

NEW JERSEY



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RULE PROPOSALS

AGRICULTURE

(a)

DIVISION OF DAIRY INDUSTRY

Milk Marketing Orders

Order 57-3 (Federal Order No. 2) and Order 63-1 (Federal Order No. 4)

Proposed Amendments: N.J.A.C. 2:54-1.1 and 2.1

Authorized By: Woodson W. Moffett, Jr., Director,
Division of Dairy Industry.
Authority: N.J.S.A. 4:12A-7.

The agency proposal follows:

Summary

Through a memorandum of agreement between the United States Secretary of Agriculture and the Director, Office of Milk Industry, State of New Jersey (the predecessor to the Division of Dairy Industry), the State of New Jersey administers joint and concurrent orders regulating the purchase of milk by milk dealers from dairy farmers.

The adoption of the joint orders are controlled at the Federal level by notice and publication requirements applicable to orders throughout the United States. All such orders require public hearings and approval by affected dairy farmers before adoption or amendment. Since the passage of the Administrative Procedure Act of the State of New Jersey, amendments to the New Jersey orders have been adopted by reference to the Federal Register in which the respective findings, determinations, and orders have been published.

Recent changes in the Act and in rules issued pursuant to the Act, makes it impractical to attempt publication of notice and adoption of amendments on a schedule which can mesh with the USDA requirements. It is necessary, therefore, that provisions be made in the orders for adoption of amendments to the orders within the time frame established by USDA in its Code of Federal Regulations. The following amendment accomplishes this requirement.

NEW JERSEY REGISTER

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Social Impact

The amendment impacts only dairy farmers shipping milk to handlers regulated under the orders. There is no impact on milk prices to consumers or on the availability of milk to consumers. Under terms of Federal regulations which control the adoption of amendments to Federal milk marketing orders, two-thirds of the dairy farmers voting must approve amendments before they may be effective.

Economic Impact

The proposed amendment will make for a more efficient administration and enforcement of the joint and concurrent orders of the division which fix prices to dairy farmers. It will also contribute to more stable milk marketing conditions and benefit dealers, farmers and consumers.

There will be no additional cost of administering the amended regulations.

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

2:54-1.1 Order 57-3 (Federal Order No. 2)

Pursuant to the memorandum of agreement between the United States Department of Agriculture and the Director, Office of Milk Industry (now Division of Dairy Industry), the Director, Division of Dairy Industry adopts Part 1002 of the Code of Federal Regulations, Volume 7 [as revised to 46 FR 33008 ff. (June 25, 1981)] **(including all subsequent amendments and supplements)** as a joint and concurrent order [for **Jo**f the Division of Dairy Industry and herein designates the order as 57-3 insofar as the said order relates to the State of New Jersey.

2:54-2.1 Order 63-1 (Federal Order No. 4)

Pursuant to the memorandum of agreement between the United States Department of Agriculture and the Director, Office of Milk Industry (now Division of Dairy Industry), the Director, Division of Dairy Industry adopts Part 1004 of the Code of Federal Regulations, Volume 7 [as revised to 45 FR 12811 ff. (February 27, 1980)] **(including all subsequent amendments and supplements)** as a joint and concurrent order of the Division of Dairy Industry; and herein designates the order as 63-1 insofar as the said order relates to the State of New Jersey.

Interested persons may submit in writing, data, views or argu-

PROPOSALS

ments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Woodson W. Moffett, Jr., Director
Division of Dairy Industry
New Jersey Department of Agriculture
CN 332
Trenton, NJ 08625
(Telephone: 609-292-5646)

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

This proposal is known as PRN 1981-307.

BANKING

(a)

DIVISION OF BANKING

Investments

State Chartered Commercial Banks; Approved Subsidiaries

Proposed Amendments: N.J.A.C. 3:11-2.1

Authorized By: Angelo R. Bianchi, Commissioner,
Department of Banking.

Authority: N.J.S.A. 17:9A-60(6).

The agency proposal follows:

Summary

The Legislature, in N.J.S.A. 17:9A-60(6), has given the Commissioner of Banking, with the approval of the Banking Advisory Board, the authority to approve a subsidiary of a controlling corporation to be considered as an individual entity when computing the limitation of liability of the subsidiary and/or the controlling corporation to a bank provided the subsidiary has capital, surplus and undivided profits aggregating \$5,000,000 or more. At the present time, there are 17 such subsidiaries which have been approved by the Commissioner and the Board. At the October 9, 1981 meeting of the Banking Advisory Board, the addition of ILC Industries, Inc., a subsidiary of Rapid-American Corporation, was approved for addition to the aforementioned list. At the same time, the Transport of New Jersey is being removed from the list, since this corporation no longer is in operation.

Social Impact

Adoption of this regulation will allow a State chartered commercial bank to expand its lending capacity to the specified subsidiary and its controlling corporation. It will provide State chartered institutions with the opportunity to offer this additional service which will aid them in serving the public and at the same time provide them with the opportunity to generate increased deposits through this expanded relationship.

Economic Impact

Adoption of this regulation will allow a State chartered commercial bank to increase its potential income through expansion of its lending opportunities. Additionally, it should improve the control of the institution over the activities of the corporation involved, since the borrowings will be centralized in the same institution rather than their being forced to seek alternate sources of financing.

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

3:11-2.1 Exclusion from liabilities of controlling corporation

(a) (No change.)

(b) A [L]list of subsidiaries approved under the provision in (a) above follows:

1.-6. (No change.)

7. ILC Industries, Inc.

Renumber 7.-13. as 8.-14.

[14. Transport of New Jersey;]

15.-17. (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-298.

COMMUNITY AFFAIRS

(b)

DIVISION OF HOUSING

Uniform Construction Code Licensing

Proposed Amendments: N.J.A.C. 5:23-5.5, 5.6, 5.7 and 5.11

Authorized By: Joseph A. LeFante, Commissioner,
Department of Community Affairs.

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

The agency proposal follows:

Summary

Construction and subcode officials holding provisional licenses shall have 24, rather than 12, months after temporary appointment to complete required educational programs. Provisional licenses will no longer be issued for fire protection inspector R.C.S. Persons whose licenses have been suspended for more than six months or have been revoked for any reason specified in N.J.A.C. 5:23-5.11 shall be ineligible to instruct code enforcement educational programs. Expiration and renewal dates for licenses are established. Provision is made for establishment of a license replacement fee different than that required for the original issuance. Continuing education requirements are established. Provision is made for assessment of civil penalties as an alternative to revocation or suspension of licenses and additional grounds for revocation or imposition of an alternative sanction are set forth.

Social Impact

The establishment of continuing educational requirements will insure better trained enforcement personnel who will better protect the public. The integrity of the educational program is protected by preventing persons who have had licenses suspended for six months or revoked pursuant to the regulations from serving as instructors. The use of civil penalties will give the department more flexibility in dealing with licensees who fail to discharge their duties properly.

Economic Impact

There will be an adverse economic impact upon any person against whom a civil penalty is assessed, although this may be less than the impact that would otherwise result from revocation or suspension of a license. Higher educational requirements will result in more money being spent on educational programs.

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

5:23-5.5 Requirements for a license

(a) (No change.)

(b) Requirements are:

1. Construction officials: A candidate for a license as a construction official H.H.S., I.C.S. or R.C.S. shall meet the following qualifications:

i.-ii. (No change.)

iii. A provisional license shall be issued to any person who has been temporarily appointed to the position of construction official in a local enforcing agency, provided that **such** person is licensed as a subcode official. [and further provided that s] **Such** person shall have successfully completed the educational program required herein within [12]**24** months of the temporary appointment.

2. Subcode officials: A candidate for a license as a building, electrical, fire protection or plumbing subcode official H.H.S., I.C.S. or R.C.S. shall meet the following qualifications:

i.-iv. (No change.)

v. A provisional license shall be issued to any person who has been temporarily appointed to the position of subcode official in a local enforcing agency, provided that **such** person is licensed as a technical inspector. [and further provided that s] **Such** person shall have successfully completed the educational program required herein within [12]**24** months of the temporary appointment.

3.-4. (No change.)

5. Fire protection inspector:

i.-ii. (No change.)

iii. Fire protection inspector R.C.S.: A candidate for a license as a fire protection inspector R.C.S. shall meet the following requirements:

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

[(3) A provisional license shall be issued to any person who has been appointed to the position of fire protection inspector R.C.S. in a local enforcing agency, provided that person possesses the required experience and further provided that such person shall have successfully completed the educational program established in N.J.A.C. 5:23-5.6 for fire protection inspector R.C.S. within 12 months of the appointment.]

6.-9 (No change.)

(c)-(d) (No change.)

5:23-5.6 Standards for educational programs

(a) (No change.)

(b) This section covers the organizational, administrative and operational functions that support the code enforcement education programs.

1.-4. (No change.)

5. Faculty: Faculty members should be competent in their fields and have contacts with code enforcement environments and other sources so that their teaching and research are current and relevant.

i. (No change.)

ii. Part time faculty: The institution, recognizing that an appropriate faculty is one of the major determinants of the quality of its edu-

cational programs, should make provision for use of part-time or adjunct faculty.

(1) No individual who has ever had a license suspended for a period of six months or more or has ever had a license revoked for any reason set forth in N.J.A.C. 5:23-5.11 shall be eligible to instruct code enforcement educational programs.

iii. (No change.)

6. (No change.)

(c)-(d) (No change.)

5:23-5.7 Renewal of license

(a) (No change.)

(b) Every two years [prior to July 31 in the second year], any license already issued shall be renewed upon submission of an application, payment of the required fee, and verification by the Office of Code Enforcement Official Licensure that the applicant has met such continuing educational requirements as may be established by the commissioner. The department shall renew the license previously issued for a term of two years. **The renewal date shall be 45 days prior to the expiration date. The expiration dates shall be July or January 31.**

(c) The department shall issue, upon application, a duplicate license of the appropriate type and specialty upon a finding that the license has been issued and the applicant is entitled to such license to replace one which has been lost, destroyed, or mutilated. Payment of a fee [equal to that for issuance of a license] **as may be established by the commissioner** shall be required.

(d) [Continuation] **Continuing education** requirements: [(Reserved)]

1. The following continuing education requirements are based upon the types(s) of license(s) held, and not upon employment positions held. Continuing Education Units (CEU's) will be approved by the Bureau of Construction Code Enforcement. (1.0 CEU 10 contact hours.) CEU's will be awarded for technical and administrative licenses.

i. Inspector license only - 1.0 CEU (technical);

ii. Inspector and subcode official licenses - 1.5 CEU's (1.0 technical and 0.5 administrative);

iii. Inspector, subcode official and construction official licenses - 2.0 CEU's (1.0 technical and 1.0 administrative).

(e) Where the holder of a license has allowed the license to lapse for failing to renew the license as provided for in [subsection] (b) **of this section** [herein], a new application and license shall be required. If such application is made within six months of the license having lapsed, then application may be made in the same manner as a renewal, but the application shall be accompanied by the fee for a new application. Upon a finding that a license of the type applied for was previously held and that any applicable continuing education requirements have been satisfied, the license shall be issued. Where the former license has lapsed for a period exceeding six months, a new application shall be required **in accordance with N.J.A.C. 5:23-5.5.**

(f) (No change.)

5:23-5.11 Revocation of licenses and alternative sanctions

(a) The department may suspend or revoke a license, **or assess a civil penalty of not more than \$500.00**, if the department determines that the holder:

1.-4. (No change.)

5. Has been grossly negligent or has engaged in misconduct in the performance of any of his duties;

6.-7. (No change.)

8. Has failed to comply with any order issued by the department;

9. Has made a false or misleading written statement, or has made a material omission in any submission to the department; or

10. Has failed to enforce the Uniform Construction Code Act or regulations.

- (b) The department, in addition or as an alternative, as the case may be, to revoking or suspending a license, **or assessing a penalty**, may issue a letter or warning, reprimand, or censure with regard to any conduct which, in the judgment of the department, [does not warrant such revocation or suspension] **warrants a letter of warning, reprimand or censure**. Such letter [of warning, reprimand or censure], in addition to any other filing requirements, shall be made a part of the licensing file of the individual.
- (c) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.
 Administrative Practice Officer
 Division of Housing
 CN804
 Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-319.

(a)

DIVISION OF HOUSING

Uniform Construction Code Licensing Requirements

Proposed Amendments: N.J.A.C. 5:23-5.5, 5.9

Proposed Repeal: N.J.A.C. 5:23-5.8

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

The agency proposal follows:

Summary

The new rule makes completion of educational courses approved by the Department and the passing of examinations given under the Department's auspices, where such examinations exist, mandatory prerequisites to licensing rather than alternative means of demonstrating competence. Persons with engineering or architecture degrees or licenses will be exempted from the course requirements for I.C.S. and R.C.S. specialty licenses. The section on substitution of alternative education, training or experience is repealed and it will not be possible to make such substitution to qualify for a license once this rule becomes effective.

Social Impact

The Department believes the public will be best served by requiring all applicants to pass the examinations and the courses necessary to prepare for them. The only adverse effect will be on those people who, for one reason or another, may be unable to pass either the course or the test despite whatever experience they might have. It is preferable, in the Department's opinion, that such people not be licensed.

Economic Impact

There may be an economic loss to any person who would have qualified for a license but for this rule. There will be economic benefit to those who teach the approved courses and prepare the required examinations.

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

- 5:23-5.5 Requirements for a license
 - (a) (No change.)
 - (b) Requirements are:
 - 1.-2. (No change.)
 - 3. Building inspector[s]:
 - i. Building inspector H.H.S.: A candidate for a license as a building inspector H.H.S. shall meet the following requirements:
 - (1) (No change.)
 - (2) Successful completion of an approved educational program meeting the requirements established in N.J.A.C. 5:23-5.6 for building inspector H.H.S. [or a substitute established in N.J.A.C. 5:23-5.8 or] **and an examination as required by N.J.A.C. 5:23-5.9** prior to application.
 - ii. Building inspector I.C.S.: A candidate for a license as a building inspector I.C.S. shall meet the following requirements:
 - (1) (No change.)
 - (2) Successful completion of an approved educational program meeting the requirements established in N.J.A.C. 5:23-5.6 for building inspector I.C.S. [or a substitute established in N.J.A.C. 5:23-5.8 or] **and an examination as required by N.J.A.C. 5:23-5.9** prior to application.
 - iii. Building inspector R.C.S.: A candidate for a license as a building inspector R.C.S. shall meet the following requirements:
 - (1) (No change.)
 - (2) Successful completion of an approved educational program meeting the requirements established in N.J.A.C. 5:23-5.6 for building inspector R.C.S. [or a substitute established in N.J.A.C. 5:23-5.8 or] **and an examination as required by N.J.A.C. 5:23-5.9** prior to application.
 - iv. **Persons having a college degree or New Jersey professional license in engineering or architecture shall be exempted from the educational program requirements for building inspector R.C.S. and building inspector I.C.S.**
 - 4. Electrical inspector:
 - i. Electrical inspector H.H.S.: A candidate for a license as an electrical inspector H.H.S. shall meet the following requirements:
 - (1) (No change.)
 - (2) Successful completion of an approved educational program meeting the requirements established in N.J.A.C. 5:23-5.6 for electrical inspector H.H.S. [or a substitute established in N.J.A.C. 5:23-5.8 or] **and an examination as required by N.J.A.C. 5:23-5.9** prior to application.
 - ii. Electrical inspector I.C.S.: A candidate for a license as an electrical inspector I.C.S. shall meet the following requirements:
 - (1) (No change.)
 - (2) Successful completion of an approved educational program meeting the requirements established in N.J.A.C. 5:23-5.6 for electrical inspector I.C.S. [or a substitute established in N.J.A.C. 5:23-5.8 or] **and an examination as required by N.J.A.C. 5:23-5.9** prior to application. **Persons having a college degree or New Jersey professional license in engineering or architecture shall be exempted from the educational program requirement.**
 - 5. Fire protection inspector:
 - i. Fire protection inspector H.H.S.: A candidate for a license as a fire protection inspector H.H.S. shall meet the following requirements:
 - (1) (No change.)
 - (2) Successful completion of an approved educational program meeting the requirements established in N.J.A.C. 5:23-5.6 for fire protection inspector H.H.S. [or a substitute established in N.J.A.C.

5:23-5.8 or] **and an examination as required by N.J.A.C. 5:23-5.9** prior to application.

ii. Fire protection inspector I.C.S.: A candidate for a license as a fire protection inspector I.C.S. shall meet the following requirements:

(1) (No change.)

(2) Successful completion of an approved educational program meeting the requirements established in N.J.A.C. 5:23-5.6 for fire protection inspector I.C.S. [or a substitute established in N.J.A.C. 5:23-5.8 or] **and an examination as required by N.J.A.C. 5:23-5.9** prior to application.

iii. Fire protection inspector R.C.S.: A candidate for a license as a fire protection inspector R.C.S. shall meet the following requirements:

(1) (No change.)

(2) Successful completion of an approved educational program meeting the requirements established in N.J.A.C. 5:23-5.6 for fire protection inspector R.C.S. [or a substitute established in N.J.A.C. 5:23-5.8 or] **and an examination as required by N.J.A.C. 5:23-5.9** prior to application.

(3) (No change.)

iv. **Persons having a college degree or New Jersey professional license in engineering or architecture shall be exempted from the educational program requirements for fire protection inspector I.C.S. and fire protection inspector R.C.S.**

6. Plumbing inspector:

i. Plumbing inspector H.H.S.: A candidate for a license as a plumbing inspector H.H.S. shall meet the following requirements:

(1) (No change.)

(2) Successful completion of an approved educational program meeting the requirements established in N.J.A.C. 5:23-5.6 for plumbing inspector H.H.S. [or a substitute established in N.J.A.C. 5:23-5.8 or] **and an examination as required by N.J.A.C. 5:23-5.9** prior to application.

ii. Plumbing inspector I.C.S.: A candidate for a license as a plumbing inspector I.C.S. shall meet the following requirements:

(1) (No change.)

(2) Successful completion of an approved educational program meeting the requirements established in N.J.A.C. 5:23-5.6 for plumbing inspector I.C.S. [or a substitute established in N.J.A.C. 5:23-5.8 or] **and an examination as required by N.J.A.C. 5:23-5.9** prior to application. **Persons having a college degree or New Jersey professional license in engineering or architecture shall be exempted from the educational program requirement.**

7.-8. (No change.)

9. Facility fire protection supervisor: A candidate for a technical license as a facility fire protection supervisor shall meet the following requirements:

i. (No change.)

ii. Successful completion of an approved educational program meeting the requirements established in N.J.A.C. 5:23-5.6 for fire protection inspector I.C.S. [or a substitute established in N.J.A.C. 5:23-5.8 or] **and an examination as required for fire protection inspector I.C.S. by N.J.A.C. 5:23-5.9** prior to application. **Persons having a college degree or New Jersey professional license in engineering or architecture shall be exempted from the educational program requirement.**

(c) The department shall determine by examination of the application and review of any supporting documents, including any evidence of [alternative] experience, training and/or education submitted [pursuant to N.J.A.C. 5:23-5.8 and N.J.A.C. 5:23-5.9], whether an applicant is qualified for a license of the type and specialty for which the application has been made. If the application is satisfactory, the commissioner shall issue a license to the applicant upon payment of the required fee. This license will show that the person has met the established requirements and is entitled to be employed in this State in accordance with the provisions of these regulations. The commissioner may deny or refuse to issue a license to an applicant upon proof that there has been any act or omission

which would constitute grounds for revocation under this subchapter.

(d) (No change.)

Repeal N.J.A.C. 5:23-5.8 (substitution of alternative education, training or experience).

OFFICE OF ADMINISTRATIVE LAW NOTE: Full text of this repeal may be found in the New Jersey Administrative Code.

5:23-5.9 Examinations

(a) [On or after July 1, 1979, the] **The** commissioner shall order examinations held, at least once annually, to establish eligibility for a license under each specialty of building inspector, electrical inspector, fire protection inspector, inplant inspector and plumbing inspector. Applicants **shall** [, in the alternative to successfully completing the required educational programs established in N.J.A.C. 5:23-5.6 or demonstrating competence by alternative education training and experience, as established in N.J.A.C. 5:23-5.8, may] demonstrate competence through an examination administered by the department. **The commissioner may waive this requirement in the event that a suitable examination is not available to be administered for a particular specialty.**

(b)-(m) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-318.

(a)

DIVISION OF HOUSING

Condominium and Cooperative Conversion Senior Citizens and Disabled Protected Tenancy

Proposed New Rules: N.J.A.C. 5:24-2

Authorized By: Joseph A. LeFante, Commissioner,
Department of Community Affairs.
Authority: N.J.S.A. P.L. 1981, c.226, section 19.

The agency proposal follows:

Summary

These regulations prescribe the forms to be used and the procedures to be followed in the making and processing of applications for protected tenancy status under the Senior Citizens and Disabled Protected Tenancy Act. Classification is provided as to the principal residence requirement, determination of eligibility or conditional eligibility, subsequent determination of ineligibility, effect of the Act upon tenants in rent-controlled municipalities, and certification of compliance by the local administrative agency. Provision is made for the charging of local fees to cover the cost of administration and for administrative hearings.

Social Impact

By supplementing the Act and providing necessary clarification, the regulations increase the likelihood that the Act will be implemented in a fair, uniform and orderly manner, to the benefit of tenants, owners and local administrative agencies alike.

Economic Impact

Savings will occur to the extent that confusion and wasted effort are minimized.

Full text of the proposed new rule follows.

CHAPTER 24

CONDOMINIUM AND COOPERATIVE CONVERSION

SUBCHAPTER 2. SENIOR CITIZENS AND DISABLED PROTECTED TENANCY

5:24-2.1 Introduction

(a) This subchapter is adopted pursuant to P.L. 1981, c.226 (N.J.S.A. 2A:18-61.22 et seq.), hereinafter referred to as "the Act".

(b) All terms defined in the Act shall have the same definitions as in the Act when used in this subchapter.

5:24-2.2 Application forms

(a) A tenant seeking protected tenancy status pursuant to the Act shall apply to the appropriate administrative agency or officer on a form prescribed by the Division of Housing of the Department of Community Affairs.

(b) The prescribed form shall require at least the following information:

1. Name of applicant;
2. Name of spouse, if residing in the same household;
3. Address, including apartment number;
4. Municipality;
5. County;
6. Name of building or project, if any;
7. Whether or not the dwelling unit is the applicant's principal place of residence;
8. The date on which the applicant began occupying a dwelling unit in the building as his or her principal place of residence;
9. The total combined income, for the last full calendar year, of all members of the household residing in the dwelling unit at the time of application for protected tenancy status, regardless of whether or not such income is taxable;
10. Date of birth of applicant;
11. Date of birth of spouse, if residing in the same household;
12. Whether or not disability is claimed and, if so, the nature of the disability;
13. Current monthly rental and any surcharges.

5:24-2.3 Application procedure

(a) A tenant seeking protected tenancy status shall file a completed application form with the administrative agency or officer within 60 days of receipt of a notice and application form from the administrative agency or officer.

1. Persons who become disabled tenants after receipt of the notice and application form but prior to the date of conversion recording may file a completed application form at the time prior to such conversion recording.

(b) Upon request of the administrative agency or office, a tenant seeking protected tenancy status shall supplement the form with such documentation as the administrative agency or officer shall deem necessary in order to make a determination as to eligibility.

1. An application shall be deemed incomplete, and shall not be accepted, if supplementary documentation is not provided to the administrative agency or officer within 10 days of request therefor.

i. With respect to income, such documentation may include, but shall not be limited to, copies of income tax returns and certification if the amount received in Social Security payments or in payments from other sources of non-taxable income.

ii. Proof of age shall be in the form of a copy of a birth record

or such documentation evidenced by a public record as the administrative agency or officer shall deem to be equivalent.

iii. Proof of disability shall be in the form of certification of entitlement to Social Security or SSI disability benefits or, if the applicant does not receive such disability benefits, of such evidence as the administrative agency or officer may deem appropriate.

2. If the administrative agency or officer does not request supplementary documentation, the application shall be deemed to have been complete upon submission.

(c) Taxable income shall be deemed to be income as would be shown on line 17a of the 1980 New Jersey Gross Income Tax form. Non-taxable income shall include without limitation, any excluded pension payments, any Social Security, SSI or Railroad Retirement payments, any payments from any public assistance program and any interest on tax-exempt securities.

5:24-2.4 Principal residence requirement

(a) No protected tenancy status shall be allowed for a tenant not occupying the dwelling unit as his or her principal residence.

(b) A dwelling unit shall be presumed to be a tenant's principal residence if it is physically occupied by the tenant for at least 184 days in each calendar year.

(c) In the event that a dwelling unit claimed to be a tenant's principal residence is not physically occupied by such tenant for at least 184 days per year, the administrative agency or officer may allow or disallow protected tenancy status upon consideration of all relevant factors, including, without limitation, voting address, automobile registration and address on driver's license, address shown on Federal and State income tax forms, mailing address, amount of time spent at the claimed permanent residence and at other locations and occupancy of the unit by others.

5:24-2.5 Determination of eligibility

(a) As required by the Act, the administrative agency or officer shall make a determination as to a tenant's eligibility within 30 days of receipt of a completed application from such tenant. An application form shall be deemed to be completed when all supplementary documentation required by the administrative agency or officer has been submitted.

(b) The administrative agency or officer shall determine each applicant to be eligible, conditionally eligible or ineligible.

1. A tenant shall be determined to be eligible only if he or she has established, to the reasonable satisfaction of the administrative agency or officer, that he or she meets all requirements established by the Act as of the date of application.

2. A tenant shall be determined to be conditionally eligible only if he or she has established to the reasonable satisfaction of the administrative agency or officer, that he or she meets all requirements established by the Act as of the date of application, except the two-year residency requirement or the 62 year age requirement, or both.

i. A conditionally eligible tenant shall automatically become eligible if the conversion recording, as defined in the Act, occurs after the tenant's second anniversary of establishing a principal residence in the building or 62nd birthday, whichever is later.

ii. If the conversion recording precedes either such second anniversary of residence or such 62nd birthday, the tenant shall automatically become ineligible.

iii. In the event that a tenant is determined to be conditionally eligible, the determination notice sent to the tenant and to the owner shall indicate the date after which the tenant will be eligible if the conversion recording has not been made.

3. Any tenant not determined to be either eligible or conditionally eligible shall be determined to be ineligible.

5:24-2.6 Subsequent determination of ineligibility

(a) Upon presentation to the administrative agency or officer of credible evidence indicating that a tenant is no longer qualified under the Act for protected tenancy status, the administrative agency or officer shall thoroughly investigate the matter and shall make a determination as to continued eligibility. Notice of such determination shall be given to both the owner of the building, or of the unit, as the case may be, and to the tenant.

(b) A tenant claiming continued eligibility and any person contesting such claim shall present such evidence as the administrative agency or officer may require. All parties in interest shall be given an opportunity to examine and respond to such evidence as may be presented by another party.

5:24-2.7 Administrative hearings

(a) Any person aggrieved by any determination of an administrative agency or officer shall be entitled to an administrative hearing before such agency or officer or before a hearing officer designated by such agency or officer.

(b) Application for an administrative hearing shall be made within 10 days of receipt by the aggrieved person of notice of such determination.

(c) All notices of determinations issued by an administrative agency or officer shall advise the recipient of the right to a hearing and of the 10 day application requirement and shall give the name and address of the person to whom applications for hearings are to be made.

(d) Administrative hearings shall be held within 10 days of application therefor, except that the administrative agency or officer may hold hearings later due to extenuating circumstances such as, without limitation, a large number of applications for hearings being received within a short period of time.

(e) Notice of administrative hearings shall be given to all known parties in interest, all of whom shall have the opportunity to testify and present evidence and to examine adverse witnesses and evidence, including without limitation, application forms and supporting documentation previously submitted to the administrative agency or officer.

(f) A sound recording of the administrative hearing shall be made, and a transcript shall be obtainable, in accordance with the rules applicable to municipal courts.

(g) Within 10 days of the hearing, the administrative agency or officer shall issue a written final decision either upholding or revising the original determination and stating the reasons therefor. Appeal from such final decision shall be to the courts.

5:24-2.8 Rent increases

(a) The protection provided by the Act to tenants in municipalities with rent control ordinances in effect shall apply to all protected tenants, and to all tenants to whom notice of termination pursuant to section 3g of P.L. 1974, c.49 (N.J.S.A. 2A:18-61.2) has been given, shall apply to all tenants in any such municipality, regardless of whether the rent control ordinance covers their dwelling units.

