proper gross revenue tax.

Full text of the proposed new rule follows.

19:45-1.46 Procedure for control of coupon redemption programs

(a) This section shall apply to casino licensees offering coupon redemption programs which entitle patrons to redeem coupons for complimentary cash or tokens including, but not limited to bus coupons. No complimentary cash or tokens may be distributed by a casino licensee under any program that does not comply with the requirements of this section.

(b) Detailed procedures controlling all programs entitling patrons to complimentary items or services other than cash or tokens shall be submitted by the casino licensee to the Commission and Division prior to implementing the program. All such programs shall be deemed acceptable by the Commission and Division unless the casino licensee is notified to the contrary.

(c) Each coupon, or part thereof, issued by a casino licensee shall only be redeemable for a specific item.

(d) All coupons under this section shall be serially prenumbered forms and each series of coupons shall be issued in sequential order.

Each coupon shall be printed with a description of what is being offered, the location where it may be redeemed, and either a statement specifying the date on which the coupon becomes invalid or some other means to indicate the date when a coupon becomes invalid. If a coupon is of a type that is divisible into sections or is multipart each such separate part or copy shall contain the preprinted serial number, description of what is being offered, the locations where it may be redeemed and either a statement specifying the date on which the coupon becomes invalid or some other means to indicate the date when a coupon becomes invalid.

(e) Coupons received from the manufacturer or distributor, or produced by the licensee's data processing or printing department, shall be opened and examined by at least two individuals, one of whom shall be from the accounting department. Any deviations between the invoice or control listing accompanying the coupons, the purchase or requisition order, and the actual coupons received shall be reported promptly to the Casino Controller and the Internal Audit Department.

1. Upon examination of the coupons received, the casino licensee shall cause to be recorded in a Coupon Control Ledger the type and quantity of coupons received, the date of such receipt, the beginning serial number, the ending serial number, the new quantity of unissued coupons on hand, the purchase order or requisition number, any deviations between the number of coupons ordered and received and the signature of the individuals who examined such coupons.

2. All unissued coupons shall be stored in a secured and locked area, controlled by an accounting department supervisor.

3. A representative from the accounting department, with no incompatible functions, shall prepare a monthly inventory of unissued coupons. Any deviations between the coupon inventory and the Coupon Control Ledger shall be reported to the Casino Controller.

(f) A representative of the casino licensee shall, on a daily basis, prepare a written estimate(s), of the coupons needed by shift for that day. The estimate(s), signed by the preparer, shall serve as a request for coupons. Upon receipt of the estimate, an accounting department representative shall obtain the quantity of coupons to be issued. If a date indicating when the coupon becomes invalid is not preprinted thereon, the accounting department representative shall affix a stamp indicating the date the coupon becomes invalid or shall issue color coded coupons indicating the date that the coupon becomes invalid. The following, at minimum, shall be recorded in the Coupon Control Ledger:

1. The date the coupons were issued;
2. The type of coupons issued;
3. The beginning serial number of the coupons issued;
4. The ending serial number of the coupons issued;
5. The quantity issued and the quantity remaining; and
6. The signature of the accounting department representative issuing the coupons and such other department's representative receiving the coupons.

(g) The casino licensee shall require unissued coupons obtained from the accounting department representative to be stored in a locked cabinet until they are issued to patrons. Any coupons remaining unissued at the end of a shift shall either be returned to the Accounting Department for receipt and redistribution or kept for use by the following shift provided accountability between shifts is maintained. All unused coupons must be returned to the Accounting Department on a daily basis. Any coupons that are not issued by the date indicated on the coupon when they become invalid shall be voided when returned to the Accounting Department.

(h) Documentation, as required by the casino licensee, shall be prepared by a representative of the casino licensee for the distribution of coupons to patrons. The documentation shall have the following information, at a minimum, recorded on it:

1. The date and time, or shift of preparation;
2. The type of coupons issued;
3. The beginning serial number of the coupons issued;

4. The ending serial number of the coupons issued;
5. The total number of coupons issued;
6. Independent verification of the number of people receiving the coupons, e.g., bus driver's manifest;
7. The total number of coupons remaining for use by the next shift or returned to the accounting department; and
8. The signature(s) of the casino licensee's representative who issued the coupons.

(i) Coupons redeemable for cash or tokens shall only be redeemed at the slot change booths or the cashiers' cage located on the casino floor. A slot cashier or general cage cashier shall accept the coupons in exchange for the stated amount of cash or tokens and shall cancel the coupons upon acceptance. Redeemed coupons shall be maintained by the slot or general cashier and shall be exchanged with the Main or Master Coin Bank at the end of a shift for a like amount of cash.

(j) When unissued coupons are returned to the Accounting Department a representative of the Accounting Department shall record the following information in the Coupon Control Ledger:

1. The date the coupons were returned;
2. The type of coupons returned;
3. The beginning serial number of the coupons returned;
4. The ending serial number of the coupons returned;
5. The quantity returned and the quantity remaining;
6. The signatures of the accounting department representative receiving the returned unissued coupons and such other department's representative returning the unissued coupons.

(k) All documentation, unissued coupons, voided coupons and redeemed coupons maintained in conformity with (g), (h) and (i) above shall be forwarded on a daily basis to the accounting department where they shall be:

1. Reviewed for the propriety of signatures on documentation;
2. Examined for proper calculation, summarization and recording on documentation;
3. Reconciled by total number of coupons given to representatives of the department making distribution to patrons, returned for reissuance, issued to patrons voided and redeemed;
4. Subsequently recorded; and
5. Maintained and controlled by the accounting department until destruction of the coupons is approved by the Commission.

(l) Each licensee shall file a monthly report with the Commission and Division which lists, by type of coupon, the total number of coupons issued, the total number of coupons redeemed, the total value of the complimentary cash or tokens given to patrons in redemption of coupons and any liability to patrons remaining on unredeemed coupons.

(m) The report shall be signed by the Casino Controller, Corporate Controller or Chief Executive Officer indicating that no material discrepancies were noted for the period covered by the report or if a material discrepancy is noted it shall be explained in detail.

(n) In addition to the monthly report required to be filed in (l) above, the casino licensee shall accumulate both the dollar amount of and the number of persons redeeming coupons and shall include this information on the quarterly complimentary report required by N.J.A.C. 19:45-1.9.

RULE ADOPTIONS

BANKING

(a)

THE COMMISSIONER

Regulation Number 13

Interest Rates

Notice of Correction: N.J.A.C. 3:1-1.1 (14 N.J.R. 101(c))

TAKE NOTICE THAT the effective date for the readopted amendments to N.J.A.C. 3:1-1.1 concerning interest rates (Regulation Number 13), and appearing by notice of adoption in the January 18, 1982 Register at 14 N.J.R. 101(c), is **December 22, 1981**.

