

NEW JERSEY REGISTER



EDUCATION, DEPARTMENT OF
 DIV LIBRARY, ARCHIVES, & HISTO
 CN 520
 TRENTON NJ 08625
 0330
 010
 9
 MicroOffice

THE JOURNAL OF STATE AGENCY RULEMAKING

VOLUME 19 NUMBER 5
 March 2, 1987 Indexed 19 N.J.R. 393-430
 (Includes rules filed through February 6, 1987)

MOST RECENT UPDATE TO NEW JERSEY ADMINISTRATIVE CODE: DECEMBER 15, 1986.
 See the Register Index for Subsequent Rulemaking Activity.
NEXT UPDATE WILL BE DATED JANUARY 20, 1987.

RULEMAKING IN THIS ISSUE

RULE PROPOSALS

| | |
|--|--------|
| Interested persons comment deadline | 394 |
| AGRICULTURE | |
| Soil erosion and sediment control | 395(a) |
| ENVIRONMENTAL PROTECTION | |
| Boating and water-skiing | 396(a) |
| Use of land and water areas | 398(a) |
| HEALTH | |
| Local health educators | 398(b) |
| HIGHER EDUCATION | |
| Educational Opportunity Fund: undergraduate awards | 399(a) |
| LAW AND PUBLIC SAFETY | |
| Advertising by persons not certified as landscape architects | 400(a) |
| TREASURY-TAXATION | |
| Litter control tax | 400(b) |
| PUBLIC EMPLOYMENT RELATIONS | |
| Appeal Board procedure: rescheduled public hearing | 404(a) |
| CASINO REINVESTMENT | |
| DEVELOPMENT AUTHORITY | |
| Project eligibility and funding for approved projects | 404(b) |

RULE ADOPTIONS

| | |
|---|--------|
| COMMUNITY AFFAIRS | |
| Council on Affordable Housing: municipal credits; wetlands identification | 407(a) |
| ENVIRONMENTAL PROTECTION | |
| Boating rules: diving and swimming | 408(a) |
| Sale of striped bass | 408(b) |

| | |
|---|--------|
| HEALTH | |
| Sale of striped bass | 409(a) |
| INSURANCE | |
| Transfer of real estate licenses | 409(b) |
| LAW AND PUBLIC SAFETY | |
| Boxing: three knockdown rule | 409(c) |
| Thoroughbred racing: refunds of advance wagers | 409(d) |
| TRANSPORTATION | |
| NJ TRANSIT: Reduced Fare Program for Elderly and Handicapped | 410(a) |
| TREASURY-GENERAL | |
| Enrollment in Police and Firemen's Retirement System | 410(b) |
| TREASURY-TAXATION | |
| Corporation business tax: indebtedness, interest, and offsets | 410(c) |

MISCELLANEOUS NOTICES

| | |
|---|--------|
| BANKING | |
| Declaratory ruling under N.J.S.A. 45:15-17(i) and proposed rulemaking: joint hearings with Real Estate Commission | 412(a) |
| ENVIRONMENTAL PROTECTION | |
| Ambient air quality standards for lead: State Implementation Plan | 412(b) |
| Pinelands Infrastructure Master and Financing plans | 413(a) |
| INSURANCE | |
| Declaratory ruling under N.J.S.A. 45:15-17(i) and proposed rulemaking: joint hearings with Department of Banking | 414(a) |
| TRANSPORTATION | |
| Certificates of Public Convenience and Necessity for special door-to-door operations | 414(b) |

(Continued on Next Page)

INTERESTED PERSONS

Interested persons may submit, in writing, information or arguments concerning any of the rule proposals in this issue until **April 1, 1987**. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal or group of proposals.

On occasion, a proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-4.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

RULEMAKING IN THIS ISSUE—Continued

| | | |
|---|--------|-----|
| TREASURY-GENERAL | | |
| Architect-engineer selection for major projects | 415(a) | |
| CASINO CONTROL COMMISSION | | |
| Management and operations audit of Commission and | | |
| Division of Gaming Enforcement | 415(b) | |
| EXECUTIVE ORDER NO. 66(1978) EXPIRATION DATES | | 416 |
| INDEX OF PROPOSED AND | | |
| ADOPTED RULES | | 421 |

Filing Deadlines

| | |
|------------------------|----------|
| April 6 issue: | |
| Proposals | March 9 |
| Adoptions | March 16 |
| April 20 issue: | |
| Proposals | March 23 |
| Adoptions | March 30 |
| May 4 issue: | |
| Proposals | April 6 |
| Adoptions | April 10 |
| May 18 issue: | |
| Proposals | April 20 |
| Adoptions | April 27 |

NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules adopted by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Issued monthly since September 1969, and twice-monthly since November 1981.

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

The New Jersey Register (ISSN 0300-6069) is published the first and third Monday (Tuesday, if Monday is a holiday) of each month by OAL Publications of the Office of Administrative Law, CN 301, Trenton, New Jersey 08625. Telephone: (609) 588-6601. Subscriptions, payable in advance, are one year, \$75 (\$150 by First Class Mail); back issues when available, \$8 each. Make checks payable to OAL Publications.

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

The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by OAL Publications of the Office of Administrative Law. Subscription rates for this 38-volume, regularly updated set of State administrative rules are available on request. The Code is sold either in the full set or in one to four volumes depending on the Department coverage desired.

RULE PROPOSALS

AGRICULTURE

(a)

DIVISION OF RURAL RESOURCES STATE SOIL CONSERVATION COMMITTEE

Procedure; Mining and Quarrying Activities; Minor Subdivision

Proposed Amendment: N.J.A.C. 2:90-1.5

Proposed New Rules: N.J.A.C. 2:90-1.13 and 1.14

Authorized By: State Soil Conservation Committee,

Arthur R. Brown, Jr., Chairman.

Authority: N.J.S.A. 4:24-3 and 4:24-42.

Proposal Number: PRN 1987-86.

Submit comments by April 1, 1987 to:

Samuel R. Race, Executive Secretary

State Soil Conservation Committee

CN 330, Room 203

Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., (the Act) requires that disturbances of more than 5,000 square feet of the surface area of land be conditioned upon certification of a plan for soil erosion and sediment control by the soil conservation district. On occasion, applicants have relied on such district certification as final approval to engage in the proposed land use activity. However, soil conservation district plan certification does not confer final approval to engage in the land use proposed by the applicant unless all other agencies controlling such land use have granted such approval. The proposed amendment to N.J.A.C. 2:90-1.5 clarifies that the applicant must have approval for the use from the appropriate controlling agency prior to commencing the project.

In addition, land disturbances for tillage and cultivation for agricultural or horticultural purposes are not regulated under this statute. Extraction or removal of soil or soil materials which may precede the establishment of an agricultural operation or activity should be deemed a mining or quarrying operation and subject to the provisions of N.J.S.A. 4:24-39 et seq. Proposed new rule N.J.A.C. 2:90-1.13 clarifies that such mining or quarrying operations are controlled by the Act.

In another area, the Act defines an application for development as, among other things, a proposed subdivision. In the case of a minor subdivision where the extent, location, and timing of land disturbance is not known at the time of the subdivision action, it is unclear from the language of the Act as to when the requirement for a certified plan should be applied. In some instances, a "typical" plan has been required and in other situations, the subdivision action has not been conditioned upon the need for certification. The proposed new rule, N.J.A.C. 2:90-1.14, clarifies that a minor subdivision, where land disturbance is not immediately anticipated by the subdivider, shall not be subject to the requirements of the Act until such time that the actual ownership, extent, location, and timing of such disturbance is known. Subsequent municipal construction permit approvals on two or more lots derived from such minor subdivision by the same applicant shall be conditioned upon district certification.

Social Impact

The proposed new rules and amendment will have a favorable social impact through elimination of misunderstanding that district certification is authorization to engage in the proposed use, through the continued control of soil erosion and water quality impairment from sedimentation, and by clarifying under what conditions minor subdivisions are subject to erosion control requirements.

Economic Impact

The proposed new rules and amendment will have a favorable economic impact. Potential for fiscal penalties to be imposed upon persons who have initiated land disturbance, by erroneously relying upon district certification when other approvals are required, will be reduced or eliminated. Cost for public enforcement will be reduced.

Those persons who engage in soil extraction and exportation will experience minor cost increases and will be required to prevent off-site damages, thereby reducing public costs for correcting such damages. Costs for correcting such damages far exceed the cost for preventative measures required by these rules.

Subdivisions proposing no disturbance will not be required to have a soil erosion and sediment control plan, thereby reducing costs to the subdivider and to affected public agencies.

Environmental Impact

Potential soil loss, sedimentation, and water and air quality impairment will be reduced through elimination or reduction of instances where land disturbance is initiated without all required approvals. Enforcing agency shutdowns of such projects, which may result in soil erosion because of incomplete installation of controls, will be reduced. With regard to the clarification of minor subdivisions, the requirement for erosion controls will be applied at the actual land disturbance stage. No environmental impact change is anticipated.

Regulatory Flexibility Analysis

It is estimated that more than 95 percent of businesses regulated under the Soil Erosion and Sediment Control Act will meet the definition for small businesses. The proposed rule N.J.A.C. 2:90-1.14 will have a positive impact on small business because most builders of single family homes on lots derived from a minor subdivision are exempted under these rules. Since N.J.A.C. 2:90-1.5 and 1.13 simply define and further clarify procedures and definitions under the Act, a regulatory flexibility analysis is not applicable, as the rules add no reporting or record keeping requirements. By complying with the rules a soil erosion and sediment control plan will have to be filed. However, further clarification will assist the small business to reduce the time and effort needed to comply with soil erosion and sediment control procedures. Design standards for erosion and sediment control are a series of options of differing complexity and include the minimum standards to do the work, based upon the relevant physical and topographical factors. Such factors include land use, soil type, slope, hydrology, geology, and other conditions. The erosion controls that can be required are the minimum essential to retain soil and sediment on the development site for the protection of the land, water, air and other environmental resources of the State.

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

2:90-1.5 Procedure

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

(e) **The district shall include in the notice of certification or on the certified plan the following clause: "This certification is limited to the controls specified in this plan. It is not authorization to engage in the proposed land use unless such use has been previously approved by the municipality or other controlling agency."**

Redesignate existing (e)-(g) as (f)-(h) (No change in text.)

2:90-1.13 Mining and quarrying activities

Certification of a soil erosion and sediment control plan shall be required for the operation of all mining or quarrying activities regardless of proposed or actual related agricultural or horticultural use. Mining or quarrying activities shall include the extraction and removal of soils and/or sediment, as defined in N.J.S.A. 4:24-41, from the proposed site.

2:90-1.14 Minor subdivision

An application for minor subdivision, where the subdivider certifies in writing that no land disturbance is proposed, shall not be deemed a project for the purposes of the Soil Erosion and Sediment Control Act of 1975, as amended, N.J.S.A. 4:24-39 et seq. Municipal approval of subsequent applications for construction permits on lots derived from such subdivisions shall be conditioned upon district certification of a plan for soil erosion and sediment control where more than 5,000 square feet of the surface area of land will be disturbed by the applicant for the concurrent construction of two or more single family dwelling units or other structures. Concurrent construction, with respect to this policy, means any activity where land is disturbed in two or more lots at the same time by the same applicant in the same subdivision.

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF COASTAL RESOURCES

Boat Regulation Commission

Boating and Water-Skiing

Proposed Amendments: N.J.A.C. 7:6-1.37 and 3.2

Proposed Repeals and New Rules: N.J.A.C.

7:6-1.26, 3.5 and 4.5

Proposed New Rules: N.J.A.C. 7:6-3.10, 3.11, 3.12 and 4.7

Authorized By: New Jersey Boat Regulation Commission,
Kenneth L. Husted, Chairman; and Richard T. Dewling,
Commissioner, New Jersey Department of Environmental
Protection.

Authority: N.J.S.A. 13:1D-1 et seq., 12:6-1(e), 12:7-34.1 et seq.,
specifically 12:7-34.49 and 12:7-44.

DEP Docket No. 002-87-02.

Proposal Number: PRN 1987-84.

Submit comments by April 1, 1987 to:

Michael P. Marotta, Esq.
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, NJ 08625

The agency proposal follows:

Summary

The Boating Regulations, found at N.J.A.C. 7:6, were promulgated over a number of years by the Department, together with the State's seven member Boat Regulation Commission. The rules, which govern the operation, docking, mooring, anchoring and numbering of vessels on the waters of the State, are implemented by the Marine Law Enforcement Bureau of Marine Police within the Division of State Police of the Department of Law and Public Safety.

The proposed repeal and new rule at N.J.A.C. 7:6-1.26 would require an engine muffling system for all vessel engines. The present regulation provides such a requirement only on outboard motors.

Amendments to N.J.A.C. 7:6-1.37 will provide that any vessel towing a water-skier must have at least one throwable flotation device on board. Additional amendments to this section will require all skiers to wear personal flotation devices and require that a water-ski tow line be at least 50 feet long.

N.J.A.C. 7:6-3.5 has been repealed and a new rule proposed to redefine the water-skiing course at Paulinskill Lake, Sussex County. Additional changes to this section establish a "slalom" course and address water-skiing generally on the lake.

Two new rules, N.J.A.C. 7:6-3.10 and 3.11, provide specific requirements for water-skiing on Lake Hopatcong and Cranberry Lake, respectively.

A new rule at N.J.A.C. 7:6-3.12 clarifies the requirement that all water-skiers must, in addition to the specific standards found at 7:6-3, comply with the general provisions governing boating and water-skiing.

The proposed repeal and new rule at N.J.A.C. 7:6-4.5 provide speed standards for vessels on Lake Hopatcong, while a new section (N.J.A.C. 7:6-4.7) imposes vessel speed standards for Cranberry Lake.

In addition to the above changes, a minor editorial change was made to N.J.A.C. 7:6-3.2 to correct an erroneous regulatory reference.

Social Impact

The proposed new muffler rule will have a positive social impact as it will assure quieter operation of motored vessels and enhance the enjoyment of the State's waters and adjoining lands by reducing the nuisance of excessive vessel motor noise. The proposed boating and water-skiing rules will provide a greater degree of safety in those waters.

Economic Impact

The vessel speed and water-skiing provisions of the proposed amendments are anticipated to have no economic impact. The amendments to the muffling provisions will impose additional muffling requirements upon inboard and inboard/outboard vessels. In most cases, however, these vessels are equipped with the muffling system provided by the

manufacturer or dealer will need no additional equipment. The impact of this amendment will be most upon those vessels with muffler systems which are in disrepair or which have been removed or otherwise rendered inoperable.

Environmental Impact

The proposed amendments are expected to have a positive impact upon noise pollution on and near the waters of the state. No environmental impact is anticipated from the water-skiing or vessel speed provisions.

Regulatory Flexibility Statement

These proposed amendments impose no compliance requirements upon small businesses. The muffling requirements imposed by these amendments provide simply that a vessel be maintained in a reasonable manner and that the muffling system may not be removed or tampered with. Compliance with the proposed vessel speed and water-skiing provisions will result in no economic impact.

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

7:6-1.26 Muffling device

[Every detachable or outboard motor in use in or attached to a vessel operating on the waters of this State shall be provided with a muffling device as supplied by the motor manufacturer for the particular model without modification, at all times in good working order, sufficient to prevent excessive or unusual noise except as herein provided, mufflers which exhaust at or about the water line, commonly known as racing mufflers, are not permitted, except in duly authorized by the Department of Environmental Protection races or regattas.]

Every outboard motor, inboard motor or inboard/outboard motor in use or attached to a vessel operating on the waters of this State shall be equipped with a muffling system as supplied by the manufacturer or installed by the owner. The muffling system shall be maintained in good working order at all times. An exception to this requirement will be allowed for operation during authorized races sanctioned by the United States Coast Guard, New Jersey State Police, or other operation with a race test permit issued by the State Police.

7:6-1.37 Water-skiing

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

(d) Tow lines shall not be **less than 50 feet nor** more than 75 feet in length.

(e) (No change.)

(f) **The ski boat shall contain at least one throwable personal flotation device (PFD's).**

(g) **All skiers shall wear a United States Coast Guard Approved Type I, II, III or Type V Hybrid Personal Flotation Device.**

[(f)](h) The term "water-skiing" shall be defined as anything with a rider, being towed behind a power vessel by means of a [two] tow rope or line, except another vessel.

[(g)](i) (No change in text.)

7:6-3.2 Deal lake, Monmouth County

(a) Water-skiing is permitted east of the Main Street bridge only, in accordance with [Section 1.27 (Water-skiing) of this Chapter,] **N.J.A.C. 7:6-1.37 (Water-skiing)** except as otherwise provided herein.

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

[7:6-3.5 Paulinskill Lake, Sussex County

(a) The skiing course shall commence at a point approximately 200 feet east of the second beach and run eastward on a line established in the center of the lake, to the eastern boundary which shall be a point approximately 200 feet east of the most easterly beach, thence turn and run westward along the center of lake line to the finish point which shall be at approximately the same point as the starting area designated as 200 feet east of the second beach.

(b) The ski course described in subsection (a) of this Section will be identified by white styrofoam markers placed at approximately 500 feet intervals down the center of the lake.

(c) Ski boats will use this center line as a guide. Skiers may go to the left or right of the ski boat except when passing a ski boat coming from the opposite direction. When a ski boat is approaching from the opposite direction, both skiers must remain directly behind their respective boats and the ski boats must both pull to the right of the center line so as to obtain a safe passing distance.

(d) A yellow flag at the western boundary line will designate the starting point. A special buoy or starting platform will be placed at the western boundary line, and a special buoy or marker will be placed at the eastern boundary line to designate the turning point. Ski boats will circle around the outside of the turning point marker.

(e) All power boats shall travel at a sufficient distance from shore so as to avoid endangering swimmers and to eliminate unnecessary wash against the shore.

(f) Skiing hours are designated as follows:

Wednesdays—11:00 A.M. to 7:00 P.M.

Saturdays, Sundays, and Holidays—11:00 A.M. to 5:00 P.M.

(g) The skiing boats must always have two occupants: a licensed operator and an observer, not less than 13 years of age.

(h) When skiing is in progress during the prescribed periods, a flag will be flying from a buoy at both ends of the skiing course.

(i) The tow line shall not exceed 65 feet in length.

(j) Every skier must start at the commencing point described in subsection (a) of this Section, proceed around the course in a counter-clockwise direction, and drop at the finish point described in subsection (a) of this Section.

(k) Every skier must wear a life preserver or flotation device, either belt or jacket type.

(l) A maximum of six power vessels shall be allowed on the ski course simultaneously.

1. When proceeding in the same direction, these vessels shall remain a minimum of 1,000 feet apart.

2. In the event the lead skier falls, the vessel following shall stop and remain in place until the fallen skier has regained skiing position or boarded a vessel.

3. When one vessel is towing two or more skiers, no other vessels towing skiers shall be permitted on the ski course.

(m) The luminous painted barrel designating the starting and/or finishing point at the eastern or western boundary of the course and the luminous painted barrel designating the turning point at the western boundary of the course will be removed from the lake during the hours between sunset and sunrise. This requirement may be eliminated if a blinking amber light is mounted on the barrels.

(n) Barefoot skiing, kit flying, para-sail and ski jumping are prohibited, except for specific exhibitions requiring a permit from the State of New Jersey as provided by law.

(o) The use of the most easterly beach will be allowed as a take-off point and return point between the hours of 9:30 A.M. and 10:30 A.M. for a ski school or training class, as a practice area.]

7:6-3.5 Paulinskill Lake, Sussex County

(a) Water-skiing shall be permitted on Paulinskill Lake only within the designated ski course as described below:

1. The skiing course shall commence at a point approximately 2000 feet northeast of Beach No. 2 and run in a northeasterly direction on a line established in the center of the lake, to a point at the northeastern end of the Paulinskill Lake Association tract (said point is also known and designated as the southwestern end of the Lenington or campground tract); thence turn 180 degrees and run in a southwesterly direction along the center of the lake to the finish point which shall be at approximately the same point as the starting area designated as 2000 feet northeast of Beach No. 2.

2. The ski course described in (a)1 above, including the start, stop and turning areas, will be identified by marker buoys.

(b) Skiing hours are designated as follows:

Weekdays—10:00 A.M. to sunset

Saturdays, Sundays and Holidays—12:00 noon to sunset

(c) Skiers shall begin the course at the designated start area and continue on the right hand side of the center line in a counterclockwise direction.

(d) Turning shall be permitted only in the designated areas except when retrieving a fallen skier.

(e) A boat with a skier just starting the course shall yield the right of way to a boat and skier turning to repeat the course.

(f) A boat with a skier may continue around the ski course as many times as desired, turning in the designated areas.

(g) When more than one boat is on the ski course at the same time, each boat shall maintain a distance of at least 1,000 feet between itself and the boat in front of it.

(h) No boat shall pass a boat with a fallen skier unless signaled to do so by an occupant of that boat.

(i) A slalom course is established and located directly in front of the parallel to Beach No. 2. The starting area shall be a point 250 feet northeast of Beach No. 1. Turning areas shall be located approximately 250 feet northeast of Beach No. 1 and 1,000 feet northeast of Beach No. 2.

1. Slalom hours shall be as follows:

Weekdays—6:00 P.M. to sunset

Weekends and Holidays—8:00 A.M. to 12:00 noon

(j) Skiers shall comply with N.J.A.C. 7:6-1.37 and with all other applicable boating regulations.

7:6-3.10 Lake Hopatcong, Sussex and Morris County

(a) From May 15 through September 15 of each calendar year, no person shall ski on Saturdays, Sundays or holidays between the hours of 11:00 A.M. and 5:00 P.M. in the following areas:

1. Byram Cove;

2. Between Raccoon Island and Prospect Point;

3. Between Prospect Point and Halsey Island;

5. Woodport Cove.

(b) For the purposes of this section, the term "water-skier" or "skier" shall mean all persons pulled behind a power vessel, and attached to a power vessel by means of a line, whether said person is using water skis, an aquaplane, raft or tube, inflatable or otherwise.

(c) No boat shall pull more than two skiers at any one time on Saturdays, Sundays or holidays from May 15 through September 15 of any year except when participating in an exhibition or race sanctioned by the United States Coast Guard or State Police.

(d) Every ski boat shall have a crew of at least two persons; one of which shall be a licensed operator and the other an observer who shall not be less than 13 years of age.

(e) The ski boat shall not be loaded beyond the manufacturer's recommended capacity. For purposes of this subsection, the skier, or skiers, shall be included when determining the number of passengers in the boat.

(f) While towing a skier, the operator of the vessel shall maintain a distance from any shore, structure, buoy, person in the water, vessel or other object, that is not less than the length of the tow line plus 100 feet.

(g) All ski boats shall carry a signal flag, which shall extend four feet above the highest structure, and shall be orange in color and triangular in shape and not less than 12 inches on any dimension. Said pennant shall be displayed while pulling or retrieving skiers, while a skier is in the water or while the tow line is in the water.

(h) The ski boat operator shall, when a skier has fallen, or has otherwise become disconnected from the tow line, reduce speed and return to the skier in a safe and reasonable manner.

(i) The dropping of skis for the purpose of barefoot or slalom skiing is prohibited, unless the ski is immediately retrieved by a following vessel.

7:6-3.11 Cranberry Lake, Sussex County

Water-skiing on Cranberry Lake shall be conducted in a counterclockwise direction only.

7:6-3.12 Compliance with other regulations

In addition to the specific requirements set forth in this section, skiers shall comply with N.J.A.C. 7:6-1.37 and with all other applicable boating regulations.

7:6-4.5 Operation on Lake Hopatcong

[No power vessel shall be operated on Lake Hopatcong in excess of a speed of 15 miles per hour between the hours of sunset and sunrise.]

(a) No vessel shall be operated upon Lake Hopatcong between the hours of sunset and sunrise at a speed in excess of 10 miles per hour.

(b) No vessel shall be operated upon Lake Hopatcong on Saturdays, Sundays or legal holidays between May 15 and September 15 at a speed in excess of 30 miles per hour.

(c) No vessel shall be operated at a speed in excess of five miles per hour within 100 feet of shore, any wharf, pier, bridge, dock structure, buoy or person in the water or designated bathing area which is marked by buoys.

(d) No vessel shall be operated at such a speed that shall cause 100 percent of the hull to come out of the water. Failing to maintain control of the vessel in such a manner shall constitute, without further proof, careless operation. An exception to this requirement will be allowed for operation during authorized races sanctioned by the United States Coast Guard, New Jersey State Police, or with a race test permit issued by the State Police.

(e) When the water level reaches the Extreme High Water Level (Elevation 924.20 feet) or when the staff at the dam in Hopatcong State Park reads 9.5, a "Slow Speed—No Wake" condition shall exist.

7:6-4.7 Operation on Cranberry Lake

(a) Subject to the restrictions imposed by (b) below, vessels operating on Cranberry Lake shall not exceed a speed of 35 miles per hour.

(b) No person shall operate a vessel at a speed in excess of five miles per hour between sunset or sunrise or at any time in the following areas:

1. In front of the clubhouse and extending north of the bridge into Laurel Cove;

2. Between Rose's Beach and Rock Island;

3. In Weaver House Cove.

4. Within 100 feet of any shore, any wharf, pier, bridge, dock structure, buoy or person in the water or designated bathing area which is marked by buoys.

(c) Any person swimming or using a raft, tube or other flotation device shall be accompanied by a boat escort unless such person is not more than 75 feet from the shore or is in an area in which vessel speed is limited to five miles per hour.

DIVISION OF FISH, GAME AND WILDLIFE

(a)

Use of Land and Water Areas

Proposed Amendment: N.J.A.C. 7:25-2.18

Proposed New Rule: N.J.A.C. 7:25-2.22

Authorized By: Richard T. Dewling, Commissioner, Department of Environmental Protection.

Authority: N.J.S.A. 13:1-12, 13:1D-2, 13:1D-9 and 23:7-9.
DEP Docket No. 001-87-02.

Proposal Number: PRN 1987-85.

Submit comments by April 1, 1987 to:

Howard Geduldig, Esq.
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, New Jersey 08625

The agency proposal follows:

Summary

This proposal, notwithstanding the specific regulations governing the uses of wildlife management areas appearing at N.J.A.C. 7:25-2, restricts the use of specific lands and waters under its control upon the finding of the occurrence of, or potential for, an emergency arising from simultaneous, conflicting uses or environmental degradation of these lands. Additionally, this proposal adds the Musconetcong Wildlife Management Area to the enumerated areas encompassed by the regulations appearing at N.J.A.C. 7:25-2 which govern the use of wildlife management areas and reorders this list alphabetically.