(b) In conformity with the Act, no rent increase shall be required of any tenant protected under the Act in any municipality not having a rent control ordinance if such increase would be deemed unreasonable pursuant to N.J.A.C. 5:24-1.12(c).

5:24-2.9 Procedural requirements for owners

(a) An owner providing notice to an administrative agency or officer of his or her intention to file an application for registration of conversion with the Division of Housing shall provide to the administrative agency or officer sufficient current copies of the following forms provided by the Division of Housing:

1. Fact sheet;
2. Tenant notification requirement;
3. Application form;
4. Tenant affidavit;
5. Income eligibility list;
6. Completed notice form.

(b) Such owner shall not be deemed to have complied with the

notice requirement until all requirements of the Act and of this section have been satisfied.

1. Copies of all forms shall be provided for distribution to all tenants, regardless of apparent eligibility, and a sufficient quantity of unsealed, stamped, addressed envelopes shall be provided by the owner for this purpose.

(c) Forms at variance with the forms provided by the Division of Housing shall not be accepted.

(d) Notice of the conversion recording shall be given by the owner to the administrative agency or officer and to the Division of Housing within 10 days of such conversion recording.

5:24-2.10 Certification by administrative agency

(a) Within 10 days of receipt of the required tenant list, forms and stamped envelopes, the administrative agency or officer shall mail to each tenant the notice required by the Act, together with all other forms required pursuant to N.J.A.C. 5:24-2.9.

(b) Within two business days of the mailing of such notices, the administrative agency or officer shall provide to the owner an affidavit or certification of mailing by the person who mailed the notices. A duplicate of such affidavit or certification shall be included in the application for registration submitted by the owner to the Division of Housing, submission of such affidavit or certification with respect to all applications filed within the statutory 60 day period being a precondition to issuance by the Division of Housing of a notice of filing for registration.

(c) Within two business days of having mailed notices of determinations of eligibility to all applicants who filed during the statutory 60 day period, such determinations being required by the Act to be made in each case within 30 days of application, the administrative agency or officer shall provide to the owner a list of such determinations and an affidavit or certification by the person who mailed notices of such determination to the applicants. A duplicate of such list of determinations and affidavit or certification shall be provided by the administrative agency or officer to the Division of Housing, receipt thereof being a precondition to registration.

(d) In the event that any determination is made after the statutory 60 day period upon application of any disabled person pursuant to N.J.A.C. 5:24-2.3(a)1, the administrative agency or officer shall make a determination as to eligibility and provide notice of such determination to the applicant and the owner not later than 30 days after receipt of a completed application.

5:24-2.11 Administrative agency fees

(a) The municipality or county having responsibility for the administrative agency or officer may establish a fee schedule, which may vary according to the size of the building or project to be converted, to be paid by the owners upon submission of tenant lists, forms and stamped envelopes to the administrative agency or officer.

(b) Any fee schedule established pursuant to this section, shall be designed to fully or partially cover the cost of discharging the responsibilities imposed by the Act upon the administrative agency or officer and not to provide revenue in excess of such cost. A separate administrative hearing fee may be established.

(c) The failure of a municipality or county to establish a fee schedule shall in no way relieve the administrative agency or officer of any obligation imposed by the Act.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

PROPOSALS

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

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

This proposal is known as PRN 1981-317.

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

Flood Hazard Area Delineations

Flood Delineations Along the Delaware River and Doctors Creek, Indian Run, Crosswicks Creek, Blacks Creek, Mill Creek, Crafts Creek, Bustleton Creek and Stonyford Brook.

Proposed Amendments: N.J.A.C. 7:13-1.11

Public Hearing: November 23, 1981.

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

Authority: N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:16A-50 et seq.

DEP Docket No. 053-81-10

The agency proposal follows:

Summary

This proposed amendment provides for the application of rules and regulations concerning the development and use of land in designated floodways to portions of the Delaware River and some of its tributaries, as described above. Regulations of delineated flood hazard areas are designed to preserve flood carrying capacity and to minimize the threat to the public safety, health and general welfare.

Social Impact

This proposed delineation applies added flood protection to the following areas within the Delaware River Basin: Allentown Borough, Monmouth County; Bordentown City, Fieldsboro Borough, and the Townships of Bordentown, Burlington, Florence, Mansfield and Westampton, all within Burlington County; Plumsted Township, Ocean County; and Washington Township, Mercer County.

Economic Impact

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

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

ENVIRONMENTAL PROTECTION

7:13-1.11 Delineated floodways

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

(c) A list of delineated streams in the Delaware Basin follows:

.....
The Delaware River from the downstream Burlington Township boundary upstream to its confluence with Crosswicks Creek within the Townships of Burlington, Florence, Mansfield and Bordentown and the Borough of Fieldsboro, including the back channel around Newbold Island, but excluding the reach within the City of Burlington, all in Burlington County; Doctors Creek within the Borough of Allentown and its tributary Indian Run from 1260 feet downstream from Church Street to the upstream Allentown Borough boundary between Allentown Borough, Monmouth County and Washington Township, Mercer County; Blacks Creek from its confluence with the Delaware River upstream to Route No. 206 within Bordentown City and Township, within the County of Burlington; Crosswicks Creek from its confluence with the Delaware River upstream 4300 feet within the City of Bordentown, Burlington County and from Route No. 537 to the upstream Plumsted Township boundary, within Plumsted Township, Ocean County; Mill Creek from the downstream Burlington Township boundary upstream to Route I-295 within Burlington Township and Westampton Township, Burlington County; Crafts Creek from its mouth upstream to Route No. 130 within Florence and Mansfield Township, Burlington County; Bustleton Creek from the downstream Florence Township boundary upstream to Route No. 130 in Florence Township, Burlington County; and Stonyford Brook from its confluence with Crosswicks Creek upstream to Moorehouse Road, within the Township of Plumsted, Ocean County.

A public hearing concerning this rule will be held on December 3, 1981 at 10:00 A.M. at:

Burlington Township Municipal Building
851 Old York Road
Burlington, New Jersey

OFFICE OF ADMINISTRATIVE LAW NOTE: A flood area hazard area map has been prepared and filed with the Office of Administrative Law as part of this proposal setting forth floodway limits and the extent of **flood hazard** area limits.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clark Gilman
Bureau of Flood Plain Management
Division of Water Resources
CN-029 1911
1911 Princeton Avenue
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-293.

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Regulation of Nongame and Exotic Wildlife Inspection Fees

Proposed Amendments: N.J.A.C. 7:25-4.6

Authorized By: Jerry Fitzgerald English, Commissioner,
 Department of Environmental Protection.
 Authority: N.J.S.A. 23:2A-5.
 DEP Docket No.: 052-81-10

The agency proposal follows:

Summary

"The Endangered and Nongame Species Conservation Act" was amended September 10, 1981, to authorize periodic inspections in order to determine compliance with rules and regulations promulgated with respect to the taking, possession, transportation, importation, sale or offer for sale or shipment of nongame or endangered wildlife. The amendment also authorizes the Commissioner to charge and collect fees to cover the costs of the inspections.

Social Impact

This rule will allow the Department to assure compliance with regulations designed to promote the public health, safety, and welfare. It will directly affect all individuals, corporations, societies, or other organizations which possess or sell regulated nongame wildlife by subjecting their wildlife records and facilities to periodic inspections. It will indirectly affect all the residents of New Jersey by increasing the Commissioner's ability to assure compliance to regulations, thereby promoting the public health, safety, and welfare. It is known that facilities and permittee responsibility frequently deteriorate over time and continued compliance can be assured only through regular inspections.

ECONOMIC IMPACT

Individuals, corporations, societies, or other organizations which possess or sell regulated nongame or endangered wildlife will be charged an inspection fee commensurate with the Department's cost to provide that service. Most affected permittees will have a commercial interest in the wildlife or a nonprofit organizational standing. Individual hobby permittees (pet owners) will not be affected by this amendment.

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

7:25-4.6 Categories of permit, expiration, fees, sales receipt required, records and reports required

(a) The Division may issue, but not be limited to, the following categories of permits:

1. Individual hobby: issued to [individuals] **persons** holding exotic species or nongame species for hobby purposes or as pets.
2. [Individual s] Scientific holding: issued to qualified [individuals] **persons** holding exotic species or nongame species for scientific observation, captive breeding attempts and other scientific or educational study.
- 3-5. (No change.)
6. Animal Exhibitor: issued to exhibitors of exotic species or nongame species other than zoos. Traveling exhibits, [and] small exhibitions not qualifying as zoos, **and circuses** are included, including importation, exportation and sale of species listed in the permit.
7. Animal theatrical agencies: issued to [owners of] **persons owning** exotic or nongame species to be hired for advertising, acting, or theatrical appearances, including importation, exportation and sale of species listed in the permit.

(b) (No change).

(c) [The possession permits shall require an initial fee of \$10.00 an annual renewal fee of \$5.00.] **The possession permits shall require an annual issuance fee and inspection fee as listed:**

Categories of Permits	Inspection Fee	Annual Fee
Individual Hobby	None	\$ 5.00
Scientific Holding	\$25.00	\$10.00
Zoological		
less than 10 animals	\$50.00	\$10.00
more than 10 animals	\$100.00	\$10.00
Pet Shop	\$50.00	\$10.00
Animal Dealer	\$50.00	\$10.00
Animal Exhibitor		
Single Exhibit	\$25.00	\$10.00
Annual	\$100.00	\$10.00
Animal Theatrical Agency	\$100.00	\$10.00

(d) (No change.)

(e) Pet shops and animal dealers shall submit to the Division an annual inventory of **acquisitions**, sales and exchanges upon expiration or renewal of their permits.

(f) (No change.)

(g) Periodic inspections shall be made by Division designated personnel and shall consist of examination of exotic species, or nongame species their food, facilities, holding pen and exhibit area, and a review of relevant records pertaining to these species.

(h) Animal exhibitors and animal theatrical agencies shall notify the Division no less than two weeks prior to any scheduled activity in New Jersey covered by permit in order to permit inspection of the activity by Division personnel.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Russell A. Cookingham, Director
 Division of Fish, Game and Wildlife
 CN 400
 Trenton, NJ 08625

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

This proposal is known as PRN 1981-306.

HEALTH

(a)

HEALTH PLANNING & RESOURCE DEVELOPMENT

Standards for Doctors' Offices Owned and/or Sponsored by the Serving Health Care Facilities

General Requirements

Proposed Amendments: N.J.A.C. 8:31-22.1

Authorized By: Joanne E. Finley, M.D., M.P.H.,
Commissioner, Department of Health, (with the approval
of Health Care Administration Board).
Authority: N.J.S.A. 26:2H-1 and 26:2H-5.

The agency proposal follows:

Summary

This proposal is required due to the adoption of the new Federal Requirements of Construction and Equipment for Hospital and Medical Facilities (HRA) 79-14500 which replaces (HRA) 74-4000 and Amendments to the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. adopted May 7, 1981.

Social Impact

There is no discernible social impact due to the specific minor change as proposed, other than that noted in the summary above upon the proponents of health facility construction projects.

Economic Impact

There is no discernible economic impact since the proposed amendment does not constitute a major change in the licensure standards for health care facilities.

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

8:31-22.1 General Requirements

[(a) The following requirements for the design and construction of doctors' offices owned and/or sponsored by and serving health care facilities will be:

1. Life Safety Code 101-NFPA, 1973 edition, Chapter 13, Business Occupancies;
2. American National Standards Institute, A117.1-1961 (R1971);
3. Chapter 225, Laws of 1975.]

(a) Standards for construction of new buildings, additions, alterations and renovations to doctors' offices owned and/or sponsored by and serving health care facilities shall be in accordance with the New Jersey State Uniform Construction Code and Standards imposed by the United States Department of Health and Human Services (HHS), and the State Department of Health, and the Department of Community Affairs, specifically, the HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS Publication No. (HRA) 79-14500). In order to avoid conflict, sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, article 7 except sections 712.0, 716.0 and 717.0, and article 8 except sections 818.6 through 818.7.6 of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS, HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

(b) The following requirements for the design and construction of doctors' offices owned and/or sponsored by and serving health care facilities constructed prior to August 1, 1977 will be:

1. Life Safety Code 101- NFPA, 1973 edition, Chapter 13, Business Occupancies;

2. American National Standards Institute, A117.1-1961 (R1971);
3. Chapter 225, Laws of 1975.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Joseph A. DiCara, Chief
Health Facilities Construction
and Monitoring Program
Department of Health
CN 360
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-311.

(b)

HEALTH PLANNING & RESOURCE DEVELOPMENT

Standards for Parking Garages owned and/or Sponsored by Health Care Facilities

Proposed Amendments: N.J.A.C. 8:31-23.1

Authorized By: Joanne E. Finley, M.D., M.P.H.,
Commissioner, Department of Health (with approval
of the Health Care Administration Board).
Authority: N.J.S.A. 26:2H-1 and 26:2H-5.

The agency proposal follows:

Summary

This proposal is required due to the adoption of the new Federal Requirements of Construction and Equipment for Hospital and Medical Facilities (HRA) 79-14500 which replaces (HRA) 74-4000 and Amendments to the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. adopted May 7, 1981.

Social Impact

There is no discernible social impact due to the specific minor change as proposed, other than that noted in the summary above upon the proponents of health facility construction projects.

Economic Impact

There is no discernible economic impact since the proposed amendment does not constitute a major change in the licensure standards for health care facilities.

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

8:31-23.1 General Requirements

[(a) The following requirements for the design and construction of parking garages owned and/or sponsored by health care facilities will be:

- 1. Life Safety Code 101-NFPA, 1973 edition, General Storage Occupancies;
- 2. American National Standards Institute, A117.1-1961 (R1971);
- 3. Chapter 221, Laws of 1975;
- 4. Chapter 225, Laws of 1975.]

(a) Standards for construction of new buildings, additions, alterations and renovations to existing parking garages owned and/or sponsored by health care facilities shall be in accordance with the New Jersey State Uniform Construction Code and standards imposed by the United States Department of Health and Human Services (HHS), and the State Department of Health, and the Department of Community Affairs, specifically, the HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS Publication No. (HRA) 79-14500). In order to avoid conflict, sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, article 7 except sections 712.0, 716.0 and 717.0, and article 8 except sections 818.6 through 818.7.6 of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS, HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

(b) The following requirements for the design and construction of parking garages owned and/or sponsored by health care facilities constructed prior to August 1, 1977 will be:

- 1. Life Safety Code 101-NFPA, 1973 edition, General Storage Occupancies;
- 2. American National Standards Institute, A117.1-1961 (R1971);
- 3. Chapter 221, Laws of 1975;
- 4. Chapter 225, Laws of 1975.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Joseph A. DiCara, Chief
Health Facilities Construction and
Monitoring Program
Department of Health
CN 360
Trenton, N.J., 08625

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

This proposal is known as PRN 1981-316.

(a)

HEALTH PLANNING & RESOURCE DEVELOPMENT

Design and Construction of Interns', Residents' and Nurses' Housing General Requirements

Proposed Amendments: N.J.A.C. 8:31-24.1

Authorized By: Joanne E. Finley, M.D., M.P.H.,
Commissioner, Department of Health (with approval
of the Health Care Administration Board).
Authority: N.J.S.A. 26:2H-1 and 26:2H-5.

The agency proposal follows:

Summary

This proposal is required due to the adoption of the new Federal Requirements of Construction and Equipment for Hospital and Medical Facilities (HRA) 79-14500 which replaces (HRA) 74-4000

and Amendments to the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. adopted May 7, 1981.

Social Impact

There is no discernible social impact due to the specific minor change as proposed, other than that noted in the summary above upon the proponents of health facility construction projects.

Economic Impact

There is no discernible economic impact since the proposed amendment does not constitute a major change in the licensure standards for health care facilities.

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

8:31-24.1 General requirements

[(a) The following requirements for the design and construction of interns, residents' and nurses' housing facilities will be:

- 1. Life Safety Code 101-NFPA, 1973 edition, Chapter 11, Residential Occupancies;
- 2. American National Standards Institute, A117.1-1961 (R1971);
- 3. Chapter 225, Laws of 1975.]

(a) Standards for construction of new buildings, additions, alterations and renovations to existing Interns', Residents' and Nurses' Housing shall be in accordance with the New Jersey State Uniform Construction Code and standards imposed by the United States Department of Health and Human Services (HHS), and the State Department of Health, and the Department of Community Affairs, specifically, the HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS Publication No. (HRA) 79-14500). In order to avoid conflict, sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, article 7 except sections 712.0, 716.0 and 717.0, and article 8 except sections 818.6 through 818.7.6 of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS, HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

(b) The following requirements for the design and construction of Interns', Residents' and Nurses' housing facilities constructed prior to August 1, 1977 will be:

- 1. Life Safety Code 101-NFPA, 1973 edition, Chapter 11, Residential Occupancies;
- 2. American National Standards Institute, A117.1-1961 (R1971);
- 3. Chapter 225, Laws of 1975.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Joseph A. DiCara, Chief
Health Facilities Construction
and Monitoring Program
Department of Health
CN 360
Trenton, N.J., 08625

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

This proposal is known as PRN 1981-312.

(a)

HEALTH PLANNING & RESOURCE DEVELOPMENT**Standards for Licensure of Long term Care Facilities Construction****Proposed Amendments: N.J.A.C. 8:39-1.33**

Authorized By: Joanne E. Finley, M.D., M.P.H.,
Commissioner, Department of Health (with approval
of the Health Care Administration Board).
Authority: N.J.S.A. 26:2H-1 and 26:2H-5.

The agency proposal follows:

Summary

This proposal is required due to the adoption of the new Federal Requirements of Construction and Equipment for Hospital and Medical Facilities (HRA) 79-14500 which replaces (HRA) 74-4000 and Amendments to the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. adopted May 7, 1981.

Social Impact

There is no discernible social impact due to the specific minor change as proposed, other than that noted in the summary above upon the proponents of health facility construction projects.

Economic Impact

There is no discernible economic impact since the proposed amendment does not constitute a major change in the licensure standards for health care facilities.

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

8:39-1.33 Construction

Repeal existing text and substitute the following.

Standards for construction of new buildings, additions, alterations and renovations to existing buildings shall be in accordance with the New Jersey Uniform Construction Code and standards imposed by the United States Department of Health and Human Services (HHS), and the State Department of Health, and the Department of Community Affairs, specifically, the HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS Publication No. (HRA) 79-14500). In order to avoid conflict, sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, article 7 except sections 712.0, 716.0 and 717.0, and article 8 except sections 818.6 through 818.7.6 of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS, HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Joseph A. DiCara, Chief
Health Facilities Construction
and Monitoring Program
Department of Health
CN 360
Trenton, N.J., 08625

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

This proposal is known as PRN 1981-314.

(b)

HEALTH PLANNING & RESOURCE DEVELOPMENT**Standards for Licensure of Long Term Care Facilities Additional Requirements****Proposed Amendments: N.J.A.C. 8:39-1.34**

Authorized By: Joanne E. Finley, M.D., M.P.H.,
Commissioner, Department of Health (with approval
of the Health Care Administration Board).
Authority: N.J.S.A. 26:2H-1 and 26:2H-5.

The agency proposal follows:

Summary

This proposal is required due to the adoption of the new Federal Requirements of Construction and Equipment for Hospital and Medical Facilities (HRA) 79-14500 which replaces (HRA) 74-4000 and Amendments to the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. adopted May 7, 1981.

Social Impact

There is no discernible social impact due to the specific minor change as proposed, other than that noted in the summary above upon the proponents of health facility construction projects.

Economic Impact

There is no discernible economic impact since the proposed amendment does not constitute a major change in the licensure standards for health care facilities.

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

8:39-1.34 Additional Requirements

[(a)-(e) Delete the existing text and substitute the following]

(a) Standards for existing buildings or major alterations constructed from July 1, 1979 through May 7, 1981 shall be in accordance with the New Jersey State Uniform Construction Code and standards imposed by the United States Department of Health, and Human Services (HHS), and the State Department of Health, and the Department of Community Affairs, specifically, the HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS Publication No. (HRA) 79-14500). In order to avoid conflict, sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, article 7 except sections 712.0, 716.0 and 717.0, and article 8 except sections 818.6 through 818.7.6. of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS, HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

(b) Standards for existing buildings or major alterations constructed from August 1, 1977 through July 1, 1979 shall be in accordance with the Uniform Construction Code and the standards imposed by the United States Department of Health and Human Services (HHS), the Department of Health and the Department of Community Affairs, specifically, the HHS Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (HHS) Publication No. (HRA) 74-4000. In order to avoid conflict, sections 302 (except as it pertains to area limitations), 1202.7 and 1216.0, Article 5 except sections 513.0, 519.0, 520.0, and Article 6 except sections 618.7 through 618.9.3 of the building subcode of the New Jersey Uniform Code shall not govern with respect to health care facilities. The HHS (HRA) 74-4000 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

(c) Standards for existing buildings or major alterations constructed after September, 1974 to August 1, 1977, shall conform to the United States Public Health Service Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (HRA 74-4000), and the New Jersey Supplementary Standards to these requirements, dated April 22, 1968, with the following change:

1. There shall be a minimum of one single-bedded room, equipped with private bath and toilet, for every 30 beds licensed in the facility. (Two single-bedded rooms would be required for 31 through 60 beds, and so forth.)

(d) Standards for existing buildings or major alterations constructed before September, 1974, shall conform to the United States Public Health Service Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (930-A-7) and the New Jersey Supplementary Standards to this regulation, dated April 22, 1968.

(e) Fire protection measures for existing facilities shall comply with applicable sections of NFPA (National Fire Protection Association) standard no. 101, Life Safety Code, 1967 edition, prior to June 1, 1976.

(f) Effective June 1, 1976, all new facilities or additions shall comply with NFPA Standard No. 101, Life Safety Code, 1973 edition.

(g) An existing facility which undergoes major alterations shall have the option of complying with either NFPA standard No. 101, Life Safety Code, 1967 edition, or NFPA Standard No. 101, Life Safety Code, 1973 edition. If the facility chooses the 1973 edition, the entire facility must be in compliance with this standard.

(h) All patient bedrooms shall be equipped with a comprehensive smoke and heat detector system connected to the central alarm system.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Joseph A. DiCara, Chief
Health Facilities Construction and
Monitoring Program
Department of Health
CN 360
Trenton, N.J., 08625

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

This proposal is known as PRN 1981-310.

(a)

HEALTH PLANNING & RESOURCE DEVELOPMENT

Standards for Ambulatory Care Facilities Construction

Proposed New Rule: N.J.A.C. 8:43A-2.2
Proposed Amendments: N.J.A.C. 8:43A-2.1

Authorized By: Joanne E. Finley, M.D., M.P.H.,
Commissioner, Department of Health (with approval
of the Health Care Administration Board).
Authority: N.J.S.A. 26:2H-1 and 26:2H-5.

The agency proposal follows:

Summary

This proposal is required due to the adoption of the new Federal Requirements of Construction and Equipment for Hospital and Medical Facilities (HRA) 79-14500 which replaces (HRA) 74-4000 and Amendments to the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. adopted May 7, 1981.

Social Impact

There is no discernible social impact due to the specific minor change as proposed, other than that noted in the summary above upon the proponents of health facility construction projects.

Economic Impact

There is no discernible economic impact since the proposed amendment does not constitute a major change in the licensure standards for health care facilities.

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

8:43A-2.1 Construction

Repeal existing text and substitute the following.

(a) Standards for new buildings, additions, alterations, and renovations to existing buildings for ambulatory health care facilities under 6,000 square feet shall be in accordance with the New Jersey State Uniform Construction Code and standards imposed by the United States Department of Health and Human Services (HHS), and the State Department of Health, and the Department of Community Affairs, specifically, the HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS Publication No. (HRA) 79-14500). In order to avoid conflict, sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, article 7 except sections 712.0, 716.0 and 717.0, and article 8 except sections 818.6 through 818.7.6 of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS, HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

(b) Standards for new buildings, additions, alterations and renovations to existing buildings for ambulatory health care facilities over 6,000 square feet shall be in accordance with the New Jersey State Uniform Construction Code and standards imposed by the United States Department of Health and Human Services (HHS), and the State Department of Health, and the Department of Community Affairs, specifically, the HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS Publication No. (HRA)

79-14500). In order to avoid conflict, sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, article 7 except sections 712.0, 716.0 and 717.0, and article 8 except sections 818.6 through 818.7.6 of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS, HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

8:43A-2.2 Additional licensing requirements

(a) Standards for existing buildings or major alterations constructed from July 1, 1979 through May 7, 1981 for ambulatory care facilities under 6,000 square feet shall be in accordance with the New Jersey State Uniform Construction Code and standards imposed by the United States Department of Human Services (HHS), and the State Department of Health, and the Department of Community Affairs, specifically, the HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS Publication No. (HRA) 79-14500). In order to avoid conflict, sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, article 7 except sections 712.0, 716.0 and 717.0, and article 8 except sections 818.6 through 818.7.6 of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS, HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

(b) Standards for existing buildings or major alterations constructed from July 1, 1979 through May 7, 1981 for ambulatory care facilities over 6,000 square feet shall be in accordance with the New Jersey State Uniform Construction Code and standards imposed by the United States Department of Health and Human Services (HHS), and the State Department of Health, and the Department of Community Affairs, specifically, the HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS Publication No. (HRA) 79-14500). In order to avoid conflict sections 502, (except as it pertains to area limitations), 1702.7, 1716.0, article 7 except sections 712.0, 716.0 and 717.0, and article 8 except sections 818.6 through 818.7.6 of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS, HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Joseph A. DiCara, Chief
Health Facilities Construction and
Monitoring Program
Department of Health
CN 360
Trenton, N.J., 08625

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

This proposal is known as PRN 1981-313.

(a)

HEALTH PLANNING & RESOURCE DEVELOPMENT

Standards for Hospital Facilities Construction

Proposed New Rules: N.J.A.C. 8:43B-3.1A
Proposed Amendments: N.J.A.C. 8:43B-3.1

Authorized By: Joanne E. Finley, M.D., M.P.H.,
Commissioner, Department of Health (with approval
of the Health Care Administration Board).
Authority: N.J.S.A. 26:2H-1 and 26:2H-5.

The agency proposal follows:

Summary

This proposal is required due to the adoption of the new Federal Requirements of Construction and Equipment for Hospital and Medical Facilities (HRA) 79-14500 which replaces (HRA) 74-4000 and Amendments to the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. adopted May 7, 1981.

Social Impact

There is no discernible social impact due to the specific minor change as proposed, other than that noted in the summary above upon the proponents of health facility construction projects.

Economic Impact

There is no discernible economic impact since the proposed amendment does not constitute a major change in the licensure standards for health care facilities.

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

Repeal existing text of N.J.A.C. 8:43B-3.1 and substitute the following.

8:43B-3.1 Construction

(a) Standards for construction of new buildings, additions, alterations and renovations to existing buildings shall be in accordance with the New Jersey Uniform Construction Code and standards imposed by the United States Department of Health and Human Services (HHS), and the State Department of Health, and the Department of Community Affairs, specifically, the HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS Publication No. (HRA) 79-14500). In order to avoid conflict, sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, article 7 except sections 712.0, 716.0 and 717.0, and article 8 except sections 818.6 through 818.7.6 of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS, HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

(b) The licensee prior to making any alteration or improvements to an existing facility, shall submit plans and specifications to the Health Care Facility Construction and Monitoring Unit of the New Jersey Department of Health for approval before commencing such work.

8:43B-3.1A Additional licensing requirements

(a) Standards for existing buildings or major alterations constructed from July 1, 1979 through May 7, 1981 shall be in accordance with the New Jersey State Uniform Construction

Code and standards imposed by the United States Department of Health and Human Services (HHS), and the State Department of Health, and the Department of Community Affairs, specifically, the HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS Publication No. (HRA) 79-14500). In order to avoid conflict, sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, article 7 except sections 712.0, 716.0 and 717.0, and article 8 except sections 818.6 through 818.7.6 of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS, HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

(b) Standards for existing buildings or major alterations constructed from August 1, 1977 through July 1, 1979 shall be in accordance with the Uniform Construction Code and the standards imposed by the United States Department of Health and Human Services (HHS), the Department of Health and Human Services (HHS), the Department of Health and the Department of Community Affairs, specifically the HHS Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (HHS) Publication No. (HRA) 74-4000. In order to avoid conflict, sections 302 (except as it pertains to area limitations), 1202.7 and 1216.0, Article 5 except sections 513.0, 519.0, 520.0, and Article 6 except sections 618.7 through 618.9.3 of the building subcode of the New Jersey Uniform Code shall not govern with respect to health care facilities. The HHS (HRA) 74-4000 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

(c) Standards for existing buildings or major alterations constructed after September, 1974 to August 1, 1977 shall conform to the United States Public Health Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (HRA) 74-4000 and the New Jersey Supplementary Standards to this regulation, dated June 26, 1968. Standards for existing buildings or major alterations constructed before September 1974 shall conform to the United States Public Health Service Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (930-A-7) and the New Jersey Supplementary Standards to this regulation, dated June 26, 1968.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Joseph A. DiCara, Chief
Health Facilities Construction and
Monitoring Program
Department of Health
CN 360
Trenton, N.J., 08625

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

This proposal is known as PRN 1981-309.