CIVIL SERVICE

(b)

CIVIL SERVICE COMMISSION

Awarding Back Pay Determining Back Pay Awards

Adopted New Rules: N.J.A.C. 4:1-5.17 Adopted Repeal: N.J.A.C. 4:2-7.1 (published as CSPM 7-3.110)

Proposed: November 2, 1981 at 13 N.J.R. 715(b).
Adopted: January 22, 1982 by Civil Service Commission, Peter J. Calderone, Director, Administrative Practices and Labor Relations.
Filed: January 27, 1982 as R.1982 d.35, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 11:15-6 and 11:5-1.

Effective Date: February 16, 1982.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks *thus*).

4:1-5.17 Awarding back pay

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

(g) **Back pay awards shall, if possible, be settled between the parties. If agreement cannot be reached, either party may request that the Civil Service Commission determine the amount of the award. Such request shall be in writing and include the following:**

1. (No change from proposal.)

2. **The employee shall submit an affidavit delineating all income received during the separation except as excluded in (e)*2* above.**

EDUCATION

(c)

STATE BOARD OF EDUCATION

Adult and Community Education; High School Equivalency (State Issued Diploma for Adults) State Approved Adult High Schools, (Locally Issued, State Endorsed, Diplomas for Adults)

Adopted Amendment and Recodification: N.J.A.C. 6:44-6 and 7 Adopted New Rules: N.J.A.C. 6:30

Proposed: November 2, 1981 at 13 N.J.R. 721(a).
Adopted: January 6, 1982 by State Board of Education, Fred G. Burke, Secretary.
Filed: February 1, 1982 as R.1982 d.39, **with technical and substantive changes** not requiring additional public notice and comment.

Authority: N.J.S.A. 18A:4-15, 18A:48-1, 18A:50-12-14 and 18A:7C-8.

Effective Date: February 16, 1982.

Operative Date: February 16, 1982, **except** that N.J.A.C. 6:30-1 will become operative on October 1, 1982.

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

[6:44-6.4] **6:30-1.3** Certification by examination or [College] **course credit**

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

(d) **Persons not meeting these requirements may qualify by taking subject matter and basic skills*s*s* examinations developed or approved by the Commissioner of Education.**

(e) [(c)] Persons completing the equivalent of one full year of college may apply for a State high school [equivalent] diploma by presenting **evidence of minimum basic skill*s*s* master as determined by the Commissioner of Education and an official transcript [of such work] showing the equivalent of one full year of successful college work in courses leading to a degree.** Each applicant must have completed **successfully** at least 24 credits **or the equivalent college credits, toward a degree**, at an accredited institution of higher education. [Each official transcript will be evaluated to assure that the applicant has achieved the equivalent of a high school education.]

***6:30-1.6 Implementation**

The amendments in this subchapter shall become operative on October 1, 1982.*

SUBCHAPTER [7]2. STATE APPROVED ADULT HIGH SCHOOLS [ACCREDITED EVENING HIGH SCHOOLS] LOCALLY ISSUED, STATE ENDORSED, DIPLOMAS FOR ADULTS

[6:44-7.1] **6:30-2.1** General provisions

(a) Regulations applicable to public evening high schools should be geared toward the adult student. [The] Adults often bring[s] with [him] them a wealth of experiences to a degree not possible for * [the]* school age youth. This can mean that options such as accelerated courses, credit by examination, home study and educational experiences on the job should be considered in [his] their high school program design.

(b) No change from proposal.)

[6:44-7.5] **6:30-2.5** Graduation

(a) Each high school shall establish graduation requirements on the basis of **minimum basic skill*s* mastery and demonstrated proficiency through** either course credits, program completion, or a combination of course credits and program completion:

1. Course credits: **By October 15, 1983**, each high school shall establish [a minimum set number of credits to be required for graduation, to be not less than 80. In addition to course work, credits will also be obtainable in any of the following areas] **graduation requirements on the basis of minimum basic skills*s* mastery and a minimum number of credits to be not less than 92, of which no more than 20 may be in physical education, health and safety, and must include 20 credits in communication, 10 credits in computation, 10 credits in social studies and history, *five credits in fine, practical and/or performing arts,* five credits in natural or physical science *, [five]* *and 2.5* credits in career exploration or development.** Course credits may be obtained in any of the following ways:

- i.-viii. (No change from proposal.)
2. (No change from proposal.)

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF COASTAL RESOURCES

Coastal Resource and Development Policies Affordable Housing Policy

Adopted Amendments: N.J.A.C. 7:7E-7.2

Proposed: December 7, 1981 at 13 N.J.R. 864(a).

Adopted: January 12, 1982 by Jerry Fitzgerald English, Commissioner, Department of Environmental Protection.

Filed: January 21, 1982 as R.1982 d.31, with a technical change not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1D-9, 13:19-10, 13:9A-2, and 12:5-3.

Effective Date: February 16, 1982.
DEP Docket Number: 054-81-10

A Summary of the technical change follows.

N.J.A.C. 7:7E-7.2(e)(3)(v) of the proposal was not published in boldface in the notice published December 7, 1981 at 13 N.J.R. 864(a), and, therefore, appeared to be part of the existing rule. In fact, this is new textual material and should have appeared in boldface.

(b)

DIVISION OF ENVIRONMENTAL QUALITY

The Commissioner Recycling Grants and Loans Program

Adopted New Rules (Joint): N.J.A.C. 7:26-15 and 14A:3-15

Proposed: December 7, 1981 at 13 N.J.R. 865(a).

Adopted: January 18, 1982 by Jerry Fitzgerald English, Commissioner, Department of Environmental Protection, and Joel R. Jacobson, Commissioner, Department of Energy.

Filed: January 21, 1982 as R.1982 d.32, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

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

Effective Date: February 16, 1982.

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

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]*).

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

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

1. (No change from proposal.)

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

i.-iii. (No change from proposal.)

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

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

(3) All other products: one pound per capita per year *per product*.

(b) Applications for Recycling Grants shall be accepted by the Departments between January 1 and *[March 31]* *February 15* of each grant year beginning in 1983 and ending in 1987. Applications shall be made on such forms as provided by the Departments and shall be submitted in triplicate to:

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

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

1. (No change from proposal.)

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

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

ii.-iii. (No change from proposal.)

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

3. (No change from proposal.)

(d) The tonnage of recycled materials claimed by the municipality shall be accurately reported to the Departments. Records verifying tonnage claimed shall be maintained by the applicant for a minimum of five years following each grant period. For the purpose of this grant, the following records shall be acceptable subject to review and approval by the Departments on a case-by-case basis:

1. (No Change from proposal.)

2. A written statement from the **residential or** commercial generator supported by verifiable information including the type and quantity of material sold to the collector **or market** for recycling during the grant period, the name and address of the collector **or market** and the date of [collection] **the sale** of the material; [or]

3. A written statement from a market, transfer station or resource recovery facility declaring the amount of recyclable material originating in and obtained from each municipality and explaining the procedure used to allocate materials among contributing municipalities; or*

[3.] **4.** (No change in text from proposal.)