Social Impact

It is anticipated that this proposal will further the safe use of all wildlife management areas, including the Musconetcong Wildlife Management Area by providing for rapid implementation of emergency measures.

Economic Impact

No adverse economic impact is anticipated for those not profiting from the unsafe or environmentally degrading use of wildlife management areas.

Environmental Impact

It is anticipated that this proposal will reduce the prospects of environmental degradation to wildlife management areas, including the Musconetcong Wildlife Management Area, by providing for rapid implementation of emergency measures.

Regulatory Flexibility Statement

In accordance with the New Jersey Regulatory Flexibility Act, P.L. 1986, c.169, the Department has determined that this rule would have no impact on small businesses.

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

7:25-2.18 Wildlife Management Areas

(a) This subchapter applies to the following designated Wildlife Management Areas:

1.-5. (No change.)

6. Belvidere

Renumber existing 6.-46. as **7.-47.** (No change in text.)

48. Musconetcong

Renumber existing 47.-70. as **49.-72.** (No change in text.)

[71. Belvidere]

7:25-2.22 Emergency restrictions on use

Nothing contained in N.J.A.C. 7:25-2 shall preclude the Division of Fish, Game and Wildlife from limiting, or closing from, public use any specific land and water areas under its control, effective immediately upon making the finding that prevailing conditions warrant such restriction to protect the users, or to protect and preserve the land and water areas, or both.

HEALTH

(b)

PUBLIC HEALTH COUNCIL

Local Health Development Services

Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey

Proposed Amendment: N.J.A.C. 8:52-1.8

Authorized By: Evelyn Geddes, Chairperson, Public Health Council.

Authority: N.J.S.A. 26:1A-15.

Proposal Number: PRN 1987-82.

Submit comments by April 1, 1987 to:

Dennis P. McDonough, Chief
Health Aid Services Program
CN 364
Trenton, NJ 08625

The agency proposal follows:

Summary

Local health departments in New Jersey are mandated by Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey (see adopted new rules, N.J.A.C. 8:52 in the December 15, 1986 Register) to provide certain basic public health services within their jurisdiction. Services must be provided to prevent and control communicable diseases; improve the health and welfare of infants, children and pregnant women; identify chronic conditions such as hypertension, diabetes and certain cancers where early identification and adherence to medical regimens can improve health outcome by minimizing and/or preventing related medical complications; and educating the public to identify and alter those factors of their personal lifestyles and behaviors which increase one's risk of serious injury, illness and death. The Minimum Standards have required that each local health department employ or obtain the services of a qualified health educator since 1980. The revision of Minimum Standards, adopted in December 1986 (see 18 N.J.R. 2448(a)), modified the health educator requirements to make them more flexible by allowing bachelor degree persons with experience and Master's degrees in other fields to become health educators provided they have successfully completed coursework in four of six programmatic areas (health education theory, education program planning and evaluation, educational processes, social and behavioral sciences, research methodology, and public health administration) deemed necessary to function successfully as a health educator. In retrospect, however, candidates may not have coursework in two critical areas which could adversely affect their ability to function successfully as health educators. An individual who does not have coursework, for example, in health education theory and education program planning and evaluation would be seriously hampered in his or her efforts as a health educator. It is proposed, therefore, to amend the personnel standard for health educator to require coursework in each of the six areas previously indicated.

Social Impact

The proposed amendment will help to insure that health educators working in local health departments are fully qualified to perform the comprehensive array of health education activities required by the recently revised Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey. These duties include efforts directed at smoking prevention and cessation, alcohol and drug abuse prevention, improving poor dietary habits, accident prevention activities and others. The importance of lifestyles/behavior on the incidence of cancer, cardiovascular disease, and other causes of premature injury illness and death are widely recognized. It is imperative that health educators in local health departments be fully qualified to function as the purveyors of essential health information to the general public.

Economic Impact

The economic impact is restricted to those individuals desiring to work as health educators in local health departments who may have to supplement their educational coursework in one or two program areas in order to have coursework in the six program areas. It should be noted, however, that the recently adopted standards, even with this proposed amendment,

are more flexible and will allow more individuals to qualify as health educators than did the previous standard that had been in effect since 1980. It is reasonable to assume however that the more qualified a health educator is, in terms of education and experience, the greater the likelihood of being able to influence people to eliminate or minimize personal health risk factors such as smoking, alcohol and drug abuse, etc.

Flexibility Statement

Pursuant to section 4, P.L. 1986, ch. 169, the Department of Health finds that the proposed amendment will not impose reporting, recordkeeping or other compliance requirements on small businesses, since it merely establishes minimal training requirements for certain personnel employed by local health departments.

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

8:52-1.8 Personnel

(a) A Health Educator shall have completed the following:

1. (No change.)

2. A Master's degree in a related field **from an accredited college or university** which includes or is supplemented by the successful completion of coursework in [four of the six] **each of the** following areas: health education theory, education program planning and evaluation, educational processes, social and behavioral sciences, research methodology, and public health administration; or

3. A Bachelor's degree which includes or is supplemented by the successful completion of coursework in [four of the six] **each of the** following areas: health education theory, education program planning and evaluation, educational processes, social and behavioral sciences, research methodology, and public health administration [and completed three years of local health department experience in health education under the guidance of the qualified Master's person as specified in (a)1 or 2 above:] **and has three years of experience in assessing health education needs, planning, implementation, and evaluation of health education programs, and community organization in either a local health department or State or local health agency.**

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

HIGHER EDUCATION

(a)

EDUCATIONAL OPPORTUNITY FUND BOARD

Grant Amounts

Proposed Amendment: N.J.A.C. 9:11-1.7

Authorized By: Board of Directors of Educational Opportunity Fund, T. Edward Hollander, Chairman.

Authority: N.J.S.A. 18A:71-33.

Proposal Number: PRN 1987-83.

Submit comments by April 1, 1987 to:
Grey J. Dimenna, Esq.
Administrative Practice Officer
Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed revisions increase the maximum undergraduate awards for freshman and sophomore EOF students by \$100.00 in the community colleges, \$200.00 in the State colleges, Rutgers and NJIT, and \$250.00 in the independent colleges.

Social Impact

The proposed revisions will increase the proportion of a student's financial aid package covered by grants and lower the remaining unmet need which usually must be covered by loans or work-study. This is consistent with the intent of N.J.A.C. 9:11-1.11 of the EOF Financial Aid Guidelines which encourage institutions to minimize loan encumbrances for freshman and sophomore students.

The decision to increase grant amounts for freshmen and sophomores is based upon extensive retention research which indicates that it is during

this period when students are adjusting to college and enrolled in basic skills courses that the probability of attrition are the greatest. Therefore, during this critical adjustment phase, student loan encumbrances should be minimized.

Economic Impact

As stated above in the Summary and Social Impact, the proposed increases will benefit EOF students at the freshman and sophomore levels by increasing the amount of grant monies provided to each student and correspondingly decreasing the amount of loan indebtedness of each student.

Regulatory Flexibility Statement

The proposed amendment does not require a regulatory flexibility analysis as it does not impose any requirements on small businesses. The proposal only sets forth the amounts of grants to be made to students under the Educational Opportunity Fund program.

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

9:11-1.7 Grant amount

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

(d) The EOF Board of Directors shall annually review the state grant amounts of EOF students and make adjustments, if necessary. The minimum and maximum awards for Graduate and Undergraduate EOF grants for each type of institution follows:

| UNDERGRADUATE | MINIMUM | MAXIMUM |
|-----------------------------|---------|---------------|
| [2-Year Public Colleges:] | | |
| Community Colleges: | | |
| Freshman/Sophomore | \$200 | [550] \$ 650 |
| [4-Year Public Colleges:] | | |
| State Colleges: | | |
| Commuter: | | |
| Freshman/Sophomore | 200 | [550] 750 |
| Junior/Senior | 200 | 550 |
| Residential: | | |
| Freshman/Sophomore | 200 | [800] 1,000 |
| Junior/Senior | 200 | 800 |
| Rutgers, NJIT: | | |
| Commuter: | | |
| Freshman/Sophomore | 200 | [550] 750 |
| Junior/Senior | 200 | 550 |
| Residential: | | |
| Freshman/Sophomore | 200 | [800] 1,000 |
| Junior/Senior | 200 | 800 |
| Independent Colleges: | | |
| Freshman/Sophomore | 200 | [1,700] 1,950 |
| Junior/Senior | 200 | 1,700 |
| GRADUATE | MINIMUM | MAXIMUM |
| [4-Year Public Colleges] | | |
| State Colleges | \$200 | \$1,500 |
| 4-Year Independent Colleges | 200 | 2,500 |
| Rutgers, NJIT | 200 | 2,500 |
| UMDNJ/FDU Dental School | 200 | 4,000 |

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

LAW AND PUBLIC SAFETY

(a)

BOARD OF ARCHITECTS

Landscape Architect Examination and Evaluation Committee

Nomenclature for Non-Certified Persons

Proposed New Rule: N.J.A.C. 13:27-8.14

Authorized By: Landscape Architect Examination and Evaluation Committee, Roy J. Dunn, L.A., Chairman.

Authority: N.J.S.A. 45:3A-1 et seq. and 45:3-3.

Proposal Number: PRN 1987-62.

Submit comments by April 1, 1987 to:

Barbara S. Hall, Secretary Director
Board of Architects and Landscape Architect
Examination and Evaluation Committee
1100 Raymond Boulevard, Room 511
Newark, New Jersey 07102

The agency proposal follows:

Summary

Pursuant to the provisions of N.J.S.A. 45:3A-1 et seq., the use by an unregistered individual or entity of the term "landscape architect" or any title tending to convey the impression that such individual or entity is a certified landscape architect and the use of the terms "landscape architect" in a corporation, firm, partnership or association name unless an executive officer or, respectively, a member of such business entity is certified, are prohibited practices. However, in order to assure the least restrictive means by which to enforce these statutory provisions and to avert any potential public confusion, the Committee proposes a rule which defines and identifies both permissible and impermissible advertising practices.

Social Impact

The proposed new rule, N.J.A.C. 13:27-8.14, will have a positive impact in that it will clearly set out terms by which non-certified individuals may advertise their services. Implementation of this rule will benefit the public by differentiating between those individuals who are certified and those who are not certified.

Economic Impact

There should not be any economic impact as a result of this proposal since the rules simply identify permissible and impermissible advertising practices.

Regulatory Flexibility Statement

Inasmuch as the terms of N.J.A.C. 13:27-8.14 are directed to individuals who are not certified by the Landscape Architect Examination and Evaluation Committee ("Committee"), the proposed new rule will not impose any reporting, recordkeeping, or other compliance requirements or certificate holders. This rule sets out examples of permissible and impermissible advertising practices by those individuals who are not certified landscape architects and thus, the only compliance requirement imposed by this rule applies to noncertified individuals.

It is difficult if not impossible to determine how many individuals, businesses, corporations or other entities, regardless of size, will be affected by this rule. It is clear, however, that no professional services will be required to comply with this rule, nor will there be any costs involved in compliance with its term. Essentially, the rule is a restriction on the use of the title "landscape architect," which is limited by statute to use only by those certified by the Committee.

There is no need to contemplate alternative means by which compliance can be implemented, inasmuch as the Committee and the Board of Architects are seeking uniform application of this rule to all non-certificate holders, and "small business" are not more adversely affected than any other professional or business entity.

In view of the fact that the regulation operates evenly on all members of the class affected by its application and since that class is composed largely, if not entirely, of small businesses whose interests have been considered in the regulation's formulation, the intent of the Regulatory Flexibility Act vis a vis minimizing adverse economic impact has been satisfied.

Full text of the proposed new rule follows:

13:27-8.14 Nomenclature for non-certified persons

(a) Any individual who is not a certified landscape architect as defined by N.J.S.A. 45:3A-2 may advertise and offer services to the public provided that the description of the advertiser's title and services conform to the following standards:

| | TITLE |
|------------------------|---|
| PERMISSIBLE USES | IMPERMISSIBLE USES |
| landscaper | landscape architect |
| landscape gardener | certified landscape architect |
| landscape contractor | licensed landscape architect |
| landscape designer | registered landscape architect |
| landscape planter | professional landscape architect |
| | DESCRIPTION OF SERVICES |
| PERMISSIBLE USES | IMPERMISSIBLE USES |
| landscaping | landscape architecture |
| landscape gardening | landscape architectural design |
| landscape contracting | landscape architectural construction |
| landscape service | landscape architectural planting design |
| landscape construction | landscape architectural service |
| landscape design | |
| landscape planning | |

(b) The above listed standards are not meant to be exclusive, but are merely pre-approved suggestions by the Landscape Architecture Examination and Evaluation Committee. Use of titles and/or descriptions not listed above shall be subject to Committee recommendation and Board approval.

TREASURY-TAXATION

(b)

DIVISION OF TAXATION

Litter Control Tax

Proposed New Rules: N.J.A.C. 18:38

Authorized By: John R. Baldwin, Director, Division of Taxation.

Authority: N.J.S.A. 13:1E-99.1.

Proposal Number: PRN 1987-81.

Submit comments by April 1, 1987 to:

Nicholas Catalano
Assistant Chief Tax Counselor
Division of Taxation
50 Barrack Street, CN 269
Trenton, NJ 08646

The agency proposal follows:

Summary

The proposed new rules will clarify the application of the litter control tax imposed pursuant to P.L. 1985, c. 533, cited as the Clean Communities and Recycling Act (N.J.S.A. 13:1E-99.1). The litter control tax is a tax on the privilege of engaging in business in New Jersey as a manufacturer, wholesaler, distributor or retailer of litter-generating products measured by the gross receipts from sales of such products within New Jersey. The tax, and these proposed new rules, should therefore affect many businesses located within and outside New Jersey that engage in sales of litter-generating products as defined in the Act. Subchapter 1 contains general provisions indicating the effective date of the tax, April 21, 1986, and the nature of the tax, and providing definitions for the purpose of clarification. Subchapter 2 indicates those persons upon whom the tax is imposed, the tax rates levied and the date of expiration of the tax, December 31, 1991. This subchapter also indicates a condition causing suspension of the tax. Subchapter 3 provides definitions of the 15 litter-generating product categories subject to the tax. Subchapter 4 provides three alternative tax computation methods and examples of their use to aid the taxpayer in completing his tax return. Subchapter 5 clarifies the \$250,000 retailer exclusion and specifies allowable deductions for certain wholesaler, distributor and wholly-owned company sales. Subchapter 6 indicates the registration requirements for taxpayers subject to the tax. Subchapter 7 contains rules for filing tax returns and making tax pay-

ments. A rule requiring at least three years of record retention is also included. Subchapter 8 clarifies the disposition of litter control tax revenues. Such revenues are deposited in the Clean Communities Account fund in the Department of Treasury administered by the Department of Environmental Protection.

Social Impact

Tax revenues derived from the litter control tax are deposited in the Clean Communities Account fund. The fund was established to support a statewide program of litter prevention and elimination. Tax revenues will therefore be used to promote and encourage a clean and safe environment in New Jersey.

Economic Impact

Tax revenues to support the fund will be raised from that portion of the business community, both within and outside New Jersey, that engages in sales within New Jersey of products that the legislature has determined to be litter-generating. Such products are the primary source of the litter proliferation problem in this state. The tax imposed on this portion of the business community should not prove to be unduly burdensome due to the low tax rates provided in the law. A taxpayer engaged in retail sales of litter-generating products with annual gross receipts from such sales of \$1,000,000 would pay \$225.00 in tax for the year. If he engaged in wholesale sales his tax burden would be \$300.00 for the year. The fiscal 1987 estimated yield for the litter control tax is \$5.2 million. This estimate recognizes the 1986 short taxable year with a tax imposition effective date of April 21, 1986.

Regulatory Flexibility Statement

The proposed new rules clarify a provision in the law that is intended to minimize the effect of the litter control tax on small retail businesses. All retailers with less than \$250,000 in annual gross receipts from sales of litter-generating products are excluded from payment of the tax. This exclusion should apply to a large number of retailers, both in state and out of state, as the \$250,000 "tax payment level" is reached by sales of the 15 categories of litter-generating products only and does not apply to sales of all non litter-generating products. Retailers excluded from the tax by this provision are further benefitted by the rules in that they are not required to register or file returns for this tax. Small businesses that are not retailers would not be excluded from the tax or the proposed rules. Small businesses not excluded from the tax and all other taxpayers would be required to file an annual tax return, due March 15 of each year and retain records for such filing for three years from the return filing due date. However, the proposed rules attempt to simplify the tax computation for all taxpayers by providing three alternative methods of computing the tax to ease the recordkeeping and accounting burden of all taxpayers.

Full text of the proposed new rules follows:

CHAPTER 38 LITTER CONTROL TAX

SUBCHAPTER 1. GENERAL PROVISIONS

18:38-1.1 Effective date

The litter control tax is imposed pursuant to N.J.S.A. 13:1E-99.1 (P.L. 1985, c.533), cited as the Clean Communities and Recycling Act. The Act was signed into law January 21, 1986 and became effective April 21, 1986.

18:38-1.2 Nature of tax

The litter control tax is an excise tax on the privilege of engaging in business in New Jersey as a manufacturer, wholesaler, distributor or retailer of litter-generating products measured by the gross receipts from sales of such products within New Jersey.

18:38-1.3 Definitions

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

"Distributor" means a wholesaler. The "wholesaler or distributor" designation is limited to those persons primarily engaged in the business of making wholesale sales. "Primarily" means that more than 50 per cent of gross receipts from all sales are wholesale sales.

"Engaged in business in the state" means the participation in any commercial activities in New Jersey with the object of gain, benefit or advantage to the taxpayer or to another person or class, directly or indirectly.

"Gross receipts" means all receipts, of whatever kind and in whatever form, derived from sales of litter-generating products, without any deduction therefrom on account of any item of cost, expense or loss. Gross

receipts are reportable on the accrual basis and not as collections are made. New Jersey sales and use tax collections are not includible as gross receipts.

"Manufacturer" means any person who engages in the making, fabricating or processing of any litter-generating product.

"Retailer" means every person engaged in the business of selling or exchanging goods for cash or barter or any consideration on the assumption that the purchaser of such goods has acquired the same for ultimate consumption or use. The "retailer" designation is limited to those persons primarily engaged in the business of making retail sales. "Primarily" means that more than 50 per cent of gross receipts from all sales are retail sales. "Retailer" also includes all restaurants that sell any meal or food prepared and ready to be eaten for consumption off the premises of the restaurant. "Retailer" does not include those persons that make an isolated or occasional sale of a litter-generating product who are not regularly engaged in the business of making sales at retail where such litter-generating product was obtained by the person making the sale, through purchase or otherwise, for his own use.

"Retail sales" are sales for ultimate consumption or any purpose other than resale.

"Sale" means any transfer of title or possession or both, exchange, or barter of tangible personal property, conditional or otherwise, in any manner or by any means whatsoever for a consideration or any agreement therefor.

"Sales within the state" means all retail sales by taxpayers engaged in business within New Jersey without regard to the in-state or out-of-state destination of the litter-generating products sold, and all wholesale sales by taxpayers engaged in business within New Jersey of litter-generating products for use and consumption within New Jersey. It shall be presumed that all wholesale sales of litter-generating products sold within the state are for use and consumption within the state unless the taxpayer shows that the products are shipped out-of-state for out-of-state use.

"Wholesaler" means any person who sells litter-generating products for the purpose of resale to another wholesaler or a retailer or both, but does not include manufacturers. The "wholesaler or distributor" designation is limited to those persons primarily engaged in the business of making wholesale sales. "Primarily" means that more than 50 per cent of gross receipts from all sales are wholesale sales.

"Wholesale sales" are sale for resale.

SUBCHAPTER 2. TAX IMPOSITION AND TAX RATES

18:38-2.1 Tax imposed on persons engaged in wholesale sales

A litter control tax at the rate of 3/100 of 1 percent (.0003) is imposed on gross receipts from wholesale sales of litter-generating products sold within New Jersey by each person engaged in business in the State as a manufacturer, wholesaler, distributor or retailer of such litter-generating products. "Wholesale sales" are sales for resale.

18:38-2.2 Tax imposed on persons engaged in retail sales

A litter control tax at the rate of 2.25/100 of 1 percent (.00225) is imposed on gross receipts from retail sales of litter-generating products sold within New Jersey by each person engaged in business in the State as a manufacturer, wholesaler, distributor or retailer of such litter-generating products. "Retail sales" are sales for ultimate consumption or any purpose other than resale.

18:38-2.3 Suspension of tax

The litter control tax shall not be due and payable if, and as long as, any State of New Jersey or Federal law, or any rule or regulation adopted pursuant thereto, requiring a deposit on, or establishing a refund value for, any litter-generating products shall be in effect.

18:38-2.4 Expiration of tax

The litter control tax shall expire on December 31, 1991. Such expiration shall not affect any obligation, lien or duty to pay taxes which may be due with respect to the imposition of any levy, or interest or penalties which may accrue by virtue of any assessment, which may be made with respect to taxes levied for any taxable year or part of a taxable year, prior to January 1, 1992, nor shall this expiration affect the legal authority to assess and collect the taxes imposed pursuant to N.J.A.C. 18:38-3, or penalties and interest as would accrue thereon, nor shall such expiration invalidate any assessment or affect any proceeding for the enforcement thereof.

SUBCHAPTER 3. MEASURE OF TAX

18:38-3.1 Sales of litter-generating products

(a) Litter-generating products means the 15 categories of products listed in (b) below which meet any of the following conditions:

1. They are produced, distributed or purchased in disposable containers, packages or wrappings; or

2. They are not usually sold in packages, containers or wrappings but are commonly discarded in public places; or

3. They are of an unsightly or unsanitary nature commonly thrown, dropped, discarded, placed or deposited by a person on public property, or on private property not owned by him.

(b) It is presumed that all products in the categories listed below satisfy at least one of the conditions stated in (a) above and qualify as a litter-generating product.

1. Beer and other malt beverages—means beer, lager beer, ale, stout, porter and all similar fermented malt beverages having an alcoholic content of 1/2 of 1 percent or more by volume.

2. Cigarettes and tobacco products:

i. Cigarettes means any roll for smoking made wholly or in part of tobacco, or any other substance or substances other than tobacco, irrespective of size, shape or flavoring, the wrapping or cover of which is made of paper or any substance or material, excepting tobacco.

ii. Tobacco products mean all products containing tobacco, except cigarettes, including cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, fine-cut and other chewing tobaccos, shorts, scraps, and cuttings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

3. Cleaning agents and toiletries:

i. Cleaning agents means all soaps, detergents, solvents, or other cleaning substances used for cleaning buildings, places, persons, animals, or other things.

ii. Toiletries means all substances such as soap, powder, cologne, perfume, cosmetics, toothpaste, etc., used in connection with personal dressing or grooming.

4. Distilled spirits means any beverage which contains alcohol obtained by distillation.

5. Food for human or pet consumption:

i. Food for human consumption means any substance, the chief general use of which is for human nourishment. It includes sales of meals, beverages or other prepared food by restaurants, taverns, snack bars, mobile vending operators, vending machines and other similar establishments for consumption off the premises where sold. Food and beverages sold by such establishments for consumption on the premises are deemed not to be sold in a taxable manner unless served on or with disposable plates, cups, utensils or other paper or plastic products.

ii. Food for pet consumption means any substance the chief general use of which is for pet nourishment.

(1) "Pet" means any domesticated animal which is not a productive animal. "Productive animal" means an animal which is raised for its meat, for the edible products which it produces, for its fur, wool or skin, for breeding purposes or for farm work. The following are examples of productive animals: dairy cows, poultry, swine, sheep, food fish, rabbits, and other game animals raised for meat or fur, chinchillas and minks; also, cows and bulls held for breeding purposes, stallions, brood mares and plow horses.

6. Glass containers sold as such means articles made wholly or in substantial part of processed silicates which can be, or are, used to hold other things within themselves, and sold in an empty state for the purpose of resale or transfer in a filled or partially filled state.

7. Groceries means all nonperishable edible products, except drugs, sold by persons in a place of business engaged in selling food for off premises consumption.

8. Metal containers sold as such means articles made wholly or in substantial part of materials such as iron, steel, tin, aluminum, copper, zinc, lead, silver or like substances and any alloys thereof and which can be, or are, used to hold other things within themselves and sold in an empty state for the purpose of resale or transfer in a filled or partially filled state.

9. Motor vehicle tires means all tires, regardless of composition, designed for use on any vehicle propelled otherwise than by muscular power including motorcycles, motor driven lawn and garden equipment and construction equipment and including trailers, semi-trailers, housetrailers, or any other type of vehicle drawn by a motor-driven vehicle.

10. Newsprint and magazine paper stock:

i. Newsprint means machine-finished paper made from ground wood and chemical pulp as commonly used to manufacture newspapers but shall not mean newspapers in their published form.

ii. Magazine paper stock means the paper commonly used to manufacture periodical publications but does not include magazines in their published form.

11. Drugstore sundry products means all products, goods, or articles, except newspapers, magazines and drugs, whether prescription or non-prescription, sold by persons in a place of business selling drugs at retail.

i. "Drugs" means substances or products appearing in the latest listing of United States Pharmacopoeia or National Formulary the chief general use of which is as medicine for treating disease, healing, or relieving pain, but excluding devices, apparatus, instruments, prostheses and the like.

ii. "Place of business" for purposes of this category means any location, department or division even though it be a part of a larger business physically, operationally, and in its books and records. Thus, a department store which consists of a drug department and a clothing department, each with its own space and having separate employees, cash registers and accounting records would not be subject to the litter control tax on sales of its clothing department merely because it was located in the same building under the same ownership as the drug department.

12. Paper products and household paper means all items of tangible personal property made or substantially derived from paper including all paper products for home or other personal use but does not include newspapers and magazines.

i. "Newspaper" is a printed publication issued at regular intervals, usually daily or weekly, and which contains news, editorial comment, feature articles and advertisements.

ii. "Magazine" is a printed publication issued periodically, at least four times a year and is usually bound with a paper cover and contains many and miscellaneous articles on a variety of topics.