(a)

HEALTH PLANNING & RESOURCE DEVELOPMENT

Standards for Hospital Facilities Construction

Proposed New Rules: N.J.A.C. 8:43B-15.12A
Proposed Amendments: N.J.A.C. 8:43B-15.12

Authorized By: Joanne E. Finley, M.D., M.P.H.,
Commissioner, Department of Health (with approval
of the Health Care Administration Board).
Authority: N.J.S.A. 26:2H-1 and 26:2H-5.

The agency proposal follows:

Summary

This proposal is required due to the adoption of the new Federal Requirements of Construction and Equipment for Hospital and Medical Facilities (HRA) 79-14500 which replaces (HRA) 74-4000 and Amendments to the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. adopted May 7, 1981.

Social Impact

There is no discernible social impact due to the specific minor change as proposed, other than that noted in the summary above upon the proponents of health facility construction projects.

Economic Impact

There is no discernible economic impact since the proposed amendment does not constitute a major change in the licensure standards for health care facilities.

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

Repeal existing text of N.J.A.C. 8:43B-15.12 and substitute the following.

8:43B-15.12 Construction

Renal dialysis services in hospitals shall be in accordance with the New Jersey State Uniform Construction Code and standards imposed by the United States Department of Health and Human Services (HHS), and the State Department of Health, and the Department of Community Affairs, specifically, the HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS Publication No. (HRA) 79-14500). In order to avoid conflict, sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, article 7 except sections 712.0, 716.0 and 717.0, and article 8 except sections 818.6 through 818.7.6 of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS, HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

8:43B-15.12A Additional licensing requirements

(a) Standards for existing buildings or major alterations constructed from July 1, 1979 through May 7, 1981 shall be in accordance with the New Jersey State Uniform Construction Code and standards imposed by the United States Department of Health and Human Services (HHS), and the State Department of Health, and the Department of Community Affairs, specifically, the HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS

Publication No. (HRA) 79-14500). In order to avoid conflict, sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, article 7 except sections 712.0, 716.0 and 717.0, and article 8 except sections 818.6 through 818.7.6 of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS, HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

(b) Standards for existing buildings or major alterations constructed from August 1, 1977 through July 1, 1979 shall be in accordance with the Uniform Construction Code and the standards imposed by the United States Department of Health and Human Services (HHS), the Department of Health and the Department of Community Affairs, specifically the HHS Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (HHS) Publication No. (HRA) 74-4000. In order to avoid conflict, sections 302 (except as it pertains to area limitations), 1202.7 and 1216.0, Article 5 except sections 513.0, 519.0, 520.0, and Article 6 except sections 618.7 through 618.9.3 of the building subcode of the New Jersey Uniform Code shall not govern with respect to health care facilities. The HHS (HRA) 74-4000 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Joseph A. DiCara, Chief
Health Facilities Construction
and Monitoring Program
Department of Health
CN 360
Trenton, N.J., 08625

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

This proposal is known as PRN 1981-315.

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Long term Care Services Manual

Rule Pre-Proposal: N.J.A.C. 10:63-1.16 Petition for Rule Making

Authorized By: Timothy Carden, Commissioner,
Department of Human Services.

Authority: N.J.S.A. 52:14B-4(f), 30:4D-6a(4) (a) and
30:4D-7.

The agency statement follows:

The Department of Human Services has received a petition for rulemaking pursuant to N.J.S.A. 52:14B-4(f). The petitioners are Peter Shapiro, County Executive of Essex County, and Stanley C. Van Ness, Public Advocate of the State of New Jersey. The petition is dated September 30, 1981, and includes a suggested amendment to N.J.A.C. 10:63-1.16 which is reproduced below.

The problem concerns individuals who are hospitalized in State and county psychiatric hospitals who are clinically appropriate for placement in long term care facilities. However, the petition alleges

the average waiting time is excessive and considerably longer than for persons being admitted from general hospitals, the community, etc. The petition also alleges that the problem is compounded in Essex County because of "extreme resistance by nursing homes in the county to acceptance of psychiatric hospital residents as patients".

The petition requests the Department of Human Services to require, as a condition of certification, any Medicaid long term care facility to make available a certain number of beds to eligible psychiatric hospital residents.

The petition requests the Department to publish the proposed regulations in the New Jersey Register, solicit comments, and thereafter adopt the regulations.

The Department agrees to publish the text submitted by the petitioners as a pre-proposal, and to solicit comments. The Department reserves decision as to any further rulemaking activity.

Full text of the pre-proposal as submitted to the Department follows (additions indicated in boldface thus).

10:63-1.16 Admission policies

(a)-(i) (No change.)

(j) Admission policies for psychiatric hospital residents:

1. Purpose: To protect and promote the health, and welfare and civil rights of eligible psychiatric hospital residents by requiring medicaid long term care facilities in the State of New Jersey to admit and care for such individuals.

2. Scope: All long term care facilities participating in the medicaid program are subject to (j) of this section.

3. Definitions:

i. "Department" means the New Jersey Department of Human Services.

ii. "Medicaid long term care facility" means a skilled nursing home or intermediate care facility, licensed by the State of New Jersey and certified for participation in the medicaid program.

iii. "Eligible psychiatric hospital resident" means a person residing in a state or county psychiatric hospital within the State of New Jersey who has been referred for long term care by the psychiatric hospital, medicaid, or by Court Order, and who is indigent for purposes of medicaid eligibility.

4. Requiring medicaid long term care beds for eligible psychiatric hospital residents:

i. The Department shall assess every medicaid long term care facility and may require any medicaid long term care facility, as a condition of certification, to make available a fixed number of its beds to eligible psychiatric hospital residents.

ii. In determining the number of beds to be set aside, the Department shall consider all relevant factors, including:

(1) Whether there currently exists a medicaid long term care bed shortage for eligible psychiatric hospital residents;

(2) The extent of the shortage statewide and in the health planning area of the particular medicaid long term care facility;

(3) The average length of time eligible psychiatric hospital residents must wait for medicaid long term care beds statewide and in the health planning area of the particular medicaid long term care facility;

(4) The record of the particular medicaid long term care facility in accepting eligible psychiatric hospital residents in the past.

5. Complying with requirements:

i. If the Department imposes a condition pursuant to (j)4 above, the medicaid long term care facility shall comply by making existing vacancies available to eligible psychiatric hospital residents until the condition has been complied with.

ii. The facility shall give priority to those eligible psychiatric hospital residents waiting longest for long term care admission.

ii. The facility shall hold any vacancy open for at least 24 hours and shall make reasonable efforts during that time to fill the vacancy with an eligible psychiatric hospital resident. Efforts shall include contacting relevant agencies and psychiatric hospitals to advise of the vacancy.

6. Remedies:

i. The Department shall receive complaints regarding violation of these regulations from any interested party.

ii. The Department may revoke, suspend, or take any other appropriate action against the medicaid certification of a long term care facility for violation of these regulations.

Interested persons may submit in writing, data, views or arguments relevant to the pre-proposal and petition for rule making on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

This is both a pre-proposal (see N.J.A.C. 1:30-3.2) and a notice of petition for a rule (see N.J.A.C. 1:30-3.6). Any rule concerning the subject of this pre-proposal and notice of petition for a rule must still comply with the rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(a)

DIVISION OF PUBLIC WELFARE

General Assistance Manual
Inpatient Hospital Services

Proposed Amendments: N.J.A.C. 10:85-5.1
and 5.2

Authorized By: Timothy Carden, Commissioner,
Department of Human Services.

Authority: N.J.S.A. 44:8-111(d).

The agency proposal follows:

Summary

This regulation eliminates the authority of municipal welfare departments to pay from General Assistance funds for inpatient hospital services rendered outside counties of the first class, currently Essex and Bergen. The authority and the mandate is retained for the payment of such services rendered in those two counties.

Social Impact

The Department does not envision that medical services for General Assistance recipients will be curtailed inasmuch as payments heretofore have only been authorized under conditions of medical necessity. Whether the hospitals will reduce or eliminate non-medical services, and if so, what services, cannot be predicted.

Economic Impact

Hospitals in the 19 counties in which payments are being eliminated may be compelled to seek alternate sources of funding to meet costs now covered by payments from General Assistance. The success of this activity will be the determining factor as to the level of economic impact upon the facilities. Predictions cannot be made. Estimated saving to the State is 1.6 million; to the municipalities \$650,000 for Fiscal Year 1982.

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

10:85-5.1 General provisions

The Municipal Director of Welfare shall authorize payment for

medical and hospital care and services to [g]General [a]Assistance recipients and eligible applicants who are hospitalized in counties of the first class to the extent provided by this subchapter.

10:85-5.2 Inpatient hospital care

(a) The Director of Welfare [may] shall authorize payment for inpatient care and services in an approved hospital if such has been prescribed by a fully licensed physician, dentist or podiatrist for medical, surgical or psychiatric treatment, diagnosis, and/or rehabilitation. When an eligible person is hospitalized in a county of the first class, the Director of Welfare of the municipality of residence, wherever in New Jersey that municipality may be located, must authorize the payment. Currently the counties of the first class are Essex and Bergen.

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

[(e) Out-of-State hospitalization: In cases where the type of treatment required is not available in a New Jersey hospital or in which a hospital beyond State borders is more accessible to the patient, the Director of Welfare may authorize payment for hospital services to the same extent authorized under the provisions of (a) through (d) above. Payment shall not exceed the appropriate Blue Cross all-inclusive per diem rate.]

[(f)](e) Authorization for payment: Authorization by the municipal welfare department to accept responsibility for the payment of hospitalization shall be by letter, or other form of written notice, issued to both the hospital and the patient. Such authorization must be signed by the [d]Director of Welfare on an individual case basis.

1. Persons eligible for hospitalization: The following and only the following shall be issued authorization for hospitalization:

i. Persons who, at the time of admission to a hospital in a county of the first class, are receiving General Assistance maintenance payments. Payments solely for excessive medicals shall not be considered as maintenance payments (see N.J.A.C. 10:85-3.3(g)1).

ii. Persons who, at the time of admission to a hospital in a county of the first class, have an application for General Assistance pending and who are subsequently found eligible for maintenance payments without reference to hospital or excessive medical costs.

iii. Persons who, after admission to a hospital in a county of the first class, but before discharge from the hospital, apply for General Assistance and are subsequently found eligible for maintenance payments without reference to hospital or excessive medical costs.

2.-3. (No change.)

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-305.

LAW AND PUBLIC SAFETY

CHAPTER 35
BOARD OF MEDICAL EXAMINERS

(a)

STATE BOARD OF MEDICAL EXAMINERS

Controlled Dangerous Substances Records of Prolonged Prescribing or Dispensing Schedule II Narcotic Drugs

Proposed New Rule: N.J.A.C. 13:35-12

Authorized By: State Board of Medical Examiners, Edwin H. Albano, President.
Authority: N.J.S.A. 45:9-2 and 45:1-13.

The agency proposal follows:

Summary

The proposed rule would require all New Jersey physicians prescribing or dispensing narcotics classified as Schedule II Controlled Dangerous Substances to any patient for continuous and prolonged periods of time to inform the Board of Medical Examiners of the medical determination which justifies the risks of addiction of unanticipated distribution which may be involved in such prescribing

Social Impact

Schedule II narcotic drugs are recognized by State and Federal law as being drugs of high abuse potential. By general consensus of the medical community, they are recognized as appropriately prescribed for conditions of physical pain. They may be prescribed for prolonged periods of time for patients suffering severe and intractable pain, most commonly in connection with terminal diseases. The Board is also aware, however, that a considerable number of physicians prescribe large quantities of narcotic drugs for prolonged periods of time without medical justification and out of carelessness, ignorance or incompetence, any of which reasons does a serious disservice to the patient and the medical community. There will be no social impact on most physicians or on their patients receiving legitimate medical treatment; the records will remain confidential in accordance with law and the medical treatment will continue uninterrupted. But it is expected that physicians who have been less than scrupulous in their prescribing habits will use the 120 days lead-time provided in the rule to review their records and to determine whether there is any need to revise their former treatment plans to accord with the public interest in limiting drugs of abuse to those situations where the benefit of the drug outweighs the physical and social detriment attendant upon a patient's drug dependency or the risks of unanticipated illicit distribution.

Economic Impact

Administrative costs are expected to be minimal. There will be no economic impact on patients receiving legitimate medical treatment (see social impact statement above). The impact on most physicians is expected to be the minimal one of maintaining henceforth a list of the very small number of patients for whom prolonged prescribing of narcotics is medically indicated. If the prescribing physician has elected to consult with another physician(s) about the treatment, such consultations are expected to be no more than those which a typical and careful physician would recommend anyway in such circumstances. The impact on those few physicians whose work may frequently involve such narcotic prescribing, such as oncologists, will similarly be slight, as it will involve no further documentation than what is already expected as the proper content of a patient's file.

Full text of the proposed new rule follows.

SUBCHAPTER 12. RECORD OF PROLONGED PRESCRIBING OR DISPENSING OF SCHEDULE II NARCOTIC DRUGS

13:35-12.1 Record of prolonged prescribing or dispensing of Schedule II narcotic drugs

(a) Any physician or practicing group of physicians licensed in this State prescribing or dispensing any Schedule II narcotic medication for any patient for a period in excess of 60 consecutive days, or a cumulative total of any 90 days within any calendar year shall provide to the Board the following information from the patient record within 10 days of the expiration of the earlier of said periods:

1. Name and address of prescribing physician or group of physicians;
2. Name and address of patient;
3. Brief history, pertinent clinical data, diagnosis and date first made;
4. Identity, dosage and frequency of the Schedule II narcotic medication(s) prescribed or dispensed and the date of the most recent such prescription;
5. Names and addresses of consulting physicians who have confirmed in writing the diagnosis and medical appropriateness of the identity or generic type, dosage and frequency of the Schedule II narcotic medication(s) prescribed, and the dates of the consultations;
6. Date of registration of the patient with the New Jersey Department of Health pursuant to N.J.S.A. 24:21-39 if the patient has become addicted to the drug(s) prescribed.

(b) Failure to comply with the requirements in (a) above shall constitute professional misconduct, pursuant to N.J.S.A. 45:1-21(e).

(c) All reports filed pursuant to this rule are for the purpose of monitoring licensee prescription of Controlled Dangerous Substances with a high potential for abuse, and no such reports shall be disclosed to the public by the Board.

Note: According to the agency, it is anticipated that the rule proposed in this notice will become operative 120 days after publication in the Register of a notice of adoption.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Edwin H. Albano, M.D., President
State Board of Medical Examiners
28 W. State Street
Trenton, New Jersey 08608

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

This proposal is known as PRN 1981-299.

(a)

DIVISION OF CONSUMER AFFAIRS**Professional Boards****Uniform Rule for Administration of Oral and Practical Licensing Examinations****Proposed New Rules: N.J.A.C. 13:44A-8**

Authorized By: James R. Zazzali, Attorney General of New Jersey.

Authority: N.J.S.A. 45:1-17(b).

The agency proposal follows:

Summary

The proposed rule is intended to reduce the subjective element in the creation and administration of practical and oral licensing examinations while preserving the ability of a licensing board to evaluate practical and clinical competence to engage in a regulated profession or occupation. Specific requirements to assure both objectivity and the integrity of the examination process include the following: advance preparation and filing of written questions and answers with board secretaries; sound of videotape recordings where practicable and feasible; disqualification of board members from the examination process where conflicts of interest arising by virtue of blood, family, economic and other interests arise; review and inspection by unsuccessful candidates of examination questions and the prepared answers. With regard to any particular provision's impact upon a particular licensing board, the proposal allows the Attorney General to waive the requirement upon a showing of good cause.

Social Impact

The rule will further assure that the element of subjectivity in oral and practical examinations is reduced and that such examinations are administered within a setting allowing for both an effective evaluation of a candidate's performance and a proper review by an unsuccessful candidate of his exam performance.

Economic Impact

The proposed rules will increase the cost of administering the examination process in that sound and video recording equipment will be necessary to record oral and practical examinations. The cost of such increased expenditure will be absorbed in the fees paid by licensure candidates and licensees and, therefore, no foreseeable cost will be borne by the public at large.

Full text of the proposed new rule follows.

SUBCHAPTER 8. UNIFORM RULE FOR ADMINISTRATION OF ORAL AND PRACTICAL EXAMINATIONS BY A PROFESSIONAL LICENSING BOARD

13:44A-8.1 Applicability

Any board which administers an oral or practical licensure examination shall comply with the requirements of this rule.

13:44A-8.2 Records

All records, including copies of questions and answers, and sound video tapes, required to be kept by this rule shall be maintained in a secure and confidential manner by a board's executive secretary for a period of three years from the date on which an oral or practical licensure examination is administered.

13:44A-8.3 Oral examinations

(a) In the administration of oral examinations, a board shall:

1. Prepare in advance and file with the board's executive secretary the examination questions and the range of acceptable answers. The board may accept an answer as acceptable other than those listed upon a showing by the board or the examinee that the answer should also be acceptable.

2. Tape record questions and answers during the test period, and file these with the board's executive secretary.

13:44A-8.4 Practical examinations

(a) In the administration of practical examinations, a board shall:

1. Prepare in advance and file with the board's executive secretary a description in writing of the knowledge, acts, practices, and procedures to be tested;

2. Prepare in advance and file with the board's executive secretary a description (in writing or by videotape or by other means) of the range of acceptable answers. The Board may accept an answer as acceptable other than those listed upon a showing by the board or the examinee that the answer or procedure should also be acceptable.

3. Sound record questions and answers during the test period, except that where a videotaped record is the only means of providing a record which will be adequately reviewable, such means shall be used.

13:44A-8.5 Anonymity

A board shall adopt and memorialize procedures to ensure that the anonymity of examinees will be preserved.

13:44A-8.6 Disqualification of board member

(a) A board member shall disqualify himself and shall not participate in the administration of an oral or practical examination if he:

1. Is related by blood or marriage to a candidate for licensure.

2. Maintains or has maintained a close personal relationship with either the candidate or a close relative thereof.

3. Is directly or indirectly financially interested in a candidate's success or failure on the examination.

4. There is any other reason which might preclude a fair and objective evaluation of a candidate's performance on an examination or which might reasonably lead the public to believe so.

13:44A-8.7 Review of examinations

(a) The board shall outline the procedure by which examinees shall be entitled to review their examination. The procedure shall:

1. Provide for inspection and review by the examinee of the questions asked and of his or her answers to these questions. (For an examination recorded on sound or videotape, an opportunity afforded to an examinee and such other individuals as he or she may designate to review the tape shall suffice for purposes of this rule.)

2. After the examination, provide for inspection and review of the correct answers previously filed with the board, to the examinees who have failed the examination.

3. The rights to inspect and review questions and answers provided in (a)1 and 2 above may, at the board's discretion, include the release of copies of examination questions and answers.

4. Provide an opportunity for the examinee to submit a statement of reasons why he or she should have received a better score.

5. Include any other provisions deemed necessary by the board to permit appropriate review of examinations.

13:44A-8.8 Waiver of requirements

The Attorney General may, upon a request by a board, waive any of the foregoing requirements for good cause. Good cause may include but shall not be limited to, a finding that a requirement would conflict with or make administratively difficult an examination pro

cedure administered by a regional or national examining organization provided that such examination procedure and provisions for review of its results achieve the purposes of this rule, so that the administration and scoring of examinations will be performed in a uniform and consistent manner, without bias or the appearance of bias, with minimum possible subjectivity, and with the opportunity to permit review of examination performance by an examinee and by other interested parties.

13:44A-8.9 Administrative Office of the Division of Consumer Affairs

The Administrative Office of the Division of Consumer Affairs shall provide the equipment and technical assistance necessary to carry out the requirements of this rule.

13:44A-8.10 Prohibition on examination

No examination shall be conducted in the private office of a board member.

13:44A-8.11 Operative date

This rule shall take effect and its requirements shall apply to all examinations administered 90 days following the date of final promulgation.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

James R. Zazzali
Attorney General of New Jersey
Office of the Attorney General
State House Annex
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-320.

(a)

DIVISION OF CONSUMER AFFAIRS

Professional Boards
Uniform Rule for Processing of Complaints

Proposed New Rule: N.J.A.C. 13:44A-9

Authorized By: James R. Zazzali, Attorney General of New Jersey.
Authority: N.J.S.A. 45:1-17 and N.J.S.A. 52:14B-4(f).

The agency proposal follows:

Summary

The rule provides a uniform set of procedures to be applicable to all professional and occupational licensing boards located within the Division of Consumer Affairs in the handling of complaints against licensees. Included within the specific procedures are the following: the obligation of a complainant to submit a complaint in writing unless incapable of doing so; the requirement to keep a log book in a form approved by the Director of the Division of Consumer Affairs to show the ultimate disposition of a complaint; time requirements for acknowledgement to consumers of receipt of the complaint and the reporting of a status thereof. In addition to these

requirements, the regulation would authorize a professional or occupational licensing board to delegate certain authority to screen and dispose of complaints pursuant to specifically adopted and approved guidelines regarding the same. In those instances where a licensee is summoned to appear before a professional board in response to a complaint, the rule would require the complainant to be given notice of such appearance where possible and appropriate.

Social Impact

The proposed rule will introduce and continue a uniform practice of complaint handling with specific record keeping requirements and will allow for individuals who have complained to a licensing board to better understand the regulatory process and participate therein where appropriate.

Economic Impact

The proposed rule will slightly increase the operating costs of professional and occupational licensing boards in that new record keeping requirements and written notice requirements are imposed uniformly for the purpose of advising complaining consumers and licensees of the status of the pending complaints and disposition thereof. The additional costs are perceived to be minimal, and when compared to the additional notice requirements and citizen participation in the complaint handling process, the same are viewed as justified.

Full text of the proposed new rule follows.

CHAPTER 44A
ADMINISTRATIVE PRACTICES AND PROCEDURES;
PROFESSIONAL BOARDS

SUBCHAPTER 9. UNIFORM PROCEDURES FOR COMPLAINT HANDLING BY PROFESSIONAL BOARDS

13:44A-9.1 Written complaint

A board shall require that each complaint be submitted in writing unless the nature of the information received is such that there appears to be an imminent danger to the public health, safety and welfare, or unless the complainant is incapable of complying with the retirement.

13:44A-9.2 Log book

Each board shall keep a log book of each complaint received in writing. The log book shall be structured to follow a complaint from receipt of the initial letter to ultimate disposition. The log book shall be in a form approved by the Director of the Division of Consumer Affairs.

13:44A-9.3 Acknowledgement of complaint

Each complaint letter received shall be acknowledged within five days of receipt, with a request for additional information if necessary. The letter of acknowledgement shall include a brief statement of the complaint process.

13:44A-9.4 Subject of the complaint

A copy of the letter of complaint may be sent to the subject of the complaint so that the board will have the complaint and the licensee's response to that complaint. In appropriate cases, the executive secretary may synopsise the essential factual allegations of the complaint for the information of and response by the subject of the complaint. However, the subject of the complaint shall not be informed of the existence of the complaint where confidentiality is required in order to effectively carry out an investigation.

13:44A-9.5 Screening and disposition of complaints

An executive secretary, an individual member, or an executive committee of

a board may be delegated by the authority to screen and dispose of complaints, provided the board has established specific guidelines delineating the types of matter which may be acted upon by such individuals and the manner in which such matters may be handled.

13:44A-9.6 Notification of complainant; opportunity to appear

The complainant shall be notified whenever the subject of the complaint is asked to appear before the board or any of its committees. Whenever possible and appropriate, the complainant shall be given the opportunity to appear to provide information to the board or its committee.

13:44A-9.7 Disposition of complaint

Within five weeks of receipt of a complaint, the complainant shall be advised of the status of the complaint. If possible, the matter should be considered at the first full meeting of the board following receipt of the complaint, provided the complaint is received 10 days prior to that meeting. If final disposition is not achieved within five weeks of receipt of the complaint, further update should be sent to the complainant either in writing or by telephone at two month intervals thereafter. Complaints not disposed of or formally filed within three months of initial receipt of the complaint should be listed in a separate log book in the board office.

13:44A-9.8 Reporting of final disposition

Except in unusual circumstances, the final disposition of a complaint shall forthwith be reported in writing to the original complainant.

13:44A-9.9 Filing requirement

The documents relating to each complaint and its disposition shall be kept in a file of the licensee or subject of the complaint for a period of five years.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

James R. Zazzali
 Attorney General of New Jersey
 Office of the Attorney General
 State House Annex
 Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-321.

(a)

OFFICE OF WEIGHTS AND MEASURES

**Precious Metals
 Regulation of Buyers of Precious Metals**

Proposed Repeal: N.J.A.C. 13:47C-5

Authorized By: State Office of Weights and Measures,
 William J. Wolfe, Sr., State Superintendent.
 Authority: N.J.S.A. 51:6A-1 et seq. (P.L. 1981 c.96).

The agency proposal follows:

Summary

P.L. 1981 Chapter 96, effective July 1, 1981, repealed the authority to adopt this rule.

Social Impact

The body of this rule was included in the statute which will protect sellers of precious metals from nefarious practices.

Economic Impact

The protection of sellers of precious metals will receive appropriate protection under the New statute.

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

**CHAPTER 47C
 COMMODITIES—GENERAL;
 WEIGHTS AND MEASURES**

SUBCHAPTER 5. [SALES OF PRECIOUS METALS](RE-SERVED)

13:47C-5.1 Definitions

“Precious Metal” is gold, silver, platinum and their alloys as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

“Merchant” is one who purchases small lots of precious metals from the public and sells the aggregate to refiners or brokers, and/or makes appraisals of small lots of precious metal.

“Small lots” is made up of used jewelry and the like, excluding coins and bullion.

13:47C-5.2 Weighing devices

(a) All devices used to weigh precious metals by merchants must be “tested and sealed” in accordance with N.J.S.A. 51:1-83, 51:1-93 and N.J.A.C. 13:47B-1.5. And, all weighings must be conducted in full view of the seller in accordance with N.J.A.C. 13:47B-1.6.

(b) The merchant must notify the county/municipal superintendent of Weights and Measures whenever a weighing device is moved from one location to another in accordance with N.J.S.A. 51:1-93 and N.J.S.A. 51:1-124.

13:47C-5.3 Price posting

The merchant shall post a conspicuous sign in proximity to the place where weighings are made quoting the prices offered for various units and fineness of precious metals.

13:47C-5.4 Advertising

The merchant shall include his legal name and address in all advertisements.

13:47C-5.5 Receipt

(a) The merchant shall issue a serialized receipt for each purchase or statement of appraisal of precious metal containing the following:

1. Legal name and address of the purchaser or appraiser.
2. Name and address of the seller.
3. Date of the transaction.
4. Net weight in terms pounds Troy, ounces Troy, pennyweight (troy) or kilograms/grams.
5. Fineness in terms “karat” for gold and “sterling or coin” for silver in accordance with N.J.S.A. 51:5-1 et seq. and 51:6-1 et seq.
6. Merchant shall retain copies of each receipt or statement of appraisal for not less than six months.

13:47-5.6 Violations

Violations of this subchapter shall be enforced in accordance with the provisions of N.J.S.A. 51:5-7 and 51:6-7 as amended.]

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

James R. Bird, Deputy State Superintendent
Office of Weights and Measures
187 West Hanover Street
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-303.

(a)

OFFICE OF WEIGHTS AND MEASURES

**Precious Metals
Regulation of Bonds Required of Transient
Buyers of Precious Metals**

Proposed New Rules: N.J.A.C. 13:47C-6

Authorized By: State Office of Weights and Measures,
William J. Wolfe, Sr., State Superintendent.
Authority: N.J.S.A. 51:6A-1i and 51:1-61.