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

1. In the calendar year 1983, grants awarded shall be based on the number of tons of eligible recyclable material [recycled] **sold or distributed in accordance with (c) and (d) above** during the calendar year 1982 and shall be calculated in accordance with the following formula, provided that no municipality shall receive more than \$25.00 per ton:

$$\text{Municipal Award} = R \times T_m / T[S] * *s*$$

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

2. In the calendar years 1984 to 1987, inclusive, the Recycling Grant Fund shall be divided into three equal parts. Grants awarded shall be based on the increase in municipal tonnage over the previous year in each of three categories: paper products, glass, and all other materials and shall be calculated in accordance with the following formula, provided that no municipality shall receive more than \$25*.00* per ton for any of the three categories:

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

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

P[S] * *s* = Increase in State paper tonnage recycled

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

7[.] * 26-15.6 (14A:3-15.6) Application and award procedures for Recycling Business Loans

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

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

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

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

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

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

1. The county has, or will have as a result of such grants a recycling coordinator;

2. The municipality has, or will have in place as a result of this grant a mandatory multi-material recycling program;

3. In the case of a regional recycling coalition, an ordinance or resolution, as appropriate, authorizing the application shall have been made by the appropriate governing bodies of its member municipalities;

4. Applications have been determined by the county recycling coordinator to be in conformance with the appropriate solid waste district management plans;

5. Where feasible, counties and municipalities applying directly for such grants shall recycle paper, glass, oil or metal materials generated in county and municipal offices and facilities;

6. Requests for Planning and Program Grants shall not exceed 50 percent of the direct project costs; or

7. Requests for Education Grants shall not exceed 75 percent of the direct project costs; and

8. Applicants conform to all restrictions, prohibitions and obligations of the Act as set forth therein and in this subchapter.]*

***The following shall be eligible to apply for and receive either or both Program and Planning Grants and Education Grants, unless specifically limited to Program and Planning Grants alone or Education Grants alone:**

1. Counties, provided that as a result of such grant(s) the county will have a recycling coordinator;

2. Municipalities, provided that the project is consistent with the appropriate county solid waste district management plan(s);

3. Regional recycling coalitions, provided that an ordinance or resolution, as appropriate, authorizing application and funding has been approved by the appropriate governing bodies of the coalition members, and that the project is consistent with the appropriate county solid waste district management plan(s);

4. Non-profit groups, provided that the project is consistent with the appropriate county solid waste district management plan(s). **Non-profit groups shall be eligible to apply only for Education Grants.***

(b) (No change from proposal.)

(c) Planning and Program Grants shall **not exceed 50 percent of the direct project costs, and may be used for any legitimate** administrative, planning or operating expenses associated with publicly sponsored recycling programs including but not limited to:

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

(d) Education Grants shall **not exceed 75 percent of the direct project costs, and may be used for any legitimate** [all direct] expenditures associated with recycling and litter abatement publicity, information and education programs, including:

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

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

[(f)] *(e)* Grants awarded pursuant to this section shall be awarded on a competitive basis. ***Priority for Program and Planning Grants shall be given to those counties and municipalities that have or will have, as a result of the grant, implemented and enforced mandatory, multi-material recycling programs, including where feasible, programs to recycle paper, grass, oil and metal generated by county or municipality owned and operated facilities.*** The criteria used to evaluate applications shall include but not be limited to determinations that:

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

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

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

4. For subsequent grants, a progress report showing the extent to which the previous year's goals were met; *and]*

5. A detailed budget *[,] *;*and*

6. A letter from the appropriate county recycling coordinator or solid waste coordinator certifying consistency with the county solid waste district management plan.

[(h)] *(g)* (No change in text from proposal.)

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

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

HEALTH

(a)

HEALTH PLANNING AND RESOURCES DEVELOPMENT

Mobile Intensive Care Unit (MICU) Rate Review Guidelines

Adopted New Rules: N.J.A.C. 8:31B-6.1 through 6.5 and 8:31A-10.1

Proposed: October 8, 1981 at 13 N.J.R. 647(a).

Adopted: Joanne E. Finley, M.D., M.P.H. Commissioner, Department of Health (with approval of the HCAB).

Filed: February 1, 1982 as R.1982 d.38, **with substantive changes** not requiring additional public notice and comment.

Authority: N.J.S.A. 26:2H-1 et seq.

Effective Date: February 16, 1982.

Full text of the changes between proposal and adoption follows (additions to the proposal shown in boldface with asterisks ***thus***).

8:31B-6.5 Computational techniques

(a) (No change from proposal.)

(b) Since 1981 will be the first year for rate evaluation of MICUs the units of service will be the number of mobile units. In order to eliminate the effect of geographic compensation differentials among hospitals in various areas, compensation costs will be equalized for purposes of establishing comparable unit costs. A non-physician unit cost will be derived by dividing the non-physician costs by the units of service. A median and

challenge limit *(which will be 110 percent of the median)* will then be developed. Those expenditures which cause the unit cost to exceed the challenge limit will be considered presumptively unreasonable and will be disallowed unless the hospital can demonstrate uniqueness and justify the cost effectiveness of its expenditures.

1. Eligible physician costs: Costs needed to reimburse physicians for the additional time required to establish and oversee the proper clinical functions of the MICU program will be considered eligible costs. Allocations of Emergency Room physician's time spent in communication with the MICU during a run will not be considered eligible. These costs should continue to be reimbursed through the Emergency Room cost center. Physician costs will not be equalized for purposes of establishing a unit cost. The physician unit cost will be derived by dividing the eligible physician costs by the number of MICUs. A median and challenge limit *(which will be 130 percent of the median)* will then be developed. Dollars which cause the unit cost to exceed the challenge limit will be considered preemptively unreasonable and will be disallowed unless the hospital can justify the cost effectiveness of its expenditure.

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

HUMAN SERVICES

(b)

DIVISION OF PUBLIC WELFARE

Food Stamp Manual

Revisions Required by Federal Omnibus Reconciliation Act of 1981

Notice of Correction: N.J.A.C. 10:87 (14 N.J.R. 103(a))

TAKE NOTICE THAT the effective date for the readopted amendments to N.J.A.C. 10:87 concerning federally required revisions to the Food Stamp Manual, and appearing by notice of adoption in the January 18, 1982 Register at 14 N.J.R. 103(a), is **December 31, 1981.**

LAW AND PUBLIC SAFETY

(c)

VIOLENT CRIMES COMPENSATION BOARD

Compensable Damages Funeral Expenses Allowance

Adopted Amendments: N.J.A.C. 13:75-1.7

Proposed: November 2, 1981 at 13 N.J.R. 743(a).

ADOPTIONS

Adopted: January 21, 1982 by Violent Crimes Compensation Board, Thomas A. Kaczmarek, Chairman.
 Filed: January 29, 1982 as R.1982 d.37, **without change.**

Authority: N.J.S.A. 52:4B-9.