13. Plastic or fiber containers made of synthetic material and sold as such means articles which can be, or are, used to hold other things within themselves and which are made of synthetically produced ethylene derivatives, resins, waxes, adhesives, or polymers or by synthesis of fiber materials with adhesives, polymers, waxes, resins, or other materials, but not including any container which is routinely reused, has a useful life of more than one year and is ordinarily sold empty at retail. It includes containers made of paper, pasteboard, or cardboard in which the container material consists of fibrous substances synthesized with other materials. Synthetic material means that produced by synthesis which is the process of making or building up by a composition or union of simple parts or elements as distinguished from the process of extraction or refinement.

14. Soft drinks and carbonated waters means all beverages, whether carbonated or noncarbonated, except alcoholic beverages, including fruit juices, milk, carbonated water and all mixtures or dilutions of nonalcoholic beverages, but does not include noncarbonated water.

15. Wine means all wines whether known as "dry wines," "sweet wines," "still" wines or "fortified" wines and any artificial or imitation wine or compound sold as wine, and any fruit juice containing 1/2 of 1 percent or more of alcohol by volume, and any other beverage containing alcohol produced by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar, which beverage contains 1/2 of 1 percent or more of alcohol by volume, including vermouth and cider.

SUBCHAPTER 4. TAX COMPUTATION

18:38-4.1 Tax computation methods

(a) Litter control tax liability may be computed by any manufacturer, wholesaler, distributor or retailer subject to the tax using any one of three tax computation methods: general method, total sales method, or percentage of sales method.

1. The general method of tax computation follows:

i. The tax is computed using the general method by applying the tax rate as stated in N.J.A.C. 18:38-2.1 to gross receipts from all wholesale sales of litter-generating products within New Jersey and applying the tax rate stated in N.J.A.C. 18:38-2.2 to gross receipts from all retail sales of litter-generating products within New Jersey sold during the calendar year.

ii. Use of the general method requires the taxpayer to separately account for his sales of each of the 15 categories of litter-generating products to properly substantiate his gross receipts subject to tax.

2. The total sales method of tax computation follows:

i. The tax is computed using the total sales method by applying the tax rate stated in N.J.A.C. 18:38-2.1 to gross receipts from all wholesale sales of all products, both litter-generating and non litter-generating, within New Jersey and applying the tax rate as stated in N.J.A.C.

18:38-2.2 to gross receipts from all retail sales of all products, both litter-generating and non litter-generating, within New Jersey sold during the calendar year.

Example: The XYZ Liquor Store is a retail establishment in New Jersey with total retail sales of \$1,000,000 for all products sold in New Jersey from April 21, 1986 through December 31, 1986. The owner of the XYZ Store having reviewed the list of litter-generating products is aware that most, if not all, of his sales involve litter-generating products and, therefore, elects to pay the tax using the Total Sales Method of computation. His total tax due for the calendar year 1986 would be: $\$1,000,000 \times .000225 = \225.00 tax due. The low amount of his tax liability, \$225.00 supports his use of this method rather than separately accounting for sales of litter-generating products and using the general method of computation.

ii. Use of the total sales method requires the taxpayer to account for total sales of all products in New Jersey but does not require separate accounting for sales of litter-generating products.

3. The percentage of sales method of tax computation follows:

i. The tax is computed using the percentage of sales method by applying the tax rate as stated in N.J.A.C. 18:38-2.1 to that proportionate amount of gross receipts from wholesale sales of all products within New Jersey which properly reflects wholesale sales of litter-generating products within New Jersey and applying the tax rate as stated in N.J.A.C. 18:38-2.2 to that proportionate amount of gross receipts from retail sales of all products within New Jersey which properly reflects retail sales of litter-generating products within New Jersey sold during the calendar year.

Example: The ABC Auto Supply Store is a retail establishment in New Jersey with total retail sales of \$2,000,000 for all products sold in New Jersey from April 21, 1986 through December 31, 1986. ABC's owner, upon review of the list of litter-generating products, is aware that while his store does sell many litter-generating products, such as motor vehicle tires, cleaning agents, paper products, etc., he also sells many products not listed. He may, therefore, elect to compute his tax due using the Percentage of Sales Method and relieve him of much of the expense of recordkeeping needed for the General Method of computation. He can substantiate that the proper proportionate amount of his total sales that can be attributed to sales of litter-generating products is \$500,000. His total tax due for the calendar year 1986 would be $\$500,000 \times .000225 = \112.50 tax due.

ii. The percentages of sales must reflect the portion of total retail sales and total wholesale sales represented by sales of litter-generating products in those sales categories. The percentages must be determined from actual sales data from a sample period of at least one month within the return period which is representative of the taxpayer's sales activity during the entire period covered by the return. This percentage is computed by dividing the gross receipts from sales of litter-generating products by the gross receipts from total sales for the sample period.

Example: This sampling procedure should be applied to both retail sales and wholesale sales:

(1) Select a sample period of one month that is indicative of sales of litter-generating products for the entire calendar year.

(2) Review all sales invoices for that sample period.

(3) Distinguish between litter-generating product sales and non litter-generating product sales for the sample period.

(4) Total all litter-generating product sales and divide litter-generating product sales by total sales for the sample period. This will result in the proper proportionate amount of total sales that can be attributed to litter-generating product sales expressed as a percentage.

(5) Multiply the total gross sales of all products for the entire calendar year by this percentage to get the proper proportionate amount of total sales attributed to sales of litter-generating products.

(6) Multiply the product obtained in step 5 by the proper tax rate to determine the tax due for the calendar year.

iii. A taxpayer electing to determine his litter control tax liability by using the percentage of sales method would not be required to separately account for his total sales of litter-generating products. However, he would be required to maintain such records to substantiate the proportionate amounts used.

18:38-4.2 Optional tax rate use

The litter control tax may be computed by using the wholesale tax rate for all sales subject to the tax rather than separately accounting for retail sales and wholesale sales and using the applicable tax rate.

SUBCHAPTER 5. EXCLUSIONS AND DEDUCTIONS

18:38-5.1 Exclusions

Any retailer with less than \$250,000 in annual gross receipts from all sales, both retail sales and wholesale sales, of litter-generating products is excluded from registration and filing and payment of the tax. When annual gross receipts from all sales of litter-generating products are \$250,000 or more, a retailer is subject to the tax on total annual gross receipts from all sales of litter-generating products including the initial \$250,000 of sales of such products. For purposes of this section, the "retailer" designation is limited to those persons primarily engaged in the business of making retail sales. "Primarily" means that more than 50 per cent of gross receipts from all sales are retail sales.

18:38-5.2 Deductions

(a) The following sales of litter-generating products shall be considered as deductions:

1. A sale of a litter-generating product by a wholesaler or distributor to another wholesaler or distributor. For purposes of this section, the "wholesaler or distributor" designation is limited to those persons primarily engaged in the business of making wholesale sales. "Primarily" means that more than 50 per cent of gross receipts from all sales are wholesale sales. The designation "wholesaler or distributor" does not include a manufacturer.

2. A sale of a litter-generating product by a company to another company owned wholly by the same individuals or companies.

3. A sale of a litter-generating product by a wholesaler or distributor owned cooperatively by retailers to those retailers.

SUBCHAPTER 6. REGISTRATION

18:38-6.1 Registration requirements

(a) Every person subject to the litter control tax is required to register with the Division on Form CIS-1, Application for Registration, on or before October 1, 1986.

(b) Any person commencing or opening a new place of business subsequent to October 1, 1986 is required to register with the Division on Form CIS-1, Application for Registration, within 30 days after the commencement or opening of such business.

(c) Any person who is registered under any law administered by the Division or who is subject to and files returns under any of these laws is not required to register as required by (a) and (b) above.

SUBCHAPTER 7. RETURN FILING, TAX PAYMENT, AND RECORD RETENTION

18:38-7.1 Initial filing and tax payment

Every person subject to the litter control tax for the 1986 taxable year, or any part thereof, is required to file, under oath, a litter control tax return, and pay the full amount of the tax due thereon, on or before March 15, 1987. The 1986 taxable year extends from April 21, 1986 through December 31, 1986.

18:38-7.2 Annual filing and tax payment

Every person subject to the litter control tax is required to file, under oath, a litter control tax return, and pay the full amount of tax due thereon, on or before March 15 of each year for the preceding calendar year's tax liability.

18:38-7.3 Litter control tax return

A litter control tax return, Form LT-5, must be filed, as required by N.J.A.C. 18:38-7.1 and 18:38-7.2, with the Division, indicating the dollar value of sales within the State of litter-generating products.

18:38-7.4 Record retention

All records and other supporting documentation used in completing the LT-5 Litter Control Tax return, must be retained and made available for examination on request by the Division of Taxation or its authorized representatives for at least three years following the filing of a return.

SUBCHAPTER 8. DISPOSITION OF REVENUES

18:38-8.1 Revenues deposited in Clean Communities Account

Litter control tax revenues, and penalties and interest derived from the imposition of the litter control tax, will be deposited in the Clean Communities Account, a nonlapsing, revolving fund in the Department of Treasury administered by the Department of Environmental Protection.

OTHER AGENCIES

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Appeal Board

Notice of Rescheduled Public Hearing

Take notice that the public hearing scheduled by the Public Employment Relations Commission and the Public Employment Relations Commission Appeal Board to receive comments on the proposed amendment to N.J.A.C. 19:17-2.1 and proposed new rules, N.J.A.C. 19:17-3.1 through N.J.A.C. 19:17-4.5, published at 19 N.J.R. 196(a), has been rescheduled from February 17, 1987 to March 17, 1987 at 10:00 A.M. at 495 West State Street, Trenton. The period for public comments will be extended to March 17, 1987.

(b)

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

Project Eligibility; Contracts with Casino Licensees

Proposed Amendments: N.J.A.C. 19:65-1.2, 2.1, 2.4, and 2.7

Proposed New Rules: N.J.A.C. 19:65-2.9, 2.10 and 2.11

Proposed Repeal: N.J.A.C. 19:65-2.5

Authorized By: Casino Reinvestment Development Authority,
Michael G. Cohan, Executive Director.

Authority: N.J.S.A. 5:12-144.1 and N.J.S.A. 5:12-161(f)

Proposal Number: PRN 1987-80.

Submit comments by April 1, 1987 to:
Michael G. Cohan, Executive Director
Casino Reinvestment Development Authority
Jeffries Tower, 17th Floor
227 North Vermont Avenue
Atlantic City, New Jersey 08401

The agency proposal follows:

Summary

The proposed amendments to the existing regulations of the Casino Reinvestment Development Authority (the "Authority") restructure the application process and the process by which projects are determined to be eligible for the Authority's assistance and establish a procedure by which the Authority's funds are reserved under specified conditions for approved projects.

Various new definitions have been added to N.J.A.C. 19:65-1 to clarify the meanings of "cost," "equivalent investment," "good cause" and "project," as such terms are used in the Authority's rules.

N.J.A.C. 19:65-2.4 has been substantially changed to reflect a three-step process for Authority assistance. The first step consists of a preliminary determination by the Authority of eligibility which is followed by a public hearing. The second step is the determination that a project is an approved project and the reservation of Authority funds to finance such approved project. The third step involves the Authority's approval of a bond resolution and other legal documents relating to any loan of Authority funds or of an agreement for credit with a casino licensee in connection with an equivalent investment or donation.

The proposed amendments place certain time limits on the reservation of funds and allow the Authority to impose such terms and conditions on any approved project and the funding thereof as the Authority deems necessary and appropriate.

The proposed amendments add new sections to N.J.A.C. 19:65-2 governing the approval by the Authority of equivalent investments or donations by casino licensees in lieu of the purchase of bonds as well as establishing the amount and the manner of receiving credit for such equivalent investments or donations.

Social Impact

The proposed amendments serve to further the Authority's objective of providing housing for persons of low and moderate income and re-

developing urban areas in New Jersey and, in particular, in Atlantic City. The proposed amendments give casino licensees and other applicants to the Authority greater guidance in developing approved projects.

Economic Impact

Presently, the cost of the Authority's operations are paid out of application and administrative fees borne by applicants for the Authority's assistance. The Authority does not anticipate that the proposed amendments will cost the State of New Jersey any additional moneys. The proposed amendments do not materially change the economic impact of the Authority's existing rules on casino licensees.

Regulatory Flexibility Statement

The proposed amendments will not result in any change in existing reporting, recordkeeping or other compliance requirements for any small businesses. Therefore, the Authority finds that a regulatory flexibility analysis is not required as provided in section 4 of P.L. 1986, c.169.

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

19:65-1.2 Definitions

As used in this chapter, the following words and terms shall have the following meanings unless a different meaning clearly appears from the context:

...
"Acquisition value" means the value at a time within a reasonable period of time prior to the approval of the project in accordance with N.J.A.C. 19:65-2.4(b) as determined by an appraisal of such property in form and substance acceptable to the Authority undertaken on a fair market value basis by an appraiser appointed by the Authority.

...
"Cost or "costs" means, with respect to an approved project, the reasonable costs, as determined by the sole discretion of the Authority, incurred in the development, construction, improvement or rehabilitation of such project, which costs shall include, but are not necessarily limited to, the following:

1. Costs of site preparation, development and demolition;
2. Costs of the development, construction, improvement and rehabilitation of facilities, including equipment, and of the acquisition of equipment related thereto;
3. Cost of necessary studies, surveys, plans and permits, including the fees payable in connection with architectural, engineering, legal, accounting and other services incurred in connection therewith;
4. Costs of interest incurred during construction and for a reasonable period thereafter prior to the receipt of a certificate of occupancy of the project; and
5. Cost of working capital and operating deficits.

...
"Equivalent investment" means an investment by a licensee in the form of an input of sufficient amounts from any source to provide for the payment of the costs and, if applicable, acquisition value of an approved project.

...
"Good cause" means and includes, but is not limited to, the following:

1. Managerial, operational and financial responsibility for the project; or
2. Acquisition, development, construction, improvement or rehabilitation of a project which would not be so acquired, developed, constructed, improved or rehabilitated through an investment by the Authority from the proceeds of bonds.

...
"Neighborhood Strategy Areas" means areas within a municipality designated from time to time by the Authority by resolution.

...
["Project" means any project presented to the Authority for its review, approval and determination of eligibility under the Act and these rules. Projects may be in the form of construction or rehabilitation; financing; contributions of real estate, cash or other property; loans, investments; guarantees; purchases of bonds or other obligations; direct investments by licensees or any other form as may be approved by the Authority consistent with the provisions of the Act.]

"Project" means any undertaking made to meet the purposes set forth in the Act, which include the following:

1. To provide, further and promote tourist industries in New Jersey and especially Atlantic County, by providing financial assistance for the planning, acquisition, construction, improvement, maintenance and operation of

facilities for the recreation and entertainment of the public which may include an arts center, cultural center, historic site or landmark, or sports center;

2. To provide loans and other financial assistance for the planning, acquisition, construction, reconstruction, demolition, rehabilitation, conversion, repair or alteration of buildings or facilities to provide decent, safe and sanitary dwelling units for persons of low, moderate, median range, and middle income in need of housing, and to provide mortgage financing for such units;

3. To assist in the financing of structures, franchises, equipment and facilities for operation of, expansion of and the development of public transportation or for terminal purposes, including but not limited to development and improvement of port terminal structures, facilities and equipment for public use;

4. To provide loans and other financial assistance for the construction, reconstruction, demolition, rehabilitation, conversion, repair or alteration of convention halls in Atlantic County and the State of New Jersey, including but not limited to office facilities, commercial facilities, community service facilities, parking facilities, hotel facilities and other facilities for the accommodation and entertainment of tourists and visitors;

5. To make loans and assist in the financing of the construction, reconstruction, rehabilitation, repair or acquisition of infrastructure projects, including but not limited to sewage disposal facilities, water facilities, solid waste disposal facilities, roads, highways and bridges;

6. To assist in financing buildings, structures and other property to increase opportunities in manufacturing, industrial, commercial, recreational, retail and service enterprises in the State so as to induce and to accelerate opportunity for employment in these enterprises, particularly of unemployed and underemployed residents of the jurisdiction in which the investment is to be made;

7. To provide loans and other financial assistance for the planning, developing or preservation of new and existing small businesses as well as the planning, acquisition, construction, reconstruction, rehabilitation, conversion or alteration of the facilities that house these enterprises, particularly those which provide services or employment to unemployed or underemployed residents of the State;

8. To provide loans and other financial assistance to provide employment training and retraining, particularly for unemployed and underemployed residents of the State;

9. To encourage investment in, or financing of, any plan, project, facility, or program which directly serves pressing social and economic needs of the residents of the jurisdiction or region in which the investment is to be made, including but not limited to schools, supermarkets, commercial establishments, day care centers, parks and community service centers, and any other plan, project, facility or program which best serves the interest of the public as determined by the Authority.

19:65-2.1 Applications generally

(a) (No change.)

(b) (No change.)

[(c) In connection with Applications seeking Authority determination of eligibility of projects composed of donations by licensees of property, the licensee shall include for the Authority's consideration, in addition to the other requirements of these rules, an appraisal of such property undertaken on a fair market value basis in form and substance, and by an appraiser satisfactory to the Authority.]

19:65-2.4 [Preliminary review] Application review and approval

(a) The preliminary review of a project application and the determination of its eligibility for Authority funds shall be conducted as follows:

[(a)1. (No change in text.)

[(b)2. [In the event the Authority preliminarily determines that] The Authority shall, by resolution, preliminarily determine whether the project is of the character and type which is eligible to be an approved project[.]. In the event the Authority has so determined, the applicant shall thereafter submit such other information as the Authority from time to time may request in accordance with the provisions set forth [in these rules] herein.

[(c)3. (No change in text.)

4. After the Authority has made a preliminary determination of eligibility, the Authority shall conduct a public hearing in accordance with N.J.A.C. 19:65-2.8. Notwithstanding anything to the contrary herein, no further action under this Section shall be taken until after such public hearing has been held.

(b) Project approval and the reservation of funds for an approved project shall occur as follows:

1. After the public hearing has been held and the Authority has received an application that has been determined to be complete, the Authority, in accordance with the provisions of the Act and these rules shall, by resolution, determine whether the project is an approved project and shall reserve funds for such approved project in an amount necessary to complete the approved project.

2. In addition to considering information provided by the applicant, the Authority may utilize any relevant information or data which is within its knowledge or which is supplied by any Federal, State or local agency, or any other person, entity, group or association which has an interest in the project and which desires to provide such information to the Authority. Further, the Authority may approve a project with such modification and conditions as it deems necessary and appropriate.

3. The reservation of funds for an approved project shall be subject to such terms and conditions as the Authority shall deem necessary and appropriate; provided, that any such reservation of funds shall be subject to the following:

i. In the event the funds for such approved project are to be derived from the issuance of bonds by the Authority:

(1) The adoption of a bond resolution by the Authority containing such terms and conditions as the Authority shall deem necessary and appropriate and the approval of such bond resolution, prior to the adoption thereof, by the Treasurer of the State; and

(2) The approval for execution by the Authority of any agreements or contracts in connection with the loan or other use of the proceeds of the bonds for the approved project and the approval of the financing terms set forth in any such agreement or contract by the Treasurer of the State;

ii. In the event the funds for such approved project are to be derived through the making of an equivalent investment in accordance with N.J.A.C. 19:65-2.9 and/or a donation in accordance with N.J.A.C. 19:65-2.10, the approval for execution by the Authority of an agreement for credit with the licensee containing such terms and conditions as the Authority shall deem necessary and appropriate and the approval of the terms of the investments contained therein by the Treasurer of the State; and

iii. The reservation of funds shall be for such length of time not exceeding six months as the Authority shall determine in its discretion (which may be extended by the Authority, in its discretion, for an additional period or additional periods of not to exceed six months), during which time the conditions set forth above shall be satisfied.

(c) The procedure for final approval of an approved project is as follows:

1. Final approval of an approved project for investment shall occur within the time period prescribed in accordance with (b)3iii above. Final approval shall be granted through the adoption of a bond resolution and resolution relating to the authorization for execution of any agreements or contracts in connection with the loan or other use of the proceeds of the bonds or the approval for execution of an agreement for credit with the licensee, as applicable, or in accordance with the provisions of the Act and these rules.

19:65-2.5 [Final review] (Reserved)

[(a) Within such number of days as the Authority may require after notification of a preliminary determination of eligibility as provided in N.J.A.C. 19:65-2.4, the applicant shall file with the Authority such other information as the Authority may require.

(b) The Authority in accordance with the provisions of the Act and these rules shall determine whether the project is an approved project, provided however, no such approval shall be final until a hearing is held pursuant to N.J.A.C. 19:65-2.8.

(c) In addition to considering information provided by the applicant, the Authority may utilize any relevant information or data which is within its knowledge or which is supplied by any Federal, State or local agency or any other person, entity, group or association which has an interest in the project and which desires to provide such information to the Authority. Further, the Authority may approve a project with such modifications and conditions as it deems necessary and appropriate.]

19:65-2.7 Priorities

In considering whether to approve a project, the Authority shall be guided by and accord priority to projects which, among other things:

1. As to projects in Atlantic City:

i. Will be situated in Neighborhood Strategy Areas so as to lead to the establishment of a balanced community and the development of a comprehensive housing program for the city of Atlantic City;

ii.-v. (No change.)

2.-3. (No change.)

19:65-2.9 Approval of projects which constitute equivalent investments

(a) The Authority may permit, in its sole discretion, a licensee to make equivalent investments in projects in lieu of purchasing bonds. In such instance, the licensee shall make an Application in the same manner as other applicants under these rules.

(b) The Authority may waive the requirement of a licensee to purchase bonds only after the licensee has provided the Authority with sufficient information to show good cause.

(c) In determining the amount of an equivalent investment to be permitted as a tax credit in lieu of purchasing bonds, the Authority shall review all information provided by the licensee and permit credit only for costs of the project actually incurred by the licensee and, in the case of the acquisition of land or other property, the acquisition value approved by the Authority.

(d) The licensee shall be required to provide the Authority with information sufficient for the Authority to make a determination of the amount of costs actually incurred, including a certification of such costs by a certified public accountant, licensed engineer or architect or other person or firm in a similar capacity independent of the licensee and acceptable to the Authority.

(e) In the event the licensee requests credit for an equivalent investment pursuant to these rules which includes as part of the investment a donation of realty, the amount of such investment shall include, in addition to the actual costs incurred, the amount of the donation of the realty determined in accordance with N.J.A.C. 19:65-2.10.

(f) In the event that a licensee requests to make an equivalent investment in a Project the amount of which is in excess of the licensee's current tax obligation, the Authority shall provide that such excess amount be applied against such licensee's tax obligations of future years, which annual amount of obligation shall be reduced by the Authority taking into account a current market discount rate (as determined from time to time by resolution of the Authority) from the date of the investment to the date on which the obligation would have been incurred.

(g) Notwithstanding anything in this Section to the contrary, the Authority shall not permit the licensee to make equivalent investments in lieu of purchasing bonds if it would result in:

1. The violation of any agreement or covenant, or the impairment of any contractual or financial obligation, of the Authority; or
2. The impairment of the set aside for the SBMWE Authority as provided in N.J.S.A. 5:12-181; or

3. The reduction or impairment of the allocation to be made pursuant to N.J.S.A. 5:12-144.1f relating to Atlantic City, South Jersey and North Jersey and the portions thereof to be used to finance housing facilities for persons or families of low through middle income.

(h) In addition to the provisions of this section, the Authority shall require that, in order to permit a licensee to make an equivalent investment in a project in lieu of purchasing bonds, all the other requirements of N.J.A.C. 19:65-2 be met, including, in particular, the priorities set forth in N.J.A.C. 19:65-2.7; provided, that the provisions of N.J.A.C. 19:65-2.6(b)2 and 3 need not be met.

19:65-2.10 Approval of projects which constitute donation of money or realty

(a) The Authority may permit, in its sole discretion, a licensee to make a donation of money or realty to projects in lieu of purchasing bonds. In such instance, the licensee shall make an application in the same manner as other applicants under these rules.

(b) With respect to a donation of realty, in determining the amount of the donation to be permitted as a tax credit in lieu of purchasing bonds, the Authority shall require the licensee to provide information relating to its acquisition value.

(c) Notwithstanding anything in this Section to the contrary, the Authority shall not permit the licensee to make donations in lieu of purchasing bonds if it would result in:

1. The violation of any agreement or covenant, or the impairment of any contractual or financial obligation, of the Authority; or
2. The impairment of the set aside for the SBMWE Authority as provided in N.J.S.A. 5:12-181; or

3. The reduction or impairment of the allocation to be made pursuant to N.J.S.A. 5:12-144.1f relating to Atlantic City, South Jersey and North Jersey and the portions thereof to be used to finance housing facilities for persons or families of low through middle income.

19:65-2.11 Cost certification

All applicants shall be required to provide the Authority with information sufficient for the Authority to make a determination of the amount of costs actually incurred, including a certification of such costs by a certified public accountant, licensed engineer or architect or other person or firm in a similar capacity independent of the applicant and acceptable to the Authority.

RULE ADOPTIONS

COMMUNITY AFFAIRS

(a)

NEW JERSEY COUNCIL ON AFFORDABLE HOUSING

Substantive Rules: Credits and Identification of Wetlands

Adopted Amendments: N.J.A.C. 5:92-6.1 and 5:92-8.2

Proposed: January 5, 1987 at 19 N.J.R. 3(a).

Adopted: February 5, 1987 by Arthur R. Kondrup, Chairman, Council on Affordable Housing.

Filed: February 5, 1987 as R.1987 d.123, **without change**.

Authority: N.J.S.A. 52:27D-301 et seq., specifically 52:27D-307.

Effective Date: March 2, 1987.

Expiration Date: June 16, 1991.

Summary of Public Comments and Agency Responses:

COMMENT: The proposed amendment to N.J.A.C. 5:92-6.1(a) that allows municipalities to receive credit against their precredited need for rehabilitation of deficient housing when such housing has not been encumbered by controls on affordability is inconsistent with the direction provided by the Supreme Court in *South Burlington County N.A.A.C.P. v. Mt. Laurel Township*, 92 N.J. 158, 269 (1983).

RESPONSE: The amendment of N.J.A.C. 5:92-6.1(a) provides credit for good faith efforts to provide low and moderate income housing prior to the adoption of N.J.A.C. 5:92-1 et seq. The amendment is consistent with the Fair Housing Act's mandate to provide credit for "current" low and moderate income housing of adequate standard. Also, by capping rehabilitation credits at municipal indigenous need, the Council's rule ensures against a dilution of the Statewide housing need.