The agency proposal follows:

Summary

P.L. 1981 Chapter 96, effective July 1, 1981 regulates certain persons in the business of buying certain precious metals. The new rule is in response to a requirement that "transient buyers" be bonded.

Social Impact

This rule will protect sellers of precious metals from nefarious practices by requiring transient buyers of precious metals to be bonded.

Economic Impact

This rule will assure that sellers of precious metals will receive appropriate compensation.

Full text of the proposed new rule follows.

CHAPTER 47C
COMMODITIES-GENERAL;
WEIGHTS AND MEASURES

...

SUBCHAPTER 6. REQUIREMENT FOR SECURITY BOND
REQUIRED BY TRANSIENT BUYERS
OF PRECIOUS METALS

13:47C-6.1 Definitions

"Bond:" The bond shall be approved as to form and sufficiency by the State Superintendent, shall be given to the State Superintendent in his official capacity and shall be conditioned for the faithful compliance by the precious metals transient buyer with all of the provisions of P.L. 1981, Chapter 96 and for the payment of all amounts due to sellers of precious metals during the period the bond is in force.

"Cancellation notice": In accordance with the provisions of P.L.

1981, Chapter 96 Section 1 (i), no bond shall be cancelled for any cause unless Notice of Intention to cancel is filed 30 days before with the State Superintendent. The bond must contain such a provision.

"Notice of withdrawal": No monies or securities shall be withdrawn from the State Superintendent unless Notice of Intention to withdraw is given to the State Superintendent 30 days before such withdrawal.

"Precious metals" means gold, silver, platinum, palladium, and alloys thereof.

"Precious metals transient buyer bond": All precious metals transient buyers shall file with the State Superintendent a good and sufficient surety bond, executed by a surety company authorized to transact business in this State in a sum of not less than \$5,000.

"State Superintendent" means the State Superintendent of the Office of Weights and Measures in the Division of Consumer Affairs, Department of Law and Public Safety for the State of New Jersey.

"Transient buyer" means a buyer of precious metals as provided for in P.L. 1981, Chapter 96 N.J.S.A. (RS 51:6 et al.) who has not been in the retail business continuously for at least six months at the address in the municipality where he is required to register or who intends to close out or discontinue all retail business in the municipality within six months.

13:47C-6.2 Notice of Intention

After the Notice of Intention is filed with the State Superintendent, the transient buyer shall make no further purchases of precious metals in this State.

13:47C-6.3 Claims

(a) Each customer (seller of precious metals) having a claim against a transient buyer shall file a verified claim in writing with the State Superintendent within 60 days. Failure to file within 60 days shall nullify the claim.

(b) If a customer has reduced his claim to a judgment, the judgment shall be presumptive proof of the amount due him.

(c) When the customer is the prevailing party and the surety shall not make payment of the amount decided, the State Superintendent shall bring an action at law to recover the amount necessary to satisfy the claim.

(d) The State Superintendent shall make distribution thereof to the claimants in accordance with the amounts determined to be due thereon, and if the bond is less than the total amount of awarded claims, distribution shall be made rateably to the claimants according to said amounts.

(e) Claims not filed within the bonding period or within 60 days of the termination of the bond shall not be received, acted upon, or paid.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

James R. Bird, Deputy State Superintendent
Office of Weights and Measures
187 West Hanover Street
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-304.

(a)

NEW JERSEY RACING COMMISSION**Harness Rules****Proposed Amendments: N.J.A.C. 13:71**

Authorized By: New Jersey Racing Commission, John J. Reilly, Executive Director.
 Authority: N.J.S.A. 5:5-30.

The agency proposal follows:

Summary

The proposed amendments to N.J.A.C. 13:71-1.4 and N.J.A.C. 13:71-1.5 clarify the rights of private security retained by the racetracks to supervise the backstretch areas.

The proposed amendment to N.J.A.C. 13:71-1.8 would consolidate the provisions of three existing (N.J.A.C. 13:71-8 through 10) relating to illegal bookmaking at racetracks. The deletion of N.J.A.C. 13:71-1.10 would then be reserved for a new rule requiring full reciprocity to disciplinary action imposed by other state racing commissions.

The amendment to N.J.A.C. 13:71-1.13 would substitute language for controlled dangerous substance violations from title 24 for common-law language now outdated.

N.J.A.C. 13:71-1.18 would be deleted as a duplicative rule.

N.J.A.C. 13:71-1.19 and N.J.A.C. 13:71-1.20 would both be amended to reflect the duty of the Board of Judges to impose such disciplinary action against licensees as required by the regulations.

New N.J.A.C. 13:71-1.23 would clarify the Commission's right to modify penalties imposed by racing officials pursuant to the Commission's statutory mandate.

N.J.A.C. 13:71-2.3 would be amended to increase the maximum fines which may be imposed against licensees.

The existing chapter (N.J.A.C. 13:11) dealing with due process requirements for disciplinary action would be repealed and replaced with a new text of N.J.A.C. 13:71-3A.1 through 10 which would establish guidelines for due process requirements as well as the availability of stays of disciplinary action for good cause.

N.J.A.C. 13:71-4.1 would be amended to include a definition for the Presiding Judge and Associate Judge when acting in their official capacity.

N.J.A.C. 13:71-6.1 to be deleted; rule is a misstatement of existing racing statutes with respect to closed or State bred races.

Amendment would reflect the existing statutory exception to the policy of restricting unauthorized deductions from winning purses (N.J.A.C. 13:71-6.4).

The repeal of N.J.A.C. 13:71-6.6 would remove a power of review of stall applications which the Commission has not exercised and doubts the legality thereof.

The amendment to N.J.A.C. 13:71-6.12 would conform existing paddock practice to the Commission's medication rules for respiratory bleeders.

The proposed amendment to N.J.A.C. 13:71-8.12 would include the Board of Judges as enumerated officials to make daily report of their activities to the Commission.

N.J.A.C. 13:71-8.13 would be deleted and reserved for use to codify the powers conferred by the Commission on the Board of Judges and Steward.

The amendment to N.J.A.C. 13:71-8.27 would delete the provisions dealing with compensation for the starter. This is not a duty which the Commission feels falls properly within its purview and may be violative of existing law.

The amendment to N.J.A.C. 13:71-9.2 would create an obligation that practicing veterinarians falling within the Commission's

jurisdiction affirmatively report new medications to be used at the racetracks.

N.J.A.C. 13:71-11.9, as amended would decrease the periods of inactivity required of a competing horse evidencing respiratory bleeding for a second occasion from six months to three months.

Amendment to N.J.A.C. 13:71-13.4 would delete unnecessary verbage from rule.

Proposed amendments of N.J.A.C. 13:71-13.15, 13.18, and 13.19 are purely of a technical nature and reflect current industry practice.

N.J.A.C. 13:71-14.5 as amended would restrict claiming privileges wherein a prospective claimant could be engaged in a conflict of interest situation in a given race.

N.J.A.C. 13:71-6.19 is also to be deleted; the spirit and substance of section 6.19 stated elsewhere in chapter.

The proposed amendment to N.J.A.C. 13:71-7.2 would provide greater flexibility to the Commission to deal with falsification of applications for licensure via disciplinary action. N.J.A.C. 13:71-7.23 would be repealed as duplicative to N.J.A.C. 13:71-7.2.

Amendment of N.J.A.C. 13:71-7.5 as proposed would establish license fees for newly created classes of licenses.

N.J.A.C. 13:71-7.7 would be amended to reflect the duty of the Steward in harness racing to review applications for the Commission.

The proposed amendment to N.J.A.C. 13:71-7.16 would liberalize the ability of corporations to engage in racing and enumerates the licensing requirements for such corporate ownership of horses.

Proposed amendment to N.J.A.C. 13:71-7.17 and N.J.A.C. 13:71-7.20 would increase the number of persons eligible to be involved in any multiple ownership of horses from 10 to 30.

N.J.A.C. 13:71-7.35 to be amended to reflect the private security agency responsible for harness racing instead of the thoroughbred security agency which lacks harness racing jurisdiction.

The proposed amendments to N.J.A.C. 13:71-8.10, 8.25, 8.26 and 8.33 would be purely technical in nature reflecting the current title of the Commission's chief administrative officer.

The proposed amendments to N.J.A.C. 13:71-15.29 and 15.30 are also technical changes reflecting current industry practices.

The amendment to N.J.A.C. 13:71-16.5 would modify the rule pertaining to coupling of entries to reflect the anticipated changes in ownership of race horses.

N.J.A.C. 13:71-17.2 would be amended to reflect what at present is an omission with respect to automatic timing devices.

N.J.A.C. 13:71-20.6 would be amended to include unrestrained breaks as a violation of proper driving practices.

The amendments to N.J.A.C. 13:71-20.15 would correct a spelling mistake as would the amendment to N.J.A.C. 13:71-20.16.

N.J.A.C. 13:71-20.20 would be amended as to time between races to reflect current industry practice.

N.J.A.C. 13:71-20.23 would amend the restrictions on the entry of "nerved" horses to reflect current veterinary knowledge and practice.

N.J.A.C. 13:71-21.2 would be amended to reflect industry practice on purse redistribution.

The proposed amendment to rule N.J.A.C. 13:71-23.2 would provide a certification procedure for race horses requiring race day medication for respiratory bleeding in other jurisdictions to be similarly certified in New Jersey.

N.J.A.C. 13:71-23.9 would be amended to provide greater discretion in disciplinary trainers guilty of repetitive drug violations.

N.J.A.C. 13:71-24 et seq. dealing with licensing of agents, N.J.A.C. 13:71-25 et seq. dealing with licensing of vendors, N.J.A.C. 13:71-26 et seq., dealing with illegal practices, N.J.A.C. 13:71-27 et seq., dealing with practices relating to wagering, and N.J.A.C. 13:71-28 et seq., dealing with initial track applications, involve the codification within the harness rules of regulations in force and effect as "general rules" for some years and should be

regarded as purely technical additions to the harness rules.

Social Impact

It is anticipated that the revisions to N.J.A.C. 13:71-1.23 will be of a positive social impact in that said rule will codify the Commission's authority to modify penalties imposed by racing officials where the integrity of the industry would be served thereby. The proposed amendments to N.J.A.C. 13:71-7.2 and N.J.A.C. 13:71-9.2 should also aid in preserving the integrity of racing by providing greater flexibility for dealing with disciplining licenses obtained via misrepresentation of a material fact and by tightening the administration of drugs to race horses. It is the expectation of the Commission that the amendment to N.J.A.C. 13:71-20.6 will benefit the general public attending harness races by providing mechanism for dealing with a previous unregulated aspect of driving. The proposed amendment to N.J.A.C. 13:71-23.9 will enhance the integrity of racing by providing the Commission with greater flexibility in dealing with drug offenders. Amendments to N.J.A.C. 13:71-7.16 and 7.17 would impact the general public by providing for a greater opportunity for the public to participate in ownership of race horses via multiple ownership and expanded corporate ownership of race horses. The addition of N.J.A.C. 13:71-26.1 et seq. dealing with criminal offenses and illegal practices will benefit the general public by codifying fraudulent racing practices into the regulatory scheme. It is not anticipated that other amendments will have any significant social impact.

Economic Impact

The suggested revisions to N.J.A.C. 13:71-11.9 and N.J.A.C. 13:71-23.2 will be of direct benefit in reducing costs to persons within the racing industry by permitting horses which have experienced respiratory problems to return to competition after a reduced period of enforced idleness which will have an attendant cost reduction for the owners of said horses and perhaps more significantly by providing a direct method of certification for out-of-state respiratory bleeders which will substantially reduce attendant veterinary costs. The proposed amendments to N.J.A.C. 13:71-2.3, N.J.A.C. 13:71-7.5, 7.2 and N.J.A.C. 13:71-23.9 will have an impact on state revenues realized through licensing of racing participants and increased fines for transgressors. It is further suggested that the amendments discussed under social impact will have a positive impact on the economy of racing in New Jersey as well as attendant state revenues by increasing the public's confidence in the integrity of the contest they wager upon. It is not anticipated that other amendments will have any significant economic impact.

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

13:71-1.4 Discharge of groom or attendant; notice
 When an owner or trainer discharges a groom or other attendant, or when a groom or other attendant voluntarily leaves the employ of an owner or trainer, the said owner or trainer shall immediately notify the track [police] **security** of such discharge of or resignation by such employee. The failure to so notify the track [police] **security** shall subject the owner or trainer to a fine or suspension or both.

13:71-1.5 Notification to track [police] **security** of discharge of groom
 When a groom or other attendant is discharged by or voluntarily leaves the employ of an owner or trainer he shall immediately notify the track [police] **security** of his discharge or resignation. The failure to so notify the track [police] **security** shall subject the groom or other attendant to a fine or suspension, or both.

13:71-1.8 Handbooks
 No person shall make a handbook or a foreign book on the grounds of an association **nor shall any person solicit for or bet with a handbook or foreign book on the grounds of an association or fair race.**

13:71-1.9 [Soliciting for bets from handbook prohibited] (**Reserved**)
 [No person shall solicit for, or bet from a handbook or a foreign book on the ground of an association.]

13:71-1.10 [Making bets with handbook prohibited] **Reciprocity**
 [No person shall make a bet with a handbook or a foreign book on the grounds of an association.] **Full force and effect shall be given to the denial, revocation or suspension of any license by any other racing commission or turf governing body.**

13:71-1.13 Narcotic or drug conviction
 No person who has been convicted for illegal possession, sale or [giving away] **distribution of narcotics or hallucinogenic drugs or other "controlled dangerous substances" as defined by Title 24 of the New Jersey Statutes** shall be permitted on the grounds of any association.

13:71-1.18 [Penalties for rules violators] (**Reserved**)
 [Violators of any rule will be subject to ejection from the grounds and/or to fine, suspension or ruling off.]

13:71-1.19 Steward's determination of fines
 The steward [s] **and the Board of Judges** may fine, suspend or rule off any person who in their opinion, has acted to the detriment of racing or violated the rules.

13:71-1.20 Authority to impose penalties; report; payment
 (a) The authority of the Steward [s] **and the Board of Judges** shall extend to any and all situations which are not specifically covered by these rules.
 (b) No race official other than the steward [s], **the Board of Judges**, and the starter shall have the right to impose a fine or suspension in the first instance. (See Subchapter 3A (Appeals) for exception). A race official imposing a fine or suspension shall report it promptly to the [Secretary] Executive Director of the Racing Commission and the race secretary, in writing. All fines imposed shall be paid to the race secretary within 48 hours after the imposition thereof. Fines collected by the race secretary shall be paid promptly to the Racing Commission. An unpaid fine may not be recinded except with the approval of the Racing Commission.

13:71-1.23 Modification of Penalties
 The Commission may modify on its own motion any penalty or decision imposed by a racing official pursuant to the rules and regulations as herein contained.

13:71-2.3 Penalties
 (a) The penalties for violation of the law or the rules of the Commission shall be a follows:
 1. Denial, revocation or suspension of license
 2. Monetary fines not exceeding [\$2,000] **\$5,000** for each violation. The stewards and the Board of Judges may not impose directly a fine in excess of [\$250.00] **\$500.00**.
 3.-6. (No change)
 (b) (No change)
 (c) (No change)
 (d) Suspension of expulsion of either husband or wife shall apply in each instance to both husband and wife.]

SUBCHAPTER 3. APPEALS

Delete the existing text of subchapter 3 as it appears in the New Jersey Administrative Code and substitute the text below.

13:71-3.1 **Right of appeal**
When any person is disciplined by the judges, steward or any official representing the Commission pursuant to the law of New Jersey or rules of the Commission, said penalty may be appealed to the Commission and a hearing requested.

13:71-3.2 Imposition of penalty; Commission

The Commission may directly impose any disciplinary action provided for in its rules and regulations.

13:71-3.3 Exhaustion of remedies

All appeals from decisions of the Board of Judges must be initially heard by the Steward before the Commission will accept jurisdiction.

13:71-3.4 Nature of proceedings

All hearings before the board of judges, steward and commission will be de novo proceedings and shall be accompanied by notice and an opportunity to be heard.

13:71-3.5 Appeal procedure

In the event that an appeal is taken to the Commission, said appeal must be filed in writing at the office of the Commission within three days of the date of imposition of penalty by the Commission, steward or judges.

13:71-3.6 Acting on appeals

The Commission shall act on all appeals in accordance with the laws of the State of New Jersey and the rules and regulations promulgated by the Commission.

13:71-3.7 Frivolous appeals

Withdrawal by the appellant of a notice of appeal filed with the Commission whenever imposition of the disciplinary action has been stayed or enjoined pending a final decision by the Commission shall be deemed a frivolous appeal and referred to the Steward for further disciplinary action in the event the appellant fails to show good cause to the steward why such withdrawal should not be deemed frivolous.

13:71-3.8 Steward's hearing

All appeals from decisions of the Board of Judges shall be considered by the State Steward. Such appeal hearing shall be a de novo proceeding and the steward may modify any penalty imposed by the Board of Judges upon notice and opportunity to be heard afforded to the affected person or persons.

13:71-3.9 Hearing; costs

The applicant shall be responsible for any costs incurred in connection with any hearing held pursuant to the right of appeal contained in this subchapter and the laws of the State of New Jersey.

13:71-3.10 Stay pending appeals

(a) A notice of appeal filed with the Commission pursuant to this subchapter may be accompanied by a request for a stay pending a final decision by the Commission. Such a request for a stay shall be made on a form prescribed by the Commission and shall be accompanied by security of not less than \$100.00. The Executive Director of the Commission may approve such stay requests in matters involving:

1. The loss by an owner of purse money of \$250.00 or more.
2. A fine of \$200.00 or more.
3. Suspension from one or more racing activities for seven days or more.

(b) Such a request for stay may be denied by the Executive Director of the Commission where to grant the same would be adverse to the best interests of racing or inimical to the integrity of the sport.

13:71-4.1 Definitions

“Board of Judges” means the Presiding Judge and Associate Judges when acting as a body fulfilling the duties and powers delegated to the judges pursuant to these rules.

13:71-6.1 Associations

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

[(g) Chapter 17, P. L. 1940 (5:5-49), reads as follows: Every permit holder shall run at least one race every six days which shall be

limited to horses foaled in New Jersey. If in the opinion of the Commission sufficient competition cannot be had among such class of horses, said race may be eliminated for said day and a substitute race provided instead.]

13:71-6.4 Default in payment of premiums

(a) (No change.)

(b) Other than a stake or futurity as covered in [subsection] (a) above [of this Section], no association may enter into any agreement with any organization requiring a deduction from the purse payable to owners of money winning horses, unless such agreement provides that a deduction may be made only from those owners entitled to winnings who have expressly consented to the deduction or unless provided by law.

13:71-6.6 [Stall applications; conditions] (Reserved)

[All conditions contained in stall applications shall be submitted to the Commission for approval prior to issuance or publication.]

13:71-6.12 Paddock rules

Horses must be in the paddock at the time prescribed by the presiding judge, but in any event not less than one hour but not more than two hours prior to post time of the race in which the horse is to compete unless required to be in the paddock pursuant to N.J.A.C. 13:71-23. Except for warm-up trips, no horse shall leave the paddock until called to the post.

13:71-6.19 [Enforcing this rule] (Reserved)

[Each association shall see that the provisions of this rule are rigidly enforced.]

13:71-7.2 False or misleading statements [on an application]

Any person making any false, untrue or misleading statement on an application for a license or registration or in a written or oral examination in connection with such an application [shall be denied such a license or registration or shall be suspended by the Racing Commission indefinitely] may be disciplined as provided for in this chapter.

13:71-7.5 Items requiring registration

(a) The following must be registered with the Racing Commission and the fee payable for such registration shall be as follows:

1. (No change.)
2. Corporate stable names must be registered with the Commission. The initial fee shall be \$1,000 and renewals thereafter shall have a fee of \$250.00.
3. Multiple ownership initial registration with the Commission shall be \$100.00 and renewals thereafter shall also have a fee of \$100.00.

13:71-7.7 Applications

All applications for owner, driver and trainer license and registration of stable name and multiple owner registration must be examined by the steward[s] sitting as a board of examiners for and on behalf of the New Jersey Racing Commission. The [board] steward shall ascertain if the applicant is qualified as to ability and integrity, and shall report its findings to the New Jersey Racing Commission.

13:71-7.16 [Corporate Name] Corporations

[A corporate name shall be considered a stable name for the purpose of these rules, but the Racing Commission reserves the right to refuse any corporation the privilege of registering a stable name.]

(a) No license as an owner shall be granted to a corporation or to the lessee or lessor of any corporation unless all corporate

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officers, members of the Board of Directors, managers and stockholders directly or indirectly owning five percent or more of said corporation's issued stock have been licensed.

(b) Each such person must file an application for an owner's license.

(c) Any and all changes in either the corporate structure or the respective interest of stockholders as described in (a) above must be promptly filed with the Commission.

(d) All corporations shall race under a stable name approved by the Commission and shall be required to file application for same on a form prescribed by the Commission.

13:71-7.17 Multiple ownership

Each and every multiple ownership must be registered with the Racing Commission. [The number of participants in any multiple ownership shall not exceed ten persons.] **No license shall be granted to any partnership, syndicate or other form of multiple ownership or to the lessee of any such entity excluding corporations wherein the number of persons having a beneficial interest therein exceeds 30. Each and every partnership must be registered with the Commission.**

13:71-7.20 [Partnerships L]Liability

All the parties to [a partnership] **any multiple ownership** [and each of them] shall be jointly and severally liable for all stakes, forfeits and other obligations.

13:71-7.23 [False or misleading statement] (Reserved)

[Any employee or applicant of license making any false, untrue or misleading statement with reference to his citizenship or residence, or any other particular, in his application or additional written or oral examination, may be suspended by the Racing Commission and may be ruled off the turf for life by the Racing Commission and may be refused all privileges of the race track under the jurisdiction of the Commission.]

13:71-7.35 Badges

(a) All licensed personnel who enter the stable area of any track under the jurisdiction of the New Jersey Racing Commission in any capacity whatsoever shall wear upon their outside apparel in a prominent position the authorized badges containing picture identification supplied by the Commission. This rule shall also apply to State, track, veterinarian personnel, as well as the vendors and suppliers authorized in the stable area, and the badges shall be readily available and produced by such personnel upon request of track police, county and city police, State police, [TRPB] HTS operatives, Commission inspectors and stewards at said request. Failure to comply with this rule will result in a \$5.00 fine for the first offense; \$10.00 fine for the second; \$25.00 for the third; and ejection from the grounds upon the fourth offense.

1. (No change.)

(b) (No change.)

13:71-8.10 Access to course and grounds by officials

The Commission, its [Secretary] **Executive Director**, representatives, officials and employees shall at all times have full access to the course, plant and grounds, including the judges' stand.

13:71-8.12 Reporting of protest and complaints by steward[s]

(a) The steward[s] **and Board of Judges** shall report all protests and complaints to the Racing Commission as soon as received by them and shall make prompt report to the Racing Commission of their decisions.

(b) The steward[s] **and Board of Judges** shall, after the close of each day, file with the Racing Commission a signed report of any and all infractions of the rules coming under their observance that day and shall file with the Racing Commission any and all rulings or infractions and, otherwise, as soon as said rulings are made.

13:71-8.13 [Approval by Commission] **Punishment for violations**

[All race officials must be approved by the Commission.] **The Board of Judges and Steward shall have the power to punish**

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for violation of the rules any person subject to their control and in their discretion to impose fines or suspensions or both for infractions. The prior record of any licensee for similar violations of the rules of this Commission or other racing commission or turf governing body may be considered in determining the extent of punishment to be imposed.

13:71-8.25 Duties of patrol judges

(a) (No change.)

(b) The patrol judges shall, furthermore:

1.-2. (No change.)

3. When directed by the Executive [Secretary] **Director** or steward of the Commission or the presiding judge, attend hearings or inquiries on violations and testify thereat under oath.

13:71-8.26 Absent officials

If any race official is absent or incapacitated, the Executive [Secretary] **Director** of the Commission or in his absence, the steward of the Commission may appoint a substitute at such meeting. Notice of such appointment shall be given immediately to the Commission and to the United States Trotting Association.

13:71-8.27 Starter

The Commission shall approve and license a starter for all licensed harness race meetings. [The compensation of the starter shall be fixed by the Commission and paid by the association through the Commission. Each association shall, in advance, at the times designated by the Commission, deliver to the Commission sufficient funds to accomplish the foregoing. This advancement of funds shall be accompanied by a written statement prepared by the association which shall contain the name of the official for whom the advancement of funds is being made, the period of time for which the advancement is being made and an explanation of all deductions withheld by the association, including those made on account or withholding taxes and social security. The association shall make all deductions required by the law as in the case of any of its employees.] The starter shall be under the jurisdiction of the presiding judge at all times.

13:71-9.2 Veterinarian (practicing)

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

(d) **Treatment of any horse with a drug for which the practitioner has not submitted a report pursuant to (b) above, shall be accompanied by a written report to the State Veterinarian of such administration or intended administration but in no event less than 72 hours before any such horse shall start. The pharmaceutical inserts accompanying such drug, which shall be accompanied by a sample of the drug when so directed by the State Veterinarian, shall be made part of said written report. Failure to comply with the foregoing may subject the practicing veterinarian to disciplinary action by the steward.**

13:71-11.9 **Respiratory** [B]bleeding; veterinarian's list

(a) A horse placed on the veterinarian's list for **respiratory** bleeding must remain on the list for [a minimum of] 25 calendar days and a second time respiratory [known] bleeder must remain on the list for [a minimum of six] **three** months. A bleeder in the above categories is automatically released from the veterinarian's list after these dates; however, a horse which **evidences respiratory bleeding** [bleeds] a third time is barred from further racing in New Jersey.

[1. "Known bleeder" means a horse which bleeds from the nostrils or mouth twice within 12 consecutive calendar months in any racing jurisdiction.]

13:71-13.4 Tampering with eligibility certificates

No [unauthorized] person shall tamper with eligibility certificates. Any winnings, after the tampering, may be ordered forfeited.

13:71-13.15 Types of races to be offered

(a) (No change.)

(b) These may be free for all races, JFA or invitationals. Horses to be used in such races shall be posted in the race secretary's office and listed with the presiding judge. Horses so listed shall not be eligible for conditional overnight races unless the conditions specifically include horses on the preferred list. Twelve such races may be conducted during a six day period of racing at tracks distributing more than \$100,000 in overnight purses during such period and not more than 10 such races shall be conducted at [over] other tracks during a six day period of racing, provided that at least two of these races are for three year olds, four year olds or combined three and four year olds. At tracks which race less than five days per week, not more than 10 such may be conducted during a six day period. Purses offered for such races shall be at least 15 percent higher than the highest purse offered for a condition race programmed the same racing week. No two year old or three year old [or four year old] will be eligible to be placed on the preferred list to race against older horses until it has won [five] **seven races lifetime** [at that meeting during the year or has won a lifetime total of \$15,000] unless requested by the owner or authorized agent.

13:71-13.18 [Named races] (Reserved)

[Named races are not permitted except for preferred races for the fastest horses at a meeting as set forth in N.J.A.C. 13:71-13.15 (a)5 and invitational two or three year old races with a purse at least 15 percent higher than the highest purse offered for a conditioned race programmed the same racing week.]

13:71-13.19 Selection of drawing of horses

For all overnight events, starters and also eligibles shall be drawn by lot from those properly declared in, except that the race secretary must establish a preference system for races as provided for in the rules. However, where necessary to fill a card, not more than one race per day may be divided into not more than [two] **three** divisions after preference has been applied and the divisions may be selected by the race secretary. If a claiming race is divided, all starters shall be drawn by lot for those having the necessary preference dates to be eligible.

13:71-14.5 Claiming own horse

No person shall claim his own horse; or cause his own horse to be claimed, directly or indirectly, for his own account. **No person shall claim a horse which he is driving in a race or which his trainer is driving in a race.**

13:71-15.29 Elimination heats or two divisions

(a) In any stake event or futurity where the number of horses declared in to start exceeds [14] **12 on a half mile track, 14 on a 5/8 mile track or 16 on a mile track**, the race may at the option of the association be raced in elimination heats or divisions. The association exercising such option, however, must do so before positions are drawn. In the event a stake [of] or futurity is split into divisions, the added money for each division shall be at least 20 percent of all nomination, sustaining and starting fees paid into such stake or futurity.