Effective Date: February 16, 1982.

TRANSPORTATION

(a)

NEW JERSEY TRANSIT CORPORATION

**Reduced Fare Transportation Program
 Elderly and Handicapped**

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

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

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

Proposed: December 7, 1981 at 13 N.J.R. 881(a).

Adopted: January 28, 1982 by New Jersey Transit Corporation, Martin E. Robins, Deputy Executive Director.

TREASURY-TAXATION

Filed: February 1, 1982 as R.1982 d.40, **without change.**

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

Effective Date: February 16, 1982.

TREASURY-TAXATION

(b)

DIVISION OF TAXATION

**Corporation Business Tax
 Investment Company**

Adopted Amendment: N.J.A.C. 18:7-1.15

Proposed: October 8, 1981 at 13 N.J.R. 684(b).

Adopted: January 22, 1982 by Sidney Glaser, Director, Division of Taxation.

Filed: January 22, 1982 as R.1982 d.34, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 54:10A-27.

Effective Date: February 16, 1982.

Full text of the changes between proposal and adoption follows (delete examples 1-4 concerning Corporations A-D in the notice of proposed rule, and replace with the following).

Example No. 1
 Corporation A

Adjusted Income Test:			
Sch. A-6 Other Interest	\$56,205	Sch. A-11 Total Income	\$65,152
Sch. A-29 Interest on Exempt Securities	<u>31,385</u>	Sch. A-29 Interest on Exempt Securities	31,385
Total Investment Income	\$87,590	Sch. D-Selling Price \$71,000 Less Gain - \$8,947	<u>62,053</u>
Sch. A-9(a) Capital gain (*)	<u>8,947</u>		
Total Income	\$96,537	Total Income - Adjusted	\$158,590

(*) From sale of non-investment type assets.
 Ratio of Investment Income (\$87,590) to Total Income Adjusted (\$158,590) equals 55%

Unadjusted Income Test:			
Sch. A-6 Other Interest	\$56,205	Sch. A-6 Other Interest	\$56,205
Sch. A-29 Interest on Exempt Securities	<u>31,385</u>	Sch. A-9(a) Capital Gain	8,947
Total Investment Income	\$87,590	Sch. A-29 Interest on Exempt Securities	<u>31,385</u>
Sch. A-9(a) Capital Gain (*)	<u>8,947</u>		
Total Income	\$96,537	Total Income-Unadjusted	\$ 96,537

(*) From sale of non-investment type assets.
 Ratio of Investment Income (\$87,590) to Total Income Unadjusted (\$96,537) equals 91%

Deduction Test:			
Sch. A-13 Salaries	\$24,000	Sch. A-13 Salaries	\$ 24,000
Sch. A-17 Taxes (Investment related)	<u>1,000</u>	Sch. A-17 Taxes	<u>2,200</u>
Total related to Investments	\$25,000	Sch. A-27 Total Deductions	<u>\$26,200</u>
Sch. A-17 Taxes (Real Estate)	<u>1,200</u>		
Sch. A-27 Total Deductions	<u>\$26,200</u>		

Ratio of Investment Related Deductions (\$25,000) to Total Deductions (\$26,200) equals 95%

TREASURY-TAXATION

ADOPTIONS

Assets Test – Sch. L (Col. B)

Item No. 1 Cash	\$21,558
Item No. 5 Bonds, Notes & Mortgages	123,821
Item No. 6 N.J. State & Local Governmental Obligations	27,140
Item No. 7 All Other Governmental Obligations	<u>1,067,874</u>
Item No. 12 Total Intangible Personal Property	<u>\$1,240,393</u>
Item No. 13 Land	5,000*
Item No. 14 Buildings	30,000*
Item No. 15 Machinery & Equipment	<u>17,000*</u>
Item No. 18 Total Real and Tangible Personal Property	<u>\$ 52,000</u>
Item No. 19 Total Assets	<u>\$1,292,393</u>

(*) Sold during accounting period

Ratio of Total Intangible Assets to Total Assets equals 96%

Corporation A does not qualify since it did not meet the adjusted Income Test.

Example No. 2
Corporation B

Adjusted Income Test:

Sch. A-6 Other Interest	<u>\$ 82,722</u>	Sch. A-6 Other Interest	<u>\$ 82,722</u>
Total Income from Investments	<u>\$ 82,722</u>	Sch. A-11 Total Income-Adjusted	<u>\$ 82,722</u>

Ratio of Investment Income to Total Income-Adjusted equals 100%

Unadjusted Income Test:

Sch. A-6 Other Interest	<u>\$ 82,722</u>	Sch. A-6 Other Interest	<u>\$ 82,722</u>
Total Income from Investments	<u>\$ 82,722</u>	Sch. A-11 Total Income-Unadjusted	<u>\$ 82,722</u>

Ratio of Investment Income to Total Income-Unadjusted equals 100%

Deductions Test:

Sch. A-17 Taxes	\$ 1,709		
Sch. A-18 Interest Expense	<u>37</u>		
Total Investment related deductions	<u>\$ 1,746</u>	Sch. A-27 Total Deductions	<u>\$ 1,746</u>

Ratio of Investment Related Deductions to Total Deductions equals 100%

Assets Test: Sch. L (Col. B)

Item No. 1 Cash	\$ 26,482
Item No. 5 Bonds, Notes & Mortgages	365,444
Item No. 7 All Other Governmental Obligations	499,254
Total Investment Type Assets	<u>\$ 891,180</u>
Item No. 18 Total Real & Tangible Personal Property	<u>-0-</u>
Item No. 19, Total Assets	<u>\$ 891,180</u>

Ratio of Investment Type Assets to Total Assets equals 100%

Corporation B qualifies as an investment company since it met each test.

Example No. 3
Corporation C

Adjusted Income Test:

Sch. A-5 Interest on Gov't Obligations	\$ 9,000	Sch. A-11 Total Income	\$32,000
Sch. A-6 Other Interest	5,000	Sch. A-2 Cost of Goods Sold	1,000
Sch. A-8 Gross Royalties	8,000	Sch. A-9(a) Sales Price \$10,000	
Sch. A-9(a) Capital Gain	2,000	Gain 2,000 equals	(Basis) 8,000*
Sch. A-29 Interest on Other Obligations	<u>500</u>	Sch. A-29 Interest on Other Obligations	<u>500</u>
Total Income from Investments	<u>\$24,500</u>	Total Income – Adjusted	<u>\$41,500</u>
Add: Basis of Asset Sold	<u>8,000*</u>		
Gross Investment Income	<u>\$32,500</u>		

*Investment type asset

Ratio of Gross Investment Income to Total Income-Adjusted equals 78%

Unadjusted Income Test:

Sch. A-11 Total Income	\$32,000	Sch. A-11 Total Income	\$32,000
Sch. A-3 Gross Profit	(1,000)*	Sch. A-29 Interest on Other Obligations	500
Sch. A-7 Gross Rents	(6,000)*		
Sch. A-29 Interest on Other Obligations	<u>500</u>		
Total Income – from Investments	<u>\$25,500</u>	Total Income – Unadjusted	<u>\$32,500</u>

*Non-investment income

Ratio of Investment Income to Total Income-Unadjusted equals 78%

ADOPTIONS

TREASURY-TAXATION

Deductions Test:

Sch. A-12 Compensation of Officers	\$ 2,000	Sch. A-12 Compensation of Officers	\$ 2,000
Sch. A-13 Salaries & Wages	10,000	Sch. A-13 Salaries & Wages	10,000
Sch. A-17 Taxes	<u>10,000</u>	Sch. A-17 Taxes	12,000*
		Sch. A-21 Depreciation	<u>1,100</u>
Total Investment Related Deductions	\$22,000	Sch. A-27 Total Deductions	<u>\$25,100</u>

*Includes \$2,000 real estate tax

Ratio of Investment Related Deductions to Total Deductions equals 88%

Assets Test: Sch. L (Col. B)

Item No. 1 Cash	\$ 5,000		
Item No. 5 Bonds, Notes & Mortgages	50,000		
Item No. 6 NJ State & Local Gov't Obligations	10,000		
Item No. 7 All Other Gov't Obligations	100,000		
Item No. 8 Patents & Copyrights	<u>1,000</u>		
Total Investment Type Assets	<u>\$166,000</u>		
Item No. 13 Land	50,000		
Item No. 14 Bldgs. & Improvements	<u>200,000</u>		
Item No. 18 Total Real & Tangible Personal Property	<u>\$250,000</u>	(non investment type assets)	
Item No. 19 Total Assets	<u>\$416,000</u>		

Ratio of Investment Type Assets to Total Assets equals 40%

Corporation C does not qualify as an investment company since it did not meet all tests.

**Example No. 4
Corporation D**

Adjusted Income Test:

Sch. A-4 Dividends	\$ 14,000		
Sch. A-5 Interest on Gov't Obligations	12,000		
Sch. A-6 Other Interest	11,000		
Sch. A-8 Gross Royalties	11,000	Sch. A-11 Total Income	\$48,000
Sch. A-11 Total Income	<u>\$48,000</u>	Deduct: Capital loss per Federal Sch. D	<u>(10,050)*</u>
Add: Sales price of asset sold	<u>50,000</u>	Add: Basis of capital asset sold	<u>60,050*</u>
Total Investment Income	<u>98,000</u>	Total Income-Adjusted	<u>\$98,000</u>

*Investment type asset sold at a loss

Ratio of Investment Income to Total Income-Adjusted equals 100%

Unadjusted Income Test:

Total Income from investments	\$48,000	Sch. A-11 Total Income Unadjusted	\$ 48,000
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Ratio of Total Investment Income to Total Income-Unadjusted equals 100%

Deductions Test:

Total Investment Related Deductions	\$30,250	Investment Related Deductions	\$ 30,250
		Sch. A-17 Real Estate Tax	675
		Sch. A-21 Depreciation	<u>120</u>
		Sch. A-27 Total Deductions	<u>\$ 31,045</u>

Ratio of Investment Related Deductions to Total Deductions equals 97%

Assets Test: Sch. L (Col. B)

Item No. 1 Cash	\$11,000
Item No. 2 Accounts & Notes Receivable	12,000
Item No. 4 Corporate Stocks	30,000
Item No. 5 Bonds, Mortgages & Notes	30,000
Item No. 6 NJ State & Local Gov't Obligations	15,000
Item No. 8 Patents & copyrights	20,000
Item No. 11 All Other Intangible Personalty	<u>60,000</u>
Total Investment Type Assets	<u>\$178,000</u>
Item No. 13 Land	<u>\$ 15,000</u>
Item No. 15 Furniture & Equipment	1,200
Item No. 18 Total Real & Tangible Property	<u>\$ 16,200</u>
Item No. 19 Total Assets	<u>\$194,200</u>

Ratio of Investment Type Assets to Total Assets equals 92%

Corporation D qualifies as an investment company since it met each test.

18:7-1.15 Investment company; definition

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

(c) **In order for a corporation to qualify as an investment company, it must meet the three-part business test and the assets test.**

1. Business test (three parts):

i. (No change from proposal.)

ii. **(Income unadjusted): For purposes of the 90 percent requirement provided by (a) above, taxpayer, during the entire period covered by its report, must have derived 90 percent or more of its total income before deductions as reported for Federal income tax purposes, *from cash and/or investment type assets,* plus interest on Federal, State, municipal and other obligations not otherwise included in Federal taxable income and exclusive of any capital loss carry back or carry forward.**

(1) (No change from proposal.)

iii. (No change from proposal.)

2. (No change from proposal.)

(a)

DIVISION OF TAXATION

**Homestead Rebate Act
Extension of Time to File Homestead Rebate
Claim**

Readopted Amendment: N.J.A.C. 18:12-7.12

Proposed: December 21, 1981 at 13 N.J.R. 948(b).
Adopted: February 2, 1982 by Sidney Glaser, Director,
Division of Taxation.
Filed: February 2, 1982 as R.1982 d.41, **without
change.**

Authority: N.J.S.A. 54:4-3.80 and 54:50-1.

Effective Date: February 2, 1982.

(a)

DIVISION OF TAXATION

**Sales and Use Tax
Insufficiency of Records**

Adopted New Rules: N.J.A.C. 18:24-2.15

Proposed: November 2, 1981 at 13 N.J.R. 751(a).
Adopted: January 26, 1982 by Sidney Glaser, Director,
Division of Taxation.
Filed: January 27, 1982 as R.1982 d.36, **without
change.**

Authority: N.J.S.A. 54:32B-24.

Effective Date: February 16, 1982.

MISCELLANEOUS

NOTICES

ENVIRONMENTAL PROTECTION

(a)

THE COMMISSIONER

State Certifications of Draft NPDES Permits

Public Notice

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

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

(b)

INSURANCE

Public Notice: List of Municipalities Requiring Insurance Companies to Pay Unpaid Liens

On January 21, 1982, Herman W. Hanssler, Assistant Commissioner of Insurance, pursuant to authority of P.L. 1979 c.369, filed a list of municipalities that have passed an ordinance requiring insurance companies writing fire insurance on risks located in that municipality to pay unpaid liens out of any claimed payments in excess of \$2,500.

Full text of the addition to the existing list follows.

- The Township of Ewing 08618 (Mercer County) November 10, 1981
- The Township of Clinton 08801 (Hunterdon County) December 10, 1981
- The Borough of Eatontown 07724 (Monmouth County) December 15, 1981
- The Township of Neptune 07753 (Monmouth County) January 4, 1982

This list was filed as R.1982 d.33 and is not subject to codification, but will appear in Title 11 for informational purposes.