COMMENT: In interpreting N.J.A.C. 5:92-6.1(a), the Council should not provide credit for minor rehabilitation. Credits should only be allowed if the rehabilitation addresses a major deficiency signaled by the housing surrogates used to determine present need.

RESPONSE: It is the Council's intent to credit a previously deficient housing limit which has undergone significant renovation. It is not the Council's intent to credit cosmetic rehabilitation efforts that address the seven housing surrogates used to determine present need. These surrogates are indicators of deficient housing and, as such, are the most reliable data available for estimating present need. However, from a practical standpoint, these indicators do not define the universe of code violations that may be addressed by a rehabilitation program. Certainly no government subsidy program for the rehabilitation of low and moderate income housing restricts eligible activities to these seven census housing surrogates.

COMMENT: The proposed amendment to N.J.A.C. 5:92-6.1(a) is insufficient in that it provides credit for housing which may not be affordable by, or may not be restricted to low and moderate income households, and which may fail to have necessary affordability controls.

RESPONSE: It is the intent of this rule to allow credit for housing constructed specifically for low and moderate income households under the auspices of a government program when such housing is governed by controls that are substantially the same as those set forth in Subchapter 12, Controls on Affordability.

COMMENT: N.J.A.C. 5:92-6.1(a)2 is defective because it does not assure that the units are in fact low or moderate income units.

RESPONSE: The amendment provides credit for housing units that were occupied by eligible low or moderate income households when rehabilitated and are currently occupied by the same household or another eligible low and moderate income household, thus complying with the provision of the Fair Housing Act.

Full text of the adoption follows.

5:92-6.1 Credits

(a) Municipal present and prospective fair share shall be determined after crediting, on a one to one basis, those housing units created or rehabilitated after April 1, 1980. Credits for rehabilitation shall not exceed indigenous need and shall only be credited against indigenous need. Credits are applicable when a unit's occupancy is restricted to low or moderate income households and when the municipality has implemented adequate assurances for continued affordability consistent with Subchapter 12, Controls on Affordability, subject to the following exceptions:

1. A housing unit created and occupied after April 1, 1980 is also eligible for crediting when it has been developed under the auspices of a government-funded, financed or otherwise-assisted housing program designed specifically for households whose incomes do not exceed 80 percent of median income where the unit is governed by controls on affordability that are substantially the same as those set forth in Subchapter 12, Controls on Affordability.

2. For rehabilitation, a unit shall be eligible for crediting if:

i. It was below applicable code standard and was rehabilitated up to applicable code standard between April 1, 1980 and January 1, 1987, provided it was occupied at the time of rehabilitation by an eligible low or moderate income household as defined in N.J.A.C. 5:92-1.3; and

ii. It is currently occupied by the occupants who resided within the unit at the time of rehabilitation, or by another eligible low or moderate income household as defined in N.J.A.C. 5:92-1.3.

(b) (No change.)

5:92-8.2 Adjustment process

(a) (No change.)

(b) The Council shall determine the amount and location of vacant and undeveloped land within a municipality. Specific parcels of vacant and developable lands shall be excluded as potential sites for low and moderate income housing based on the following criteria:

1.-2. (No change.)

3. Environmentally sensitive lands shall be excluded as follows:

i. (No change.)

ii. In areas of the State not regulated by the Pinelands Commission, the Division of Coastal Resources and the Hackensack Meadowlands Development Commission, the Council shall exclude as potential sites for low and moderate income housing: inland wetlands as delineated on the U.S. Fish and Wildlife Service National Wetlands Inventory; or as delineated on-site by the U.S. Army Corps of Engineers or New Jersey Department of Environmental Protection, whichever agency has jurisdiction; when on-site delineation is required by the Council; flood hazard areas as defined in N.J.A.C. 7:13; and sites with slopes in excess of 15 percent as determined from the U.S.G.S. Topographic Quadrangles which render a site unsuitable for low and moderate income housing. In cases where part of a site is unsuitable for low and moderate income housing because of steep slopes, flood hazard areas or inland wetlands, the Council shall not permit low and moderate income housing to be constructed on that unsuitable part of the site; provided however, that this regulation shall not prohibit construction of low and moderate income housing on the remainder of the site.

iii. (No change.)

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF COASTAL RESOURCES

Boat Regulation Commission

Boating Regulations

Diving and Swimming

Readopted Concurrent Proposal: N.J.A.C. 7:6-1.42

Proposed: August 18, 1986 at 18 N.J.R. 1712(a).

Adopted: February 5, 1987 by Kenneth C. Husted, Chairman,
New Jersey Boat Regulation Commission and approved by
Richard T. Dewling, Commissioner, Department of
Environmental Protection.

Filed: February 6, 1987 as R.1986 d.125, **without change**.

Authority: N.J.S.A. 13:1D-1 et seq., 12:7-34.1 et seq., specifically
12:7-34.49 and 12:7-44.

Effective Date: March 2, 1987.

Expiration Date: December 19, 1988

DEP Docket No. 013-86-03.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

7:6-1.42 Diving and swimming

(a) General provisions with respect to diving and swimming are as follows:

1. (No change.)
2. Any person while diving shall mark his or her position with a buoyed flag approved by the New Jersey Boat Regulation Commission:
 - i. Such flag shall be displayed from a buoy, float, boat or other floating object;
 - ii. Such flag shall be a minimum of 14 inches by 16 inches, shall be rigid to enhance visibility and shall be a red background with a white diagonal stripe running from one corner to the other.
3. No person shall operate a vessel within 50 feet of the buoyed flag.
4. (No change.)
5. No person shall swim or dive in a narrow, confined or improved channel or in a marked fairway, under a bridge, or impede, obstruct or interfere with the passage of watercraft therein.
6. No diver shall surface more than 25 feet from the buoyed flag except in an emergency.

(b) Provisions for the Manasquan Inlet are as follows:

1.-2. (No change.)

(c) Provisions for the Barnegat Inlet are as follows:

1. (No change.)
2. No person shall dive in any of the waters of the Barnegat Inlet channel.
3. No person shall dive in any of the waters between the south side of the north jetty and the Barnegat Inlet channel.
4. Underwater diving is permitted over the top of that portion of the north jetty which is submerged and in all waters on the north side along the entire length of the north jetty.
5. A diver shall mark his or her position with a float and skin diver's flag.
6. Only "buddy diving" shall be permitted in the Barnegat Inlet.

(d) Provisions for the Shark River Inlet are as follows:

1. (No change.)
2. Divers shall stay within 25 feet of the jetties and bulkheads in the area described.
3. A diver shall mark his or her position with a float and skin diver's flag.
4. No diver shall surface more than 15 feet from the buoyed flag except in an emergency.
5. (No change.)

(b)

OFFICE OF SCIENCE AND RESEARCH

Fisheries Closure: Striped Bass

Adopted Amendment: N.J.A.C. 7:25-18A.4

Proposed: November 3, 1986 at 18 N.J.R. 2170(a).

Adopted: January 30, 1987 by Richard T. Dewling,

Commissioner, Department of Environmental Protection.

Filed: February 6, 1987 as R.1987 d.126, **without change**.

Authority: N.J.S.A. 23:2B-1 et seq.

Effective Date: March 2, 1987.

Expiration Date: February 18, 1991.

DEP Docket No. 047-86-10.

Summary of Public Comments and Agency Responses:

The public comment period ended on December 3, 1986. One comment was received from the American Council on Science and Health.

COMMENT: There is no evidence that long-term exposure of humans to high levels of polychlorinated biphenyls (PCBs) is hazardous to their health. Therefore, there is no scientific basis for prohibiting the sale of striped bass for health reasons.

RESPONSE: The Department disagrees with the comment and believes there does exist a significant health risk to those members of the public consuming striped bass that warrants the adoption of this proposal. Those with an interest in this issue are referred to 49 Fed. Reg. 21,514 (1984) in which the Commissioner of the United States Food and Drug Administration (FDA) issued a final decision concluding that the appropriate tolerance for PCBs in fish and shellfish should be reduced from five to two parts per million (ppm). This final decision of the FDA reaffirms the original toxicological work on PCBs and asserts that additional research conducted since the 1978 FDA tolerance reduction announcement (proposal), evidenced by the submission of more than 100 scientific articles and reports, has demonstrated even stronger evidence of health risk to consumers. The risk calculations show that the predicted decrease in cancer rate is basically linear between five ppm and two ppm, whereas the predicted decrease in cancer rate between two ppm and one ppm is significantly more precipitous.

Under "Social Impact," the proposal erroneously stated that the Federal Interstate Management Plan was designed to protect the 1983-year class of Chesapeake striped bass, when, in fact, it is the 1982 and all subsequent year classes for which protection is sought.

Full text of the adoption follows.

7:25-18A.4 Closure of fisheries

(a) The Commissioner finds, based upon scientific investigations, that to protect the public health of the citizens of the State the following designated regions of the State's waters shall be closed and the sale prohibited of the following fish species:

1. (No change in text.)

(b) No person may expose for sale, offer for sale, or sell striped bass (*Morone saxatilis*) in this State.

HEALTH

(a)

Local and Community Health Services Sale of Striped Bass Prohibited

Adopted New Rule: N.J.A.C. 8:21-2.41

Proposed: November 3, 1986 at 18 N.J.R. 2174(a).

Adopted: February 5, 1987 by Molly Coye, M.D., M.P.H.

Commissioner, Department of Health.

Filed: February 6, 1987 as R. 1987 d.127, **without change.**

Authority: N.J.S.A. 24:2-1 et seq.

Effective Date: March 2, 1987.

Expiration Date: November 18, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

8:21-2.41 Prohibition of sale of striped bass

No person may expose for sale, offer for sale, or sell striped bass (Morone saxatilis) in this State.

INSURANCE

(b)

REAL ESTATE COMMISSION

Sponsoring of License Applications or Transfers of License

Adopted Amendment: N.J.A.C. 11:5-1.30

Proposed: December 15, 1986 at 18 N.J.R. 2418(a).

Adopted: January 27, 1987 by the New Jersey Real Estate

Commission, Daryl G. Bell, Director.

Filed: January 29, 1987 as R.1987 d.119, **without change.**

Authority: N.J.S.A. 45:15-6 and 45:15-14.

Effective Date: March 2, 1987.

Expiration Date: November 7, 1988.

Summary of Public Comments and Agency Responses:

Only one comment was received on this proposal. The commenter approved the proposed amendment and urged its adoption.

Full text of the adoption follows.

11:5-1.30 Sponsoring of license applications or transfers of license

(a) The New Jersey Real Estate Commission, Department of Insurance, hereby grants to brokers of record or employing brokers the right to have initial applications for licenses of salespersons or broker-salespersons who will be in their employ sponsored by one other person, other than the authorized broker of record or employing broker. This other person must be the holder of a broker's license and an officer of the broker of record's corporation or a member of his or her partnership, as the case may be. In the event the employing broker is a sole proprietor, such a designee shall be licensed as a broker-salesperson in the employ of the employing broker. The broker of record or employing broker, as applicable, shall file with the New Jersey Real Estate Commission a power of attorney granting this authority to the designated person at least 10 days prior to delegating performance of the function of that person.

(b) Any employing broker or broker of record may authorize one individual in their employ to sign and surrender to the Real Estate Commission, in accordance with the requirements of N.J.S.A. 45:15-14, the real estate salesperson or broker-salesperson license of any licensee whose employment relationship with that employing broker or broker of record is terminated. The employing broker or broker of record shall, on a form to be provided by the Commission, notify the Commission in writing of the designation of the employee so authorized, which person need not be the holder of a real estate license. The form designating the authorized person shall be filed with the Real Estate Commission at least 10 days prior to delegating performance of the function of that person.

The employing broker or broker of record shall immediately notify the Real Estate Commission in writing in the event that, for any reason, the authority of the person so designated to perform that function is revoked, and shall indicate whether a new designee is to be named. Only the employing broker or broker of record and one other person duly designated and identified to the Real Estate Commission as provided in this section may perform the said license transfer functions at any one time.

LAW AND PUBLIC SAFETY

(c)

STATE ATHLETIC CONTROL BOARD

Three Knockdown Rule

Adopted Amendment: N.J.A.C. 13:46-8.14

Proposed: December 15, 1986 at 18 N.J.R. 2424(a).

Adopted: January 20, 1987, by State Athletic Control Board,

Larry Hazzard, Commissioner.

Filed: February 2, 1987, as R.1987 d.122, **without change.**

Authority: N.J.S.A. 5:2A-7(c).

Effective Date: March 2, 1987.

Expiration Date: June 3, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

13:46-8.14 Mandatory eight count; three knockdowns in one round; stopping a bout

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

(c) The referee shall stop the contest:

1. Immediately upon the occurrence of three knockdowns of a boxer in any one round; and

2. Immediately when a boxer has received three standing eight counts in any one round; and

3. Immediately when a boxer has received any combination of knockdowns and standing eight counts totalling three in any one round.

4. Upon stopping the bout pursuant to (c)1, 2, or 3 above, the referee shall award the decision to the boxer's opponent by a technical knockout.

5. A "knockdown" will be deemed to have occurred whenever any part of a boxer's body, other than the bottom of his feet, touches the canvas as the result of a legal blow, as distinguished from a slip or fall from being off balance.

6. A boxer's condition may also justify the referee or the ringside physician stopping a contest after less than three knockdowns.

(d) (No change.)

NEW JERSEY RACING COMMISSION

(d)

Thoroughbred Rule: Refunds

Adopted New Rule: N.J.A.C. 13:70-29.29

Adopted Repeal: N.J.A.C. 13:70-29.29 through 13:70-29.34

Proposed: December 1, 1986 at 18 N.J.R. 2368(a).

Adopted: January 22, 1987 by Bruce H. Garland, Director,

New Jersey Racing Commission.

Filed: January 29, 1987 as R.1987 d.120, **with technical changes**

not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 5:5-30.

Effective Date: March 2, 1987.

Expiration Date: February 25, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

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

13:70-29.29 Refunds

(a) In all cases when a horse has been excused by the stewards after wagering has started, but before off-time, all money wagered on the horse so excused shall be deducted from the pool and be refunded.

(b) If a horse is left at the post at off-time there shall be no refund, but if one horse or more is prevented from leaving the post at off-time because of being locked in the gate, the money wagered on said horse or horses so locked in the gate shall be deducted from the pool and be refunded.

(c) If no horse finishes in a race, all money wagered on that *[horse]* *race* shall be refunded.

(d) If two or more horses in a race are coupled on the same mutuel ticket, there shall be no refund unless all of the horses so coupled are excused before off-time, or all of the horses so coupled are locked in the gate. Discretion is, however, vested in the stewards to order a refund wherein a part of an entry in a stake, handicap or futurity is excused before off-time where it is in the public interest to do so. In such an instance, the remaining part of the entry shall race for the purse only.

(e) In the case of a race postponed beyond the day originally scheduled, as provided for in N.J.A.C. 13:70-6.50, all money wagered on said race shall be refunded.

(f) If a race is declared off by the stewards after wagering begins on that race, all money wagered on that race shall be refunded.

(g) In the event track conditions require a turf race to be moved to the main track, advance wagers shall be refunded at the request of the bettor up until post-time of the race immediately preceeding the scheduled turf race. This does not apply to Super-Six wagers.

TRANSPORTATION

(a)

NEW JERSEY TRANSIT CORPORATION

Reduced Fare Transportation Program for the Elderly and Handicapped

Readoption with Amendments: N.J.A.C. 16:73

Proposed: December 15, 1986 at 18 N.J.R. 2437(a).

Adopted: January 26, 1987 by Jerome C. Premo, Executive Director, New Jersey Transit Corporation.

Filed: January 30, 1987 as R.1987 d.121, **without change**.

Authority: N.J.S.A. 27:25-5(e).

Effective Date: January 30, 1987 for Readoption; March 2, 1987 for Amendments.

Expiration Date: January 30, 1992.

Summary of Public Comments and Agency Responses:

The Eastern Paralyzed Veterans Association commented that they supported the extension of the Reduced Fare Transportation Program for the Elderly and Handicapped. A copy of the response is on file at the Office of Administrative Law.

Full text of the adopted amendments to the readoption follows.

16:73-1.1 Definitions

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

"Carrier" means any individual, co-partnership, association, corporation, joint stock company, public agency or public authority, trustee or receiver operating or controlling motorbuses or rail passenger service on established routes within the State or between points in this State and points in adjacent States.

"Commissioner" means the Commissioner of Transportation, or his or her designee.

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

"Reduced Fare" means one half rounded down to the nearest nickel of the regular adult one way fare as set forth in the tariffs of the carrier filed with the Office of Regulatory Affairs of the Department of Transportation, NJ TRANSIT, Interstate Commerce Commission, a municipality or any other regulatory agency.

TREASURY-GENERAL

(b)

DIVISION OF PENSIONS

Police and Firemen's Retirement System Enrollment Dates

Adopted Amendment: N.J.A.C. 17:4-2.6

Proposed: November 17, 1986 at 18 N.J.R. 2321(a).

Adopted: February 2, 1987 by the Board of Trustees, Police and Firemen's Retirement System, Anthony Ferrazza, Secretary.

Filed: February 6, 1987 as R.1987 d.124, **without change**, but with a portion of the proposal **not adopted but still pending**.

Authority: N.J.S.A. 43:16A-13(17).

Effective Date: March 2, 1987.

Expiration Date: July 1, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

The Board of Trustees has not adopted but is still considering the proposals of N.J.A.C. 17:4-5.1, Temporary service, and N.J.A.C. 17:4-5.2, New enrollment purchases.

Full text of the adoption follows.

17:4-2.6 Enrollment date

(a) An employee who is appointed to a permanent position from a Civil Service list shall be considered as having begun his or her eligibility for enrollment on the date of his or her regular appointment. The compulsory enrollment date shall be fixed as the first of the month for an appointee whose regular appointment date falls between the first through the 16th of the month and the compulsory enrollment date shall be fixed as the first of the following month for an appointee whose regular appointment date falls between the 17th and the end of the month.

(b) An employee in the unclassified service shall be considered as beginning service on the date his or her employment began. The compulsory enrollment date shall be fixed as the first of the month for an appointee whose beginning employment date falls between the first through the 16th of the month and the compulsory enrollment date shall be fixed as the first of the following month for an appointee whose beginning employment date falls between the 17th and the end of the month.

(c) The regular appointment of an employee appointed by a local employer not covered by Civil Service shall constitute the date the employee originally accepted employment in a regular budgeted position. The date of compulsory enrollment shall be fixed as the first of the month for an appointee whose beginning date of employment falls between the first through the 16th of the month and the compulsory enrollment date shall be fixed as the first of the following month for an appointee whose beginning employment date falls between the 17th and the end of the month.

(d) (No change.)

TREASURY-TAXATION

(c)

DIVISION OF TAXATION

Corporation Business Tax

Indebtedness and Interest on Indebtedness; Offsets

Adopted Amendments: N.J.A.C. 18:7-4.5 and 4.6

Adopted New Rule: N.J.A.C. 18:7-5.5

Proposed: October 6, 1986 at 18 N.J.R. 2004(b).

Adopted: January 21, 1987 by John R. Baldwin, Director, Division of Taxation.

Filed: January 28, 1987 as R.1987 d.118, **without change**.

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

Effective Date: March 2, 1987.

Expiration Date: April 2, 1989.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

18:7-4.5 Indebtedness owing directly or indirectly

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

(f) For the purpose of determining the degree of stock ownership of a corporate creditor all the shares of the taxpayer's capital stock held by all corporations bearing the relationship of parent, subsidiary, or affiliate of the corporate creditor shall be aggregated.

Example 1: L Corporation owns 100 percent of the stock of M Corporation which in turn owns 100 percent of N Corporation. L Corporation made loans or otherwise provided funds directly to N Corporation. The indebtedness from N Corporation to L Corporation is indebtedness owing directly or indirectly to a 10 percent stockholder.

Example 2: P Corporation owns 30 percent of the stock of Q Corporation, which in turn owns 30 percent of R Corporation. P Corporation made loans or otherwise provided directly to R Corporation. The indebtedness from R Corporation to P Corporation is not indebtedness owing directly or indirectly to a 10 percent stockholder since P Corporation only owns 9 percent of the stock (30 percent x 30 percent) of R Corporation.

18:7-4.6 Receivables offset against indebtedness owing directly or indirectly

(a) The taxpayer may offset against includible indebtedness owed to any creditor the amount of any receivable due from that creditor.

Example 1: P Corporation owns 100 percent of the capital stock of S Corporation. S Corporation has indebtedness owing directly or indirectly to P Corporation as well as a lesser receivable due from them. Indebtedness owing directly or indirectly to P Corporation is the amount of the indebtedness reduced by the receivable due from that creditor.

Example 2: P Corporation owns 100 percent of the capital stock of both S1 Corporation and S2 Corporation. S1 Corporation has indebtedness owing directly or indirectly to P Corporation. S1 Corporation also has a receivable due from S2 Corporation which, had it been a debt, would also have been indebtedness owing directly or indirectly to P Corporation. S1 Corporation may not offset the receivable due from S2 Corporation from its indebtedness owing directly or indirectly to P Corporation since it is not a receivable due from that creditor.

Example 3: P Corporation owns 100 percent of the capital stock of S1 Corporation. S1 Corporation owns 100 percent of the capital stock of S2 Corporation. S1 Corporation has indebtedness owing directly or indirectly to P Corporation and has a receivable due from S2 Corporation which, had it been a debt, would also have been indebtedness owing directly or indirectly to P Corporation. S1 Corporation may not offset the receivable due from S2 Corporation from its indebtedness owing directly or indirectly to P Corporation since it is not a receivable due from that creditor.

18:7-5.5 Entire net income; determining stock ownership

(a) The provisions of N.J.A.C. 18:7-4.5 and 4.6 relating to the manner or degree of direct or indirect stock ownership by a creditor are applicable

in determining deductibility of interest paid or accrued to holders of 10 percent or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes.

(b) In determining the percent ownership of investment for purposes of computing the dividend exclusion, a taxpayer can aggregate its ownership of stock by basing its computation on its ownership equity in the payor. No part of such investment may be determined with reference to loans or advances but must be based upon investment in capital stock.

Example 1: Corporation A received a dividend from Corporation B and a dividend from Corporation C. Corporation A owns 90 percent of Corporation B. Corporation A owns 20 percent of Corporation C. Corporation B owns 70 percent of Corporation C. The remaining shares of Corporation B and Corporation C are owned by unrelated persons.

By literal terms of the Act, the dividend received by Corporation A from its 90 percent owned Corporation B is excludible from entire net income.

Since the equity of Corporation A in Corporation C is 80 percent or more ownership, it may also exclude the dividends received from Corporation C from entire net income.

Ownership equity of Corporation A in Corporation C:

| | | |
|--------------------------------------|-------------|------------|
| Direct investment in Corporation C | | 20% |
| Investment in Corporation B | 90% | |
| Investment of Corporation B | | |
| in Corporation C | <u>70%</u> | |
| Indirect investment in Corporation C | .90 x .70 = | <u>63%</u> |
| Aggregate ownership by Corporation A | | |
| of the stock of Corporation C | | <u>83%</u> |

Example 2: Corporation D received a dividend from Corporation E and a dividend from Corporation F. Corporation D owns 90 percent of Corporation E. Corporation D owns 20 percent of Corporation F. Corporation E owns 60 percent of Corporation F. The remaining shares of Corporation E and Corporation F are owned by unrelated persons.

By literal terms of the Act, the dividend received by Corporation D from its 90 percent owned Corporation E is excludible from entire net income.

Since the equity of Corporation D in Corporation F is less than 80 percent ownership, it may only exclude 50 percent of the dividend received from Corporation F from entire net income.

Ownership equity of Corporation D in Corporation F:

| | | |
|--------------------------------------|-------------|------------|
| Direct investment in Corporation F | | 20% |
| Investment in Corporation E | 90% | |
| Investment of Corporation E | | |
| in Corporation F | <u>60%</u> | |
| Indirect investment in Corporation F | .90 x .60 = | <u>54%</u> |
| Aggregate ownership by Corporation D | | |
| of the stock of Corporation F | | <u>74%</u> |

MISCELLANEOUS NOTICES

BANKING

(a)

Declaratory Ruling under N.J.S.A. 45:15-17(i) and Proposed Rulemaking; Compensation to Mortgage Bankers or Mortgage Brokers for Placing Mortgage Loans; Joint Hearings with the Real Estate Commission

Notice of Hearings

Authorized By: Mary Little Parell, Commissioner, Department of Banking.

Authority: N.J.S.A. 17:11B-1, 11B-2, 11B-3, 11B-13 and 14; *Mortgage Bankers Assoc. of N.J. v. N.J. Real Estate Com'n et al.*, 102 N.J. 176 (April 8, 1986) (remanded).

OAL Dkt. No. BRE 228-87.

Take notice that pursuant to the remand order of the Supreme Court in *Mortgage Bankers Association of New Jersey v. N.J. Real Estate Com'n et al.*, the Office of Administrative Law will conduct hearings for the Division of the Real Estate Commission and the Department of Banking. The first hearing shall be a declaratory ruling hearing wherein the Administrative Law Judge will consider sworn testimony and evidence and will decide whether the actual business practices of real estate and/or mortgage banking licensees, in particular the receipt of compensation by real estate licensees for providing mortgage services to the buyer in the same transaction where a real estate commission is received from the seller, create a prohibited conflict of interest under N.J.S.A. 45:15-17(i) or otherwise violate the Real Estate Licensing Law. The second hearing will be a public hearing wherein the ALJ will receive and consider oral and written comment and draft proposed rules from the public, the Public Advocate, the real estate industry, the banking industry, the Banking Department and the Real Estate Commission and recommend appropriate regulation of the mortgage financing activities of real estate licensees and of mortgage banking and broker licensees under the Real Estate Licensing Law, N.J.S.A. 45:15-1 et seq., and the Mortgage Bankers and Brokers Act N.J.S.A. 17:11B-1 et seq., to protect real estate consumers and consumers of first mortgage financing and further the public interest.

BACKGROUND

The need for such changes has arisen in the context of a variety of recent innovations in the delivery of residential home mortgage financing products and services to the home-buying public. In particular, over the past several years, a number of real estate licensees have proposed or formed financial or contractual relationships with mortgage lenders whereby a real estate buyer may obtain mortgage financing through the affiliated lender, and the real estate buyer or, in some cases, salesperson may receive various fees for each loan placed or dividends or other returns on investment from the affiliated lender. Two such programs, the "Shelternet" program sponsored by First Boston Capital Group, Inc. and the ERA Mortgage/Electronic Realty Associates, Inc. program were the subject of hearings and a declaratory ruling by the Real Estate Commission in 1984. The Commission's ruling that these programs were not violative of N.J.S.A. 45:15-17(i) was reversed by the Superior Court of New Jersey, Appellate Division, when appealed by the Mortgage Bankers Association of N.J. *Mortgage Bankers Assoc. v. NJREC et al.*, 200 N.J. Super. 584 (1985).