(b) Where the race is an early closing or a late closing event, the race may be divided by lot and [at least 50 percent added to the advertised purse and raced in two divisions; each division racing for 1/2 or the total increased purse as provided in subsection (a) of this section.] **each division must race for at least 75 percent of the advertised purse.** [If there are more divisions necessary, the track shall add an amount sufficient to allow each division to race for at least 75 percent of the purse originally advertised.]

(c) (No change.)

13:71-15.30 Elimination plans

(a) Unless the conditions provide otherwise, whenever elimination heats are required or specified in the published conditions, such race shall be raced in the following manner unless conducted under another section of this rule. That is, the field shall be divided by lot and the first division shall race a qualifying dash for 30 percent of the purse, the second division shall race a qualifying dash [of] for 30 percent of the purse and the horses so qualified shall race in the main event for 40 percent of the purse. The winner of the main event shall be the race winner.

(b) In the event there are more horses declared to start [then] **than** can be accommodated by the two elimination dashes to satisfy the excess, the percentage of the purse raced for each elimination dash shall be determined by dividing the number of elimination dashes into 60. The main events **shall race for 40 percent of the purse. Unless the conditions provide otherwise, if there are two elimination dashes, the first four finishers in each dash qualify for the final;** [In] in the event there are three or more qualifying dashes, not more than three horses shall qualify from each qualifying dash.

(c) [If 14 horses declare a start, only the first four horses in each elimination heat shall qualify to continue. If 13 horses declare to start, the first four horses in the division with six horses and the first five horses in the division with seven horses shall qualify. If 14 or more horses declare to start, only the first five horses in each elimination shall qualify to continue.] **In the event the number of starters are divided by lot and raced in two divisions with all heat winners from both divisions competing in a final heat to determine the race winner; each division shall race two heats for 20 percent of the purse each heat. The remaining 20 percent of the purse shall go to the winner of the final heat.**

(d) [The judges shall draw the positions in which the horses are to start in the main event, that is, they shall draw positions to determine which of the two dash winners shall have the pole and which one shall have the second position; which of the two horses that have been second shall start in third position and which in fourth, and so forth. All elimination dashes and the concluding heat must be programmed to be raced upon the same day or night unless special provisions for earlier elimination dashes are set forth in the conditions. In the event there are three separate heat or dash winners, and they alone come back in order to determine the race winner according to the conditions, they will take post positions according to the order of their finish in the previous heat or dash.] **Whenever elimination heats are required, or specified in the published conditions of a stake or futurity, such race may be raced on a three heat plan, irrespective of any provisions in the conditions to the contrary. That is, the field shall be divided by lot and the first division shall race for 30 percent of the purse, the second division shall race for 30 percent and the horses qualifying in the first and second divisions shall race the third heat for 30 percent of the purse. If after the third heat, no horse has won two heats, a fourth heat shall be raced by only the heat winners. The race winner shall receive the remaining 10 percent of the purse. The number of horses qualifying to return after each elimination heat will be the same as set out in (b) above.**

(e) The judges shall draw the positions in which the horses are to start in the main event, that is, they shall draw positions to determine which of the two dash winners shall have the pole and which one shall have the second position; which of the two horses that have been second shall start in third position and which in fourth, and so forth. All elimination dashes and the concluding heat must be programmed to be raced upon the same day or night unless special provisions for earlier elimination dashes are set forth in the conditions. In the event there are three separate heat or dash winners, and they alone come back in order to determine the race winner according to the conditions, they will take most positions according to the order of their finish in the previous heat or dash.

13:71-16.5 Entries

When the starters in a race include two or more horses owned or trained by the same person, or trained in the same stable or by the same management, they shall be coupled as an "entry" and a wager on one horse in the "entry" shall be a wager on all horses in the "entry". **"Ownership" shall be construed to mean any person required to be licensed as an owner pursuant to these rules and in the instance of multiple ownerships, persons possessing at least a five percent commonality of interest in each of the respective horses.** Provided, however, that when a trainer enters two or more horses in a stake, early closing, futurity, free-for-all or other special event under bona fide separate ownerships, the said horses may at the request of the association and with the approval of the Commission, be permitted to race as separate betting entries. If the race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions insofar as possible, but the divisions in which they compete and their post positions shall be drawn by lot. The above provisions shall also apply to elimination heats.

13:71-16.10 Postponement reasons for; rescheduling races

(a) In case of unfavorable weather or other unavoidable cause, the [Commission or its appointed representative] **racing association may postpone the races [.] upon notification of the same to the Commission.**

(b) (No change.)

13:71-17.7 Starting gate and automatic timing device required

Every association shall utilize a mobile starting gate of a type and quality approved by the Commission. Every association shall further more maintain a stand-by mobile starting gate similarly approved. **Every association shall utilize an automatic timing device of a type and quality approved by the Commission.**

13:71-20.6 Racing and track rules; driving procedures

(a) (No change.)

1.-11. (No change.)

12. Drivers must set and maintain a pace comparable to the class in which they are racing. Failure to do so by going an excessively slow quarter or any other distance that changes the normal pattern, over all timing or general outcome of the race, **or allowing his horse to go on an unrestrained break** will be considered a violation of this section and the judges may impose a penalty which can be a fine, suspension or both.

13:71-20.15 Use of goading devices, and so forth

The possession or use of a goading device, chain or mechanical devices or appliances, other than the ordinary whip [or blunt spur], [kicing] **kicking** a horse with a foot, striking a horse [on the legs] with the whip under the seat of the sulky or indiscriminate use of a whip [or blunt spur] may be considered a violation.

13:71-20.16 [Hopples] **Hobbles**, head pole

No horse shall wear [hopples] **hobbles** in a race unless he starts in the same in the first heat or dash, and having so started he shall continue to wear them to the finish of the race. Any person found guilty of removing or altering a horse's [hopples] **hobbles** during a race, or between race, for the purpose of fraud, shall be penalized. Any horse habitually wearing [hopples] **hobbles** shall not be permitted to start in a race without them except by the permission of the judges. No horse shall be permitted to wear a head pole protruding more than 10 inches beyond its nose.

13:71-20.20 Time between heats or dashes

The time between heats or dashes for any distance up to and including a mile shall not be less than [25] **15** minutes; for any distance between one and two miles, [30] **20** minutes.

13:71-20.23 Registration of [denerved] **nerved** horses

(a) All [denerved] **nerved** horses entered in any [claiming] race must be registered with the [track] **State** Veterinarian. No unregistered [denenerved] **nerved** horse shall be entered in a [claiming] race, nor shall a horse be registered as [denerved] **nerved** when, in fact, it has not been. No high nerved horse shall be entered in any race ([ankle or] above **the fetlock**). [For failure to report a denerved horse, or for reporting a horse as denerved when it has not been, the presiding judge may impose such penalties as he thinks proper within the limits prescribed by these rules and in his discretion may recommend to the Commission the imposition of more severe penalties.] A list of all [denerved] **nerved** horses racing at a meeting shall be posted on the bulletin board in the entry room by the [track] **State** Veterinarian.

1. It is the responsibility of the owner of the horse at the time the horse is nerved to see that this information is placed on the registration certificate and the eligibility certificate and be certified by a practicing veterinarian.

2. No high nerving (above the fetlock) or injection of any chemicals into nerves above the fetlock to cause the loss of sensation is permitted.

3. The judges may impose such penalty as is provided for in this chapter for failure to comply with this section.

13:71-21.2 Dashes

(a) Unless otherwise specified in the conditions, the money distribution in dashes shall be [45] **50** percent, [15] **12** percent, [ten] **eight** percent and [five] **five** percent. Where in early closing races, late closing races or added money events, there are less than five starters, the remaining premium shall go to the race winner unless the conditions call for a different distribution. Where, in overnight events, there are less than five starters, the premium for the positions for which there are no starters may be retained by the association.

(b) (No change.)

13:71-23.2 Administering medication

(a) No person shall administer any drug excepting only external rubs and innocuous compounds on the day of the race; with the exception that the judges may permit the administration of medication to control respiratory bleeding in animals;

1.-2. (No change.)

3. That have been certified as respiratory bleeders in racing jurisdictions wherein such certification is pursuant to criteria substantially similar to this rule. The Executive Director of the Commission shall make annual report to the Commission of those jurisdictions in compliance herewith which compliance shall be certified to by the Commission.

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

13:71-23.9 [Second Offense] **Repetitive offender**

Any individual suspended or disciplined in any fashion for a second or subsequent offense in violation of N.J.A.C. 13:71-23.8 or any comparable rule of any other racing commission or turf governing body may be deemed a repetitive offender and may constitute grounds for [license denial or revocation] **further disciplinary action** by the Commission **consistent with N.J.A.C. 13:71-2 as contained in N.J.A.C. 13:71-2.3.**

SUBCHAPTER 24. AUTHORIZED AGENTS

13:71-24.1 License

Each authorized agent must obtain a license from the Racing Commission.

13:71-24.2 License application

Application for a license must be filed for each owner represented.

13:71-24.3 Powers of attorney

If the written instrument is a power of attorney, it shall be filed permanently with the Racing Secretary. If, however, the powers are properly delegated by the owner on the application form for a license, then said application shall be in duplicate and one copy filed permanently with the Racing Secretary.

13:71-24.4 Changes

Any change must be in writing and filed as above provided.

13:71-24.5 License fees

The fee for each license shall be \$10.00. If an agent represents more than one owner, a separate written instrument shall be filed for each owner and the fee paid in each case.

13:71-24.6 Owner's revocations

Owner's revocations must be filed in writing with the Racing Commission and with the Racing Secretary.

13:71-24.7 Appointment of subagents

An authorized agent may appoint a subagent only when authorized to do so by the above written instrument and, to be effective, notice of such appointment must be given immediately in writing to the Racing Commission and the Racing Secretary. Application for a license must be filed for each subagency so created.

SUBCHAPTER 25. VENDORS**13:71-25.1 Licenses**

All persons, including the employees and agents thereof, who engage in the profession or business of selling, at retail or wholesale, or otherwise disposing thereof, of any kind of merchandise, equipment, drugs or medication for animals or humans, or pharmaceutical horse food or nutrient of any kind, providing that such substances, or the sale or disposition thereof is not otherwise prohibited by law, shall be licensed by and be subject to the jurisdiction of the Racing Commission. All applicants for vendor license shall be recommended by the security officer of the track where application for license is made.

13:71-25.2 Labelling drugs and medication

All drugs, medications, pharmaceutical products and any other substances of a similar nature possessed or used within the grounds of a racing association shall at all times bear appropriate labelling displaying the contents thereof.

SUBCHAPTER 26. ILLEGAL PRACTICES**FOREWARD**

Section 51, chapter 17, P.L. 1940, as amended and supplemented (N.J.S.A. 5:5-71) reads as follows:

"Any person who shall influence or have any understanding or connivance with any owner, driver, jockey, groom or other person associated with or interested in any stable, horse or race in which any horse participated or is to participate, or who shall prearrange or predetermine the results of any such race, any person who attempts to or does interfere with, tamper with, injure or destroy by the use of any narcotic, drug, stimulant, appliance or by any other means any horse that is to run in a race in the State of New Jersey, whether such horse be the property of such person or another, shall be guilty of a misdemeanor. Any person who shall have the control over any horse that is to run in a race in the State of New Jersey and who allows or permits it to run with the knowledge of any interference with, any tampering with, any injury to by any narcotic, drug, stimulant, appliance or by any other means shall be guilty of a misdemeanor. Any person who causes, instigates, counsels or in any way aids or abets in any interference with, tampering with, injury to or destruction of any horse that is to run in a race in New Jersey by the use of any narcotic, drug, stimulant, appliance or by any other means shall be guilty of a misdemeanor. The owners of any such horse, their agents or em-

ployees shall permit any member of the State Racing Commission or any person appointed by such Commission for that purpose to make such test as the Commission deems proper in order to determine whether any such horse has been so interfered with, tampered with, injured or destroyed by the use of any narcotic, drug, stimulant, appliance or by any other means. Any person who shall violate any provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned in the State Prison for not less than one year and not more than 10 years, or shall be fined not less than \$1,000, nor more than \$5,000, or be punished by both such imprisonment and fine in the discretion of the court."

13:71-26.1 Bribes, gifts and gratuities

No person shall give, offer or promise, directly or indirectly, either in his own behalf or in behalf of another, any bribe, gift or gratuity in any form, for the purpose of influencing the result of a race, or which would tend to do so, to any person.

13:71-26.2 Offers of bribes

No person shall accept, or offer to accept on his own behalf or on behalf of another a bribe, gift or gratuity in any form, to influence the result of a race or which would tend to do so. Failure to report such offer of a bribe is a misdemeanor punishable by a fine not exceeding \$1,000, imprisonment for three years, or both.

13:71-26.3 Knowledge of violations

Any person employed or engaged in racing who shall come into possession of knowledge concerning any violation of the rules of racing or any violation of law in connection with the running of a race shall immediately report the information to the stewards of the meeting for investigation and such action as the case may warrant.

13:71-26.4 False or misleading statements

No person shall make false or misleading statements to the steward or judges, in the course of an investigation.

3:71-26.5 Conspiracies

No person shall conspire with any other person for the Commission of, or connive with any other person in any corrupt or fraudulent practice in relation to racing, nor shall he commit such an act on his own behalf.

13:71-26.6 Soliciting bets

No person shall solicit bets on the grounds of an association.

13:71-26.7 Cooperation with other agencies; violations of law

Every association, all officials and employees thereof, and all persons licensed in any capacity by the Commission shall give every possible cooperation, aid and assistance to any department, bureau, division, officer, agent or inspector, or any other person connected with the United States Government, or with the State of New Jersey, who may be investigating or prosecuting any matter involving a violation of any law, or any rules or regulations of the Commission. Failure to cooperate will subject the person or persons involved to a fine, suspension or both.

13:71-26.8 Fraud; disqualification

When a horse is disqualified and there is evidence of fraud or attempted fraud, any other horse in the race owned or controlled by the same interest or trained by the same trainer also may be disqualified.

SUBCHAPTER 27. MUTUELS

13:71-27.1 Supervisor of Mutuels

(a) The supervisor of mutuels shall be a Certified Public Accountant of the State of New Jersey. He shall be appointed by the Commission and a rate of compensation set by the Commission that is to be paid weekly by the track association where he serves.

(b) The supervisor of mutuels shall be represented daily in the mutuel department supervising its operation, determining calculations, overpays and underpays and directing the necessary adjustments to the race totals.

(c) He shall investigate all tote and other discrepancies and shall see that corrections are made where warranted.

(d) He shall check the machine computation of all daily double, exacta and any other multiple wagering pool.

(e) He shall review all necessary computer sheets and have the State-appointed verifiers test check the machine calculations of the pay out, breaks, commission and prove each race pool.

(f) He shall prepare a daily summary result from the parimutuel operations and submit his findings to the Racing Commission. He shall also prepare a seven day financial report and a seven day comparative statistic report for submission to the Commission.

(g) He shall, on a daily basis, reconcile the parimutuel daily sales and the track association treasurer's statement with the Racing Commission daily summary of results from parimutuel wagering.

(h) He shall check on the sellers and cashiers employed by the mutuel department to determine if they are over or short. Any material overages or shortages shall be investigated and reviewed with the director of mutuels and a full report made to the Racing Commission.

13:71-27.2 Post-time

Post-time of each race shall be set by the manager of the parimutuel department, and shall not be changed after being posted on the odds-board without permission of the steward.

13:71-27.3 Public notice

Public notice shall be given at the earliest practicable time if a published race is declared off.

13:71-27.4 Number of entrants

If the number of entrants in an overnight race exceeds the number deemed safe and expedient by the Judges, the Racing Secretary shall reduce the number of starters to the proper number by lot.

13:71-27.5 List of eliminated horses

The Racing Secretary shall keep a list of horses thus eliminated from races, and they are to have precedence in any race of a similar distance and similar conditions for which they may be entered thereafter, when a horse's name appears in the entries and it is also entered for the following day, such entry will be given no consideration on the preferred list. Preference must be claimed at time of entry, and the signed entry must indicate that preference was claimed. The Racing Secretary will adjust no claims which do not comply with this procedure.

13:71-27.6 Also eligible list

If the entries in an overnight race exceed the acceptable number, as many as two of those that have not been drawn shall also be listed on the entry sheet as "also eligible" to start. After any horse in the body of the race has been excused at scratch time, the horse moving in from the also eligible list shall assume the post-position of the horse so excused. The owner or trainer of any horse on the also eligible list who does not wish to start shall so notify the Racing Secretary prior to scratch time on the day of the race.

13:71-27.7 Dissemination of racing information

The Racing Commission may in its discretion agree not to make available and direct the track associations not to make available to outside sources, information such as the name of the driver, scratches, substitute races, track conditions, morning line information, equipment changes, weight and any other information it may deem advisable, in order to curtail the illegal activities of bookmakers and to prevent other states from using the results of races run in New Jersey as part of such other state's off-track betting scheme.

13:71-27.8 Odds board

Each association must maintain an approximate odds board for the purpose of informing the public of the actual wagering on each horse as disclosed by an accurate take-off of the straight pool at the time such odds are posted, and also a final line or flash after the close of wagering, which shall show the final odds on each horse before the finish of the race. (No quotation or line shall exceed a total of 129 percent.)

13:71-27.9 Lines

A copy of the opening line and all additional lines of odds, with percentages figured, as well as amounts of money wagered in the straight pool on each horse at the time each additional line of odds is posted, including the final line, shall be furnished and delivered by the association, immediately following each race, to the supervisor of mutuels duly appointed by the Racing Commission, as its representative in the mutuel department, under authority of the racing law.

13:71-17.10 Payoff prices

(a) The mutuel manager is held responsible for correctness of all pay-off prices posted on the board.

(b) Before the mutuel department of any race track posts the pay-off prices of any pool for any race, the mutuel manager shall require each of the (calculating sheets) computer print-out sheets of such race to be proven by the (calculator) computer and the winners verified. Such proof shall show pay-breaks commission, and added together shall show they equal the total pool.

(c) All pay-slips are to be checked in (calculating sheet) computer printout sheet as to winners and prices before being issued to cashiers, and all board prices are to be rechecked with the (calculator) computer printout sheet before they are released to the public.

13:71-27.11 Ticket sales

No ticket may be sold after the totalisator has been locked or wagering has ceased.

13:71-27.12 Ticket claims

(a) Any claim by a person that a wrong ticket has been delivered to him must be made before leaving the mutuel ticket window.

(b) No claim shall be considered thereafter and no claim shall be considered for tickets thrown away, lost, changed, destroyed or mutilated beyond identification.

(c) Payment of wagers will be made only on presentation of appropriate parimutuel tickets.

13:71-27.13 Emergencies

Should any emergency arise in connection with the operation of the parimutuel department not covered by this chapter and an immediate decision is necessary, the manager of the parimutuel department shall make a good faith effort to contact and consult with the supervisor or mutuels prior to making the decision, and render a full report to the Racing Commission.

13:71-27.14 Advice; horses competing

The manager of the parimutuel department shall be properly and timely advised by the judges, prior to the beginning of wagering on each race, of the horses that will compete in the race.

13:71-27.15 Post time schedule

Post time of each race shall be set by the manager of the parimutuel department, and shall not be changed after being posted on the odds-board without permission of the judges.

13:71-27.16 Entry defined

When two or more horses run in a race, and are coupled because of common ties, they are called an "entry" and a wager on one of them shall be a wager on all of them.

13:71-27.17 "Field" defined

When the individual horses competing in a race exceed the numbering capacity of the tote, the highest numbered horse within the capacity of the tote and all horses of a higher number shall be grouped together and called the "field" and a wager on one of them shall be a wager on all of them.

13:71-27.18 Discretion; manager of mutuel department

(a) With the approval of the mutuel manager of the association:

1. If less than six interests qualify horses to start in a race, the manager of the pari-mutuel department shall be permitted to prohibit show wagering on that race.

2. If less than five interests qualify horses to start in a race, the said manager shall be permitted to prohibit both place and show wagering on that race.

3. If less than three interests qualify horses to start in a race, and both of the horses qualified are coupled as an entry, the said manager shall be permitted to prohibit wagering on that race.

4. The said manager shall determine what pools shall be permitted in sweepstakes.

13:71-27.19 Cease wagering

Wagering shall cease not later than off-time.

13:71-27.20 Ticket-issuing machines closed

(a) If, for any reason, the parimutuel ticket issuing machines are closed during the wagering on a race before off-time, they shall remain closed until after the race.

(b) Wagering shall cease on that race, and the payoff for that race shall be computed on the sums then wagered in each pool.

(c) In the event the machines are inadvertently closed through some human error, said machines shall be opened only by permission of the stewards.

13:71-27.21 Name and numbers of horses in gate

If a horse or horses do not start because of a mechanical malfunction, the judges shall promptly notify the manager of the parimutuel department of the same and number of said horse or horses.

13:71-27.22 Written notice of official placement

At the end of each race, the placing judges shall advise the manager of the parimutuel department in writing of the official placement of the horses; and no payoff shall be made until the receipt of such written notice.

13:71-27.23 Basis of payoffs

Whenever the totalisator falls mechanically, or whenever there is a difference in any pool or pools between the sum total of the wagers on the individual horses as compared with the grand total shown by the totalisator, the association shall compute the pay-off to the public on the basis of the larger of the two amounts (i.e., the sum total of the wagers on the individual horses or the grand total as shown by the totalisator.)

13:71-27.24 Recapitulation of sales

All monies remaining undistributed following the calculation of all pools shall be paid to the State.

13:71-27.25 Errors in pay-off figures

(a) If an error is made in posting the pay-off figures on the public board, it shall be corrected promptly and only the correct amounts shall be used in the pay-off irrespective of the error on the public board.

(b) If because of mechanical failure, it is impossible to promptly correct the posted pay-off, a statement shall be made over the public address system stating the facts and correction.

13:71-27.26 Overpays or underpays

Overpays caused by errors of the totalisator shall be paid by the totalisator company.

13:71-27.27 Mechanical breakdowns

(a) In the event of an irreparable breakdown of the totalisator, or the ticket issuing machines, or both, during the wagering on a race, the wagering for that race shall be declared closed.

(b) The payoff for that race shall be computed on the sums wagered in each pool up to the time of the breakdown.

(c) In the event of any totalisator malfunction requiring the totalisator company to purchase any non-issued ticket "lost" in the totalisator computer, the totalisator company shall be permitted to credit losing tickets so purchased to the extent of winning tickets similarly purchased. The proceeds of such winning tickets which exceed any credit for losing tickets shall revert to the State.

13:71-27.28 Excused horses; refunds

In all cases when a horse has been excused by the judges 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.

13:71-27.29 Horses left at post

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 any mechanical malfunction, the money wagered on said horse or horses so locked in the gate shall be deducted from the pool and be refunded.

13:71-27.30 No horse finish race

If no horse finishes in a race, all money wagered on that race shall be refunded.

13:71-27.31 Coupled horses

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 judges 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.

13:71-27.32 Postponed race

In the case of a race postponed beyond the day originally scheduled, all money wagered on said race shall be refunded.

13:71-27.33 Races declared off; refunds

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

13:71-27.34 No wagers to win

If a horse wins and there is no money wagered on him to win, the straight pool shall be apportioned among the holders of the place tickets on that horse, if any; otherwise, among holders of the show tickets.

13:71-27.35 Place pool apportionment

If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which has placed first or second.

13:71-27.36 Show pool apportionment

If no money has been wagered to show on a horse which placed first, second or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second or third in that race.

13:71-27.37 One horse finishing race

If only one horse finishes in a race, the place and show pools shall be apportioned among the holders of place and show tickets on that horse.

13:71-27.38 Two horses finishing race

If only two horses finish in a race, the show pool shall be apportioned among the holders of show tickets on those two horses.

13:71-27.39 Rulings after display of official sign

Any ruling of the stewards with regard to the award of purse money made after the sign "Official" has been purposely displayed by the placing judges shall have no bearing on the mutuel pay-off.

13:71-27.40 Copies of reports

The manager of the parimutuel department shall furnish a copy of all (take-off) computer printout and calculating sheets to the supervisor of mutuels immediately after completion.

13:71-27.41 Payments

(a) Payments due on all wagers shall be made in conformity with the well established practice of the parimutuel system.

(b) Money wagered on winning tickets is returned in full plus the profits.

(c) The practice is to work in dollars and not in the number of tickets.

(d) The break permitted by law is deducted in all of the calculations arriving at the payoff prices; that is, the odd cents over any multiple of 10 cents of winnings per dollar wagered are deducted and retained by the licensee, to be paid to the State.

(e) Unless contingencies arise not covered herein, the practice shall be noted in N.J.A.C. 13:71-27.42 through 27.48.

13:71-27.42 Calculating the pay-off in a straight pool

(a) The Commission authorized by law is deducted from the sum total wagered in the straight pool. The balance is called the "net pool".

(b) The amount wagered on the winner is then divided into the "net pool". The quotient thus obtained is the pay-off price on the winner for each dollar wagered, and it includes the dollar wagered on the winner.

13:71-27.43 Calculating the pay-off in a place pool

(a) The Commission authorized by law is deducted from the sum total wagered in the place pool. The balance is called "net pool".

(b) The sum total of the amount wagered in the place pool on the horses placed first and second is deducted from the "net pool". This gives a remainder which is the profits or winnings. The said profit is divided into two equal parts that is, between those who wagered, in the place pool, on the winner and those who wagered on the horse that was placed second.

(c) Using the amount wagered in the place pool on the winner "to place" as a divisor and one-half of the profits of the place pool, as specified in (b) above, as a dividend, the quotient thus obtained is the profit per dollar wagered in the place pool on the winner "to place".

(d) Using the amount wagered in the place pool on the horse placed second "to place" as a divisor and the other half of the profits as specified in (b) above, as a dividend, the quotient thus

obtained is the profit per dollar wagered in the place pool on the second horse "to place".

(e) In each of (c) and (d) above the profit per dollar wagered is the resultant. The sums wagered on the horses placed first and second must be returned, therefore add to the quotient the dollar taken out of the "net pool" in (b) above. The result is the pay-off price for each dollar wagered on horses placed first and second in the place pool.

3:71-27.44 Calculating the pay-off in a show pool

(a) The Commission authorized by law is deducted from the sum total wagered in the "show pool". The balance is called the "net pool".

(b) The sum total of the amount wagered in the show pool on the horses placed first, second and third is deducted from the "net pool". This gives a remainder which is the profit, or winnings. The said profit is divided into three equal parts; that is, among those who wagered in the show pool on the winner, the second horse and the third horse.

(c) Using the amount wagered in the show pool on the winner "to show" as a divisor and one-third of the profits of the show pool, as specified in (b) above, as a dividend, the quotient thus obtained is the profit per dollar wagered in the show pool on the winner "to show".

(d) Using the amount wagered in the show pool on the horse placed second "to show" as a divisor and one-third of the profits as specified in (b) above, as a dividend, the quotient thus obtained is the profit per dollar in the show pool wagered on the second horse "to show".

(e) Using the amount wagered in the show pool on the horse placed third "to show" as a divisor and one-third of the profits as specified in (b) above, as a dividend, the quotient thus obtained is the profit per dollar in the show pool wagered on the third horse "to show".

(f) In each of (c), (d) and (e) above, the profits per dollar wagered is the resultant. The sums wagered on the horses placed first, second and third must be returned, therefore, add to the quotient the dollar taken out of the "net pool" in (b) above. The result is the pay-off price for each dollar wagered on horses placed first, second and third in the show pool.

13:71-27.45 Calculating the pay-off in dead heats

(a) In the case of a dead heat in the straight pool, the pay-off price shall be figured as in a place pool.

(b) In the case of a dead heat for second in the place pool, the winner of the race receives its half share of the profits in that pool; and each of the two horses that dead heat for second receive one-half of the remaining half of the profits.

(c) In the case of a dead heat for third or "show" in the show pool, the first and second horses each receive a normal one-third of the profits in that pool; and the two horses that dead heat for third each receive one-half of the remaining third of the profits.

(d) Where two or more horses racing for one interest or field horses participate in dead heats, each horse of the entry of field is entitled to his proportionate share of the profits in the pool in which the dead heat occurs and the other pools affected. For example: where two horses of an entry or field "dead heat" for straight, the straight and place prices are calculated as straight pools and the entry is entitled to two-thirds of the profits of the show pool.

(e) Where two or more horses of an entry or field figure in a dead heat, or multiple dead heats in one race, each horse of the

entry or field participating gets his proportionate award of the profits in whatever pool, or pools, are affected by the dead heat or dead heats. The sum of the total profits, in each pool, for the entry or field is then used as a dividend to calculate the pay-off price for said entry or field in that pool.