INDEX OF PROPOSED RULES

This index contains rules which have been proposed and published beginning with the February 5, 1981 Register, with the exception of rules proposed in this Register and listed in the table of contents. The proposed rules listed in this index have not been adopted and submitted to the Office of Administrative Law for filing by February 1, 1982—the date for the receipt of adopted rules for publication in this issue of the Register.

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

The index of proposed rules will appear in the second issue of each month, complementing the index of adopted rules which will

appear in the first issue of each month. Together, these indices make available for a subscriber to the Code and Register all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activity from the initial proposal through the publication in the Register of a notice of adoption, in which appears the effective and operative date for the adopted rule.

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

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

Administrative Publications
CN 301
Trenton, New Jersey 08625

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW—TITLE 1			
1:1-1.1	Uncontested cases	1-4-82	14 N.J.R. 2(a)
1:1-3.8	Agency litigation staff and final decisions	1-4-82	14 N.J.R. 4(a)
1:1-9.1	Relief motions	1-4-82	14 N.J.R. 2(a)
1:1-9.7	Motion and agency review	4-9-81	13 N.J.R. 181(a)
1:1-12.6	Participation motions	1-4-82	14 N.J.R. 2(a)
1:1-16.3	Record inventories	1-4-82	14 N.J.R. 2(a)
1:1-17.1, 17.2, 17.3	Settlement, withdrawal, and return of cases	1-4-82	14 N.J.R. 4(b)
BANKING—TITLE 3			
3:1-1.10	Interest rates on mortgages	11-2-81	13 N.J.R. 753(b)
3:1-2.20	Savings and loan branch facilities	11-2-81	13 N.J.R. 714(a)
3:38	Notice of recodification	5-7-81	13 N.J.R. 256(b)
CIVIL SERVICE—TITLE 4			
4:1-6.5, 6.5A	Classifications and appeals	1-4-82	14 N.J.R. 5(a)
4:1-12.8	Certification of veterans and nonveterans	2-1-82	14 N.J.R. 114(a)
4:1-13.4	Working test period for police and firemen	2-1-82	14 N.J.R. 115(a)
4:1-16.1A	Pre-layoff actions	12-7-81	13 N.J.R. 862(a)
4:1-16.15, 16.17	Benefit information to next of kin	2-1-82	14 N.J.R. 117(a)
4:2-6.4	Classifications and appeals	1-4-82	14 N.J.R. 5(a)
4:2-12.4	Certification of veterans and nonveterans	2-1-82	14 N.J.R. 114(a)
4:2-16.3	Repeal Job Bank program	2-1-82	14 N.J.R. 117(a)
4:3-6.6	Classifications and appeals	1-4-82	14 N.J.R. 5(a)
4:3-12.5	Certification of veterans and nonveterans	2-1-82	14 N.J.R. 114(a)
4:3-13.1	Working test period for police and firemen	2-1-82	14 N.J.R. 115(a)
COMMUNITY AFFAIRS—TITLE 5			
5:10-2.2, 25.3	Standards for hotels and multiple dwellings	2-1-82	14 N.J.R. 119(a)
5:23-3.3	Uniform Construction Code	7-9-81	13 N.J.R. 391(a)
5:23-5.5	Fire subcode officials and construction subcode licensing	1-4-82	14 N.J.R. 8(a)
5:25-2.8	Restoration of builders' registration	1-4-82	14 N.J.R. 9(a)
5:29	Uniform Construction Code	5-7-81	13 N.J.R. 259(b)
5:30-18	Local funds in interest hearing accounts	8-6-81	13 N.J.R. 477(a)
EDUCATION—TITLE 6			
6:21-10.4	Private auto use for pupil transportation	12-21-81	13 N.J.R. 914(a)
6:29-4.2	Tuberculosis testing	12-21-81	13 N.J.R. 914(b)
6:29-8.1, 8.2	Hearing screening of pupils	1-18-82	14 N.J.R. 108(a)
6:46-1.1	"Technical education" in local area districts	1-4-82	14 N.J.R. 9(b)
6:66-1.1-2.17	Archives and records management	4-9-81	13 N.J.R. 190(b)
ENVIRONMENTAL PROTECTION—TITLE 7			
7:1A	Water Supply Bond Act loans	1-4-82	14 N.J.R. 10(a)
7:1G-4.1	Water rationing plan	6-4-81	13 N.J.R. 335(a)