The New Jersey Supreme Court has now reversed the Appellate Division. The Supreme Court found the record to be inadequate and has remanded the entire matter to the Real Estate Commission and the Department of Banking for joint hearings to be conducted by the Office of Administrative Law. *Mortgage Bankers Assoc. of N.J. v. NJREC, et al.*, 102 N.J. 176 (April 8, 1986). These hearings are intended to result in a declaratory ruling concerning the proper interpretation of the Real Estate Licensing Law, N.J.S.A. 45:15-17(i), and its application to the facts presented. The Administrative Law Judge is also instructed to recommend appropriate regulation of the mortgage financing activities of real estate licensees and mortgage banking and broker licensees, as stated above.

ISSUES

The Banking hearing will address the following specific questions:

1. Under what circumstances should a real estate broker or salesperson be deemed to be "engaged in the business of a mortgage banker or broker" within the meaning of the Mortgage Bankers and Brokers Act, N.J.S.A. 17:11B-1 et seq.?

2. Under what circumstances, if any, may a real estate salesperson employed by a real estate broker also be deemed to be a mortgage solicitor within the meaning of the Mortgage Bankers and Brokers Act?

3.(a) What dangers, if any, are posed to borrowers by the "steering" of mortgage loans by mortgage bankers, brokers or solicitors to lenders whom they are in some way affiliated?

(b) What form do such "affiliations" typically assume in the industry?

(c) Is there some form of disclosure that would adequately protect the public from such dangers?

(d) Would a rule permitting mortgage bankers, brokers or solicitors to charge permitted fees only to borrowers and only upon condition that disclosure be made adequately protect the public against such dangers?

(e) Would the public be better served by such a rule than by a mere requirement to disclosure?

(f) What other or additional rules would be advisable to protect the public interest in these circumstances?

PROCEDURE

All notices, motions or comments should contain the following OAL Docket Number: OAL Dkt No. BRE 228-87.

DECLARATORY RULING

Any real estate licensee who wishes to obtain a declaratory ruling that his or her specific mortgage financing activities do not violate the Real Estate Licensing Law, or any interested party who wishes to present evidence showing that the mortgage financing activities of those licensees do violate the Real Estate Licensing Law, must submit a written motion seeking leave to intervene or to participate in the declaratory ruling proceedings, pursuant to N.J.A.C. 1:1-12.1 et seq. to the Clerk, Office of Administrative Law, 185 Washington Street, Newark, New Jersey 07102 by April 3, 1987.

RULEMAKING

Interested persons wishing to provide oral testimony at the public hearing on proposed rulemaking should submit a notice of intent to participate to the Clerk, Office of Administrative Law, 185 Washington Street, Newark, New Jersey 07102 by April 3, 1987. Written comments or draft proposed rules should be submitted to the Clerk, Office of Administrative Law, 185 Washington Street, Newark, New Jersey 07102 by April 3, 1987. Public hearings will be scheduled subsequently.

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

(b)

Ambient Air Quality Standards State Implementation Plan (SIP) for Attainment and Maintenance of National Ambient Air Quality Standards for Lead Public Notice

Take Notice that the Department is revising the State Implementation Plan (SIP) for lead as it pertains to the demonstration of attainment and maintenance of lead standards in the vicinity of Delco Remy in New Brunswick and Heubach, Inc. in Newark. This notice is published pursuant to the requirements of the Federal Clean Air Act, 42 U.S.C.A. 7401 et seq.

Interested persons may submit in writing comments relevant to the demonstration of attainment and maintenance of lead standards in the vicinity of Delco Remy in New Brunswick and Heubach, Inc. in Newark on or before April 1, 1987. Submission of written comments and inquiries about submissions should be addressed to:

John C. Elston
Assistant Director
Division of Environmental Quality
CN 027
Trenton, New Jersey 08625
609-292-6710

Copies of this notice and the revised SIP for lead are being deposited and will be available for inspection during normal office hours, until April 1, 1987, at:

Bureau of Air Quality Planning & Evaluation
401 E. State Street, 2nd Floor
Trenton, New Jersey 08625

New Jersey State Library
185 W. State Street
Trenton, New Jersey 08625

Bureau of Enforcement Services
Metropolitan Regional Office
2 Babcock Place
West Orange, New Jersey 07052

Bureau of Enforcement Services
Northern Regional Office
1259 Route 46
Parsippany-Troy Hills, New Jersey 07054

Bureau of Enforcement Services
Central Regional Office
Twin Rivers Professional Building
Route 33
East Windsor, New Jersey 08520

Bureau of Enforcement Services
Southern Regional Office
100 Larwin Road
Cherry Hill, New Jersey 08034

Newark Public Library
5 Washington Street
Newark, New Jersey 07102

New Brunswick Free Public Library
60 Livingston Avenue
New Brunswick, New Jersey 08901

Woodbridge Public Library
George Frederick Plaza
Woodbridge, New Jersey 07095

Summary

The Department is proposing a revision to the State Implementation Plan (SIP) for Attainment and Maintenance of the National Ambient Air Quality Standard (NAAQS) for Lead. The proposed revision presents a demonstration of attainment and maintenance of the NAAQS for lead in the vicinity of two industrial facilities: Delco Remy Division of General Motors in New Brunswick and Heubach, Inc. in Newark. The demonstration is provided in response to Section V of New Jersey's SIP for lead, dated April 1985, which contains commitments by the Department to conduct study programs of lead in the vicinity of Delco Remy (Appendix V-14 of SIP) and Heubach, Inc. (Appendix V-15 of SIP) and to implement appropriate actions to maintain the NAAQS in both areas. The study programs were to address any violations of the lead standard at Heubach and the monitored violations at Delco Remy, to demonstrate that the facilities were applying reasonably available control technology (RACT), to ascertain actual emission rates, and to determine if additional control measures were needed to attain and maintain the NAAQS for lead.

The Department's evaluation of operations at each of the facilities revealed that the fugitive emissions rate at Heubach was lower than originally anticipated, that the monitored concentrations at Delco Remy during the fourth calendar quarter of 1983 and the first calendar quarter of 1984 were attributed to faulty control equipment, and that the actual stack emission rates from each facility were lower than allowable rates.

The Department completed its study programs of Heubach and Delco Remy in February 1986 and June 1986, respectively, and concluded for both facilities that stack test emission rates were less than allowable emission rates, and that predicted concentrations as determined from air dispersion modeling analyses of actual emissions and recorded concentrations as determined from monitors near the facilities were below the NAAQS for lead.

The Department informed Delco Remy and Heubach of its findings and, to provide for maintenance of the NAAQS in the vicinity of each facility, proposed that each submit amended permit applications specifying emission rates no greater than the rates recommended in the Department's study program report for each facility. Subsequent negotiations with Delco Remy and Heubach resulted in the submission of amended permit applications containing emission rates which provide for maintenance of the NAAQS for lead in the vicinity of each facility. The Department approved the permit amendments for Heubach on August 25, 1986, and those for Delco Remy on November 20, 1986.

The Department is proposing to include the following in this revision to the SIP for lead: the study program reports and the amended air pollution control permits for each of the companies, copies of correspondence with each of the companies, copies of correspondence with EPA regarding their comments on the study program reports, a summary of recent air quality data collected at and near each facility, and a commitment by the Department to continue ambient air monitoring in the vicinity of each of the facilities. The lead SIP and these documents will be available at the public inspection locations.

Social Impact

Lead is emitted to the atmosphere by the industrial activities of man and enters the human body through inhalation and ingestion. Excess lead in the body is associated with a number of developmental blood and metabolic irregularities.

The proposed SIP revision will protect the public health, safety and welfare by minimizing the amount of lead reaching the human body and reducing the potential for blood disorder and neurologic effects in children, the most sensitive population, and adults alike.

Economic Impact

Requirements of this revision to the SIP will have a small economic effect on Delco Remy and Heubach, Inc., in that both facilities must continue to maintain air pollution equipment and follow good house-keeping measures to minimize stack and fugitive emissions of lead to the ambient air.

Environmental Impact

Lead emitted to the atmosphere is deposited on soil, water and plants. Ambient air lead concentrations influence human exposure through direct inhalation of lead particles and through ingestion of lead which has been deposited from the air onto surfaces. The proposed SIP revision commits Delco Remy and Heubach to lower emission rates for lead and provides for the attainment and maintenance of the National Ambient Quality Standards for lead in the vicinity of each of these facilities.

PINELANDS COMMISSION

(a)

Adoption of Pinelands Infrastructure Master Plan and Pinelands Infrastructure Financing Plan Public Notice

Take notice that, pursuant to statutory authority granted under the Pinelands Infrastructure Trust Bond Act of 1985, P.L. 1985 c.302, on January 16, 1987, the Pinelands Commission adopted the Pinelands Infrastructure Master Plan dated December 19, 1986, the addendum thereto dated January 9, 1987, and the Pinelands Infrastructure Financing Plan as revised January 9, 1987.

A **public hearing** following notice to interested persons was conducted by the Commission on January 6, 1987, at Atlantic County College, Mays Landing, New Jersey. Both oral and written comments concerning these plans were received and considered by the Commission prior to adoption.

These documents establish a priority listing of wastewater collection and treatment projects serving Pinelands Regional Growth Areas and a formula for allocating the \$30 million in funds authorized under the Bond Act to the eligible recipients. The program will be administered by the Department of Environmental Protection.

Copies of the plans are available at the Pinelands Commission offices in New Lisbon, New Jersey. For further information contact:

Lisa Rosenberger
Manager, Planning and Research
Pinelands Commission
P.O. Box 7
New Lisbon, NJ 08064
(609) 894-9342

INSURANCE

(a)

DIVISION OF THE REAL ESTATE COMMISSION Declaratory Ruling under N.J.S.A. 45:15-17(i) and Proposed Rulemaking: Joint Hearings with the Department of Banking

Notice of Hearings

Authorized By: Daryl G. Bell, Director, New Jersey Real Estate Commission in the Department of Insurance.

Authority: N.J.S.A. 45:15-3, 45:15-6, 45:15-16 and 45:15-17;
Mortgage Bankers Assoc. of N.J. v. N.J. Real Estate Com'n et al., 102 N.J. 176 (April 8, 1986) (remanded).

OAL Dkt No. BRE 228-87.

Take notice that pursuant to the remand order of the Supreme Court in *Mortgage Bankers Association of New Jersey v. N.J. Real Estate Com'n et al.*, the Office of Administrative Law will conduct hearings for the Department of Insurance, Division of the Real Estate Commission, and the Department of Banking. The first hearing shall be a declaratory ruling hearing wherein the Administrative Law Judge will consider sworn testimony and evidence and will decide whether the actual business practices of real estate and/or mortgage banking licensees, in particular the receipt of compensation by real estate licensees for providing mortgage services to the buyer in the same transaction where a real estate commission is received from the seller, create a prohibited conflict of interest under N.J.S.A. 45:15-17(i) or otherwise violate the Real Estate Licensing Law. The second hearing will be a public hearing wherein the ALJ will receive and consider oral and written comment and draft proposed rules from the public, the Public Advocate, the real estate industry, the banking industry, the Banking Department and the Real Estate Commission and recommend appropriate regulation of the mortgage financing activities of real estate licensees and of mortgage banking and broker licensees under the Real Estate Licensing Law, N.J.S.A. 45:15-1 et seq., and the Mortgage Bankers and Brokers Act N.J.S.A. 17:11B-1 et seq., to protect real estate consumers and further the public interest.

BACKGROUND

Over the past several years, a number of real estate licensees have proposed or formed financial and contractual relationships with mortgage lenders whereby a commercial or residential real estate buyer may obtain mortgage financing through the affiliated lender, and the real estate broker or, in some cases, salesperson may receive various fees for each loan placed or dividends or other returns on investment from the affiliated lender. Two such programs for residential transactions, the "Shelternet" program sponsored by First Boston Capital Group, Inc. and the ERA Mortgage/Electronic Realty Associates, Inc. program were the subject of hearings and declaratory ruling by the Real Estate Commission in 1984. The Commission considered whether these programs would violate N.J.S.A. 45:15-17(i) which prohibits:

Collecting a commission as a real estate broker in a transaction, when at the same time representing either party in a transaction in a different capacity for consideration, N.J.S.A. 45:15-17(i).

The Commission's ruling that these programs were **not** violative of N.J.S.A. 45:15-17(i) was reversed by the Superior Court of New Jersey, Appellate Division, when appealed by the Mortgage Bankers Association of N.J. *Mortgage Bankers Assoc. v. NJREC et al.*, 200 N.J. Super. 584 (1985). The appellate court concluded that N.J.S.A. 45:15-17(i) prohibits all types of financial relationships between real estate licensees and mortgage lenders in both residential and commercial real estate transactions. The New Jersey Supreme Court has now reversed the Appellate Division decision. *Mortgage Bankers Assoc. of N.J. v. NJREC, et al.*, 102 N.J. 176 (April 8, 1986).

The New Jersey Supreme Court found the Commission's 1984 hearing record to be inadequate to support any decision and remanded the entire matter to the Real Estate Commission and the Department of Banking for joint hearings to be conducted by the Office of Administrative Law in order to determine what financial interrelationships do exist between real estate licensees and mortgage lenders in New Jersey. These hearings are intended to result in a declaratory ruling concerning the proper interpretation of the Real Estate Licensing Law, N.J.S.A. 45:15-17(i), and

its application to the facts presented. The ALJ is also instructed to recommend appropriate regulation of the mortgage financing activities of real estate licensees and mortgage banking licensees, as stated above.

ISSUES

The hearings are intended to consider the following specific topics or areas of discussion and other related areas including those within the purview of the Department of Banking:

1. What are the various financial and contractual relationships which exist between real estate licensees and mortgage lenders in New Jersey?
2. Do any of the financial relationships between New Jersey real estate licensees and mortgage lenders constitute violations of N.J.S.A. 45:15-17(i) when mortgage services are provided to the buyer in the same transaction where a sales commission is received from the seller?
3. What regulation of the mortgage financing activities of real estate licensees would be appropriate and in the public interest under the Real Estate Licensing Law? For example:
 - a. Have particular problem areas been identified in the hearing which should be addressed by regulation?
 - b. Would regulations requiring written disclosure of the financial relationships between a real estate licensee and a mortgage lender benefit the consumer involved?
 - c. Can the provisions of the federal Real Estate Settlement Procedures Act (RESPA) and its regulations serve as a model for state regulation of these activities?
 - d. Would it be appropriate for agency regulations to differentiate between commercial and residential real estate transactions?

PROCEDURES

All notices, motions or comments should contain the following OAL Docket Number: OAL Dkt No. BRE 228-87.

DECLARATORY RULING

Any real estate licensee who wishes to obtain a declaratory ruling that his or her specific mortgage financing activities do not violate the Real Estate Licensing Law, or any interested party who wishes to present evidence showing that the mortgage financing activities of those licensees do violate the Real Estate Licensing Law, must submit a written motion seeking leave to intervene or to participate in the declaratory ruling proceedings, pursuant to N.J.S.A. 1:1-12.1 et seq. to the Clerk, Office of Administrative Law, 185 Washington Street, Newark, New Jersey 07102 by April 3, 1987. A prehearing conference will be scheduled subsequently.

RULEMAKING

Interested persons wishing to provide oral testimony at the public hearing on proposed rulemaking should submit a notice of intent to participate to the Clerk, Office of Administrative Law, 185 Washington Street, Newark, New Jersey 07102 by April 3, 1987. Written comments or draft proposed rules should be submitted to the Clerk, Office of Administrative Law, 185 Washington Street, Newark, New Jersey 07102 by April 3, 1987. Public hearings will be scheduled subsequently.

TRANSPORTATION

(b)

Office of Regulatory Affairs Certificates of Public Convenience and Necessity for Special Door-to-Door Operations Public Notice

Take notice that all Certificates of Public Convenience and Necessity issued by the New Jersey Department of Transportation for special door-to-door operations will henceforth be restricted to limit passenger pickups to the private residences of passengers. Motor carrier public utilities holding special door-to-door authority issued by the Department who violate the restriction noted herein will be subject to fines and/or revocation of their operating Certificate as per Title 48 of the New Jersey Revised Statutes.

TREASURY-GENERAL

(a)

DIVISION OF BUILDING AND CONSTRUCTION

Architect-Engineer Selection

Notice of Assignments—Month of January

Solicitations of design services for major projects are made by notices published in construction trade publications and newspapers and by direct notification of professional associations/societies and listed, pre-qualified New Jersey consulting firms. For information on DBC's pre-qualification and assignment procedures, call (609) 984-6979.

Last list dated December 31, 1986.

The following assignments have been made:

| DBC NO. | PROJECT | A/E | CCE |
|-------------------------------|--|------------------------------------|----------------------|
| P282 | Testing Services Administrative & Maintenance Buildings Cheesequake State Park | Shimel & Sor Testing Labs, Inc. | \$1,387 Services |
| X017 | Facility Consultant FY-87 Division of Motor Vehicles | Frank R. Holtaway & Son, Inc. | \$20,000 Services |
| D028 | Facility Consultant FY-87 Dept. of Corrections | Grad Partnership | \$20,000 Services |
| E160 Reassigned Project | Building & Shelving Improvements Library for the Blind & Handicapped Trenton, NJ | D'Huy Engineering | \$863,000 |
| M713 | Water Distribution System Study Trenton Psychiatric Hospital Trenton, NJ | Van Note Harvey Associates | \$34,950 Services |

COMPETITIVE PROPOSALS

| | |
|---|----------------------|
| Van Note Harvey Associates | \$34,950 Lump Sum |
| Kupper Associates | \$37,500 Lump Sum |
| Parsons Brinckeroff Quade & Douglas, Inc. | No Proposal Received |

OTHER AGENCIES

(b)

CASINO CONTROL COMMISSION

Petition for Rulemaking

Management and Operations Audit

N.J.A.C. 19:40

Petitioner: Atlantic City Casino Association

Authority: N.J.S.A. 5:12-69(c) and N.J.S.A. 52:14B-4(f).

Take notice that on January 28, 1987, petitioner filed a rulemaking petition with the Casino Control Commission requesting the adoption of a rule which would require the Commission and the Division of Gaming Enforcement ("Division") to have a management and operations audit of their activities conducted every two years.

Specifically, the proposed regulation would require an independent management consultant firm, selected through the bidding process, to be retained biennially to review all operations and systems of the Commission and Division. It is the petitioner's contention that such an audit would assure that regulatory operations are efficient, and there is no needless duplication, waste, or other management deficiencies within or between the Commission and Division. Further, the petitioner opines that the recommended audit would assure that adequate resources are being expended in keeping with the spirit and mandate of the Casino Control Act.

After due notice, this petition will be considered by the Casino Control Commission in accordance with the provisions of N.J.S.A. 5:12-69(c).

EXECUTIVE ORDER NO. 66(1978) EXPIRATION DATES

Pursuant to N.J.A.C. 1:30-4.4, all expiration dates are now affixed at the chapter level. The following table is a complete listing of all current New Jersey Administrative Code expiration dates by **Title** and **Chapter**. If a chapter is not cited, then it does not have an expiration date. In some instances, however, exceptions occur to the chapter-level assignment. These variations do appear in the listing along with the appropriate chapter citation, and are noted either as an exemption from Executive Order No. 66(1978) or as a subchapter-level date differing from the chapter date.

Current expiration dates may also be found in the loose-leaf volumes of the Administrative Code under the **Title** Table of Contents for each executive department or agency and on the **Subtitle** page for each group of chapters in a Title. Please disregard all expiration dates appearing elsewhere in a Title volume.

This listing is revised monthly and appears in the first issue of each month.

OFFICE OF ADMINISTRATIVE LAW—TITLE 1

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 1:1 | 5/15/90 |
| 1:2 | 5/15/90 |
| 1:5 | 10/20/91 |
| 1:6 | 8/18/91 |
| 1:6A | 1/1/88 |
| 1:7 | 8/9/90 |
| 1:10 | 3/4/90 |
| 1:10A | 9/16/90 |
| 1:10B | 10/6/91 |
| 1:11 | 3/4/90 |
| 1:20 | 8/1/88 |
| 1:21 | 7/15/90 |
| 1:30 | 2/14/91 |
| 1:31 | 8/12/87 |

| N.J.A.C. | Expiration Date |
|--|-----------------|
| 3:7 | 9/16/90 |
| 3:11 | 3/19/89 |
| (Except for 3:11-2 which expired 6/3/85) | |
| 3:13 | 11/17/91 |
| 3:17 | 6/18/91 |
| 3:19 | 3/17/91 |
| 3:21 | 2/2/92 |
| 3:22 | 5/21/89 |
| 3:23 | 5/3/87 |
| 3:24 | 8/20/89 |
| 3:26 | 12/31/90 |
| 3:27 | 9/16/90 |
| 3:28 | 12/17/89 |
| 3:30 | 10/17/88 |
| 3:38 | 9/7/87 |
| 3:41 | 10/16/90 |

AGRICULTURE—TITLE 2

| N.J.A.C. | Expiration Date |
|--|---|
| 2:1 | 9/3/90 |
| 2:2 | 10/3/88 |
| (Except for 2:2-9 which expired 6/11/84) | |
| 2:3 | 6/18/89 |
| (Except for 2:3-4 which expired 1/8/86) | |
| 2:5 | 6/18/89 |
| 2:6 | 9/3/90 |
| 2:7 | 9/29/88 |
| 2:9 | 7/7/91 |
| 2:16 | 5/7/90 |
| 2:22 | 1/18/87 |
| 2:23 | 6/6/88 |
| 2:24 | 2/11/90 |
| 2:32 | 2/3/91 |
| 2:48 | 11/27/90 |
| 2:50 | 7/15/87 |
| 2:52 | 6/7/90 |
| 2:53 | 3/3/91 |
| 2:54 | Exempt (7 U.S.C. 601 et seq. 7 C.F.R. 1004) |
| 2:68 | 8/1/88 |
| 2:69 | 10/3/88 |
| 2:70 | 5/7/90 |
| 2:71 | 9/1/88 |
| 2:72 | 9/1/88 |
| 2:73 | 7/18/88 |
| 2:74 | 9/1/88 |
| 2:76 | 8/29/89 |
| 2:90 | 6/24/90 |

CIVIL SERVICE—TITLE 4

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 4:1 | 1/28/90 |
| 4:2 | 1/28/90 |
| 4:3 | 6/4/89 |
| 4:4 | 12/5/91 |
| 4:6 | 5/5/91 |

COMMUNITY AFFAIRS—TITLE 5

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 5:3 | 9/1/88 |
| 5:10 | 12/1/88 |
| 5:11 | 3/1/89 |
| 5:12 | 1/1/90 |
| 5:13 | 1/1/88 |
| 5:14 | 12/1/90 |
| 5:17 | 6/1/89 |
| 5:18 | 2/1/90 |
| 5:18A | 2/1/90 |
| 5:18B | 2/1/90 |
| 5:22 | 12/1/90 |
| 5:23 | 4/1/88 |
| 5:24 | 9/1/90 |
| 5:25 | 3/1/91 |
| 5:26 | 3/1/91 |
| 5:27 | 6/1/90 |
| 5:28 | 12/20/90 |
| 5:29 | 6/18/91 |
| 5:30 | 6/1/88 |
| 5:31 | 12/1/89 |
| 5:37 | 11/18/90 |
| 5:38 | 11/7/88 |
| 5:51 | 9/1/88 |
| 5:70 | 8/16/87 |
| 5:71 | 3/1/90 |
| 5:80 | 5/20/90 |
| 5:91 | 6/16/91 |
| 5:92 | 6/16/91 |
| 5:100 | 5/7/89 |

BANKING—TITLE 3

| N.J.A.C. | Expiration Date |
|---|-----------------|
| 3:1 | 1/6/91 |
| 3:2 | 4/15/90 |
| 3:6 | 3/3/91 |
| (Except for 3:6-8 which expired 4/9/85) | |

DEPARTMENT OF DEFENSE—TITLE 5A

| | |
|-----------------|------------------------|
| N.J.A.C. | Expiration Date |
| 5A:2 | 5/20/90 |

EDUCATION—TITLE 6

| | |
|-----------------|------------------------|
| N.J.A.C. | Expiration Date |
| 6:2 | 3/1/89 |
| 6:3 | 8/18/88 |
| 6:8 | 1/5/92 |
| 6:11 | 12/12/90 |
| 6:12 | 4/2/91 |
| 6:20 | 8/9/90 |
| 6:21 | 8/9/90 |
| 6:22 | 9/3/90 |
| 6:24 | 4/2/91 |
| 6:26 | 1/24/90 |
| 6:27 | 1/24/90 |
| 6:28 | 6/1/89 |
| 6:29 | 3/25/90 |
| 6:30 | 8/31/88 |
| 6:31 | 1/24/90 |
| 6:39 | 10/18/89 |
| 6:43 | 4/7/91 |
| 6:46 | 12/1/87 |
| 6:53 | 9/1/87 |
| 6:64 | 5/1/88 |
| 6:68 | 4/12/90 |
| 6:70 | 1/25/90 |
| 6:79 | 2/1/88 |