13:71-27.46 Exacta

(a) No exacta wagering shall be conducted without permission of the New Jersey Racing Commission. The races in which exacta type parimutuel wagering will be permitted shall be only those designated by the Commission and separate pools shall be established therefor.

(b) In order to win an exacta, it is necessary for the purchaser of an exacta ticket to select the winning horses and the horse finishing second in the race in which exacta type wagering is permitted. If either of the selections made by the purchaser fails to finish in the position designated by the purchaser when purchasing the exacta ticket then the contract is void except as hereinafter provided.

(c) Should there be a dead heat for first place in an exacta race, holders of tickets on those two horses involved and only those two horses, will share in the exacta pay-off. Should there be a dead heat to place, both horses involved shall share in the pool with the winner of the exacta race.

(d) If no ticket is sold combining the two winners of the exacta, the pool shall then be apportioned equally between those having tickets including the winner of the race and those having tickets including the horse finishing second in the race in the same manner in which a place pool is calculated.

(e) In the event any horse or horses in the exacta should be excused by the racing official after the horses shall have left the paddock for the post, or after the betting on the exacta has been closed, or should any horse or horses in the exacta be prevented from racing because of failure of the arm or arms of the starting gate to open, the money wagered on any horse or horses so excused or prevented from racing shall be deducted from the exacta pool and refunded to the purchaser or purchasers of tickets on the horse or horses so excused from racing.

(f) Entries shall be allowed in an exacta race. "Fields" are permitted in an exacta race. If two or more horses in an exacta race are listed as "field" on the same totalisator ticket, there shall be no refunds, unless all the horses so listed are excused before off-time.

(g) If entry or field horses finish first and second, the exacta will be paid on the combination of horses finishing first and third. If entry or field horses finish first, second and third, the exacta pool will be figured as a win pool with all combinations showing the entry or field horse on top considered as winners and sharing equally in the distribution of the pool, with the exception in the case of a dead heat in the third position. In said instance, the exacta will be comprised on the entry or field and the horse dead heated for third.

13:71-27.47 Daily double

(a) No more than two daily doubles shall be permitted during any single race day. All other forms of this type of wagering are prohibited.

(b) Before off-time of the second half of the daily double there shall be posted on the public board, readable from the stands, the pay-off each combination coupled with the winner of the first half of the daily double.

(c) In the event of a dead heat for the straight pool in the first half of the daily double, or the event of a consolation pool, it shall not be deemed necessary to compute and post the actual pay-off prices on all the various combinations of the daily double before the running of the second half of the double. However, an effort should be made to compute the double prices and to announce them to the public over a loudspeaker system prior to the running of the second half of the double.

(d) No field horses shall be allowed to start in races comprising the daily double.

(e) The daily double is not a parlay. All tickets on the daily double will be calculated in an entirely separate pool.

(f) The principle of a daily double is in effect a contract by the purchaser of a daily double ticket to pick (select) the winners of each of the two races specified for the daily double.

(g) If the purchaser of a daily double ticket fails to pick the winner of the first half of the daily double, his contract is void, no matter what circumstances might effect the programmed running of the second half of the daily double. Irrespective of what happens to the horse the purchaser picked in the second half of the daily double, he has failed in fulfilling his first half of the contract which was to pick the winner in the first half of the daily double, and there is no refund.

(h) If a horse in the first half of the daily double is excused by the stewards before off-time, all money wagered on any horse or horses so excused shall be deducted from the daily double pool and be refunded to the purchaser or purchasers of tickets on the horse or horses so excused.

(i) In the event a horse is excused in the second half of the daily double after the first race is official, all daily double tickets combining the scratched horse with the actual winner of the first race of the daily double shall be paid a price equivalent to that fraction of the net pool derived by dividing the net pool by the total purchase price of all tickets combining the winner of the first race of the daily double with all horses in the second half of the daily double. The total pay-off of all tickets combining the winner of the first race of the daily double with the scratched horse in the second half of the daily double as determined by the method set forth in this rule shall be deducted from the net daily double pool.

(j) After off-time, there shall be no refund in either of the above cases, provided for in (h) and (i) above.

(k) For the purpose of figuring the daily double, when horses are locked in the gate, they shall be considered as having been excused by the stewards; and (h) and (i) above shall be enforced.

(l) If, for any reason, the first race of a daily double is canceled and declared "no race", full and complete refund will be made of the daily double pool. If, for any reason, the second race of a daily double is canceled and declared "no race", the daily double pool shall be distributed to the holders of the daily double tickets on the winner of the first race in the same manner as the straight pool of the first race is distributed, except as to the amount of distribution, which shall be controlled by the amount bet in the daily double pool.

(m) Except for the contingencies stated below the daily double is calculated in the same general manner as the straight pool.

(n) If no ticket is sold combining both winners of the daily double, the net pool shall then be apportioned between those having tickets including the winner of the first race of the daily double and those having tickets including the winner of the last race of the daily double and shall be calculated and distributed as a place pool.

(o) If no ticket is sold including the winner of the first race of the daily double, then the entire net pool will be paid to the holders of tickets which include the winner of the last race of the daily double.

(p) If no ticket is sold including the winner of the last race of the daily double, then the entire net pool will be paid to the holders of tickets which include the winner of the first race of the daily double.

(q) If no ticket is sold including a winner of either race of the daily double, then the entire net pool will be paid to the holders of tickets which include the horses finishing second in the two races of the daily double.

(r) If either race of the daily double results in a dead heat, the pay-off will be figured the same as a place pool, that is; first, the regulation commission is deducted, then the total amount

wagered on the winning combination is deducted, leaving the profit which is divided equally between holders of the winning combinations.

13:71-27.48 Quiniela

(a) The principle of a quiniela is, in effect, a contract by the purchaser of a quiniela ticket to select the first two horses to finish in a race. The order in which the horses finish is immaterial. The quiniela is not a "parlay" and has no connection with or relation to win, place or show betting, and will be calculated in an entirely separate pool.

(b) Entries shall be allowed in a quiniela race.

(c) In cases of a dead heat between two horses for first place, the combination shall be the winner of the quiniela pool.

(d) In case of a dead heat between two horses for second place, the pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two horses finishing second participating in the payoff.

(e) In case of a dead heat for second place, and no ticket is sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the winning combination.

(f) If no ticket is sold on the winning combination of a quiniela pool the net pool shall be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second, in the same manner in which a place pool is calculated.

(g) If no ticket is sold that would require distribution of a quiniela pool to a winner as defined in (a) through (f) above, the association shall make a complete and full refund of the quiniela pool.

(h) In case of a scratch in a quiniela race, the patron holding a ticket on the scratched horse will receive a refund.

13:71-27.49 Break to nickel in the event of a minus pool

The minimum parimutuel payoff by any licensee conducting parimutuel wagering shall be \$2.10 on each winning \$2.00 wager. This shall pertain only in the event that there is insufficient money in the net parimutuel pool to return \$2.20 on each \$2.00 wager.

13:71-27.50 Trifecta

(a) The trifecta (or other approved name) is a form of parimutuel wagering. Each bettor selects, in order, the first, second and third placed horses in the designated trifecta race. The trifecta pool shall be held entirely separate from all other pools, and is no part of a daily double, exacta or other wagering pool.

(b) Trifecta tickets shall be sold in not less than \$2.00 denominations and only from machines capable of issuing three numbers. Nothing in this section shall preclude any permit holder from the sale of combination trifecta tickets in the amount of \$6.00.

(c) Races in which trifecta pools shall be conducted shall be approved by the Commission and shall be clearly designated in the program.

(d) The design of trifecta tickets shall be clearly and immediately distinguishable from other parimutuel tickets.

(e) If a horse is scratched or declared a nonstarter, no further trifecta tickets may be issued designating such horse and all trifecta tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

(f) Rules concerning failure to select a winning combination, short finishes include:

1. If there is a failure to select, in order, the first three horses, payoff shall be made on trifecta tickets selecting the first two horses, in order with all others; failure to select the first two horses, payoff to trifecta tickets selecting the winner and third place horse with any and all other horses; failure to select any of the foregoing orders of finish, payoff shall be made to trifecta tickets selecting the winner to win with all other horses; failure

to select the winner to win, payment shall be made to holders of tickets on the second and third place finishers with any and all others.

2. If less than three horses finish, payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

(g) Coupled entries and fields are prohibited in trifecta races.

(h) Where a field in a trifecta race in thoroughbred racing is less than nine at wagering time or where a field in a trifecta race in harness racing is two or more horses short of filling the available positions of the starting gate at wagering time, said race will be run as an exacta. A late scratch after wagering starts will not affect the trifecta.

(i) This rule shall be prominently displayed throughout the betting area of each track conducting the trifecta and printed copies of this rule shall be distributed by the track to patrons upon request.

13:71-22.51 Sell-only system

(a) The supervisor of mutuels shall be furnished with the following documents on a daily basis by the totalisator company for any sell-only system:

1. Win, place and show pools:
 - i. Running total sheet;
 - ii. Calculating sheet;
 - iii. Tickets and denomination sheet;
 - iv. Price sheet by denomination;
 - v. Progression of odds;
 - vi. Machine sales by Division.

13:71-27.52 Cash-sell system

(a) In addition to the foregoing rules which shall be applicable to all parimutuel systems excepting the following additional rules shall apply only to associations utilizing a "cash-sell" system.

1. There shall be no cancellation of tickets permitted once the patron has left the window and in no event shall there be any cancellation of tickets after four transactions have occurred at the individual terminal without recourse to a special terminal.

2. There shall be no cancellation of tickets permitted after off-time for any race.

3. The Supervisor of Mutuels shall be furnished with the following documents by the totalisator company on a daily basis for all pools at such time and in such manner as requested by the Supervisor of Mutuels.

- i. Pool summary report;
- ii. Price calculation report;
- iii. Final cycle pool print report;
- iv. Progression of odds (win only);
- v. Machine sales by race report;
- vi. Daily double will pay report;
- vii. Exacta probables report;
- viii. Prices report summary;
- ix. Price cancellation summary;
- x. Summarized balance report (out ticket);
- xi. End of day report;
- xii. All trifecta computer sheets;
- xiii. Lost ticket report.

4. The Supervisor of Mutuels shall also be furnished with the following documents by the totalisator company upon request:

- i. Payout distribution report;
- ii. Day end teller report;
- iii. Pool processing proof;
- iv. Outs book A;
- v. Outs book B;
- vi. Bet reports;
- vii. Audit information from log tapes;
- viii. Outs cashed report;

- ix. Manual cash council report.

SUBCHAPTER 28. INITIAL TRACK APPLICATION

13:71-28.1 Permit to hold race meetings

(a) No license or permit shall be transferable or assignable in any manner or in any particular.

(b) An application for a permit to conduct a horse race meeting shall be filed on form R-1 in the case of harness races and on form R-2 in the case of running races, which forms shall be prescribed and furnished by the Commission. The Commission may require from time-to-time additional information which shall be attached to, and made a part of, and filed with the application. The application and additional information shall be submitted in affidavit form, sworn to and subscribed before a person legally competent to take oaths. The application shall be filed with the Commission prior to August 1, of any year.

(c) The applicant shall furnish, at his expense, such data as the Commission shall require to enable it to carry out fully and effectually all the provisions and purposes of the law which may include, but shall not be limited to, the following:

1. Blueprints and specifications of the track and its surface, and blueprints and specifications of buildings and grandstands; and

2. Surveys, studies and analyses by competent and qualified experts which may be required by the Commission to ascertain such factors as proposed attendance, traffic flow, income or any and all matters necessary for the Commission to make a determination with respect to the matter of the application.

(d) When, in the judgment of the Commission, the services of special legal counsel are necessary to carry out fully and effectually all the provisions and purposes of the law and to serve the public interest, the Commission may request the Attorney General to appoint such counsel and the applicant shall pay the reasonable expenses to his services. Special counsel shall submit, in affidavit form, a detailed accounting of his services to the Attorney General who shall certify said accounting to the Commission upon being satisfied that it is reasonable and necessary to carry out fully and effectually the purpose of this act. The Commission shall, in no event, require payment for such services without the said approval of the Attorney General.

(e) In any case where the Commission may require expenses by the applicant, pursuant to this request, the commission may, in its discretion, require the applicant to give bond or other satisfactory security to guaranty payment of the aforesaid expenses.

(f) The application for a permit to hold or conduct horse race meetings within the State of New Jersey shall include, but not be limited to, the following information:

1. The name of the person, association or corporation making such application;

2. Post-office address of the applicant;

3. If the applicant is a corporation or an association, the names and addresses of the officers and directors thereof and the name and address of each owner or holder, directly or indirectly, of any share of stock or certificate or other evidence of ownership of any interest in such corporation or association.

4. If the applicant is a partnership, it shall furnish the names and addresses of all general and limited partners;

5. In the case of a corporate applicant, the date of incorporation, name of the state in which incorporated, and a copy of the original certificate of incorporation and of any amendments thereto;

6. The dates on which it is intended to conduct or hold such horse race meeting and the hours of each racing day between which it is intended to hold or conduct horse racing at such meeting;

7. The location of the place, track or enclosure where it is proposed to hold or conduct such horse race meeting;

8. Detailed information and specifications of the track, buildings and grandstand possessed or to be constructed by the applicant, including a blueprint of the track and specifications of the construction and of the surface of same; and blueprints and detailed architect's specifications of the construction of any buildings and grandstands of the applicant. The Commission reserves the right to reject inadequate or unsatisfactory specifications or to demand additional information and specifications from the applicant;

9. A financial statement of the applicant, certified by a certified public accountant of New Jersey;

10. A statement by a certified public accountant of New Jersey showing details of all financing arrangements made or contemplated by the applicant in connection with the construction of the race track buildings and grandstand;

11. Any other information which is set forth on form R-1 or form R-2 or as may be required by the Commission.

(g) The application, if made by an individual, shall be signed and verified under oath by such individual, and, if made by two or more individuals or a partnership shall be signed and verified under oath by all of the individuals or by all of the members of the partnership, whether general or limited, as the case may be. If the application is made by an association or corporation, it shall be signed by the president or vice-president thereof and attested by the secretary or assistant secretary under the seal of such association or corporation, if it has a seal, and shall be verified under oath by one of the officers signing the same.

(h) In addition to the requirements in (g) above the applicant shall comply with the following:

1. Every applicant shall furnish to the Commission, under oath a list of the names, addresses and dates of birth of every person, entity or organization who or which has any interest whatsoever in the applicant, the proposed race track or the proposed horse race meetings, and a detailed account of the nature and extent of said interest. Each such person, entity or organization who or which has such an interest shall furnish a statement, under oath, to the Commission, setting forth that he is acting solely in his own behalf and is a real party in interest, or if he is acting jointly with or solely on behalf of any person, entity or organization, or if he is not a real party in interest, then he shall state the name, address and date of birth of the real property or other party or parties in interest for whom he is acting. In the event that the application and its attachments do not identify any person, entity or organization who or which has any direct or indirect interest in the applicant, proposed race track or proposed horse race meetings, the application may be denied.

2. Every applicant member, partner, officer, director, stockholder and person having any direct or indirect interest in the applicant and every real party in interest in the applicant shall furnish a detailed statement, under oath, of his experience and background in racing and of his business and financial background including a financial statement.

3. Every applicant shall furnish with its application the fingerprints of each applicant member, partner, officer, director, real party in interest, stockholder and of every person who has any direct or indirect interest whatsoever in the applicant, on forms provided by the Commission.

4. Every applicant member, partner, officer, director, real party in interest and stock holder shall furnish a statement, under oath, to the Commission describing any and all direct or indirect interests that he presently has, or previously had, in any other racing organization, association or race track, presently existing or which has been in existence in any part of the world.

(i) If there is any false statement or omission of any material fact in the application or in the additional information required by this section or by the Commission, the application may be denied.

(j) The Commission shall designate a certified court reporter to take and record the proceedings at the public hearing on the application. Within 10 days following the date of the public hearing the applicant shall, at its own expense, furnish to the Commission an original and four copies of a transcript of the proceedings.

(k) Within 15 days after the filing of an original application, the Commission shall determine whether the same is in due form and upon being satisfied thereof shall set a date not later than September 15 next when a public hearing shall be held on such application.

(l) The public hearing shall be held in the county wherein it is proposed to conduct the race meeting for which the permit is sought at such place as may be designated by the Commission in writing to the applicant. Notice of the time and place of the hearing shall be served on the applicant by the Commission by mailing the same postage paid by certified mail to the applicant at the address indicated in the application.

(m) The Commission shall cause a display advertisement approximately 11 inches by eight inches in size to be published at least once in weekly newspaper published or circulated, if none be published, in the county wherein it is proposed to conduct the race meeting for which the permit is sought. Such advertisements shall be published at least 15 days before the date of such public hearing and shall contain the following:

1. The name and address of the applicant;
2. The time and place of the hearing;
3. The nature of the permit applied for;
4. A statement to the effect that the purpose of the hearing is to assist the Racing Commission in making a determination whether or not it shall grant a permit to conduct a horse race meeting during the times and at the place indicated in the application;
5. Such other information as is determined to be necessary by the Commission in order to apprise the public as to the purpose of the hearing.

(n) The advertisements for the public hearing shall be prepared and placed by the Commission, but shall be paid for by the applicant prior to the time of the public hearing. The applicant shall produce proof to the Commission prior to the hearing that it has paid for the advertisements.

(o) The hearing shall be recorded by a certified court reporter of the State of New Jersey, who shall be sworn by the Chairman of the Racing Commission at the beginning of the hearing.

(p) The public hearing shall be held before the Racing Commission. A majority of the Commission shall constitute a quorum for the purpose of the hearing. The Chairman of the Commission shall conduct the hearing, or may designate the counsel assigned to the Racing Commission by the office of the Attorney General to conduct the hearing.

(q) The Commission may continue such hearing from time to time if it deems it to be necessary in the public interest, or for purposes of a more thorough investigation of the application. In conducting the hearing the Commission shall not be bound by technical rules of evidence, but all evidence offered before the Commission shall be reduced to writing and shall, with the petition and exhibits, if any, and the findings of the Commission, be permanently preserved and shall constitute the record of the Commission in the matter of the pending application. Any of the parties effective by such hearings may be represented by counsel and shall have the right to introduce evidence.

(r) Each member of the Commission shall have power to administer oaths and examine witnesses and shall have the power to issue subpoenas to compel the attendance of witnesses and the production of all necessary reports, books, papers, records, correspondence and evidence at the designated place of hearing. Such subpoena shall be authenticated by the seal of the Commission and any parties to a proceeding before the Com-

mission may secure from its subpoenas without charge. Misconduct on the part of a person attending a hearing, or the failure of a witness, when duly subpoenaed, to attend, give testimony or produce any records, shall be punishable in accordance with law by the county court of the county wherein the offense is committed. The Commission shall certify such misconduct, failure to attend or produce records, to such county court.

(s) The Commission, or any member thereof, or any applicant, may in connection with any hearing before the Commission cause the deposition of witnesses within or without the State to be taken on oral or written interrogatories in the manner prescribed by statute for depositions in suits at law in the courts of record in this State.

(t) The Commission, or a majority thereof, shall determine whether a permit to hold or conduct a running race meeting or harness race meeting, as the case may be, is provisionally granted pending approval thereof by the legal voters of the county and of the municipality in which it is proposed to hold or conduct such race meeting. The Commission shall make its determination not less than 30 days before the next ensuing general election following the date of public hearing. If the commission acts favorably on such application, it shall in writing certify to the county clerk of the county in which it is proposed to hold or conduct such horse race meeting that such permit has been provisionally granted.

(u) The actual costs and expense of the commission incurred in connection with any such hearing or investigation of the application shall be paid by the applicant upon the Commission's delivering to the applicant a statement thereof. The Commission in its discretion, may require the applicant, before the hearing as hereinbefore provided, to give a surety bond or other satisfactory assurance that such applicant will pay all costs of such hearing.

OFFICE OF ADMINISTRATIVE LAW NOTE: Forms R1 (application for permit to hold or conduct harness racing meeting) and R2 (application for permit to hold or conduct horse race meeting) were filed as part of this proposal but are not reproduced herein. Copies of these forms can be obtained from:

John J. Reilly, Executive Director
 New Jersey Racing Commission
 404 Abbington Drive
 East Windsor, N.J. 08520
 or
 Office of Administrative Law
 Administrative Publications and Filings
 CN 301
 Trenton, N.J. 08625

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

John J. Reilly, Executive Director
 c/o New Jersey Racing Commission
 404 Abbington Drive
 East Windsor, New Jersey 08520

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

This proposal is known as PRN 1981-300.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

BUREAU OF PUBLIC TRANSPORTATION SERVICES (TRANSPORTATION)

Autobus Specifications

Length and Guard Rail Requirements

Proposed Amendments: N.J.A.C. 14:11-2.2 (Joint Proposal, Board of Public Utilities and Department of Transportation)

Proposed Amendments: N.J.A.C. 14:11-2.4 (Department of Transportation)

Recodification: N.J.A.C. 14:11-2 as N.J.A.C. 16:53-2

Authorized By: Anne P. Canby, Acting Commissioner, Department of Transportation, and Board of Public Utilities, Gerald Calabrese, Secretary.

Authority: N.J.S.A. 27:1A-6a, 52:14C-1 et seq., 52:14D-1 et seq., 48:4-2.1(a) and the Reorganization Plan for the Board of Public Utilities and the Department of Transportation (1978).

The agencies proposal follows:

Summary

The existing regulations of the Board of Public Utilities regarding autobus specifications (which regulations were transferred to the Department of Transportation pursuant to Reorganization Plan, Laws 1978) provide that the overall length of autobuses shall not exceed 40 feet, 0 inches excluding bumpers. In order to allow for the introduction into revenue service in New Jersey of autobuses which incorporate recent technological advances, the proposed amendment provides that the overall length of an autobus shall not exceed 61 feet, 0 inches excluding bumpers. In addition it is proposed that the requirement that autobuses be equipped with a guard rail or gate be amended. The proposed amendment would require, in the absence of a guard rail, a marking to be placed on the floor consistent with Federal Motor Carrier Safety Regulation 393.90. No person would be permitted to stand forward of either the guard rail or marking.

A guard rail is not required by the Federal Motor Carrier Safety Regulations and New Jersey is the only state with such a requirement. The guard rail requirement results in increased costs to the carrier and would prevent the introduction into revenue service in New Jersey of New Advanced Design Buses with wheelchair lifts designed to provide regular route transit service to the handicapped.

Pursuant to the Reorganization Plan for the Board of Public Utilities and the Department of Transportation (1978), virtually all responsibility for transportation-related regulatory functions were transferred from the Board of Public Utilities to the Department of Transportation. As a result of a technical omission, the responsibility for regulations relating to dimensions of autobuses (N.J.A.C. 14:11-2.2) was retained by the Board of Public Utilities. Consequently, the Office of the Attorney General has advised that, pending the introduction and enactment of corrective legislation, the proposals set forth herein be jointly proposed and adopted by the Board of Public Utilities and the Department of Transportation.

Social Impact

Modern technology has resulted in the manufacture of buses which exceed the 40 foot length permissible under current regulations. Such buses are able to carry more passengers at appreciable

cost savings and, therefore, if introduced into revenue service in New Jersey will provide improved service at less cost to the riding public. The modification of the guard rail requirement will allow the introduction into revenue service in New Jersey of wheelchair equipped Advanced Design Buses. This is the first time regular route transit bus services will be available to the wheelchair bound residents of New Jersey.

Economic Impact

The introduction of buses that exceed 40 feet will allow carriers to carry more passengers at appreciable cost savings. "Articulated" buses, for example, are potentially 20 percent more economical per passenger mile than the standard 40 foot bus when total annual fixed costs are measured. The modification of the guard rail requirement will result in the cost of new buses being reduced as well as somewhat lower maintenance costs.

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

14:11-2.2 Dimensions of autobuses

(a) The overall length shall not exceed [40] **61** feet, 0 inches excluding bumpers.

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

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

14:11-2.4 Guard rail or marking

[All autobuses normally transporting passengers in excess of seated capacity shall be equipped with a suitable guard rail or gate which will prevent passengers from occupying any space forward of the plane of the back of the driver's seat when the bus is in motion.] **All autobuses equipped for the carriage of standees shall comply with Federal Motor Carrier Safety Regulation 393.90. Any guard rail or gate in the autobus so equipped must be in operating condition.**

OFFICE OF ADMINISTRATIVE LAW NOTE: Pursuant to N.J.S.A. 52:14B-7 and the Reorganization Plan, the Office of Administrative Law has recodified N.J.A.C. 14:11-2 (except for section 2.2) as N.J.A.C. 16:53-2. N.J.A.C. 14:11-2.41, will both remain in N.J.A.C. 14:11-2 and be duplicated and recodified as N.J.A.C. 16:53-2.41. Pursuant to the same authority, and as part of this recodification, references to the "Board of Public Utilities" will be amended to read "Department of Transportation".

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

Felix Forlenza
Chief Regulatory Officer
Board of Public Utilities
1100 Raymond Boulevard
Newark, New Jersey 07101

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

This proposal is known as PRN 1981-327.

ENERGY

(a)

THE COMMISSIONER

Energy Conservation Thermal Efficiency in New and Renovated Buildings

Proposed Amendments: N.J.A.C. 14A:3-4.4

Authorized By: Joel R. Jacobson, Commissioner,
Department of Energy.
Authority: N.J.S.A. 52:27F-11g, o, and q.

The agency proposal follows:

Summary

The New Jersey Department of Energy adopted N.J.A.C. 14A:3-4, Thermal Efficiency in New and Renovated Buildings, on August 2, 1978. This subchapter required all new and renovated buildings in this State to comply with the standards of the Energy Subcode of the Uniform Construction Code (essentially those standards enunciated in the BOCA Basic Energy Conservation Code/1977). As a result, those buildings encompassed within the scope of the subchapter had to meet certain energy efficiency standards. The standards were mainly directed toward the building envelope, HVAC equipment, and plumbing and electrical systems.

The proposed amendment will modify the BOCA Basic Energy Conservation Code/1981 to provide specific insulation standards for the three different heating zones in New Jersey. The heating degree days for the three zones are 5000, 5500 and 6000. This breakdown will simplify the enforcing agency's task when it reviews plans. Since the State is divided into three specific areas, the plan reviewer need know only the location of the building to immediately obtain the insulation requirements.

The use of ASHRAE 90A-1980 assures construction of state-of-the-art energy efficient buildings and eliminates the use of suboptimal equipment. Improvements in insulation of 17% for walls and from 5% to 15% for ceilings of one family homes is evident. The mechanical equipment for heating, ventilating and air-conditioning (HVAC) will also have to meet a higher standard. As an example, EER and COP values for HVAC equipment have improved approximately 10% overall. Swimming pool heaters for which no standards had previously existed are included in the new code.

The decision to upgrade the 1981 Code is supported by the Energy Sub-code Committee of the New Jersey Construction Code Advisory Board; the Committee has agreed that the 1981 Code should be modified in the manner specified by NJDOE.

This proposal is known within the Department of Energy and shall be referred to in correspondence with the Department as DOE-010-81-11.

Social Impact

The proposed amendment is designed to ensure that new buildings and related HVAC equipment will be more energy and cost-efficient. By mandating that new buildings and HVAC systems be designed with a view towards energy conservation, NJDOE expects to reduce consumption of precious State resources.

Economic Impact

The proposed amendment will not result in an added economic burden to NJDOE, the regulatory agency; the Department of Community Affairs, the enforcing agency; or local building officials charged with approving or disapproving new construction. The mechanisms required to enforce the proposed amendment are already in place and will not need significant alteration.

Compliance with the proposed amendment may place some additional burdens on manufacturers of HVAC equipment, operators of

heated swimming pools and builders. This additional cost will ultimately be borne by the consumer. However, the economic benefits associated with conservation of energy resources offsets the incremental increase in cost of products regulated by this amendment.

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

14A:3-4.4 Standards

(a) All buildings subject to the provisions of this subchapter shall comply with the standards of the Energy Subcode of the Uniform Construction Code [as such is adopted by the New Jersey Department of Community Affairs except where the energy efficiency standard for any particular appliance is established by the Department of Energy.] **The Department adopts the model code of the Building Officials and Code Administrators International, Inc., known as the "BOCA Basic Energy Conservation Code 1981" ("model code").**

1. Copies of the model code may be obtained from the sponsor at: BOCA, 17926, South Halsted Street, Homewood, Illinois, 60430.