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
7:7-2	Waterfront development permits	2-5-81	13 N.J.R. 73(c)
7:7E	Coastal resources and development	9-10-81	13 N.J.R. 565(a)
7:8	Storm water management	12-21-81	13 N.J.R. 916(a)
7:13-1.11	Flood Plain delineation	4-9-81	13 N.J.R. 191(c)
7:13-1.11	Flood hazard areas	7-9-81	13 N.J.R. 402(b)
7:13-1.11	Delaware Basin floodway delineations	11-16-81	13 N.J.R. 805(a)
7:13-1.11	Floodway delineations along Woodbridge and Rahway rivers	12-21-81	13 N.J.R. 920(a)
7:13-1.11	Floodway delineations along Tuckahoe River	12-21-81	13 N.J.R. 921(a)
7:13-1.11	Notice of Flood hazard delineations	12-21-81	13 N.J.R. 950(a)
7:13-1.11	Floodway designations in Hackensack basin	1-4-82	14 N.J.R. 19(a)
7:14-5	Statewide management of septage disposal	3-5-81	13 N.J.R. 124(a)
7:14-8.4	Water pollution control	3-5-81	13 N.J.R. 124(b)
7:14A-1.9	Petition to amend 1981 NJPDES Fee Schedule	12-21-81	13 N.J.R. 922(a)
7:14A-11.12, 11.13	Hazardous waste management	11-2-81	13 N.J.R. 724(a)
7:25-12.1	Sea clam fishery (early opening)	11-16-81	13 N.J.R. 843(a)
7:25-14	Crabbing in Atlantic Coast	5-7-81	13 N.J.R. 262(b)
7:25-14.9	Harvest of crabs	10-8-81	13 N.J.R. 645(a)
7:25-15.1	Hard clam relay	10-8-81	13 N.J.R. 645(b)
7:26-1.8	Hazardous waste management	11-2-81	13 N.J.R. 724(a)
7:26-7.4, 7.5, 8.15	Waste oil management as hazardous material	1-4-82	14 N.J.R. 20(a)
7:26-10	Hazardous waste facilities	9-10-81	13 N.J.R. 567(a)
7:26-15	Correction: Grants and loans for solid waste recycling	12-21-81	13 N.J.R. 950(b)
7:27-9.1	Emission averaging and high sulfur fuels	12-7-81	13 N.J.R. 870(a)
7:29B	Noise determination	3-5-81	13 N.J.R. 127(b)
7:50	Comprehensive management plan	9-10-81	13 N.J.R. 569(a)
7:50	Public notice: Pinelands management	2-1-82	14 N.J.R. 121(a)
HEALTH-TITLE 8			
8:31-22.1	Doctors' offices in medical facilities	11-16-81	13 N.J.R. 807(a)
8:31-23.1	Parking garage standards	11-16-81	13 N.J.R. 807(b)
8:31-24.1	Hospital personnel housing	11-16-81	13 N.J.R. 808(a)
8:31B-4	Financial elements and reporting regulation	8-6-81	13 N.J.R. 487(a)
8:31B-6.1-6.5	Mobile unit rate guidelines	10-8-81	13 N.J.R. 647(a)
8:33F-1.1-1.4, 1.6, 1.7	Need review: Regional end-stage renal services	12-21-81	13 N.J.R. 922(b)
8:39-1.33	Long-term care facilities: Construction standards	11-16-81	13 N.J.R. 809(a)
8:39-1.34	Long-term care facilities: Additional standards	11-16-81	13 N.J.R. 809(b)
8:43A-2.1, 2.2	Ambulatory care facilities: Construction standards	11-16-81	13 N.J.R. 810(a)
8:43B-3.1, 3.1A	Hospital construction standards	11-16-81	13 N.J.R. 811(a)
8:43B-15.12, 15.12A	Renal dialysis services: Construction standards	11-16-81	13 N.J.R. 812(a)
8:71	Interchangeable drug products	4-9-81	13 N.J.R. 217(c)
8:71	Additions to generic drug list	1-4-82	14 N.J.R. 22(a)
8:71	Amitypyline addition to generic drug list	1-4-82	14 N.J.R. 22(b)
HIGHER EDUCATION-TITLE 9			
9:1-1.6	Branch campuses and off-campus facilities	1-4-82	14 N.J.R. 23(a)
9:1-1.7	Baccalaureate teacher preparation	1-4-82	14 N.J.R. 24(a)
9:2-2.12	Faculty promotion at four-year colleges	2-1-82	14 N.J.R. 121(b)
9:2-4.1	Eligible employees for Alternate Benefit Program	1-4-82	14 N.J.R. 26(a)
9:4-1.2	Branch campuses and off-campus facilities	1-4-82	14 N.J.R. 23(a)
9:4-1.5, 1.12, 2.13, 3.1, 3.10, 3.57	National accounting standards for county colleges	1-4-82	14 N.J.R. 26(b)
9:7-3.1	Tuition Aid Grants: 1982-83 Award Table	2-1-82	14 N.J.R. 122(a)
9:7-5.1, 5.2, 5.4, 5.5, 5.9	Public Tuition Benefits program	1-4-82	14 N.J.R. 28(a)
9:9-1.3	Guaranteed loan amounts	4-9-81	13 N.J.R. 219(a)
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10:44A	Community residences for retarded	9-10-81	13 N.J.R. 574(a)
10:49-1.3	Changes in provider status	5-7-81	13 N.J.R. 271(b)
10:49-1.9	Pre-approval on out-of-State services	6-4-81	13 N.J.R. 355(b)
10:49-1.9	Out-of-State hospital care	10-8-81	13 N.J.R. 654(b)
10:49-1.23	Documentation of services by Medicaid providers	11-2-81	13 N.J.R. 738(b)
10:49-1.27	Definition of "field audit"	7-9-81	13 N.J.R. 414(a)
10:50-3	Van service for Medicaid recipients	6-4-81	13 N.J.R. 356(a)
10:51-1.13, 1.14	Less than effective drug reimbursement (Emergency)	12-21-81	13 N.J.R. 945(a)
10:51-1.17, 1.18	Legend drug reimbursement options	9-10-81	13 N.J.R. 576(a)
10:51-1.19	Less than effective drug reimbursement (Emergency)	12-21-81	13 N.J.R. 945(a)
10:51-2	Billing procedures for Pharmacy Manual	5-7-81	13 N.J.R. 274(b)

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
10:51-5.28-5.33	Pharmaceutical Assistance to the Aged	5-7-81	13 N.J.R. 289(a)
10:52-1.3	Surgical procedures requiring second opinion	5-7-81	13 N.J.R. 292(a)
10:52-1.3	Pre-admission testing for elective surgery	6-4-81	13 N.J.R. 358(a)
10:52-1.9	Out-of-State hospital care	10-8-81	13 N.J.R. 654(b)
10:52-2.2, 2.4, 2.8	Uniform billing of hospital services	2-5-81	13 N.J.R. 93(a)
10:53-1.3	“Same day” surgery program	6-4-81	13 N.J.R. 357(a)
10:53-1.3	Pre-admission testing for elective surgery	6-4-81	13 N.J.R. 358(a)
10:53-2.3, 2.6, 2.7, 2.12	Uniform billing of hospital services	2-5-81	13 N.J.R. 93(a)
10:54-1.2, 1.22	Routine chest X Rays	5-7-81	13 N.J.R. 292(b)
10:54-3	Procedure code changes	5-7-81	13 N.J.R. 298(b)
10:54-3	Procedure code for nerve study test	7-9-81	13 N.J.R. 418(b)
10:56-1.14, 1.15, 3.4	Limitation on diagnostic dental services	12-7-81	13 N.J.R. 875(a)
10:63-1.2, 1.5	Long-term care certification	2-5-81	13 N.J.R. 95(c)
10:63-1.4	Long-term care consultation and services	11-2-81	13 N.J.R. 740(a)
10:63-1.4	Special medical equipment in long-term care	12-7-81	13 N.J.R. 877(a)
10:63-1.16	Long-term care of psychiatric patients	11-16-81	13 N.J.R. 813(a)
10:64	Hearing aid services revisions	10-8-81	13 N.J.R. 656(a)
10:64	Hearing Aid Services Manual	1-4-82	14 N.J.R. 29(a)
10:64-1.9	Hearing aid reimbursement	6-4-81	13 N.J.R. 361(b)
10:66-1.2, 1.3, 1.6, 1.7	Ambulatory surgical center changes	8-6-81	13 N.J.R. 498(b)
10:66-3.3	Independent Clinic Service Manual	4-9-81	13 N.J.R. 224(a)
10:66-3.3	Family planning services revisions	10-8-81	13 N.J.R. 663(a)
10:81-1.14	County welfare board minutes	12-7-81	13 N.J.R. 877(b)
10:81-7.26, 8.4	PAM: RSDI lump sum death benefits	12-21-81	13 N.J.R. 925(a)
10:82-1.2, 1.4, 2.1, 2.2, 2.4, 2.7-2.9, 2.19	ASH (emergency): Federal requirements	11-2-81	13 N.J.R. 759(a)
10:82-3.2	Amend ASH: Exempt resources	4-9-81	13 N.J.R. 224(b)
10:82-3.2, 4.1, 4.4	ASH (emergency): Federal requirements	11-2-81	13 N.J.R. 759(a)
10:82-4.5	Amend ASH: Exempt resources	4-9-81	13 N.J.R. 224(b)
10:82-4.5, 4.7, 4.15, 5.3	ASH (emergency): Federal requirements	11-2-81	13 N.J.R. 759(a)
10:85-1.2, 1.5, 2.2	GAM revisions in Faulkner Act	5-7-81	13 N.J.R. 301(a)
10:85-3.1	GAM: AFDC ineligible	12-21-81	13 N.J.R. 926(a)
10:85-3.1	GAM: Common living quarters and household status	12-21-81	13 N.J.R. 927(a)
10:85-3.2	GAM: Clarification of “unemployable”	12-21-81	13 N.J.R. 927(b)
10:85-3.2	GAM: “Workfare” requirements and compliance	12-21-81	13 N.J.R. 929(a)
10:85-3.3	General Assistance rate for residential care	12-7-81	13 N.J.R. 879(a)
10:85-3.3	GAM: FDC ineligible	12-21-81	13 N.J.R. 926(a)
10:85-3.3	GAM: Hospital shelter time limit	12-21-81	13 N.J.R. 930(a)
10:85-3.4	GAM: AFDC ineligible	12-21-81	13 N.J.R. 926(a)
10:85-3.4	GAM: Income and alien sponsorship	2-1-82	14 N.J.R. 122(b)
10:85-4.6	GAM: Emergency grants	2-1-82	14 N.J.R. 124(a)
10:85-5.1	MWD use of General Assistance funds	11-16-81	13 N.J.R. 814(a)
10:85-7.3	GAM revisions in Faulkner Act	5-7-81	13 N.J.R. 301(a)
10:85-10.3, 10.6	GAM: “Workfare” requirements and compliance	12-21-81	13 N.J.R. 929(a)
10:87-1.4, 1.15, 1.17, 1.18, 2.2, 2.3, 2.35, 3.19, 5.10, 6.2, 6.5, 6.15, 6.16, 7.6, 7.13-7.18, 9.7, 9.17, 12.1, 12.4-12.6	FSM (emergency) Federal requirements	11-2-81	13 N.J.R. 769(a)
10:89-5.1	Home energy assistance (concurrent with adoption)	12-7-81	13 N.J.R. 888(a)
10:122-4.1, 4.3-4.5	Staffing of child care centers	8-6-81	13 N.J.R. 516(b)
10:123-3.1-3.3	Changes in residential care allowances	7-9-81	13 N.J.R. 434(a)
10:124, 10:130	Children’s shelter facilities and homes	2-1-82	14 N.J.R. 125(a)
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10A:31-4	Parole Board rule revisions	9-10-81	13 N.J.R. 596(b)
10A:71-3.19	Parole Board rules	4-9-81	13 N.J.R. 228(d)
10A:71-9	Parole Board clemency rules	9-10-81	13 N.J.R. 598(b)
10A:71-15	Parole Board revisions	9-10-81	13 N.J.R. 597(b)