ENVIRONMENTAL PROTECTION—TITLE 7

| | |
|--|-----------------------------|
| N.J.A.C. | Expiration Date |
| 7:1 (Except for 7:1-3 which expired 3/5/87) | 9/16/90 |
| 7:1A | 6/7/87 |
| 7:1C | 6/17/90 |
| 7:1D | 12/1/88 |
| 7:1E | 7/15/90 |
| 7:1F | 3/27/87 (Governor's Waiver) |
| 7:1G | 10/1/89 |
| 7:1H | 7/24/90 |
| 7:1I | 11/18/88 |
| 7:2 | 7/19/88 |
| 7:4 | Expired 8/16/84 |
| 7:6 | 12/19/88 |
| 7:7 | 5/7/89 |
| 7:7E | 7/24/90 |
| 7:7F | 12/6/87 |
| 7:8 | 2/7/88 |
| 7:9 | 1/21/91 |
| (Except for 7:9-1 which expired 4/25/85) | |
| 7:10 | 9/4/89 |
| 7:11 | 6/6/88 |
| 7:12 | 6/6/88 |
| 7:13 | 5/4/89 |
| 7:14 | 4/27/89 |
| (Except for 7:14-5 which expired 6/23/85) | |
| 7:14A | 6/4/89 |
| 7:15 | 4/2/89 |
| 7:17 | 4/7/91 |
| 7:18 | 8/6/91 |
| 7:19 | 4/15/90 |
| 7:19A | 2/19/90 |
| 7:19B | 2/19/90 |
| 7:20 | 5/6/90 |
| 7:20A | 12/19/88 |
| 7:22 | 1/5/92 |
| 7:23 | 6/18/89 |
| 7:24 | 5/19/91 |
| 7:25 | 2/18/91 |

| | |
|---|------------------------|
| N.J.A.C. | Expiration Date |
| (Except for 7:25-1 which expired 9/17/85) | |
| 7:25A | 5/6/90 |
| 7:26 | 11/4/90 |
| (Except for 7:26-5 which expired 10/7/85) | |
| 7:27 | Exempt |
| 7:27A | Expired 10/7/85 |
| 7:27B-3 | Exempt |
| 7:28 | 10/7/90 |
| 7:29 | 3/18/90 |
| 7:29B | 4/5/87 |
| 7:30 | 12/6/87 |
| 7:36-1 | 8/5/90 |
| 7:36-2 | Expired 1/9/86 |
| 7:36-3 | Expired 1/9/86 |
| 7:36-4 | 8/5/90 |
| 7:36-5 | Expired 1/9/86 |
| 7:36-6 | Expired 1/9/86 |
| 7:36-7 | 8/5/90 |
| 7:37 | Exempt |
| 7:38 | 9/18/90 |
| 7:45 | Expired 1/11/85 |

HEALTH—TITLE 8

| | |
|--|------------------------|
| N.J.A.C. | Expiration Date |
| 8:7 | 9/16/90 |
| 8:8 | 5/21/89 |
| 8:9 | 2/18/91 |
| 8:13 | 8/2/87 |
| 8:19 | 6/28/90 |
| 8:20 | 3/4/90 |
| 8:21 | 11/18/90 |
| (Except for 8:21-1 which expired 5/15/85; | |
| 8:21-4 which expired 7/21/83; | |
| 8:21-6 which expired 9/18/85) | |
| 8:21A | 4/1/90 |
| 8:22 | 8/4/91 |
| 8:23 | 12/17/89 |
| 8:24 | 4/4/88 |
| 8:25 | 5/20/88 |
| 8:26 | 8/4/91 |
| 8:31 | 11/5/89 |
| 8:31A | 3/18/90 |
| 8:31B | 10/15/90 |
| (Except for 8:31B-1 which expired 7/19/84) | |
| 8:32 | Expired 3/12/85 |
| 8:33 | 10/7/90 |
| 8:33A | 4/15/90 |
| 8:33B | 10/7/90 |
| 8:33C | 8/20/89 |
| 8:33D | 2/1/87 |
| 8:33E | 2/4/90 |
| 8:33F | 1/14/90 |
| 8:33G | 7/20/89 |
| 8:33H | 7/19/90 |
| 8:33I | 9/15/91 |
| 8:33J | 5/1/89 |
| 8:33K | 4/16/89 |
| 8:34 | 11/18/88 |
| 8:39 | 6/20/88 |
| 8:40 | 4/15/90 |
| 8:41 | 2/17/92 |
| 8:42 | 3/18/90 |
| 8:42A | 6/12/91 |
| 8:42B | 8/1/88 |
| 8:43 | 1/21/91 |
| 8:43A | 9/3/90 |
| 8:43B | 1/21/91 |
| 8:43E | 1/17/88 |
| 8:43F | 3/18/90 |
| 8:43G | 9/8/91 |

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 8:44 | 11/7/88 |
| 8:45 | 5/20/90 |
| 8:48 | 8/20/89 |
| 8:51 | 9/16/90 |
| 8:52 | 12/15/91 |
| 8:53 | 8/4/91 |
| 8:57 | 6/18/90 |
| 8:58 | Expired 5/1/84 |
| 8:59 | 10/1/89 |
| 8:60 | 5/3/90 |
| 8:61 | 10/6/91 |
| 8:65 | 12/2/90 |
| 8:70 | 9/17/88 |
| 8:71 | 4/2/89 |

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 10:69A | 4/26/88 |
| 10:69B | 11/21/88 |
| 10:70 | 6/16/91 |
| 10:80 | 8/23/89 |
| 10:81 | 10/15/89 |
| 10:82 | 10/29/89 |
| 10:85 | 1/30/90 |
| 10:87 | 3/1/89 |
| 10:89 | 9/11/90 |
| 10:90 | 11/15/87 |
| 10:94 | 1/6/91 |
| 10:95 | 8/23/89 |
| 10:97 | 4/16/89 |
| 10:98 | 7/12/87 |
| 10:99 | 2/19/90 |
| 10:100 | 2/6/89 |
| 10:109 | 3/17/91 |
| 10:112 | 2/17/89 |
| 10:120 | 9/26/88 |
| 10:121 | 3/13/89 |
| 10:121A | 8/6/87 |
| 10:122 | 5/6/89 |
| 10:122A | Exempt |
| 10:122B | 9/10/89 |
| 10:123 | 7/20/90 |
| 10:124 | 7/19/87 |
| 10:125 | 7/16/89 |
| 10:127 | 9/19/88 |
| 10:129 | 10/11/89 |
| 10:130 | 9/19/88 |
| 10:131 | 9/20/87 |
| 10:132 | 1/5/92 |
| 10:140 | 12/31/86 |
| 10:141 | 2/21/89 |

HIGHER EDUCATION—TITLE 9

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 9:1 | 1/17/89 |
| 9:2 | 6/17/90 |
| 9:3 | 10/17/88 |
| 9:4 | 10/30/91 |
| 9:5 | 1/21/91 |
| 9:6 | 5/20/90 |
| 9:7 | 4/13/88 |
| 9:8 | 11/4/90 |
| 9:9 | 10/3/88 |
| 9:11 | 1/17/89 |
| 9:12 | 1/17/89 |
| 9:14 | 5/20/90 |
| 9:15 | 10/25/88 |

HUMAN SERVICES—TITLE 10

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 10:1 | 5/6/88 |
| 10:2 | 1/5/92 |
| 10:3 | 9/19/88 |
| 10:4 | 1/3/88 |
| 10:5 | 12/19/88 |
| 10:6 | 2/21/89 |
| 10:12 | 1/5/92 |
| 10:36 | 8/18/91 |
| 10:37 | 11/4/90 |
| 10:38 | 5/28/91 |
| 10:40 | 3/15/89 |
| 10:42 | 8/18/91 |
| 10:43 | 9/1/88 |
| 10:44 | 10/3/88 |
| 10:44A | 2/7/88 |
| 10:44B | 4/15/90 |
| 10:45 | 9/19/88 |
| 10:47 | 11/4/90 |
| 10:48 | 1/21/91 |
| 10:49 | 8/12/90 |
| 10:50 | 3/3/91 |
| 10:51 | 10/28/90 |
| 10:52 | 2/19/90 |
| 10:53 | 4/29/90 |
| 10:54 | 3/3/91 |
| 10:55 | 3/11/90 |
| 10:56 | 8/26/91 |
| 10:57 | 3/3/91 |
| 10:58 | 3/3/91 |
| 10:59 | 3/3/91 |
| 10:60 | 8/27/90 |
| 10:61 | 3/3/91 |
| 10:62 | 3/3/91 |
| 10:63 | 11/29/89 |
| 10:64 | 3/3/91 |
| 10:65 | 11/5/89 |
| 10:66 | 12/15/88 |
| 10:67 | 3/3/91 |
| 10:68 | 7/7/91 |

CORRECTIONS—TITLE 10A

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 10A:3 | 10/6/91 |
| 10A:4 | 7/21/91 |
| 10A:5 | 10/6/91 |
| 10A:9 | 1/20/92 |
| 10A:17 | 12/15/91 |
| 10A:31 | 2/4/90 |
| 10A:32 | 3/4/90 |
| 10A:33 | 7/16/89 |
| 10A:70 | Exempt |
| 10A:71 | 4/15/90 |

INSURANCE—TITLE 11

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 11:1 | 2/3/91 |
| 11:1-20 | 7/7/88 |
| 11:1-22 | 7/7/88 |
| 11:2 | 12/2/90 |
| 11:3 | 1/6/91 |
| 11:4 | 12/2/90 |
| 11:5 | 11/7/88 |
| 11:10 | 7/15/90 |
| 11:12 | 10/27/91 |
| 11:13 | 12/6/87 |
| 11:14 | 7/2/89 |
| 11:15 | 12/3/89 |
| 11:16 | 2/3/91 |

LABOR—TITLE 12

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 12:15 | 8/19/90 |
| 12:16 | 4/1/90 |
| 12:17 | 1/6/91 |
| 12:20 | 11/5/89 |

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 12:35 | 8/5/90 |
| 12:45 | 5/2/88 |
| 12:46 | 5/2/88 |
| 12:47 | 5/2/88 |
| 12:48 | 5/2/88 |
| 12:49 | 5/2/88 |
| 12:51 | 6/30/91 |
| 12:56 | 9/26/90 |
| 12:57 | 9/26/90 |
| 12:58 | 9/26/90 |
| 12:90 | 12/17/89 |
| 12:100 | 11/5/89 |
| 12:105 | 1/21/91 |
| 12:120 | 5/3/90 |
| 12:175 | 12/9/88 |
| 12:190 | 9/5/87 |
| 12:195 | 9/6/88 |
| 12:200 | 8/5/90 |
| 12:235 | 5/5/91 |

COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A

| N.J.A.C. | Expiration Date |
|-----------|-----------------|
| 12A:100-1 | 9/8/91 |

LAW AND PUBLIC SAFETY—TITLE 13

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 13:1 | 7/19/88 |
| 13:1C | Expired 12/1/83 |
| 13:2 | 8/5/90 |
| 13:3 | 8/1/88 |
| 13:4 | 1/21/91 |
| 13:10 | 5/27/89 |
| 13:13 | 6/17/90 |
| 13:18 | 4/1/90 |
| 13:19 | 8/23/89 |
| 13:20 | 12/18/90 |
| 13:21 | 12/16/90 |
| 13:22 | 1/7/90 |
| 13:23 | 6/4/89 |
| 13:24 | 11/5/89 |
| 13:25 | 3/18/90 |
| 13:26 | 10/17/88 |
| 13:27 | 4/1/90 |
| 13:27A | 11/1/87 |
| 13:28 | 9/3/90 |
| 13:29 | 6/3/90 |
| 13:30 | 4/15/90 |
| 13:31 | 12/12/91 |
| 13:32 | 11/1/87 |
| 13:33 | 3/18/90 |
| 13:34 | 11/21/88 |
| 13:35 | 11/19/89 |
| 13:36 | 11/19/89 |
| 13:37 | 2/11/90 |
| 13:38 | 10/7/90 |
| 13:39 | 1/6/91 |
| 13:39A | 7/7/91 |
| 13:40 | 9/3/90 |
| 13:41 | 9/3/90 |
| 13:42 | 11/3/88 |
| 13:43 | 9/8/88 |
| 13:44 | 8/20/89 |
| 13:44A | Expired 5/17/84 |
| 13:44B | 5/3/87 |
| 13:44C | 6/2/91 |
| 13:45A | 12/16/90 |
| 13:46 | 6/3/90 |
| 13:47 | 2/2/92 |
| 13:47A | 8/16/87 |

(Except for 13:47A-25 which expired 8/14/83)

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 13:47B | 1/4/89 |
| 13:47C | 8/20/89 |
| 13:48 | 1/21/91 |
| 13:49 | 12/19/88 |
| 13:51 | 6/21/87 |
| 13:54 | 10/5/91 |
| 13:58 | 9/7/89 |
| 13:59 | 9/16/90 |
| 13:60 | 1/20/92 |
| 13:70 | 2/25/90 |
| 13:71 | 2/25/90 |
| 13:75 | 8/20/89 |
| 13:76 | 9/6/88 |

PUBLIC UTILITIES—TITLE 14

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 14:1 | 12/16/90 |
| 14:3 | 5/6/90 |
| 14:5 | 12/16/90 |
| 14:6 | 3/3/91 |
| 14:9 | 4/15/90 |
| 14:11 | 1/27/92 |
| 14:10 | 9/8/91 |
| 14:17 | 5/7/89 |
| 14:18 | 7/29/90 |

ENERGY—TITLE 14A

| N.J.A.C. | Expiration Date |
|--|-----------------|
| 14A:2 | 4/17/89 |
| 14A:3 | 10/7/90 |
| (Except for 14A:3-10 which expired 9/1/85) | |
| 14A:4 | 10/19/88 |
| 14A:5 | 10/19/88 |
| 14A:6 | 8/6/89 |
| 14A:7 | 9/16/90 |
| 14A:8 | 9/20/89 |
| 14A:9 | Expired 4/27/84 |
| 14A:11 | 9/20/89 |
| 14A:12 | 2/7/88 |
| 14A:13 | 2/2/92 |
| 14A:14 | 2/6/89 |
| 14A:20 | 2/3/91 |
| 14A:21 | 11/21/90 |
| 14A:22 | 6/4/89 |

STATE—TITLE 15

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 15:2 | 3/7/88 |
| 15:3 | 7/7/91 |
| 15:5 | 2/17/92 |
| 15:10 | 2/18/91 |

TRANSPORTATION—TITLE 16

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 16:1 | 8/5/90 |
| 16:2 | 10/3/88 |
| 16:6 | 9/3/90 |
| 16:13 | 5/7/89 |
| 16:16 | 11/7/88 |
| 16:17 | 11/7/88 |
| 16:20A | 12/17/89 |
| 16:20B | 12/17/89 |
| 16:21 | 9/3/90 |
| 16:21A | 8/20/89 |
| 16:22 | 2/3/91 |
| 16:25-12 | Expired 2/5/84 |
| 16:25-13 | Expired 2/5/84 |
| 16:26 | 8/6/89 |

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 16:27 | 9/8/91 |
| 16:28 | 11/7/88 |
| 16:28A | 11/7/88 |
| 16:29 | 11/7/88 |
| 16:30 | 11/7/88 |
| 16:31 | 11/7/88 |
| 16:31A | 10/20/88 |
| 16:32 | 4/15/90 |
| 16:33 | 9/3/90 |
| 16:41 | 11/15/87 |
| 16:41A | 2/19/90 |
| 16:41B | 3/4/90 |
| 16:43 | 9/3/90 |
| 16:44 | 10/3/88 |
| 16:49 | 3/18/90 |
| 16:53 | 3/19/89 |
| 16:53A | 4/15/90 |
| 16:53C | 9/19/88 |
| 16:53D | 5/7/89 |
| 16:54 | 4/7/91 |
| 16:55 | 11/7/88 |
| 16:56 | 6/4/89 |
| 16:60 | 11/7/88 |
| 16:61 | 11/7/88 |
| 16:62 | 4/15/90 |
| 16:72 | 3/31/91 |
| 16:73 | 1/30/92 |
| 16:75 | 6/6/88 |
| 16:76 | 12/19/88 |
| 16:77 | 1/21/90 |
| 16:78 | 10/7/90 |
| 16:79 | 10/20/91 |

TREASURY-GENERAL—TITLE 17

| N.J.A.C. | Expiration Date |
|--|-----------------|
| 17:1 | 6/6/88 |
| 17:2 | 12/17/89 |
| 17:3 | 6/6/88 |
| 17:4 | 7/1/90 |
| 17:5 | 12/2/90 |
| 17:6 | 2/19/89 |
| 17:7 | 6/6/88 |
| 17:8 | 6/27/90 |
| 17:9 | 6/6/88 |
| 17:10 | 6/6/88 |
| 17:12 | 8/15/89 |
| 17:16 | 12/2/90 |
| 17:19 | 3/18/90 |
| (Except for 17:19-10 which expired 3/3/85) | |
| 17:19A | Expired 2/1/84 |
| 17:20 | 11/7/88 |
| 17:25 | 6/18/89 |
| 17:27 | 11/7/88 |
| 17:28 | 9/13/90 |
| 17:29 | 10/18/90 |

TREASURY-TAXATION—TITLE 18

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 18:3 | 4/23/89 |
| 18:5 | 4/16/89 |
| 18:6 | 4/2/89 |
| 18:7 | 4/2/89 |
| 18:8 | 4/2/89 |
| 18:9 | 8/12/88 |
| 18:12 | 8/12/88 |
| 18:12A | 8/12/88 |
| 18:14 | 8/12/88 |
| 18:15 | 8/12/88 |
| 18:16 | 8/12/88 |
| 18:17 | 8/12/88 |
| 18:18 | 4/2/89 |
| 18:19 | 4/6/89 |
| 18:22 | 4/2/89 |
| 18:23 | 4/2/89 |
| 18:23A | 8/5/90 |
| 18:24 | 8/12/88 |
| 18:25 | 1/6/91 |
| 18:26 | 8/12/88 |
| 18:30 | 4/2/89 |
| 18:35 | 8/12/88 |
| 18:36 | 2/4/90 |
| 18:37 | 8/5/90 |

OTHER AGENCIES—TITLE 19

| N.J.A.C. | Expiration Date |
|----------|---------------------------|
| 19:3 | 6/19/88 |
| 19:3B | Exempt (N.J.S.A. 13:17-1) |
| 19:4 | 11/7/88 |
| 19:4A | 5/2/88 |
| 19:8 | 6/1/88 |
| 19:9 | 7/13/88 |
| 19:12 | 8/7/91 |
| 19:16 | 8/7/91 |
| 19:17 | 7/15/88 |
| 19:25 | 1/9/91 |
| 19:30 | 10/7/90 |
| 19:40 | 9/26/89 |
| 19:41 | 5/17/88 |
| 19:42 | 5/17/88 |
| 19:43 | 4/27/89 |
| 19:44 | 10/13/88 |
| 19:45 | 4/7/88 |
| 19:46 | 5/4/88 |
| 19:47 | 5/4/88 |
| 19:48 | 10/13/88 |
| 19:49 | 3/29/88 |
| 19:50 | 5/23/88 |
| 19:51 | 8/14/91 |
| 19:52 | 9/25/91 |
| 19:53 | 5/4/88 |
| 19:54 | 4/15/88 |
| 19:61 | 7/7/91 |
| 19:65 | 7/7/91 |
| 19:75 | 1/17/89 |

REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

The **Register Index of Rule Proposals and Adoptions** is a complete listing of all active rule proposals (with the exception of rule changes proposed in this Register) and all new rules and amendments promulgated since the most recent update to the Administrative Code. Rule proposals in this issue will be entered in the Index of the next issue of the Register. **Adoptions promulgated in this Register have already been noted in the Index by the addition of the Document Number and Adoption Notice N.J.R. Citation next to the appropriate proposal listing.**

Generally, the key to locating a particular rule change is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research. To be sure that you have found all of the changes, either proposed or adopted, to a given rule, scan the citations above and below that rule to find any related entries.

At the bottom of the index listing for each Administrative Code Title is the Transmittal number and date of the latest looseleaf update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the January 5, 1987 issue.

If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers. A proposal may be adopted up to one year after its initial publication in the Register. Failure to adopt a proposed rule on a timely basis requires the proposing agency to resubmit 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 (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index. See: N.J.A.C. 1:30-4.2(d).

Terms and abbreviations used in this Index:

N.J.A.C. Citation. The New Jersey Administrative Code numerical designation for each proposed or adopted rule entry.

Proposal Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of a proposed amendment or new rule.

Document Number. The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of adoption of the rule and its chronological ranking in the Registry. As an example, R.1987 d.1 means the first rule adopted in 1987.

Adoption Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of an adopted amendment or new rule.

Transmittal. A number and date certifying the currency of rules found in each Title of the New Jersey Administrative Code: Rule adoptions published in the Register after the Transmittal date indicated do not yet appear in the loose-leaf volumes of the Code.

N.J.R. Citation Locator. An issue-by-issue listing of first and last pages of the previous 12 months of Registers. Use the locator to find the issue of publication of a rule proposal or adoption.

MOST RECENT UPDATE TO THE ADMINISTRATIVE CODE: DECEMBER 15, 1986.

NEXT UPDATE WILL BE DATED JANUARY 20, 1987.

Note: If no changes have occurred in a Title during the previous month, no update will be issued for that Title.

N.J.R. CITATION LOCATOR

| If the N.J.R. citation is between: | Then the rule proposal or adoption appears in this issue of the Register | If the N.J.R. citation is between: | Then the rule proposal or adoption appears in this issue of the Register |
|------------------------------------|--|------------------------------------|--|
| 18 N.J.R. 447 and 506 | March 3, 1986 | 18 N.J.R. 1863 and 1978 | September 22, 1986 |
| 18 N.J.R. 507 and 582 | March 17, 1986 | 18 N.J.R. 1979 and 2078 | October 6, 1986 |
| 18 N.J.R. 583 and 726 | April 7, 1986 | 18 N.J.R. 2069 and 2148 | October 20, 1986 |
| 18 N.J.R. 727 and 868 | April 21, 1986 | 18 N.J.R. 2149 and 2234 | November 3, 1986 |
| 18 N.J.R. 869 and 1018 | May 5, 1986 | 18 N.J.R. 2235 and 2344 | November 17, 1986 |
| 18 N.J.R. 1019 and 1122 | May 19, 1986 | 18 N.J.R. 2345 and 2408 | December 1, 1986 |
| 18 N.J.R. 1123 and 1222 | June 2, 1986 | 18 N.J.R. 2409 and 2472 | December 15, 1986 |
| 18 N.J.R. 1223 and 1326 | June 16, 1986 | 19 N.J.R. 1 and 164 | January 5, 1987 |
| 18 N.J.R. 1327 and 1432 | July 7, 1986 | 19 N.J.R. 165 and 260 | January 20, 1987 |
| 18 N.J.R. 1433 and 1504 | July 21, 1986 | 19 N.J.R. 261 and 324 | February 2, 1987 |
| 18 N.J.R. 1505 and 1640 | August 4, 1986 | 19 N.J.R. 325 and 392 | February 17, 1987 |
| 18 N.J.R. 1641 and 1726 | August 18, 1986 | 19 N.J.R. 393 and 430 | March 2, 1987 |
| 18 N.J.R. 1727 and 1862 | September 8, 1986 | | |

N.J.A.C.