2. The model code as adopted by the Department shall be known as the energy subcode.

(b) The energy subcode is amended as follows:

1. The following amendments are made to Article 3 of the energy subcode entitled "Building Envelope":

i. In Section E-301.2.1, delete the words "Figure E-301.2.1a" and add the words "Table E-301.2.1".

ii. In Section E-301.2.1 Exceptions, delete the words "Figure E-301.2.1b and E-301.2.1c" and add the words "Figure E-301.2.1a and E-301.2.1b".

iii. Delete Figure E-301.2.1a and add Table E-301.2.1 below:

Region†	Annual heating degree days-°F	MAXIMUM ALLOWABLE U _o VALUES FOR GROSS EXTERIOR WALL ASSEMBLIES	
		Maximum "U" A1	A2
I	5000	0.190	0.29
II	5500	0.185	0.28
III	6000	0.180	0.27

†See Figure E-301.5

Note 1. A1 indicates detached one and two family dwellings.

Note 2. A2 indicates all other residential buildings not more than three stories in height.

iv. Renumber Figure E-301.2.1b and Figure E-301.2.1c to read Figure E-301.2.1a and Figure E-301.2.1b, respectively.

v. Modify Table E-301.2.2 to read as follows:

Region†	Annual heating degree days	TABLE E-301.2.2 MAXIMUM ALLOWABLE U _o VALUES FOR ROOF/CEILING ASSEMBLIES	
		Maximum "U _o "	
I	5000	0.0475	
II	5500	0.0450	
III	6000	0.0425	

†See Figure E-301.5.

vi. In Section E-301.2.3 delete the words "combined thermal transmittance value U_o as specified in Figure E-301.2.3" and add the words "maximum allowable transmittance value U_o of 0.08 Btu/hr-ft²-°F".

vii. Delete Figure E-301.2.3.

viii. In Section E-301.2.4 delete the words "Figure E-301.2.4" and add the words "Table E-301.2.4".

ix. Delete Figure E-301.2.4 and add Table E-301.2.4 below:

TABLE E-301.2.4
MINIMUM ALLOWABLE R VALUES OF PERIMETER
INSULATION FOR SLAB ON GRADE FLOORS

Region†	Annual heating degree days-°F	R Values	
		Heated slabs	Unheated slabs
I	5000	6.3	4.3
II	5500	6.7	4.6
III	6000	7.1	4.9

†See Figure E-301.5.

x. In Section E-301.3.1 delete words "Figure E-301.3.1" and add the words "Table E-301.3.1".

xi. Delete Figure E-301.3.1 and add Table E-301.3.1 below:

TABLE E-301.3.1
MAXIMUM ALLOWABLE U_o VALUES
FOR GROSS EXTERIOR WALL ASSEMBLIES

Region†	Annual heating degree days-°f	Maximum "U _o " Btu/hr-ft ² -°F	
		Over 3 Stories	3 Stories & Under
I	5000	0.355	0.295
II	5500	0.345	0.285
III	6000	0.330	0.275

†See Figure E-301.5.

xii. In Section E-301.3.2 delete the words "Figure E-301.3.2" and add the words "Table E-301.3.2".

xiii. Delete Figure E-301.3.2 and add Table E-301.3.2 below:

TABLE E-301.3.2
MAXIMUM ALLOWABLE U_o VALUES FOR
ROOF/CEILING ASSEMBLIES

Region†	Annual heating degree days-°F	Maximum "U _o " Btu/hr-ft ² -°F
I	5000	.084
II	5500	0.080
III	6000	0.076

†See Figure E-301.5.

xiv. In Section E-301.3.3 delete the words "Figure E-301.2.3" and add the words "Section E-301.2.3".

xv. In Section E-301.3.4 delete the words "Figure E-301.2.4" and add the words "Table E-301.2.4".

xvi. In Section E-301.3.5 delete the words "those specified in the following Figure E-301.3.5" and add the words "33.5 Btu/hr-ft²."

xvii. Delete Figure E-301.3.5.

xxiii. After Section E-301.4.3 add Figure E-301.5 below:

OFFICE OF ADMINISTRATIVE LAW NOTE: See page 837 for Figure E-301.5

2. The following amendments are made to Article 4 of the energy subcode entitled "Warm Air Heating; Ventilating and Air Conditioning Systems and Equipment":

i. In Table E-402.1.1a change the numbers as follows:

(1) Replace the EER values of 6.1 and 6.8 with the values 6.8 and 7.5 respectively.

(2) Replace the COP values of 1.8 and 2.0 with the values 2.0 and 2.2, respectively.

ii. In Table E-402.1.1b replace the Minimum COP values of 0.40 and 0.65 with the values 0.48 and 0.68, respectively.

iii. In Table E-402.1.2 change the numbers as follows:

(1) Replace the Air EER values of 7.5, 7.2, 8.9 and 7.8 with the values 7.8, 7.5, 9.5 and 8.5, respectively.

(2) Replace the Air COP values 2.2, 2.1, 2.6 and 2.3 with the values 2.3, 2.2, 2.8 and 2.5 respectively.

(3) Replace the Water EER values of 12.9, 10.9, 10.9 and 11.3 with the values 13.6, 11.6, 11.6 and 11.9, respectively.

(4) Replace the Water COP values of 3.8, 3.2, 3.2 and 3.3 with the values 4.0, 3.4, 3.4 and 3.5, respectively.

(5) Replace the Evaporative EER value of 11.3 with the value 11.9.

(6) Replace the Evaporative COP value of 3.3 with the value 3.5.

iv. In Table E-402.1.3 replace the Minimum COP values of 2.2, 1.2 and 2.2 with the values 2.5, 1.5 and 2.5, respectively.

3. The following amendments are made to Article 5 of the energy subcode entitled "Plumbing Systems";

i. In Section E-503.1.1 delete the numbers 15 and 31 and add the numbers 13.6 and 43, respectively.

ii. Add Section E-504.0 SWIMMING POOLS as follows:

(1) E-504.1 Pool Heaters.

(A) E-504.1.1. All pool heaters shall be equipped with an ON-OFF Switch mounted for each access to allow shutting off the operation of the heating without adjusting the thermostat setting and to allow restarting without relighting the pilot light.

(B) E-504.1.2. After January 1, 1982, all gas and oil fired pool heaters shall have a thermal efficiency of 75 percent when tested in accordance with ANSI Z21.56-1975.

(C) E-504.1.3. Active solar heating systems should be used to supply a portion for the pool heating requirements when conditions permit their cost-effective installation.

(2) E-504.2. Pool Covers. Heated swimming pools shall be equipped with a pool cover.

(A) Exception: Outdoor pools deriving over 20 percent of the energy from heating from non-depletable sources (computed over an operating season) shall not be required to be equipped with a pool cover.

(3) E-504.3. Time Clocks. Time clocks shall be installed so that the pump can be set to run in the off-peak electric demand period and can be set for the minimum time necessary to maintain the water in a clean and sanitary condition, in keeping with applicable health standards.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

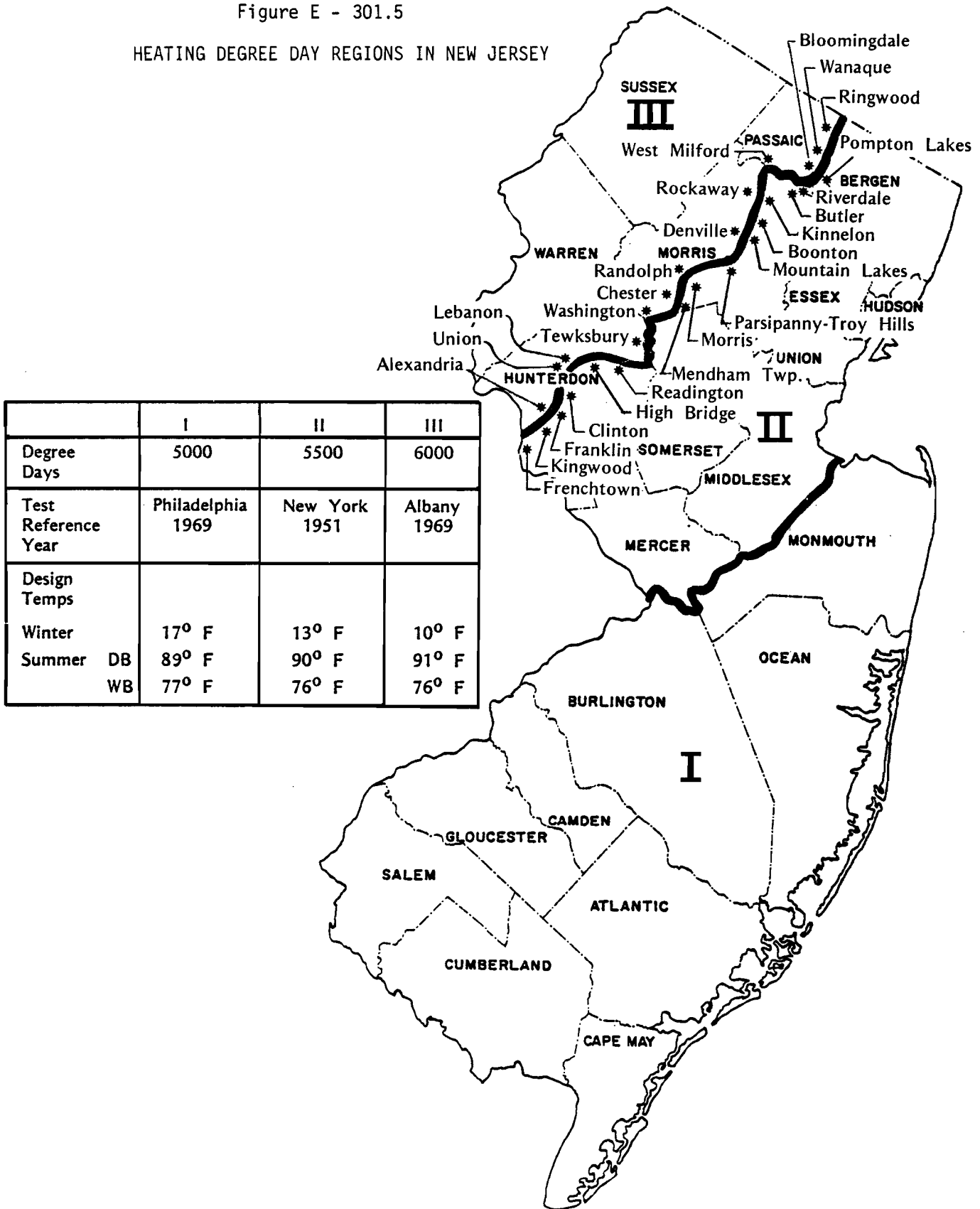
Linda M. Scuurzo
 Office of Regulatory and Governmental Affairs
 New Jersey Department of Energy
 101 Commerce Street Newark, New Jersey 07102

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

This proposal is known as PRN 1981-308.

Figure E - 301.5

HEATING DEGREE DAY REGIONS IN NEW JERSEY



TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

Speed Limits for State Highways Route US 9 Including US 9 and 35

Proposed Amendments: N.J.A.C. 16:28-1.41

Authorized By: Anne P. Canby, Acting Commissioner,
Department of Transportation
Authority: N.J.S.A. 27:1A-5 and 39:4-98.

The agency proposal follows:

Summary

This proposed amendment reduces a portion of the 45 mph to 40 mph between Central Avenue and Monroe Avenue in the City of Linwood, Atlantic County, and cause appropriate signs to be erected advising the motoring public.

Social Impact

This amendment will reduce speed limits along the areas designated, the number of accidents and enhance the safety and well being of the populace.

Economic Impact

This amendment will cause signs to be erected advising the motoring public and will involve direct and indirect costs for the Department's workforce.

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

16:28-1.41 Route US 9 including US 9 and 35

(a) (No change.)

(b) The rate of speed designated for the certain part of State Highway Route US 9 described in this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:

i.-vii. (No change.)

viii. 40 miles per hour through Northfield to [a point 300 feet south of] the intersection of [Central Avenue] **Monroe Avenue, in Linwood[;] City, Atlantic County**; thence

ix. 45 miles per hour to a point 100 feet south of [the intersection of] Connecticut Avenue, Somers Point; thence

x.-xii. (No change.)

(c) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-295.

(b)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route 33

Proposed Amendments: N.J.A.C. 16:28A-1.23

Authorized By: Anne P. Canby, Acting Commissioner,
Department of Transportation.
Authority: N.J.S.A. 27:1A-5 and 39:4-138.1.

The agency proposal follows:

Summary

This proposed amendment establishes "no parking" zones along Route 33 in Hopewell Township, Monmouth County and cause appropriate signs to be erected advising the motoring public.

Social Impact

This rule will restrict parking along the areas designated and enhance safety within Hopewell Township.

Economic Impact

The Department will incur direct and indirect costs for the placement of signs by its workforce. Costs are dependent upon mileage, personnel and equipment requirements.

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

16:28A-1.23 Route 33

(a) The certain parts of State Highway Route 33 described [herein below] **in (a) of this section** shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-2. (No change.)

3. **No stopping or standing in the Township of Howell, Monmouth County:**

i. Along both sides between Chief James A. Errickson Road and Cedar Lane.

(b) The certain parts of State highway Route 33 described in (b) of this section shall be and hereby are designated and established as "restricted parking" zones for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles. No other person shall be permitted to park in these areas.

1. Restricted parking space zone along Route 33 in the Township of Hamilton, Mercer County:

i. Along the west side of Route 33 (Greenwood Avenue):

(1) (No change.)

[(2) Beginning at a point 64 feet from the northerly curb line of Massachusetts Avenue and extending 22 feet westerly therefrom (1616 Greenwood Avenue).]

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

The Department of Transportation thereafter may adopt this pro-

posal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-301.

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Alcoholic Beverage Tax Farm Winery; New Jersey Wines

Proposed Amendments: N.J.A.C. 18:3-1.2, 2.1

Authorized By: Sidney Glaser, Director of the Division of Taxation.

Authority: N.J.S.A. 54:42-1 and P.L. 1981, c.280.

The agency proposal follows:

Summary

These rules will implement P.L. 1981, c.280. Wine resulting from grapes or other fruit grown in New Jersey can be sold in gallons at a lesser rate of tax per gallon than other wines. Wine manufactured by holders of a farm winery license or wine manufactured from grapes or fruit grown in New Jersey, by holders of a plenary winery license issued pursuant to N.J.S.A. 33:1-10, shall be taxed at a rate of \$.10 a gallon. The new Act was approved and became effective on September 10, 1981.

Social Impact

As a result of legislation these rules were brought about to encourage manufacture of wines from New Jersey grapes and fruit grown here and to make them attractive to the wine buying consumer. Farming of fruit would lead to a preservation of agricultural land.

Economic Impact

The winery business will be able to sell New Jersey wines and pay a lesser tax. People in the business of selling wines will encourage manufacturers to make New Jersey wines. New Jersey farmers will be encouraged to grow grapes and other fruit to supply manufacturers of wines.

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

18:3-1.2 Definitions

"Farm winery license" means: see N.J.S.A. 33:1-10 and N.J.A.C. 13:2.

...
"Manufacture", with respect to farm winery licenses and plenary wine licenses means the vinification, aging, storage, blending, clarification, stabilization and bottling of wine or juice from 100 percent New Jersey grown fruit.

...
"Plenary winery license" means: see N.J.S.A. 33:1-10 and N.J.A.C. 13:2.

...
18:3-2.1 Tax rates on alcoholic beverages; certification

(a) The Alcoholic Beverage Tax Law levies and imposes upon any sale of alcoholic beverages made within this State, or upon any delivery of any alcoholic beverages made within or into this State, the following excise taxes:

1.-2. (No change.)

3. Wines, vermouth and sparkling wines at the rate of \$0.30 a gallon [effective: July 1, 1972][.]; **except that wine manufactured by holders of a farm winery license, or wine manufactured from**

grapes or fruit grown in New Jersey by holders of a plenary winery license issued pursuant to the provisions of N.J.S.A. 33:1-10 shall be taxed at a rate of \$0.10 a gallon. The farm plenary licensee and the plenary winery licensees must certify to the Director, Division of Taxation the number of gallons of wine produced in New Jersey at the \$0.10 a gallon rate. This amended rule is effective as of September 10, 1981.

(b) Each person authorized to sign a certification must include the following language in such certification:

1. I certify under the penalties provided by law, including license suspension or revocation, that this report (including any accompanying schedules and statements) has been examined by me and is true, correct and complete. I also certify that I am the person authorized to certify this report. Further, all wine produced from grapes and/or fruit grown in the State of New Jersey, described in this report, and shown at the \$0.10 a gallon tax rate, has been produced from 100 percent New Jersey grown grapes or other fruit.

Signature & Title, if applicable

Date

Witness to the signature of licensee or
person duly authorized to certify this
report. Date

(c) In all cases where the \$0.10 per gallon wine tax is claimed, the foregoing certification must be completed by every licensee and must accompany its bi-monthly tax report.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-294.

(b)

DIVISION OF TAXATION

New Jersey Gross Income Tax Employee Accident or Health Insurance Exclusion

Proposed New Rules: N.J.A.C. 18:35-1.15

Authorized By: Sidney Glaser, Director of the Division of Taxation.

Authority: N.J.S.A. 54:10-9.

The agency proposal follows:

Summary

This proposed rule will clarify the application of the New Jersey Gross Income Tax Act to payments received by employees on account of personal injury or sickness and states the qualifications for the exclusion of such payments from taxable gross income.

This rule primarily affects the gross income tax withholding obligations of New Jersey employers who make the payment of wages and salaries which are subject to the gross income tax. The rule sets forth the criteria by which payments to employees for personal injury or sickness are determined to be eligible for exclusion from taxable gross income under an accident or health insurance plan and therefore not subject to withholding of gross income tax.

Social Impact

This rule will affect all taxpayers in the State of New Jersey who have wage and salary income, and whose employers provide them with Health or Accident Insurance as part of their compensation package.

Economic Impact

This rule will not result in an additional economic burden on either employers or employees. It will benefit employees who are absent from work on account of personal injury or sickness by eliminating gross income tax withholding on payments which qualify for exclusion from taxable gross income under an accident or health insurance plan.

Full text of the proposed new rule follows.

18:35-1.15 Employee accident or health insurance exclusion from taxable gross income

(a) Amounts received by an employee through an accident or health insurance plan for personal injuries or sickness are not subject to tax under the New Jersey Gross Income Tax Act.

(b) Amounts received by an employee on account of personal injury or sickness qualify for exclusion from taxable gross income when received under the provisions of an employee accident or health insurance plan which satisfies the following requirements:

1. The payments must be compensation for wage loss which results from absence due to injury or sickness; and

2. The payments must have a requisite certainty under an enforceable contractual obligation (see N.J.A.C. 18:35-1.15(e)); and

3. The payments must not relate to sick leave wage continuation, the taking of which is largely discretionary with the employee and the payments are made regardless of the reason for absence from work.

(c) The exclusion from taxable gross income applies to payments to employees under a health or accident insurance plan regardless of whether insurance coverage is with a commercial insurance company to which premiums are paid by both employees and employer or solely by the employer; or whether insurance coverage is provided by an employer's self-insured plan for which no insurance premiums are paid by the employees.

(d) The exclusion from taxable gross income applies to payments required to be made to employees under the State mandated temporary disability benefit plan pursuant to the New Jersey Temporary Disability Law (N.J.S.A. 43:21-25 et seq.). Payments which are excludable from taxable gross income include temporary disability benefit payments required to be made under the State Plan which is administered by the Bureau of State Plan Disability Benefits under the New Jersey Disability Law. Exclusion from taxable gross income also includes payments required to be made to employees under a company's private plan established pursuant to New Jersey law and which has been approved by the Bureau of Private Plan Disability Benefits, Division of Unemployment Insurance and Disability Insurance.

(e) Where payment to employees under the health or accident insurance plan is largely discretionary with the employer, such as during the initial period (e.g. first seven days), the exclusion from taxable gross income does not apply. Such payments to the employee are subject to tax as wages and salaries. In order for a wage loss payment made under an accident or health insurance plan to be excludable from taxable gross income, the payment to the employee must have a requisite certainty under an enforceable contractual obligation.

(f) Withholding of the gross income tax as wages and salaries shall be required on all payments made to an employee by an employer which do not meet all the conditions for the exclusion from taxable gross income as made through an accident or health insurance plan for personal injuries or sickness under this section.

1. Examples:

i. An employee of Company X is allowed 12 vacation days and 15 sick days for the year 1980. The employee uses 12 vacation days and 10 sick days in 1980 for which he receives his regular wage payment, regardless of the cause for his absence. The amounts received by the employee in 1980 for the 12 vacation days and 10 sick days are subject to tax as wage and salary income to the employee.

ii. Company Y has a self-insured disability plan for its employees who are absent from work because of accident or sickness. The plan is fully funded by the employer company and the employees make no contribution to the plan. Payment for the full amount of wages are made to disabled employees absent from work on the eighth calendar day. Payment for the initial seven days to the covered employee is discretionary with the company employer. The amount received by the absent employee because of illness is excludable from taxable gross income as health or accident insurance after the initial seven days of absence. Any amount received by the employee as payment for the seven initial days is subject to tax as wage and salary income to the employee.

iii. Employee C receives a payment in 1980 from the New Jersey Disability Benefit Fund during an absence from work because of temporary disability resulting from illness. Both the employee and employer have contributed to the disability benefit fund. The total amount received by the employee from the New Jersey Disability Benefit fund is excludable from taxable gross income as a payment for health or accident insurance.

iv. Employee D is absent from work in 1980 because of illness and receives from the X Insurance Company the full amount of his wages during the period of his absence from work. The payment was made from a health or accident insurance policy to which only the employer has contributed. The amounts received by the employee are excludable from taxable gross income as health or accident insurance.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-296.

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION

Gaming Schools Exterior Advertising Lettering; Height Restrictions

Proposed Amendment: N.J.A.C. 19:44-17.10

Authorized By: Theron G. Schmidt, Acting Executive Secretary.

Authority: N.J.S.A. 5:12-70(r).

The agency proposal follows:

Summary

This alternative would eliminate the current four-inch restriction on the height of letters appearing in advertising located on a gaming school building or on an exterior signboard. In its place, a New Jersey gaming school would be required to comply with all local and county ordinances and master plans controlling such advertising. Further, the school would be required to submit a complete description of any such exterior sign to the Commission at least 30 days prior to the display of that sign. The Commission may, thereafter, direct that such sign not be displayed or be modified in such a way so as to comply with the policies of the Casino Control Act and the Regulations promulgated thereunder. If the Commission does not respond within 30 days the school would then be free to display such sign.

Alternative two would eliminate the current four-inch restriction on the height of letters appearing in advertising located on a gaming school building or on an exterior signboard. In its place, a New Jersey gaming school would be required to comply with all local and county ordinances and master plans controlling such advertising. Additionally, any such sign must comply with the policies of the Casino Control Act and the Regulations promulgated thereunder. However, no prior submission to the Commission of any such sign would be required under this alternative.

Social Impact

In both alternatives one and two, other than allowing the four licensed New Jersey gaming schools more freedom in advertising their facilities, it is not anticipated that the proposed amendment would have any significant social impact.

Economic Impact

In both alternatives one and two, it is not anticipated that the proposed amendment would have any significant economic impact.

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

ALTERNATIVE 1:

19:44-17.10 [Lettering; height restrictions] **Exterior advertising**

When used on the exterior of a school building or on a signboard, lettering in any advertising [may not be larger than four inches in height.] **must be in compliance with the ordinances and master plan of the city, township and county in which it shall be located provided, however, that 30 days prior to the display of such sign, the school must provide to the Commission a complete description of the proposed sign. The Commission may, in its discretion, direct that such sign not be displayed or be modified in such a way so as to comply with the policies of the Act and the Regulations.**

ALTERNATIVE 2:

19:44-17.10 [Lettering; height restrictions] **Exterior advertising**

When used on the exterior of a school building or on a signboard, lettering in any advertising [may not be larger than four inches in height.] **must be in compliance with the ordinances and master plan of the city, township and county in which it shall be located. The sign to be displayed must comply with the policies of the Act and the Regulations.**

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-322.

RULE ADOPTIONS

OFFICE OF ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice Attorney Obstruction

Adopted Amendments: N.J.A.C. 1:1-3.5

Proposed: May 7, 1981 at 13 N.J.R. 254(c).
Adopted: October 23, 1981 by Howard H. Kestin, Director,
Office of Administrative Law.
Filed: October 26, 1981 as R.1981 d.443, **without change.**

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

Effective Date: November 16, 1981.

(b)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice Appearances and Representation

Adopted Amendments: N.J.A.C. 1:1-3.7

Proposed: January 8, 1981 at 13 N.J.R. 2(b).
Adopted: October 23, 1981 by Howard H. Kestin, Director,
Office of Administrative Law.
Filed: October 26, 1981 as R.1981 d.442, **without change.**

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

Effective Date: November 16, 1981.

(c)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice Interpreters

Adopted Amendments: N.J.A.C. 1:1-3.10

Proposed: January 8, 1981 at 13 N.J.R. 3(a).

Adopted: October 23, 1981 by Howard H. Kestin, Director,
Office of Administrative Law.
Filed: October 26, 1981 as R.1981 d.441, **without change.**

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

Effective Date: November 16, 1981.

(d)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice Time for Discovery

Adopted Amendments: N.J.A.C. 1:1-11.5

Proposed: August 6, 1981 at 13 N.J.R. 470(a).
Adopted: October 23, 1981 by Howard H. Kestin, Director,
Office of Administrative Law.
Filed: October 26, 1981 as R.1981 d.444, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

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

Effective Date: November 16, 1981.

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

1:1-11.5 Time for discovery

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

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

COMMUNITY AFFAIRS

(e)

DIVISION OF HOUSING

Rooming and Boarding Houses Licenses; Discrimination

Adopted Amendments: N.J.A.C. 5:27-1.6, 3.3

Proposed: September 10, 1981 at 13 N.J.R. 562(b).

ADOPTIONS

Proposed: September 10, 1981 at 13 N.J.R. 562(b).
Adopted: October 22, 1981 by James A. Sinclair, Deputy
Commissioner, Department of Community Affairs.
Filed: October 22, 1981 as R.1981 d.435, **with substantive
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 55:13B-4(a).

Effective Date: November 16, 1981.

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

5:27-1.6 Licenses

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

(i) **No license shall be issued to, or shall continue to be held
by, any person who *, in a final adjudication by a court of re-
cord or by the Division on Civil Rights,* has *been found to
have* discriminated against any resident or prospective resi-
dent on the basis of race, color, creed, national origin or ances-
try.**

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Shellfisheries

Harvest of Sea Clams

Adopted Emergency Amendment and Concurrent Proposal: N.J.A.C. 7:25-12.1

Emergency Amendment Adopted: October 9, 1981 by
Jerry Fitzgerald English, Commissioner, Department
of Environmental Protection.

Emergency Amendment Filed: October 29, 1981 as R.1981
d.448.

Authority: N.J.S.A. 50:2-6.1, 6.2 and 6.3.

Emergency Amendments Effective Date: October 29,
1981.

Emergency Amendments Operative Date: November 1,
1981.

Emergency Amendments Expiration Date: December 31,
1981.

DEP Docket No. 047-81-09.

The agency emergency adoption and concurrent proposal
follows:

Summary

The emergency adoption opens the New Jersey Sea Clam fishery
within the State's territorial waters on November 1, 1981, one
month earlier than has been the practice since 1976 when annual
seasonal regulations were first instituted, in recognition of the seri-
ous disruption of the market for sea clams that has arisen from a
shortage of clams in the Federal waters and the resultant shortening
of Federal fishing time. Early opening of New Jersey's "inshore"
waters will respond to the imminent peril of economic disaster faced
by New Jersey clammers if they are unable to harvest and sell sea
clams during the fall and winter season.

Other changes in the rule have been made to clarify licensing and
harvest report procedures, and to reflect the change in responsibility
for enforcement of the rule. The annual harvest limit has not been
changed, in accordance with the state's sea clam inventory, but the
weekly per vessel quota is raised from 750 bushels to 768 bushels
of clams.

ENVIRONMENTAL PROTECTION

Social Impact

This adoption will favorably affect New Jersey licensed sea
clammers and sea clam processing plants by providing a reliable
continuity of harvest, thereby fostering the most favorable market
for their product. It will have little or no effect on the general public.