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
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11:1-13	Sale of auto club service contracts	12-7-81	13 N.J.R. 879(b)
11:5-1.2, 1.4, 1.8, 1.9, 1.18, 1.19, 1.33-1.35, 1.37	Real Estate Commission rules	5-7-81	13 N.J.R. 302(b)
11:12	Legal insurance	9:10-81	13 N.J.R. 601(a)
LABOR AND INDUSTRY—TITLE 12			
12:57-1.3, 2.1, 3.3, 4.3, 5.3	Amend wage orders for minors	3-5-81	13 N.J.R. 147(e)
12:190, 12:191, 12:192, 12:193	New safety standards for explosives	8-6-81	13 N.J.R. 517(b)
12:194	New safety rules for model rocketry	8-6-81	13 N.J.R. 518(a)
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13:19-10.5	Reduction of driver point accumulation	9-10-81	13 N.J.R. 606(a)
13:28-2.10, 2.14-2.16	Credit for Saturday beauty classes	12-21-81	13 N.J.R. 930(b)
13:28-2.24	Beauty schools: "Senior students" and clinical work	12-21-81	13 N.J.R. 931(a)
13:30-6.3	Oral hygiene schools and advisory council provision	2-1-82	14 N.J.R. 135(a)
13:30-6.6	Repeal dormitory requirement for oral hygiene schools	2-1-82	14 N.J.R. 136(a)
13:30-6.9(a)	Oral hygiene schools: Admissions	2-7-81	13 N.J.R. 880(a)
13:31-1.8	Inspections of electrical work	9-10-81	13 N.J.R. 607(b)
13:35-6.19, 6.20	Required ophthalmic equipment	4-9-81	13 N.J.R. 232(a)
13:35-6.19, 6.20	Rule on in-State medical training by out-of-State schools	7-9-81	13 N.J.R. 443(b)
13:35-12	Prolonged prescribing of Schedule II narcotics	11-16-81	13 N.J.R. 815(a)
13:36-1.6	Increases in mortuary board fees	6-4-81	13 N.J.R. 367(c)
13:36-9.1	Penalty letter repeal by mortuary board	6-4-81	13 N.J.R. 369(a)
13:37-1.26	Change of address notification: Nurses	3-5-81	13 N.J.R. 149(a)
13:38-2.1	Changes in required optometric tests	6-4-81	13 N.J.R. 370(b)
13:39-6.4, 6.5, 6.8, 9.13	Computerized recordkeeping in pharmacy practice	2-1-82	14 N.J.R. 136(b)
13:40-6.1	Engineer and surveyor test fees	7-9-81	13 N.J.R. 446(a)
13:44A-7.1	Uniform rule petitions to professional boards	10-8-81	13 N.J.R. 664(b)
13:44A-8	Licensing boards: Uniform testing process	11-16-81	13 N.J.R. 816(a)
13:44A-9	Licensing boards: Uniform complaint procedures	11-16-81	13 N.J.R. 817(a)
13:44B	Compensation for licensing board members	12-21-81	13 N.J.R. 932(a)
13:45A-18.1-18.3	Kosher food representation rules	10-8-81	13 N.J.R. 666(a)
13:45A-19.1, 19.2	Consumer notification on home appointments	10-8-81	13 N.J.R. 679(a)
13:45C-5	Repeal rules on precious metal sales	11-16-81	13 N.J.R. 818(a)
13:47C-6	Bonding of transient buyers of precious metals	11-16-81	13 N.J.R. 819(a)
13:48-12	Sales appeals for charitable purposes	7-9-81	13 N.J.R. 446(b)
13:70-14A.13	Pre-race thoroughbred rules	4-9-81	13 N.J.R. 236(a)
13:71	Harness racing regulation	11-16-81	13 N.J.R. 820(a)
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14:3-7.11A	Residential budget billing	6-4-81	13 N.J.R. 371(b)
14:9-6	Water and sewer utilities: Depreciation on contributed property	11-2-81	13 N.J.R. 744(a)
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14A:3-11.3	Designation of used oil collection sites	10-8-81	13 N.J.R. 681(a)
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