CITATION

ADMINISTRATIVE LAW—TITLE 1

1:1, 1:2—1:21 Administrative hearings
 1:1-15.10 Prior transcribed testimony

**PROPOSAL NOTICE
(N.J.R. CITATION)**

18 N.J.R. 1728(a)
 18 N.J.R. 1865(a)

**DOCUMENT
NUMBER**

R.1986 d.468

**ADOPTION NOTICE
(N.J.R.CITATION)**

18 N.J.R. 2381(a)

(TRANSMITTAL 25, dated December 15, 1986)

AGRICULTURE—TITLE 2

2:6-1 Sale and use of animal biologics
 2:71-2.2—2.7 Jersey Fresh Quality Grading Program
 2:71-2.2—2.7 Jersey Fresh Quality Grading Program: effective date
 2:76-5.3 Cost-share assistance for soil and water conservation projects
 2:76-6.15 Acquisition of development easements: deed restrictions
 2:90-1.3 Soil erosion and sedimentation control

18 N.J.R. 2151(a)
 18 N.J.R. 2347(a)
 18 N.J.R. 1981(a)
 18 N.J.R. 513(a)
 18 N.J.R. 2081(a)

R.1987 d.85
 R.1987 d.89
 R.1987 d.90

19 N.J.R. 286(a)
 19 N.J.R. 287(a)
 19 N.J.R. 355(a)
 19 N.J.R. 288(a)

(TRANSMITTAL 44, dated October 20, 1986)

BANKING—TITLE 3

3:7-5.1 Statement of interest and bank holding companies
 3:11-11.13 Leeway investments: confidentiality of approval process
 3:13-4.2 Interstate acquisitions: correction
 3:21-2.1 Credit union parity
 3:41 Cemeteries: disinterment and reinterment of human remains

19 N.J.R. 327(a)
 18 N.J.R. 1224(a)
 18 N.J.R. 1982(a)
 18 N.J.R. 2237(a)
 18 N.J.R. 1642(a)

R.1986 d.475
 R.1987 d.93

19 N.J.R. 289(a)
 19 N.J.R. 289(b)

(TRANSMITTAL 36, dated December 15, 1986)

PERSONNEL (CIVIL SERVICE)—TITLE 4

4:1-2.1, 5.2, 11.2, 16, 24 Separations, demotions, layoffs; review and appeals
 4:1-12.18 Disposition of certification by appointing authority
 4:1-15 Assignments and transfers
 4:1-18 Workweek programs
 4:1-26 Supplemental compensation on retirement
 4:1-27.1 Overtime rules
 4:2-15.1 Assignments and transfers
 4:2-16 Separations and demotions
 4:2-18 Workweek programs
 4:2-26 Supplemental compensation on retirement
 4:2-27 Overtime rules
 4:3-16 Separations and demotions
 4:4 State employees' awards program
 4:5 Supplemental compensation on retirement
 4:5 Supplemental compensation on retirement: readoption
 4:6 Overtime Committee Rules

18 N.J.R. 450(a)
 18 N.J.R. 1642(b)
 18 N.J.R. 592(a)
 18 N.J.R. 1764(a)
 18 N.J.R. 2152(a)
 19 N.J.R. 327(b)
 18 N.J.R. 592(a)
 18 N.J.R. 450(a)
 18 N.J.R. 1764(a)
 18 N.J.R. 2152(a)
 19 N.J.R. 327(b)
 18 N.J.R. 450(a)
 18 N.J.R. 1766(a)
 18 N.J.R. 2152(a)
 18 N.J.R. 2152(a)
 19 N.J.R. 327(b)

R.1987 d.31
 R.1987 d.31
 R.1987 d.20
 R.1987 d.15
 R.1987 d.31

19 N.J.R. 56(b)
 19 N.J.R. 56(b)
 19 N.J.R. 58(a)
 19 N.J.R. 56(a)
 19 N.J.R. 56(a)

(TRANSMITTAL 32, dated December 15, 1986)

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R.CITATION) |
|--|---|--------------------------------------|--------------------|-------------------------------------|
| COMMUNITY AFFAIRS—TITLE 5 | | | | |
| 5:18-2.5, 2.7, 2.11, 2.14, 3.2, 4.1, 4.7, 4.9-4.13, 4.17, 4.18 | Uniform Fire Code: Fire Safety Code | 18 N.J.R. 1225(a) | | |
| 5:18A-2.3, 4.3, 4.4 | Fire Code Enforcement | 18 N.J.R. 1225(a) | | |
| 5:23-2.23, 7.57 | Barrier-Free Subcode | 18 N.J.R. 2348(a) | R.1987 d.91 | 19 N.J.R. 289(c) |
| 5:23-3.4, 3.20 | Uniform Construction Code: mechanical subcode | 18 N.J.R. 2083(a) | R. 1987 d.14 | 19 N.J.R. 63(a) |
| 5:23-3.15 | Plumbing subcode | 18 N.J.R. 2237(b) | R.1987 d.81 | 19 N.J.R. 289(d) |
| 5:23-4.5 | Uniform Construction Code enforcement: conflict of interest | 19 N.J.R. 332(a) | | |
| 5:23-7.9, 7.20 | Barrier Free Subcode: correction | 18 N.J.R. 757(a) | R.1986 d.448 | 19 N.J.R. 63(b) |
| 5:23-7.100-7.116 | Barrier Free Subcode | 18 N.J.R. 757(a) | | |
| 5:80-21 | Housing and Mortgage Finance: single family loans | 18 N.J.R. 2238(a) | | |
| 5:91-1.2, 1.3, 2.1, 3.1, 5.1, 7.1, 13.3, 13.4 | Council on Affordable Housing: procedural rules | 18 N.J.R. 1643(a) | R.1987 d.110 | 19 N.J.R. 355(b) |
| 5:92-6.1, 8.2 | Council on Affordable Housing: municipal credits; wetlands identification | 19 N.J.R. 3(a) | R.1987 d.123 | 19 N.J.R. 407(a) |

(TRANSMITTAL 47, dated December 15, 1986)

DEFENSE—TITLE 5A

(TRANSMITTAL 1, dated May 20, 1985)

EDUCATION—TITLE 6

| | | | | |
|---------------|---|-------------------|-------------|------------------|
| 6:3-2 | Pupil records | 19 N.J.R. 333(a) | | |
| 6:8 | Thorough and Efficient System of Free Public Schools | 18 N.J.R. 1984(a) | R.1987 d.32 | 19 N.J.R. 63(b) |
| 6:8-7.1 | High school graduation requirements | 19 N.J.R. 4(a) | | |
| 6:8-7.1 | High school graduation requirements | 19 N.J.R. 4(b) | | |
| 6:11-12.11 | Speech-language specialist endorsement | 18 N.J.R. 1994(a) | R.1987 d.35 | 19 N.J.R. 75(a) |
| 6:11-12.24 | Teacher-coordinator certification in Work Experience Career Exploration Program | 18 N.J.R. 1995(a) | R.1987 d.34 | 19 N.J.R. 75(b) |
| 6:20-4 | Tuition for private schools for the handicapped | 19 N.J.R. 336(a) | | |
| 6:21-10 | Pupil transportation in small private vehicles | 18 N.J.R. 2155(a) | R.1987 d.94 | 19 N.J.R. 290(a) |
| 6:21-18 | Inspection of vehicles used for pupil transportation | 19 N.J.R. 5(a) | | |
| 6:28-3.4, 3.5 | Special education | 18 N.J.R. 1771(a) | R.1987 d.36 | 19 N.J.R. 76(a) |
| 6:29-8.1, 8.2 | Audiometric screening | 18 N.J.R. 1996(a) | R.1987 d.33 | 19 N.J.R. 76(b) |
| 6:46 | Area Vocational Technical and Private Schools: waiver of Executive Order No. 66 (1978) sunset provision | 18 N.J.R. 1996(b) | | |
| 6:46-1 | Area vocational technical schools | 18 N.J.R. 1511(a) | | |
| 6:68-7 | Municipal branch library services | 19 N.J.R. 6(a) | | |
| 6:68-8 | Evaluation and development of library collections | 19 N.J.R. 7(a) | | |
| 6:68-9 | Maintenance of library collections | 19 N.J.R. 8(a) | | |

(TRANSMITTAL 46, dated November 17, 1986)

ENVIRONMENTAL PROTECTION—TITLE 7

| | | | | |
|-----------------------------|--|-------------------|--------------|------------------|
| 7:1-3 | Interim Environmental Cleanup Responsibility Act rules | 19 N.J.R. 10(a) | | |
| 7:1-6 | Disposal of solid waste | 18 N.J.R. 883(a) | | |
| 7:1F-1, 2 | Industrial Survey Project rules | 19 N.J.R. 11(a) | | |
| 7:2-11 | Natural Areas System | 18 N.J.R. 2349(b) | | |
| 7:6-1.42 | Boating rules: diving and swimming | 18 N.J.R. 1712(a) | R.1987 d.125 | 19 N.J.R. 408(a) |
| 7:7-1, 2, 3, 4, 6 | Coastal Permit Program | 18 N.J.R. 2156(a) | | |
| 7:7-2.2 | Monmouth County wetlands maps | 18 N.J.R. 2162(a) | | |
| 7:9-4.14 | Water quality criteria for Mainstem Delaware River Zones | 18 N.J.R. 1435(a) | | |
| 7:9-13 | Sewer connection bans | 18 N.J.R. 2163(a) | | |
| 7:9-13 | Sewer connection ban: extension of comment period | 19 N.J.R. 263(b) | | |
| 7:11-3 | Use of water from Delaware and Raritan Canal and Spruce Run/Round Valley Reservoir Complex | 18 N.J.R. 1330(a) | | |
| 7:13-7.1 | Floodway delineations along East Branch of Stony Brook, South Branch of Rockaway Creek, and Whale Pond Brook | 18 N.J.R. 1239(a) | | |
| 7:13-7.1(d) | Redelineation of Raritan River and Peters Brook: repropoed | 19 N.J.R. 167(b) | | |
| 7:13-7.1(d) | Redelineation of Wolf Creek in Hackensack Basin | 18 N.J.R. 2355(a) | | |
| 7:13-7.1(d) | Redelineation of Holland Brook in Somerset County | 18 N.J.R. 1866(a) | | |
| 7:13-7.1(d) | Redelineation of North Branch Raritan River in Somerset County | 18 N.J.R. 1866(b) | | |
| 7:13-7.1(e) | Redelineation of Henderson Brook in Passaic River | 18 N.J.R. 2169(a) | | |
| 7:13-7.1(g) | Flood hazard areas along the Saddle, Ramapo and Mahwah rivers, and Masicus Brook | 19 N.J.R. 169(a) | | |
| 7:14A-1, 2, 3, 5, 10, 12 | New Jersey Pollutant Discharge Elimination System | 18 N.J.R. 2085(a) | | |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R.CITATION) |
|---|---|-----------------------------------|-----------------|----------------------------------|
| 7:14A-1, 2, 3, 5, 10, 12 | New Jersey Pollutant Discharge Elimination System: comment period extended | 18 N.J.R. 2411(a) | | |
| 7:14A-1.9, 12 | Sewer connection bans | 18 N.J.R. 2163(a) | | |
| 7:14A-1.9, 12 | Sewer connection bans: extension of comment period | 19 N.J.R. 263(b) | | |
| 7:14A-6.16 | Disposal of solid waste | 18 N.J.R. 883(a) | | |
| 7:22-1, 2, 8 | Wastewater treatment facilities: State matching grants | 18 N.J.R. 1869(a) | R.1987 d.38 | 19 N.J.R. 77(a) |
| 7:22-3 | Wastewater Treatment Fund procedures | 18 N.J.R. 1875(a) | R.1987 d.37 | 19 N.J.R. 84(a) |
| 7:22-4 | Wastewater Treatment Trust procedures | 18 N.J.R. 1883(a) | R.1987 d.40 | 19 N.J.R. 95(a) |
| 7:22-5 | Determination of allowable costs: Wastewater Treatment Fund and Trust | 18 N.J.R. 1891(a) | R.1987 d.39 | 19 N.J.R. 105(a) |
| 7:22-6 | Pinelands Infrastructure Trust Fund procedures | 18 N.J.R. 1896(a) | | |
| 7:22-7 | Determination of allowable costs: Pinelands | 18 N.J.R. 1904(a) | | |
| 7:25-6 | 1987-88 Fish Code | 18 N.J.R. 1644(a) | R.1987 d.41 | 19 N.J.R. 110(a) |
| 7:25-18A.4 | Sale of striped bass | 18 N.J.R. 2170(a) | R.1987 d.126 | 19 N.J.R. 408(a) |
| 7:26-1.4, 2, 2A, 2B, 5, 12.11, 12.12 | Disposal of solid waste | 18 N.J.R. 883(a) | | |
| 7:26-1.4, 7.5, 7.7, 8.13 | Waste oil | 18 N.J.R. 878(a) | | |
| 7:26-2.9 | Closure and post-closure care of sanitary landfills | 18 N.J.R. 2170(b) | R.1987 d.117 | 19 N.J.R. 356(a) |
| 7:26-2.13 | Solid waste facilities: recordkeeping | 19 N.J.R. 171(a) | | |
| 7:26-6.5 | Interdistrict and intradistrict solid waste flow | 18 N.J.R. 1773(a) | R.1987 d.72 | 19 N.J.R. 202(b) |
| 7:26-6.5 | Interdistrict and intradistrict solid waste flow | 18 N.J.R. 2171(a) | R.1987 d.71 | 19 N.J.R. 202(a) |
| 7:26-8.1, 8.2, 8.19, 9.3, 9.7, 12.2 | Hazardous waste management | 17 N.J.R. 2941(a) | R.1987 d.18 | 19 N.J.R. 113(a) |
| 7:26-9.1, 9.3, 10.4, 10.8, 11.4, 12.1, 12.2 | Hazardous waste management | 18 N.J.R. 2356(a) | | |
| 7:26-9.1, 9.3, 10.4, 10.8, 11.4, 12.1, 12.2 | Hazardous waste management: extension of comment period | 19 N.J.R. 263(c) | | |
| 7:26-12.2 | Hazardous waste facilities: application signatories | 19 N.J.R. 11(b) | | |
| 7:26-15 | Recycling Grants and Loans Program | 18 N.J.R. 2358(a) | | |
| 7:26-16A.1, 16A.2 | Filing of disclosure statements by solid and hazardous waste licensees subject to A-901 | 18 N.J.R. 2172(a) | R.1987 d.54 | 19 N.J.R. 203(a) |
| 7:26-17 | Scales at solid waste facilities | 18 N.J.R. 1154(a) | | |
| 7:27-16.1, 16.3 | Air pollution control: Stage II vapor recovery | 18 N.J.R. 1867(a) | | |
| 7:28-14 | Therapeutic radiation installations | 18 N.J.R. 1157(a) | | |
| 7:28-19.2, 19.3, 19.4, 19.6, 19.9, 19.10, 19.12 | Licensure of orthopedic and urologic x-ray technologists | 18 N.J.R. 2361(a) | | |
| 7:28-42.1 | Workplace exposure to radio frequency radiation | 18 N.J.R. 1166(a) | | |
| 7:50 | Pinelands Comprehensive Management Plan | 18 N.J.R. 2239(a) | | |
| 7:50 | Pinelands Comprehensive Management Plan: public hearings | 18 N.J.R. 2411(b) | | |

(TRANSMITTAL 49, dated December 15, 1986)

HEALTH—TITLE 8

| | | | | |
|------------------------------------|--|-------------------|--------------|------------------|
| 8:2-1 | Birth certificates | 18 N.J.R. 2278(a) | | |
| 8:2-1 | Birth certificates: extension of comment period | 19 N.J.R. 264(a) | | |
| 8:8-1.2, 5.5, 6.2 | Screening of human blood | 18 N.J.R. 2280(a) | R.1987 d.111 | 19 N.J.R. 356(b) |
| 8:21-2.41 | Sale of striped bass | 18 N.J.R. 2174(a) | R.1987 d.127 | 19 N.J.R. 409(a) |
| 8:21-4 | Control of new drugs and Laetrile use | 18 N.J.R. 2363(a) | | |
| 8:21-5 | Foods, drugs, cosmetics, devices: order to remove from sale and recall | 18 N.J.R. 1361(b) | | |
| 8:21-5 | Order to remove from sale and recall of foods, drugs, cosmetics, and devices: extension of proposal comment period | 18 N.J.R. 1715(b) | | |
| 8:26 | Public recreational bathing: public hearing rescheduled | 19 N.J.R. 12(a) | | |
| 8:26-3.9, 5.6, 5.7, 5.9, 7.6, App. | Public recreational bathing | 18 N.J.R. 2281(a) | R.1987 d.99 | 19 N.J.R. 290(b) |
| 8:31-25.1 | Mobile intensive care: administration of medications | 18 N.J.R. 602(a) | R.1987 d.112 | 19 N.J.R. 357(a) |
| 8:31-26.3, 26.4 | Home health agencies: employee physicals; child abuse and neglect | 18 N.J.R. 2283(a) | | |
| 8:31-30.1 | Health facilities construction: plan review fees | 18 N.J.R. 795(a) | R.1987 d.24 | 19 N.J.R. 116(a) |
| 8:31B-2.2, 3.51, 3.57, 3.73, 4.40 | Hospital reimbursement: Same Day Surgery services | 18 N.J.R. 1908(a) | | |
| 8:31B-3.19 | Hospital reimbursement: RIM methodology implementation | _____ | _____ | 19 N.J.R. 249(b) |
| 8:31B-3.27, 4.42 | Hospital reimbursement: capital facilities allowance | 18 N.J.R. 1912(a) | | |
| 8:31B-3.41, 4.15, 4.38, 4.39 | Hospital reimbursement: uncompensated care | 18 N.J.R. 2283(b) | | |
| 8:31B-3.72 | Hospital reimbursement: periodic adjustments | 18 N.J.R. 1917(a) | | |
| 8:31B-3.73, App. IX | Hospital reimbursement: cost/volume methodology | 18 N.J.R. 2284(a) | | |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R.CITATION) |
|-------------------------------------|--|-----------------------------------|-----------------|----------------------------------|
| 8:31B-3.73, App. IX | Hospital reimbursement: correction to cost/volume methodology | 19 N.J.R. 264(b) | | |
| 8:31C-1 | Residential alcoholism treatment facilities: cost accounting and rate evaluation | 18 N.J.R. 1918(a) | R.1987 d.75 | 19 N.J.R. 203(b) |
| 8:33H-2.1, 3.2, 3.3, 3.5, 3.8, 3.10 | Long-Term Care Policy Manual | 18 N.J.R. 2095(a) | R.1987 d.74 | 19 N.J.R. 210(a) |
| 8:41-8 | Mobile intensive care: administration of medications | 18 N.J.R. 602(a) | R.1987 d.112 | 19 N.J.R. 357(a) |
| 8:42 | Licensure of home health agencies | 18 N.J.R. 2287(a) | | |
| 8:43E-1 | Hospital Policy Manual | 18 N.J.R. 825(a) | | |
| 8:43E-5 | Intermediate Adult and Special Psychiatric Beds: certification of need | 19 N.J.R. 171(b) | | |
| 8:71 | Generic drug list additions: public hearing (see 18 N.J.R. 1381(a), 1463(b), 1957(a), 2015(a), 19 N.J.R. 118(a)) | 18 N.J.R. 537(a) | R.1987 d.57 | 19 N.J.R. 216(b) |
| 8:71 | Generic drug list additions (see 18 N.J.R. 1955(b), 2208(b), 19 N.J.R. 116(b)) | 18 N.J.R. 1167(a) | R.1987 d.66 | 19 N.J.R. 216(c) |
| 8:71 | Generic drug additions (19 N.J.R. 116(c)) | 18 N.J.R. 1775(a) | R.1987 d.67 | 19 N.J.R. 217(a) |
| 8:71 | Interchangeable drug products | 18 N.J.R. 2100(a) | R.1987 d.55 | 19 N.J.R. 215(a) |
| 8:71 | Interchangeable drug products | 18 N.J.R. 2101(a) | R.1987 d.56 | 19 N.J.R. 216(a) |
| 8:71 | Interchangeable drug products | 19 N.J.R. 13(a) | | |

(TRANSMITTAL 46, dated December 15, 1986)

HIGHER EDUCATION—TITLE 9

| | | | | |
|---------------|--|-------------------|-------------|------------------|
| 9:1-1.4 | Submission of financial statements by independent special purpose and theological institutions | 18 N.J.R. 2364(a) | | |
| 9:1-6.1 | Approval of courses-for-credit offered by out-of-state institutions | 18 N.J.R. 2365(a) | | |
| 9:2-5 | Management of computerized information | 18 N.J.R. 799(a) | R.1987 d.19 | 19 N.J.R. 118(b) |
| 9:4-1.5 | Community college chargeback system | 19 N.J.R. 14(a) | | |
| 9:5-1.1 | Student dependency status defined | 19 N.J.R. 264(c) | | |
| 9:6-6 | Student membership on State college board of trustees | 19 N.J.R. 265(a) | | |
| 9:7-2.6 | Student assistance programs: student dependency status defined | 19 N.J.R. 176(a) | | |
| 9:7-3.1 | Tuition Aid Grant Program: 1987-88 Award Table | 19 N.J.R. 177(a) | | |
| 9:7-9 | Carl D. Perkins Scholarship Program | 18 N.J.R. 2174(b) | | |
| 9:11-1.2 | Student residency | 18 N.J.R. 1777(a) | | |
| 9:11-1.4 | Educational Opportunity Fund: student dependency status defined | 19 N.J.R. 266(a) | | |
| 9:11-1.5 | Educational Opportunity Fund: undergraduate grants | 19 N.J.R. 15(a) | | |
| 9:12-1.5, 2.3 | Educational Opportunity Fund Program | 18 N.J.R. 801(b) | | |

(TRANSMITTAL 35, dated December 15, 1986)

HUMAN SERVICES—TITLE 10

| | | | | |
|--|---|-------------------|-------------|------------------|
| 10:2 | County Human Services Advisory Councils | 18 N.J.R. 1777(b) | R.1987 d.17 | 19 N.J.R. 121(a) |
| 10:12-3 | Referral of handicapped students for adult educational services | 18 N.J.R. 1997(a) | R.1987 d.13 | 19 N.J.R. 124(a) |
| 10:49-1.5 | Records retention by long-term care facilities | 18 N.J.R. 2411(c) | | |
| 10:51-1, App. B, C | Pharmaceutical services manual | 18 N.J.R. 1780(a) | R.1987 d.7 | 19 N.J.R. 125(a) |
| 10:52-1.5, 1.17 | Out-of-state inpatient hospital services | 18 N.J.R. 538(a) | | |
| 10:56-3 | HCPCS codes for dental services | 19 N.J.R. 15(b) | | |
| 10:60-2.2, 2.3, 3.1 | Personal care assistant services | 18 N.J.R. 2365(b) | | |
| 10:61-1, 2 | Independent laboratory services | 18 N.J.R. 540(a) | | |
| 10:62-1, 2, 3 | Vision Care Manual | 18 N.J.R. 1246(a) | | |
| 10:63-1.14 | Records retention by long-term care facilities | 18 N.J.R. 2411(c) | | |
| 10:63-3.2, 3.4, 3.5, 3.6, 3.8, 3.10-3.15, 3.18, 3.19 | Long-term care facilities: CARE Guidelines | 18 N.J.R. 257(a) | R.1987 d.6 | 19 N.J.R. 126(a) |
| 10:65-1.5, 1.8 | Medical day care centers: recordkeeping | 19 N.J.R. 30(a) | | |
| 10:66-2, 3 | Independent clinic services | 18 N.J.R. 541(a) | | |
| 10:66-3 | Independent clinic transportation services: HCPCS codes | 18 N.J.R. 1252(a) | | |
| 10:68-2 | Chiropractor billing procedures | 18 N.J.R. 810(a) | | |
| 10:81-3.12 | PAM: parent-minor and AFDC | 19 N.J.R. 31(a) | | |
| 10:81-3.18 | PAM: exemption from WIN registration | 18 N.J.R. 2301(a) | | |
| 10:81-3.34 | PAM: temporary absence of child from home | 18 N.J.R. 1675(a) | | |
| 10:81-4.9, 5.2, 7.1 | PAM: administration of AFDC program | 19 N.J.R. 341(a) | | |
| 10:81-7.29 | Retroactive funeral payments | 18 N.J.R. 2176(a) | | |
| 10:81-11.7, 11.9 | PAM: annual notice of child support collections | 19 N.J.R. 343(a) | | |
| 10:81-11.18 | PAM: child support guidelines | 18 N.J.R. 2178(a) | | |
| 10:82-1.3, 4.16 | ASH: household defined; court-ordered support | 19 N.J.R. 31(b) | | |
| 10:82-3.2, 4.13, 4.14, 4.15 | ASH: resources and income in AFDC | 19 N.J.R. 344(a) | | |
| 10:82-4.15 | ASH: lump sum income | 19 N.J.R. 32(a) | | |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R.CITATION) |
|--------------------------|---|-----------------------------------|-----------------|----------------------------------|
| 10:85-2.2, 3.1-3.4 | GAM: correction to Administrative Code | | | 19 N.J.R. 307(b) |
| 10:85-3.2 | GAM: exemption from work requirement and unemployability | 18 N.J.R. 2183(a) | | |
| 10:85-3.3 | GAM: Medically Needy eligibility | 18 N.J.R. 1781(a) | | |
| 10:85-3.3, 3.4 | GAM: treatment of agent orange payments | 19 N.J.R. 32(b) | | |
| 10:85-4.9 | Retroactive funeral payments | 18 N.J.R. 2176(a) | | |
| 10:85-5.3 | GAM: payment of medical insurance premiums | 19 N.J.R. 33(a) | | |
| 10:85-8.4 | GAM: information concerning PAAD | 18 N.J.R. 1343(b) | | |
| 10:87-12.1, 12.2 | Food Stamp Program: income deductions and maximum coupon allotments | 18 N.J.R. 2137(a) | R.1987 d.5 | 19 N.J.R. 129(a) |
| 10:94-5.4, 5.5, 5.6, 5.7 | Medicaid Only: eligibility computation amounts | Emergency | R.1987 d.78 | 19 N.J.R. 245(a) |
| 10:100-3.6 | Submission of cemetery petition by funeral directors | 19 N.J.R. 345(a) | | |
| 10:100-3.10 | Retroactive funeral payments | 18 N.J.R. 2176(a) | | |
| 10:100-App. A | Supplemental Security Income payment levels | Emergency | R.1987 d.79 | 19 N.J.R. 246(a) |
| 10:121-2 | Adoption subsidy | 18 N.J.R. 24(a) | R.1987 d.45 | 19 N.J.R. 129(b) |
| 10:121A-2.2 | Certification period for adoption agencies | 18 N.J.R. 1923(a) | R.1987 d.106 | 19 N.J.R. 358(a) |
| 10:132 | Youth and Family Services: court actions and proceedings | 18 N.J.R. 1924(a) | R.1987 d.16 | 19 N.J.R. 130(a) |

(TRANSMITTAL 47, dated December 15, 1986)

CORRECTIONS—TITLE 10A

| | | | | |
|-----------|---|-------------------|-------------|------------------|
| 10A:4-4.1 | Inmate discipline: prohibited acts | 19 N.J.R. 178(a) | | |
| 10A:4-5.2 | Inmate discipline: schedule of sanctions at Youth Complex | 19 N.J.R. 178(b) | | |
| 10A:9 | Classification of inmates | 18 N.J.R. 1649(a) | R.1987 d.48 | 19 N.J.R. 218(a) |
| 10A:9-4.6 | Reduced custody consideration for inmates with mandatory minimum sentences of 24 months or less | 19 N.J.R. 178(c) | | |
| 10A:16 | Medical and health services | 18 N.J.R. 1662(a) | | |
| 10A:18 | Mail, visits, and use of telephone | 19 N.J.R. 33(b) | | |
| 10A:34-2 | Municipal detention facilities | 18 N.J.R. 2412(a) | | |

(TRANSMITTAL 15, dated December 15, 1986)

INSURANCE—TITLE 11

| | | | | |
|-----------------------------------|---|-------------------|--------------|------------------|
| 11:1-20, 22 | Cancellation and nonrenewal of commercial policies | 18 N.J.R. 2301(b) | R.1987 d.114 | 19 N.J.R. 359(a) |
| 11:1-22.3 | Reinstatement of commercial lines policies | 18 N.J.R. 2414(a) | R.1987 d.113 | 19 N.J.R. 358(b) |
| 11:1-24 | Credit cards and payment of insurance premiums | 18 N.J.R. 1999(a) | | |
| 11:2-17.11, 17.14 | Settlement of automobile damage claims | 18 N.J.R. 2415(a) | | |
| 11:3-7 | Automobile Reparation Reform: additional personal injury protection | 19 N.J.R. 44(a) | | |
| 11:3-10.3, 10.10 | Settlement of automobile damage claims | 18 N.J.R. 2415(a) | | |
| 11:3-13.1, 13.3, 13.4, 13.5, 13.6 | Deductibles for private passenger automobile coverage | 19 N.J.R. 46(a) | | |
| 11:3-16 | Pre-proposal: Private passenger automobile rate filings | 18 N.J.R. 1083(a) | | |
| 11:3-17.4, 17.5 | Private passenger automobile rate filings | 19 N.J.R. 47(a) | | |
| 11:4-16.6 | Daily hospital room and board coverage | 18 N.J.R. 608(a) | | |
| 11:4-16.8 | Medicare information brochure | 18 N.J.R. 2103(a) | R.1987 d.96 | 19 N.J.R. 291(a) |
| 11:4-21 | Limited death benefit policies | 18 N.J.R. 1085(a) | | |
| 11:4-23.8 | Medicare information brochure | 18 N.J.R. 2107(a) | R.1987 d.95 | 19 N.J.R. 291(a) |
| 11:5-1.3 | Real estate licensing qualifications | 18 N.J.R. 1782(a) | R.1987 d.68 | 19 N.J.R. 232(a) |
| 11:5-1.15 | Advertising by real estate licensees | 18 N.J.R. 1679(a) | R.1987 d.69 | 19 N.J.R. 232(b) |
| 11:5-1.16 | Obligations of real estate licensees | 18 N.J.R. 1677(a) | | |
| 11:5-1.16, 1.23 | Public hearing: Obligations of real estate licensees | 18 N.J.R. 2113(a) | | |
| 11:5-1.23 | Obligations of real estate licensees | 18 N.J.R. 1680(a) | | |
| 11:5-1.23 | Obligations of real estate licensees | 18 N.J.R. 2112(a) | | |
| 11:5-1.25 | Sales of interstate properties | 18 N.J.R. 2416(a) | | |
| 11:5-1.28 | Certification as approved real estate education instructor | 18 N.J.R. 1681(a) | | |
| 11:5-1.30 | Transfer of real estate licenses | 18 N.J.R. 2418(a) | R.1987 d.119 | 19 N.J.R. 409(b) |
| 11:12 | Pre-proposal: Legal services insurance | 18 N.J.R. 1783(a) | | |
| 11:17-1 | Surplus lines insurance guaranty fund surcharge | 18 N.J.R. 1173(a) | | |

(TRANSMITTAL 43, dated December 15, 1986)

LABOR—TITLE 12

| | | | | |
|---------------------|--|-------------------|--------------|------------------|
| 12:16-19.1 | Charging of unemployment benefits to employer's account | 18 N.J.R. 1682(a) | R.1987 d.104 | 19 N.J.R. 363(a) |
| 12:16-20.1 | Work relief and work training programs: exempt employment | 18 N.J.R. 1683(a) | R.1987 d.102 | 19 N.J.R. 363(b) |
| 12:17-2.2, 2.4 | Unemployment compensation claims and verification of Social Security numbers | 18 N.J.R. 1683(b) | R.1987 d.103 | 19 N.J.R. 363(c) |
| 12:17-3.1, 4.1, 4.2 | "Week of partial unemployment" defined | 18 N.J.R. 1684(a) | R.1987 d.101 | 19 N.J.R. 364(a) |
| 12:60 | Prevailing wages for public works | 19 N.J.R. 345(b) | | |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|-------------------------|---|-----------------------------------|-----------------|-----------------------------------|
| 12:100-4.2 | Protection of firefighters | 19 N.J.R. 48(a) | | |
| 12:100-4.2, 5.2, 6.2, 7 | Public employees and exposure to toxic and hazardous substances | 19 N.J.R. 267(a) | | |

(TRANSMITTAL 34, dated November 17, 1986)

COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A

| | | | | |
|----------|---|-------------------|--|--|
| 12A:10-1 | Award of contracts to small, female-owned and minority businesses | 18 N.J.R. 2306(a) | | |
|----------|---|-------------------|--|--|

(TRANSMITTAL 1, dated September 22, 1986)

LAW AND PUBLIC SAFETY—TITLE 13

| | | | | |
|------------------------------|--|-------------------|--------------|------------------|
| 13:27 | Rules of Board of Architects | 17 N.J.R. 2851(b) | R.1987 d.12 | 19 N.J.R. 131(a) |
| 13:27-8.12 | Continuing education in landscape architecture | 18 N.J.R. 2367(a) | R.1987 d.105 | 19 N.J.R. 364(b) |
| 13:29-1.7 | Conditional credit on Uniform CPA examination | 19 N.J.R. 48(b) | | |
| 13:30-2.16 | Continuing education in dental hygiene and dental assisting | 18 N.J.R. 2113(b) | R.1987 d.97 | 19 N.J.R. 296(a) |
| 13:30-8.6, 8.15 | Practice of dentistry and referral fees | 18 N.J.R. 2419(a) | | |
| 13:30-8.16 | Dental X-rays and use of lead shield | 18 N.J.R. 2113(c) | R.1987 d.98 | 19 N.J.R. 296(b) |
| 13:31-1 | Board of Examiners of Electrical Contractors | 18 N.J.R. 2113(d) | R.1987 d.44 | 19 N.J.R. 137(a) |
| 13:31-1.12, 1.13, 1.14, 1.15 | Licensure of electrical contractors | 19 N.J.R. 49(a) | | |
| 13:31-1.16 | Electrical contractor ID | 19 N.J.R. 352(a) | | |
| 13:32-1.9 | Master plumber ID | 19 N.J.R. 352(b) | | |
| 13:35-1.5 | Practice by medical school graduates in hospital residency programs | 18 N.J.R. 2184(a) | | |
| 13:35-6.13 | Medical Examiners Board: fee schedule | 19 N.J.R. 353(a) | | |
| 13:36-1.9 | Itemization of funeral expenses | 18 N.J.R. 2186(a) | | |
| 13:37-6.3 | Nursing procedures: administration of renal dialysis treatment | 18 N.J.R. 398(b) | Expired | |
| 13:39A-1.4 | Licensure of physical therapists: fees and charges | 18 N.J.R. 1177(a) | | |
| 13:39A-2.2 | Authorized practice by physical therapist | 18 N.J.R. 1177(b) | | |
| 13:39A-2.2, 3.3 | Electromyographic testing by licensed physical therapist: public hearing | 18 N.J.R. 1684(b) | | |
| 13:39A-3.3 | Physical therapy: unlawful practices | 18 N.J.R. 1178(a) | | |
| 13:39A-5.2—5.4, 5.6—5.9 | Physical therapy educational credentials and examination standards | 18 N.J.R. 1179(a) | R.1987 d.84 | 19 N.J.R. 297(a) |
| 13:39A-6 | Temporary licensure of physical therapists | 18 N.J.R. 1179(b) | R.1987 d.83 | 19 N.J.R. 298(a) |
| 13:40-5.1 | Preparation of land surveys | 18 N.J.R. 2367(b) | | |
| 13:45A-2 | Motor vehicle advertising practices | 18 N.J.R. 2419(b) | | |
| 13:45A-6.2 | Unlawful automobile sales practices | 18 N.J.R. 2115(a) | | |
| 13:45A-24 | Sale of gray market merchandise | 19 N.J.R. 179(a) | | |
| 13:46-1A.1, 1A.2, 5.19, 12.4 | Boxing: weight classes, age limitations, health safeguards | 18 N.J.R. 1789(a) | R.1987 d.53 | 19 N.J.R. 232(c) |
| 13:46-3.1 | Bandage specifications for boxer's hands | 18 N.J.R. 1924(b) | R.1987 d.52 | 19 N.J.R. 233(a) |
| 13:46-4.7, 4.25 | Licensure of boxers | 18 N.J.R. 1924(c) | R.1987 d.51 | 19 N.J.R. 233(b) |
| 13:46-5.23 | Boxing: time between bouts | 18 N.J.R. 2423(a) | | |
| 13:46-8.14 | Boxing: three knockdown rule | 18 N.J.R. 2424(a) | R.1987 d.122 | 19 N.J.R. 409(c) |
| 13:46-8.25, 11.10 | Compensation for boxing referees, judges and timekeepers | 18 N.J.R. 1925(a) | R.1987 d.50 | 19 N.J.R. 234(a) |
| 13:46-21.2 | Compensation of wrestling referees | 18 N.J.R. 1790(a) | R.1987 d.49 | 19 N.J.R. 233(c) |
| 13:47-6.19 | Prohibited prizes in games of chance | 18 N.J.R. 1180(a) | R.1987 d.82 | 19 N.J.R. 298(b) |
| 13:47-14.3 | Rental of premises for bingo | 18 N.J.R. 1180(b) | | |
| 13:47B-1.22 | Approaches for vehicle scales | 18 N.J.R. 2116(a) | | |
| 13:60 | Motor carrier safety | 18 N.J.R. 2311(a) | R.1987 d.73 | 19 N.J.R. 234(b) |
| 13:70-3.42 | Thoroughbred racing: workmen's compensation insurance | 18 N.J.R. 2116(b) | R.1987 d.42 | 19 N.J.R. 138(a) |
| 13:70-29.29—29.34 | Thoroughbred racing: refunds of advance wagers | 18 N.J.R. 2368(a) | R.1987 d.120 | 19 N.J.R. 409(d) |
| 13:71-6.1 | Harness racing: workmen's compensation insurance | 18 N.J.R. 2117(a) | R.1987 d.43 | 19 N.J.R. 138(b) |
| 13:71-21.8 | Harness racing: purse deductions | 18 N.J.R. 1516(a) | R.1987 d.46 | 19 N.J.R. 237(a) |

(TRANSMITTAL 49, dated December 15, 1986)

PUBLIC UTILITIES—TITLE 14

| | | | | |
|----------------------|--|-------------------|--------------|------------------|
| 14:3-7.9 | Form of bill for metered service | 18 N.J.R. 2425(a) | | |
| 14:3-7.12A | Residential electric and gas service during heating season | 18 N.J.R. 2315(a) | | |
| 14:11 | Board of Public Utilities: administrative orders | 18 N.J.R. 2425(b) | R.1987 d.116 | 19 N.J.R. 365(c) |
| 14:18-1.2, 11.21, 13 | CATV: franchise renewals | 18 N.J.R. 1181(a) | R.1987 d.70 | 19 N.J.R. 238(a) |

(TRANSMITTAL 29, dated September 22, 1986)

ENERGY—TITLE 14A

| | | | | |
|-----------|--|-------------------|-------------|-------------------|
| 14A:3-4.4 | Thermal efficiency standards: operative date | | | 18 N.J.R. 2391(a) |
| 14A:3-4.4 | Energy subcode: thermal efficiency standards | 18 N.J.R. 2349(a) | R.1987 d.92 | 19 N.J.R. 298(c) |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|---|---|-----------------------------------|-----------------|-----------------------------------|
| 14A:11-4.2, 4.3, 4.4, 5.2, 5.3, 5.4 | Reporting by retail fuel merchants and motor fuel dealers | 19 N.J.R. 50(a) | | |
| 14A:13 | Energy conservation in State buildings | 18 N.J.R. 2187(a) | R.1987 d.80 | 19 N.J.R. 300(a) |
| 14A:21-1.2, 2.2, 2.3, 3.4—3.7, 5.2, 6.1, 6.2, 7.1, 7.2, 7.5—7.7, 8.1—8.3, 9.4, 10.1, 11.2, 11.3 | Home Energy Savings Program | 18 N.J.R. 2001(a) | R.1987 d.88 | 19 N.J.R. 301(a) |

(TRANSMITTAL 21, dated September 22, 1986)

STATE—TITLE 15

| | | | | |
|------|--------------|-------------------|--------------|------------------|
| 15:5 | State Museum | 18 N.J.R. 2368(b) | R.1987 d.100 | 19 N.J.R. 366(a) |
|------|--------------|-------------------|--------------|------------------|

(TRANSMITTAL 18, dated October 20, 1986)

PUBLIC ADVOCATE—TITLE 15A

(TRANSMITTAL 1, dated March 20, 1978)

TRANSPORTATION—TITLE 16

| | | | | |
|------------------------------------|---|-------------------|--------------|------------------|
| 16:28-1.10 | Speed limits on U.S. 46 in Morris County | 18 N.J.R. 2117(b) | R.1987 d.1 | 19 N.J.R. 138(c) |
| 16:28-1.24 | Speed rates on Frontage Roads 1 and 2 in Paterson | 18 N.J.R. 2190(a) | R.1987 d.25 | 19 N.J.R. 138(d) |
| 16:28-1.44 | Speed limits on Route 27 in Middlesex County | 18 N.J.R. 2117(c) | R.1987 d.2 | 19 N.J.R. 139(a) |
| 16:28-1.98 | Speed limits on Route 52 in Cape May and Atlantic Counties | 18 N.J.R. 2118(a) | R.1987 d.3 | 19 N.J.R. 139(b) |
| 16:28A-1.7, 1.25, 1.47, 1.71, 1.97 | No parking zones along U.S. 9, Routes 35, 147, 67, and U.S. 1 Alternate | 18 N.J.R. 2316(a) | R.1987 d.63 | 19 N.J.R. 242(a) |
| 16:28A-1.7, 1.41, 1.108 | No parking zones along U.S. 9 in Little Egg Harbor, and Routes 77 and U.S. 40-N.J. 45 in Salem County | 19 N.J.R. 180(a) | | |
| 16:28A-1.8, 1.18 | Parking along Routes 10 in Livingston and 27 in Linden | 19 N.J.R. 51(a) | | |
| 16:28A-1.22, 1.104 | No parking zones along Route 31 and U.S. 40-322 | 18 N.J.R. 2318(a) | R.1987 d.60 | 19 N.J.R. 240(a) |
| 16:28A-1.32, 1.107 | Bus stops along U.S. 46 in Mountain Lakes and Route 175 in Ewing Township | 18 N.J.R. 2190(b) | R.1987 d.26 | 19 N.J.R. 139(c) |
| 16:28A-1.45, 1.57, 1.58 | No parking zones along Route 94, U.S. 206 and U.S. 206-94 in Newton | 18 N.J.R. 2319(a) | R.1987 d.59 | 19 N.J.R. 241(a) |
| 16:28A-1.47 | Parking on Route 147 in Cape May County | 18 N.J.R. 2118(b) | R.1987 d.4 | 19 N.J.R. 139(d) |
| 16:29-1.26, 1.63 | No passing zones on Route 72, Ocean County, and Route 45, Gloucester County | 18 N.J.R. 2119(a) | R.1987 d.65 | 19 N.J.R. 243(a) |
| 16:29-1.36 | No passing zones on Route 147 in Cape May County | 18 N.J.R. 2119(b) | R.1987 d.64 | 19 N.J.R. 243(b) |
| 16:29-1.65 | No passing zones on Route 166 in Ocean County | 18 N.J.R. 2119(c) | R.1987 d.62 | 19 N.J.R. 243(c) |
| 16:29-1.66 | No passing zone along Route 140 in Carney's Point | 19 N.J.R. 181(a) | | |
| 16:30-1.9 | One-way traffic on U.S. 206-94 in Newton | 18 N.J.R. 2319(b) | R.1987 d.58 | 19 N.J.R. 243(d) |
| 16:30-5.3 | DOT parking along Route 52 in Ocean City | 18 N.J.R. 2191(a) | R.1987 d.27 | 19 N.J.R. 140(a) |
| 16:31-1.23 | No left turn on Route 38 in Mount Laurel | 18 N.J.R. 2319(c) | R.1987 d.61 | 19 N.J.R. 243(e) |
| 16:32-1.1, 1.2, 1.3, 3 | Designated routes for double trailers and wide trucks | 18 N.J.R. 2428(a) | R.1987 d.115 | 19 N.J.R. 374(a) |
| 16:44-3.2, 3.4, 7.5-7.9 | Contract administration: construction plans; deferred payments to contractors | 19 N.J.R. 181(b) | | |
| 16:49-1.3 | Transportation of hazardous materials | 18 N.J.R. 933(a) | | |
| 16:51 | Practice and procedure before Office of Regulatory Affairs | 19 N.J.R. 182(a) | | |
| 16:53D-1.1 | Zone of rate freedom | 18 N.J.R. 2376(a) | | |
| 16:73 | NJ TRANSIT: Reduced Fare Program for Elderly and Handicapped | 18 N.J.R. 2437(a) | R.1987 d.121 | 19 N.J.R. 410(a) |

(TRANSMITTAL 46, dated November 17, 1986)

TREASURY-GENERAL—TITLE 17

| | | | | |
|--------------------|--|-------------------|--------------|-------------------|
| 17:1-1.10 | Reconciliation of pension accounts | 18 N.J.R. 2377(a) | R.1987 d.108 | 19 N.J.R. 380(a) |
| 17:1-2.37 | Alternate Benefit Program: transmittal of employee contributions | 18 N.J.R. 1256(a) | | |
| 17:1-4.4 | Enrollment schedule for State-administered retirement systems | 18 N.J.R. 2320(a) | R.1987 d.76 | 19 N.J.R. 304(a) |
| 17:1-4.36 | Pension credit for peacetime military service | 19 N.J.R. 353(b) | | |
| 17:1-7.4 | Retirees returning to public employment | 19 N.J.R. 51(b) | | |
| 17:2-1.4 | Public Employees' Retirement System: candidates for member-trustee | 19 N.J.R. 52(a) | | |
| 17:2-2.4, 3.1, 5.2 | Enrollment in PERS | 18 N.J.R. 2320(b) | | |
| 17:2-3.7 | PERS contributory coverage termination: correction | _____ | _____ | 18 N.J.R. 2391(c) |
| 17:2-4.4 | Public Employees' Retirement System: accrual of loan interest | 19 N.J.R. 194(a) | | |
| 17:3-4.4 | Teachers' Pension and Annuity: accrual of loan interest | 19 N.J.R. 52(b) | | |
| 17:3-5.5 | Teachers' Pension and Annuity Fund: optional purchases of eligible service | 18 N.J.R. 2120(a) | R.1987 d.47 | 19 N.J.R. 244(a) |
| 17:3-6.1 | Teachers' Pension and Annuity Fund: filing of retirement application | 18 N.J.R. 1519(b) | R.1987 d.10 | 19 N.J.R. 140(b) |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R.CITATION) |
|--------------------------|--|-----------------------------------|-----------------|----------------------------------|
| 17:3-6.15 | Teachers' Pension and Annuity Fund: compulsory retirement | 19 N.J.R. 195(a) | | |
| 17:4-2.6 | Enrollment in Police and Firemen's Retirement System | 18 N.J.R. 2321(a) | R.1987 d.124 | 19 N.J.R. 410(b) |
| 17:4-4.4 | Police and Firemen's Retirement System: loan interest | 18 N.J.R. 2437(b) | | |
| 17:4-5.1, 5.2 | Enrollment in Police and Firemen's Retirement System | 18 N.J.R. 2321(a) | | |
| 17:4-6.1 | Police and Firemen's Retirement System: retirement applications | 18 N.J.R. 1795(a) | R.1987 d.11 | 19 N.J.R. 140(c) |
| 17:7-1.4 | Prison Officers' Pension Fund: election of commission members | 18 N.J.R. 1352(b) | R.1987 d.28 | 19 N.J.R. 140(d) |
| 17:7-3.1 | Prison Officers' Pension Fund: retirement applications | 18 N.J.R. 1796(a) | R.1987 d.29 | 19 N.J.R. 141(a) |
| 17:8-3.7 | Supplemental Annuity Collective Trust: investment of contributions | 19 N.J.R. 52(c) | | |
| 17:12-6 | Award of contracts to small, female-owned and minority businesses | 18 N.J.R. 2306(a) | | |
| 17:16-32.11 | Common Pension Fund A: distribution of realized appreciation | 18 N.J.R. 2377(b) | R.1987 d.86 | 19 N.J.R. 304(b) |
| 17:16-36.11 | Common Pension Fund B: distribution of realized appreciation | 18 N.J.R. 2378(a) | R.1987 d.87 | 19 N.J.R. 304(c) |
| 17:16-38 | Common Pension Fund C | 18 N.J.R. 2438(a) | R.1987 d.107 | 19 N.J.R. 380(b) |
| 17:20-4.4, 5.1, 6.2, 6.4 | Lottery Commission rules | 18 N.J.R. 1927(a) | R.1987 d.77 | 19 N.J.R. 304(d) |
| 17:30 | Urban Enterprise Zone Authority | 18 N.J.R. 2191(b) | | |
| 17:30 | Urban Enterprise Zone Authority: comment period reopened | 19 N.J.R. 354(a) | | |

(TRANSMITTAL 43, dated November 17, 1986)

TREASURY-TAXATION—TITLE 18

| | | | | |
|--------------------|---|-------------------|--------------|------------------|
| 18:5-3.6 | Purchase of cigarette revenue stamps | 18 N.J.R. 2378(b) | | |
| 18:7-4.5, 4.6, 5.5 | Corporation business tax: indebtedness, interest, and offsets | 18 N.J.R. 2004(b) | R.1987 d.118 | 19 N.J.R. 410(c) |
| 18:14-2.11 | Veteran's and senior citizen's property tax deductions | 19 N.J.R. 195(b) | | |
| 18:24-1.1 | Sales and use tax forms | 18 N.J.R. 2192(a) | | |
| 18:24-1.2 | Sales and Use Tax: "periodicals" | 18 N.J.R. 1928(a) | | |
| 18:26-12.2 | Representation of estates | 18 N.J.R. 2321(b) | | |

(TRANSMITTAL 39, dated December 15, 1986)

TITLE 19—OTHER AGENCIES

| | | | | |
|---|--|-------------------|--------------|------------------|
| 19:4-4.152, 4.154, 4.155, 6.28 | Commercial Park Zone | 19 N.J.R. 53(a) | | |
| 19:4-6.28 | Rezoning in Little Ferry | 19 N.J.R. 53(b) | | |
| 19:4-6.28 | Rezoning in Secaucus | 19 N.J.R. 54(a) | | |
| 19:8-1.8 | Bus use of Parkway service areas | 18 N.J.R. 2120(b) | R.1987 d.8 | 19 N.J.R. 141(b) |
| 19:8-2.12 | Emergency service rates on Parkway | 18 N.J.R. 2120(c) | R.1987 d.9 | 19 N.J.R. 141(c) |
| 19:17-2.1, 3.1-4.5 | PERC: Appeal Board procedure | 19 N.J.R. 196(a) | | |
| 19:25-1.7, 7.2, 7.3, 7.4 | Surplus campaign funds | 18 N.J.R. 1359(a) | R.1987 d.30 | 19 N.J.R. 141(d) |
| 19:75-1.1, 2.1, 2.2, 2.3, 3.1, 5.4, 6.1, 6.2, 7.1, 7.2, 7.4, 9.2, 9.4 | Atlantic County Transportation Authority: bus management program | 18 N.J.R. 1688(a) | R.1986 d.472 | 19 N.J.R. 142(a) |

(TRANSMITTAL 34, dated September 22, 1986)

TITLE 19 SUBTITLE K—CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY

| | | | | |
|------------------------------|--|-------------------|--------------|------------------|
| 19:40-1.2 | Slot machine jackpot payouts | 18 N.J.R. 2005(a) | | |
| 19:41-9.7 | Fee for casino hotel alcoholic beverage license | 18 N.J.R. 1687(a) | | |
| 19:41-9.7 | Alcoholic beverage licenses | 18 N.J.R. 2379(a) | R.1987 d.109 | 19 N.J.R. 381(a) |
| 19:44-8.3 | Minibaccarat training | 18 N.J.R. 2322(a) | | |
| 19:44-17.11 | Advertising by gaming schools | 18 N.J.R. 2439(a) | | |
| 19:45-1.1, 1.37, 1.40, 1.40A | Slot machine jackpot payouts | 18 N.J.R. 2005(a) | | |
| 19:45-1.12 | Minibaccarat | 19 N.J.R. 54(b) | | |
| 19:45-1.32, 1.43 | Hard count room procedures | 18 N.J.R. 1929(a) | | |
| 19:46-1.12 | Minibaccarat | 19 N.J.R. 54(b) | | |
| 19:46-1.16, 1.18, 1.20 | Gaming equipment and evidence of cheating or tampering | 18 N.J.R. 2121(a) | | |
| 19:46-1.26 | Slot machine jackpot payouts | 18 N.J.R. 2005(a) | | |
| 19:47-7.7 | Minibaccarat | 19 N.J.R. 54(b) | | |
| 19:50-1.3 | Alcoholic beverage licensees | 18 N.J.R. 2379(a) | R.1987 d.109 | 19 N.J.R. 381(a) |
| 19:50-1.6 | Security of alcoholic beverages | 18 N.J.R. 2323(a) | | |
| 19:50-1.6 | Operating conditions of alcoholic beverage licensees | 18 N.J.R. 2439(b) | | |

(TRANSMITTAL 27, dated October 20, 1986)

NOTES

NOTES



OFFICE OF ADMINISTRATIVE LAW PUBLICATIONS

NEW JERSEY ADMINISTRATIVE CODE

- [] FULL SET (INCLUDES ALL TITLES BELOW) \$1200
 INDIVIDUAL TITLES (CIRCLE TITLES DESIRED)*
- 1. Administrative Law \$ 55
 - 2. Agriculture \$ 55
 - 3. Banking \$ 55
 - 4. Civil Service \$ 55
 - 5. Community Affairs (two volumes) \$110
 - 5A. Defense \$ 55
 - 6. Education (two volumes) \$110
 - 7. Environmental Protection (four volumes) \$220
 - 8. Health (three volumes) \$165
 - 9. Higher Education \$ 55
 - 10. Human Services (three volumes) \$165
 - 10A. Corrections \$ 55
 - 11. Insurance \$ 55
 - 12. Labor (two volumes) \$110
 - 12A. Commerce and Economic Development \$ 55
 - 13. Law and Public Safety (three volumes) \$165
 Volume C (Alcoholic Beverage Control and
 Amusement Games Rules) only \$ 55
 - 14/14A. Public Utilities/Energy \$ 55
 - 15. State \$ 55
 - 15A. Public Advocate \$ 55
 - 16. Transportation (two volumes) \$110
 - 17. Treasury-General \$ 55
 - 18. Treasury-Taxation (two volumes) \$110
 - 19. Other Agencies (Expressway Authority,
 Hackensack Meadowlands Development
 Commission, Highway Authority, Turnpike
 Authority, Public Employment Relations
 Commission, Sports and Exposition Authority,
 Election Law Enforcement Commission, Economic
 Development Authority, Public Broadcasting
 Authority, Executive Commission on Ethical
 Standards, Atlantic County Transportation Authority) \$ 55
 - 19K. Casino Control Commission \$ 55

(Prices include first year of updated replacement pages.)

New Jersey Register (one year)

By second class mail, \$75

By first class mail, \$150

[]
[]

NEW JERSEY ADMINISTRATIVE REPORTS

- I. Full Set of NJAR. Seven hardbound volumes and quarterly update service for one year. Hardbound volumes include a table of contents for the volume. Quarterly looseleaf update service includes a cumulative listing of statutes cited; cumulative listing of rules cited; cumulative topical index, and cumulative listing of cases reported \$400
- II. Looseleaf Update Service Only: Quarterly update service and bound volume(s) of decisions issued in quarterly service for one year. Cumulative indices \$195/year
- III. Individual Hardbound Volumes (1-7) can be purchased separately. Each volume has a table of contents ... \$45/volume (specify); \$315 for 1-7

Prepayment is required
for all subscriptions.

Please return form with your payment to:

OAL Publications
Quakerbridge Plaza, Bldg. 9
CN 049
Trenton, New Jersey 08625

Name and Delivery Address:

Billing Address, if different:

Telephone Number _____

Amount Enclosed _____

*If you want multiple copies of a Title, please specify on the "Amount Enclosed" line. For example, "\$220 (two copies, Title 6)"