Economic Impact

The majority of New Jersey licensed sea clammers also hold Fed-
eral sea clam fishing permits. The possible shutdown of the Federal
fishery, owing to its having met its annual quota in the first three
quarters of this year would have a serious impact on New Jersey
sea clammers who would be forced to enter other fisheries for which
they are ill equipped if New Jersey waters are not open to them.
There will be no additional expense to the State in the implementa-
tion of these changes.

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

7:25-12.1 Preservation of the sea clam resource in New Jer-
sey.

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

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

(c) General provisions are as follows:

1.-2. (No change.)

3. [This regulation]**This subchapter**, when adopted and when ef-
fective shall supersede the provisions of the [1979-1980] **1980-
1981** Sea Clam Regulations.

4.-5. (No change.)

6. [These regulations] **This subchapter** may be enforced by **The
New Jersey State Police Marine Law Enforcement Bureau** [any]
and all enforcement personnel designated by the Commissioner.

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

(d) Harvest limitations are as follows:

1. Weekly Limitations: Vessels licensed to take sea clams in the
waters of this State shall [not harvest more than 750 bushels per
week from said waters for the period beginning December 1, 1980
through April 30, 1981 or until the season is otherwise terminated.]
**harvest only from November 1 through May 31 of the following
year. A vessel shall not harvest from New Jersey State waters
more than 768 bushels during any week from November 1
through February 15 the following year. On or about February
15 the Commissioner will determine the total State catch. If less
than 175,000 bushels have been harvested, then the Commis-
sioner will, by public notice, increase the weekly vessel quota
to 1,408 bushels for the remainder of the season or until the
quota is caught. If it is determined that on or about February**

8 that more than 325,000 bushels have been harvested, then the Commissioner will, by public notice, reduce the weekly vessel quota to 704 bushels. If the Commissioner determines that the total State catch is between 175,000 and 325,000 bushels, then the weekly vessel quota will remain at 768 bushels.

2. The owner of two or more New Jersey licensed sea clam vessels may [opt to] **not** harvest his entire weekly quota using only one of said vessels. [if he notifies the Atlantic City station, New Jersey Marine Police in the same manner as subsection (e)(4) of this section. The owner or captain must carry all licenses aboard the vessel he will use for harvest.] **The vessel weekly quota is 768 bushels or as modified in (d)1 above.**

3. When at any time during the period [December 1, 1980] **November 1, 1981** through [April 30, 1981] **May 31, 1982** the department has determined that 500,000 bushels have been harvested from the waters of this State, the department shall close the State's waters to any further harvesting upon two days public notice. Said notice may be accomplished by publications in newspapers circulating in Monmouth, Ocean, Salem, Cumberland, Burlington, Atlantic and Cape May Counties, and by certified mail to each licensee.

4. Season: Except for bait purposes as hereafter provided, the season for taking sea clams (*Spisula solidissima*) on the waters of the State shall extend from [December 1, 1980] **November 1, 1981** through and including [April 30, 1981] **May 31, 1982** unless the season is earlier terminated if the season limit is reached.

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

i.-v. (No change.)

vi. And [the sanctuary area off Hereford Inlet described as:

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

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

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

(4) Longitude 74° 46.1'W, latitude 39° 02.3'N, Loran A 3H4-3588, Loran C 9930-W-16371, 9930-Y-52062, 9930-Z-70158 209°T, d. 2.25 mi. to start.] **all of the ocean waters inshore of a line beginning at the cupola (the old Coast Guard Station) located at the corner of 36th Street and Central Avenue, Ocean City, with coordinates of latitude 39 degrees 14.9 minutes N., longitude 74 degrees 36.8 minutes W., and bearing approximately 126 degrees T for approximately 1.5 nautical miles from the shoreline to a point with coordinates of latitude 39 degrees 13.9 minutes N., longitude 74 degrees 35.2 minutes W., then along the shoreline in a southwesterly direction, 1.5 nautical miles offshore, for approximately two nautical miles to a point with coordinates of latitude 39 degrees 12.3 minutes N., longitude 74 degrees 36.7 minutes W., then bearing approximately 306 degrees T for approximately 1.4 nautical miles to the outermost tip of Anglers Fishing Club's Pier, 5825 Central Avenue, Ocean City, then along that pier to the shoreline and terminating;**

(1) Loran C:

(A) Point A: 70112.2-51892.4;

(B) Point B: 70119.2-51914.6;

(C) Cupola, Ocean City: 70103.1-51892.8;

(D) Fishing Club Pier: 70110-51916.

(e) General Control Methods are as follows:

1. (No change.)

2. No **New Jersey** licensed vessel shall transfer sea clams to [a nonlicensed] **any other** vessel. [A nonlicensed vessel shall not receive sea clams from a licensed vessel.] All sea clams harvested in New Jersey waters shall be landed in New Jersey. **No vessel shall**

fish in or land clams from both New Jersey and Federal waters from the same fishing trip.

3. (No change.)

4. A [L]licensed vessel[s] shall [each day], notify the [New Jersey Marine Police (Atlantic City Station)] **Nacote Creek Shellfish Office of the Division of Fish, Game and Wildlife** of their intended fishing location **each day it fishes in State waters.** The notification [may] **shall** be by phone [or marine ship to shore radio channel 16 to the Atlantic City Station of the New Jersey Marine Police. The Marine Police shall note such notification in their official log.] **by calling 609-441-3284. The telephone call shall be made by the captain of the vessel or his designee prior to when the vessel fishes in State waters.**

5. (No change.)

6. Time: Except for bait purposes as hereinafter provided, sea clams shall be harvested from the waters of this state on Monday through Saturday between sunrise and 4:00 P.M. **prevailing time.**

(f) Licensing rules are as follows:

1. (No change.)

2. Issuance: **In the calendar year 1982** [A]an applicant may be issued a license if he had a license in one of the two preceding years. **In any year thereafter, licenses must be renewed annually.**

3. Transfer of ownership: A person transferring ownership of his licensed vessel may:

i. Be issued a new license within [two years of December 31 of the year for which his former vessel was licensed,] **the calendar year for a replacement vessel; or**

ii. File a notarized Statement of Intent with the department indicating that he will **waive all the rights and conditions of that license**, not apply for a replacement license[; or,] **and transfer the right to a license with the vessel to its new owner who**

[iii. Wait the two year period at which time his option to relicense shall expire. The department shall issue a license to the new owner of the transferred licensed vessel if the former owner has filed said Statement of Intent. The filing of a Statement of Intent shall not extend the two year option period. The new owner] shall meet all statutory criteria for licensing.

4. Transfer of license: A right to a **1981** license may be transferred from one vessel to another provided that all statutory criteria for licensing are satisfied. A new 1981 license will be issued to the vessel with the acquired right after presentation of the transferrer's license and payment of the license fee. **After January 1, 1982 a sea clam license cannot be transferred except as stated in 7:25-12.1(f)(3)ii.**

5. (No change.)

6. Specific conditions for license renewal: License renewal is specifically conditioned on the continuing conformance of the licensee with all the requirements of this regulation. No license shall be issued for a vessel[s] that [have] **has** not filed the required reports or paid the required landing fee.

(g) Miscellaneous provisions are as follows:

1. Bait Clams:

i.-iii. (No change.)

iv. **Bait and commercial harvest: A vessel licensed to take sea clams in the waters of this State shall not harvest for bait and for human consumption on the same day.**

2. Rebuttable presumptions: The presence of a dredge overboard at any other time or in any of the prohibited ocean areas or both shall be rebuttable evidence of a violation of the provisions of this regulation. Any malfunction of gear causing the dredge to be left overboard in prohibited areas or at prohibited times or both shall be reported immediately to the [New Jersey Marine Police, Atlantic City Station,] **Nacote Creek, Shellfish office of the Division of Fish, Game and Wildlife who shall log such report.**

3. Dredge [size] **limit:** No vessel shall use in the waters of this State more than a single dredge at any time in any boat.

4. (No change.)

[5. Tagging: Each cage or container of sea clams, whether in the shell or shucked, landed in New Jersey shall be tagged with the

name of the harvesting vessel and the date the clams were harvested. Such cage or container shall remain so tagged until empty when the tag shall be removed.]

(h) Rules on reports are as follows:

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

i. Weekly sea clam catch reports (forms to be supplied by the Division) which specify the vessel name, sea clamming license number and home port; and for each date, the time at sea, the latitude and longitude or loran bearings of all locations fished; and the catch location fished, the depth, the time fished, the number of tows per hours, and the catch in bushels; and for each landing, the port, the date the clams were sold, whether they were bait or edible clams. All reports are to have the name and signature of the captain attesting to the validity of the report. [Monthly reports will be due for the months of December, January and February and weekly reports for the balance of the season.] The reports shall be mailed to the Division of Fish, Game and Wildlife, [P.O. Box 1809, Trenton, New Jersey 08625] **Nacote Creek Shellfish Office, Star Route, Absecon, New Jersey 08201** together with check or money order in proper amount, made payable to the "Treasurer, State of New Jersey" no more than five working days after the weeks end.

2.-3. (No change.)

(i)-(k) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 16, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gale Critchlow, Bureau Chief
Division of Fish, Game and Wildlife
CN 400
Trenton, N.J. 08625

The Department of Environmental Protection thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The re-adopted rule becomes effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

This proposal is known as PRN 1981-328.

HEALTH

(a)

DRUG CONTROL PROGRAM

Controlled Dangerous Substances Schedule II Prescription Filling Requirements

Adopted Amendment: N.J.A.C. 8:65-7.8

Proposed: March 5, 1981 at 13 N.J.R. 130(b).
Adopted: October 23, 1981 by Joanne E. Finley,
Commissioner, Department of Health.
Filed: October 30, 1981 as R.1981 d.452, **without change.**

Authority: N.J.S.A. 24:21-9.

Effective Date: November 16, 1981.

(b)

DRUG CONTROL PROGRAM

Controlled Dangerous Substances Schedule II Prescriptions in a Long Term Care Facility

Adopted Amendment: N.J.A.C. 8:65-7.10(d) and (e)

Proposed: March 5, 1981 at 13 N.J.R. 130(c).
Adopted: October 23, 1981 by Joanne E. Finley,
Commissioner, Department of Health.
Filed: October 30, 1981 as R.1981 d.453, **without change.**

Authority: N.J.S.A. 24:21-9.

Effective Date: November 16, 1981.

HIGHER EDUCATION

(c)

BOARD OF HIGHER EDUCATION

Veterans Tuition Credit Program Increasing Award Amounts

Adopted Amendment: N.J.A.C. 9:2-11.7

Proposed: September 10, 1981 at 13 N.J.R. 572(a).
Adopted: October 16, 1981 by T. Edward Hollander,
Chancellor and Secretary, Board of Higher Education.
Filed: October 30, 1981 as R.1981 d.449, **without change.**

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

Effective Date: November 16, 1981.

HUMAN SERVICES

(d)

DIVISION OF PUBLIC WELFARE

AFDC Program Funeral or Burial Payments for Children

Adopted Amendment: N.J.A.C. 10:81-7.22

Proposed: September 10, 1981 at 13 N.J.R. 580(d).
Adopted: October 29, 1981 by Timothy Carden,
Commissioner, Department of Human Services.
Filed: October 29, 1981 as R.1981 d.447, **without change.**

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date: November 16, 1981.

(a)

DIVISION OF PUBLIC WELFARE

**Medicaid Only
New Computation Amounts**

**Notice of Correction: N.J.A.C. 10:94-5.4, 5.5
and 5.6 (13 N.J.R. 773(a))**

Take notice that several errors appear in the November 2, 1981 New Jersey Register at 13 N.J.R. 773(a) concerning the Medicaid Only Manual. The errors are as follows:

1. These readopted amendments were filed with the Office of Administrative Law on September 24, 1981. The readopted amendments were therefore effective on September 24, 1981.

2. The pertinent part of N.J.A.C. 10:94-5.5 Table A 3b should read as follows:

b. Eligible individual living alone with ineligible spouse
[488.00] * [541.30] * *\$553.80*

3. The pertinent part of N.J.A.C. 10:94-5.6(c) Table B should read as follows:

Variations in Living Arrangements	Individual	Medicaid Eligibility Income Standards
		Couple

I. Residential Health Care Facility
[369] * [396] * *\$408.50*
[738] * [792] * *\$804.50*

III. Living Alone with Ineligible Spouse
[369] * [409] * *\$421.50*

4. In N.J.A.C. 10:94-5.6(c) Table B VI: "hospitals" should read "hospitals".

(b)

DIVISION OF PUBLIC WELFARE

**Ruling 11
Public Assistance Staff Development
Program**

Adopted Amendment: N.J.A.C. 10:109-1

Proposed: September 10, 1981 at 13 N.J.R. 581(b).

Adopted: October 26, 1981 by Timothy Carden,
Commissioner, Department of Human Services.

Filed: October 27, 1981 as R.1981 d.445, **without change.**

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date: November 16, 1981.

(c)

DIVISION OF YOUTH AND FAMILY SERVICES

Court Actions and Proceedings

Adopted New Rules: N.J.A.C. 10:132

Proposed: September 10, 1981 at 13 N.J.R. 595(b).

Adopted: October 20, 1981 by Timothy Carden,
Commissioner, Department of Human Services.

Filed: October 21, 1981 as R.1981 d.434, **without change.**

Authority: N.J.S.A. 30:1A-1, 30:4C-4(c) and (h), 4C-4.1 and 4.2.

Effective Date: November 16, 1981.

INSURANCE

(d)

DIVISION OF LICENSING

**Insurance Group
Independent Testing Service**

Adopted New Rule: N.J.A.C. 11:2-1.6

Proposed: June 4, 1981 at 13 N.J.R. 364(d).

Adopted: October 15, 1981 by James J. Sheeran,
Commissioner, Department of Insurance.

Filed: October 20, 1981 as R.1981 d.433, **without change.**

Authority: N.J.S.A. 17:1-8.1.

Effective Date: November 16, 1981.

LAW AND PUBLIC SAFETY

(e)

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

**Regulation of Credit; Hearings,
Discrimination**

**Notice of Correction: N.J.A.C. 13:2-24.4 (13
N.J.R. 777(e))**

Take notice that in the November 2, 1981 issue of the New Jersey Register an error appears at 13 N.J.R. 777(e) concerning N.J.A.C. 13:2-24.4(f). The word "inaccurate" as it first appears in subsection (f) should instead be "accurate", as it appears in the notice of proposal at 13 N.J.R. 604(b).

(a)**BOARD OF VETERINARY MEDICAL EXAMINERS****General Rules of Practice
Prescriptions****Adopted Amendment: N.J.A.C. 13:44-2.1**

Proposed: August 6, 1981 at 13 N.J.R. 519(b).
 Adopted: October 7, 1981 by David Eisenberg, President.
 Filed: October 30, 1981 as R.1981 d.451, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 45:16-9.9.

Effective Date: November 16, 1981.

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

13:44-2.1 [Administering] [p]Prescriptions

(a) (No change from proposal.)

(b) **No licensee shall dispense any medication unless the container in which such medication is dispensed bears a label containing the following information:**

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

3. The ***[dosage]* *strength* per unit;**

4.-7. (No change from proposal.)

(c) (No change from proposal.)

(b)**BOARD OF VETERINARY MEDICAL EXAMINERS****General Rules of Practice
Patient Records****Adopted Amendment: N.J.A.C. 13:44-2.12**

Proposed: August 6, 1981 at 13 N.J.R. 520(a).
 Adopted: October 7, 1981 by Board of Veterinary Medical Examiners, David Eisenberg, President.
 Filed: October 30, 1981 as R.1981 d.450, **without change**.

Authority: N.J.S.A. 45:16-9.9.

Effective Date: November 16, 1981.

TREASURY-TAXATION**(c)****DIVISION OF TAXATION****Sales and Use Tax
Tax Consequences of Purchase or Use of Race Horses****Adopted New Rules: N.J.A.C. 18:24-28**

Proposed: September 10, 1981 at 13 N.J.R. 622(a).
 Adopted: October 23, 1981 by Sidney Glaser, Director, Division of Taxation.
 Filed: October 26, 1981 as R.1981 d.436, **without change**.

Authority: N.J.S.A. 54:32B-24.

Effective Date: November 16, 1981.

OTHER AGENCIES**(d)****HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION****General Provisions
Variances and Appeals****Adopted Amendments: N.J.A.C. 19:4-1.142 and 6.25**

Proposed: August 6, 1981 at 13 N.J.R. 529(d).
 Adopted: October 13, 1981 by Hackensack Meadowlands Development Commission, Gary S. Rosensweig, Director of Administration.
 Filed: October 28, 1981 as R.1981 d.446, **without change**.

Authority: N.J.S.A. 13:17-6 and 13:17-11.

Effective Date: November 16, 1981.

(e)**CASINO CONTROL COMMISSION****Applications
Casino Licensee Agreements****Adopted Amendments: N.J.A.C. 19:41-11.1, 11.2, 11.3**

Proposed: September 10, 1981 at 13 N.J.R. 626(a).
 Adopted: October 20, 1981 by Casino Control Commission, Martin B. Danziger, Acting Chairman.

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Filed: October 26, 1981 as R.1981 d.439, **without change.**

Authority: N.J.S.A. 5:12-69.

Effective Date: November 16, 1981.

(a)

CASINO CONTROL COMMISSION

Casino Service Industries Licensing Requirements

Adopted Amendments: N.J.A.C. 19:43-1.1 and 1.2

Proposed: September 10, 1981 at 13 N.J.R. 627(a).

Adopted: October 20, 1981 by Casino Control Commission,
Martin B. Danziger, Acting Chairman.

Filed: October 26, 1981 as R.1981 d.440, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 5:12-69.

Effective Date: November 16, 1981.

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

19:43-1.2 License requirements

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

(c) (No change from proposal.)

1. (No change from proposal.)

2. The total dollar amount of such transactions with *casino licensees is or will be equal to or greater than* \$150,000 within any 12-month period.

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

(b)

CASINO CONTROL COMMISSION

Accounting and Internal Controls General Provisions

Adopted Amendments: N.J.A.C. 19:45-1.1, 1.18, 1.24, 1.25, 1.27, 1.29, 1.31, 1.33, 1.39, 1.40, 1.41 and 1.43

Proposed: August 6, 1981 at 13 N.J.R. 534(b)

Adopted: October 20, 1981, Casino Control Commission,
Martin B. Danziger, Acting Chairman

Filed: October 26, 1981 as R.1981 d.437, **with substantive changes** not requiring additional public notice and comment and with a portion of the rule **still pending.**

Authority: N.J.S.A. 5:12-69

Effective Date: November 16, 1981

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

19:45-1.1 Definitions

"Cash equivalent" means certified checks, cashiers checks, treasurers checks, recognized travelers checks, recognized money orders or recognized credit cards. *Other than

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recognized credit cards all such instruments described above shall be made payable to the casino licensee, bearer or cash. If an instrument is made payable to a third party it shall not be deemed a cash equivalent.*

19:45-1.24 Procedure for acceptance, accounting for and redemption of patron cash deposits

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

(m) A patron may obtain a refund of his deposit or any unused portion of a deposit by requesting the refund from a general cashier and returning his copy of the Customer Deposit Form. The general cashier shall verify the customer's identification ***[credentials]*** and shall:

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

(n)-(q) (No change from proposal.)

19:45-1.25 Procedure for exchange of checks submitted by gaming patrons

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

(e) Cash equivalents, as defined in N.J.A.C. 19:45-1.1, shall only be accepted at the cashiers' cage by general cashiers. Prior to acceptance of a cash equivalent from a person, the general cashier shall *[examine that persons identification credentials.]* *determine the validity of such cash equivalent by performing the necessary verification for each type of cash equivalent and such other procedures as may be required by the issuer of such cash equivalent.*

(f) A person may obtain cash at the cashiers' cage to be used for gaming purposes by presenting a recognized credit card to a general cashier. Prior to the issuance of cash to a person, the general cashier shall verify through the recognized credit card company the validity of the persons credit card *or shall verify through a recognized electronic funds transfer company which, in turn, verifies through the credit card company the validity of the person's credit card* and shall obtain approval for the amount of cash the person has requested. The general cashier shall then prepare such documentation as required by the casino licensee to evidence such transactions and to balance the imprest fund prior to the issuance of the cash.

(Renumber (e)-(k) as (g)-(m) without change in text (no change from proposal.))

19:45-1.29 Procedure for collecting and recording checks returned to the casino after deposits

(a) (No change from proposal.)

(b) No person other than one licensed in a separate collection * [area]* *section* within the accounting department as a casino key employee or as a casino employee, and one who has no incompatible functions may engage in efforts to collect returned checks except that an attorney-at-law representing a casino licensee may bring action for such collection. *Any verbal or written communication with patrons regarding collection efforts, shall be made with the full knowledge of the collection employees and shall be documented in the collection section.*

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

19:45-1.39 Progressive slot machines

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

(c) Unless otherwise authorized by the Commission, each

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progressive slot machine connected to a common progressive display unit shall:

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

3. **Have its microprocessor or other control unit that controls the common display unit *[located in a slot machine drop bucket compartment under the]* *housed in a location which would allow* dual key control of the Commission and the casino licensee, or *[in such other location and]* with such other key controls as the Commission may approve.**

(d)-(j) (No change from proposal.)

(k) **Unless otherwise authorized by the Commission, [If] a progressive slot machine [is] removed from the gaming floor [, it] shall [within five days] be returned to or replaced on the gaming floor[.] within five days. The [payout indicator] amount on the "progressive meter(s)" on the returned or replacement machine shall not be less than the [payout indicator] amount on the "progressive meter(s)" at the time of removal. *If the machine is not returned or replaced, then the "progressive meter(s)" amount at the time of removal shall be added to like machine or machines as approved by the Commission.***

19:45-1.41 Procedure for filling payout reserve containers of slot machines

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

(h) **A slot mechanic who participates in hopper fill transactions shall inspect the slot machine and determine if the empty hopper resulted from a machine malfunction. When a slot attendant participates in hopper fills, he shall review the Machine Entry Authorization Log and alert a slot mechanic to inspect the slot machine if the entries in the log indicate a consistent malfunction problem*.* *[or if the slot machine has had two prior hopper fills during the gaming day in which this hopper fill occurs.]***

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

19:45-1.43 Slot count: procedure for counting and recording contents of drop buckets

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

(i) (No change from proposal.)

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

5. **As the contents of each drop bucket is counted by the count machine or weighed by the scale, or, if currency, by two count team members, one member shall record on the Slot Win Sheet, or supporting document, the casino number of the slot machine to which the drop bucket contents corresponds, if not preprinted thereon*[,] *and* [t]*[T]* *the* number of coin or the weight of the coin [(and the value of the coin and/or currency counted)] *and/or the value of the coin and/or currency counted.* *[shall be converted by the count machine or scale to a value which, along with any currency counted, shall be recorded on the Slot Win Sheet by a count team member;]* *If the coin value is not converted until after the count is completed the conversion shall be prepared and the dollar value of the drop shall be entered by denomination on the Slot Win Report.***

6.-7. (No change from proposal.)

(j) (No change from proposal.)

OFFICE OF ADMINISTRATIVE LAW NOTE: Amendments to N.J.A.C. 19:45-1.12, 1.15(b)vii, 1.34(a)5 and 1.46, were not adopted and are still pending.

(a)

CASINO CONTROL COMMISSION

Alcoholic Beverage Control Operating Conditions of Licenses

Adopted Amendment: N.J.A.C. 19:50-1.6(f)

Proposed: August 6, 1981 at 13 N.J.R. 541(b).

Adopted: October 20, 1981 by Casino Control Commission,
Martin B. Danziger, Acting Chairman.

Filed: October 26, 1981 as R.1981 d.438, **without change.**

Authority: N.J.S.A. 5:12-103(e).

Effective Date: November 16, 1981.

(b)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revision to Schedule of Charges Air and Marine Terminals and World Trade Center Observation Deck

Adopted: August 26, 1981, by Board of Commissioners
of the Port Authority of New York and New Jersey.

Filed: October 13, 1981 as R.1981 d.410.

- I. Kennedy International, La Guardia, Newark International and Teterboro Airports and Port Authority West 30th Street and Downtown Heliports-Revision to Schedule of Charges for Air Terminals-Free Use of Air Terminal

RESOLVED, that the Schedules of Charges for the use of Public Landing Area, Public Passenger Ramp and Apron Area, Public Cargo Ramp and Apron Area, Public Aircraft Parking and Storage Areas and Related Services at Kennedy International, LaGuardia and Newark International Airports and the Schedules of Charges for the Use of Port Authority West 30th Street Heliport and Downtown Heliport, be and the same are hereby amended by revising the sections relating to free use, as follows:

1. Aircraft owned, based or chartered by the agencies of the following governmental entities:

a. The United States of America provided, however, that during any calendar month

1) The total number of movements (counting each landing as a movement and each takeoff as a movement) of such government aircraft does not exceed 300, and

2) The gross accumulative weight of such government aircraft (the total movements multiplied by gross certified weights of such aircraft) does not exceed five million pounds.

b. The State of New York.

c. The State of New Jersey.

d. Local governmental agencies within the Port District.

e. Any local governmental agency, when there is a reciprocal agreement between that agency and the Port Authority of New York and New Jersey.

2. Aircraft owned, leased or chartered by the Port Authority of New York and New Jersey.

and it is further

RESOLVED, that the Schedule of Charges for the use of the Public Landing Area at Teterboro Airport be and the same is hereby amended by revising the section relating to free use of Public Landing Area, as follows:

FREE USE OF PUBLIC LANDING AREA

Notwithstanding the provisions of any Schedule of Charges heretofore adopted for the use of Teterboro Airport, no charge shall be made for the use of such Air Terminal by the following aircraft:

1. Aircraft owned, leased or chartered by the agencies of the following governmental entities:

a. The United States of America provided, however, that during any calendar month

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1) The total number of movements (counting each landing as a movement and each takeoff as a movement) of such government aircraft does not exceed 300, and

2) The gross accumulative weight of such government aircraft (the total movements multiplied by gross certified weights of such aircraft) does not exceed five million pounds.

b. The State of New York.

c. The State of New Jersey.

d. Local governmental agencies within the Port District.

e. Any local governmental agency, when there is a reciprocal agreement between that agency and the Port Authority of New York and New Jersey.

2. Aircraft owned, leased or chartered by the Port Authority of New York and New Jersey.

3. Aircraft operated under orders of the Civil Air Patrol when engaged in the execution of official aircraft search and rescue missions or in officially ordered practice aircraft search and rescue missions.

II. The World Trade Center-Observation Deck-Schedule of Charges for Admission

RESOLVED, that the Schedule of Charges for the use of the Observation Deck at the World Trade Center, adopted by the Committee on Operations, at its meeting on September 24, 1975, as subsequently amended, shall remain unchanged.

III. Port Authority Marine Terminals-Revision to FMC Schedule No. PA-9 and Amendment to Mini-Maxi Leases

RESOLVED, that the "FMC Schedule No. PA-9 naming Rules and Regulations applying at Port Authority Marine Terminals and Rates and Changes Applicable for the Use of Public Areas at Port Authority Marine Terminals" adopted by the Committee, at its meeting on February 3, 1966, as amended, be and the same is hereby amended by versing the following Items, as set forth below, effective October 1, 1981:

Space, Unleased

Unless otherwise provided in a lease or other agreement, no person shall use any open or covered area of a terminal for storage of cargo or other property without the permission of the Manager. When the Manager deems that such use will not interfere with the operation of a terminal and such permission is granted, the charge for use of open area shall be at a rate of three cents (\$0.03) per square foot for a period of ten (10) days or less provided, however, that there shall be a minimum charge of Ten Dollars (\$10.00) for any such period; the charge for use of covered area shall be at the rate of fifteen cents (\$0.15) per square foot for a period of ten (10) days or less provided, however, that there shall be a minimum charge of Thirty Dollars (\$30.00) for any such period. If, notwithstanding the above prohibition, a person uses such areas for storage as aforesaid, without first obtaining such permission, then the Manager shall have authority to order the cargo or other property removed at the expense of the owner or consignee thereof, and the above rate shall apply for the time said cargo or other property has been so stored.

Vehicles: Speed Limits

Vehicles at a terminal shall be operated in strict compliance with speed limits prescribed by the Port Authority as indicated by posted traffic signs.

No Vehicle shall be driven on any mooring facility at a greater speed than twelve (12) miles per hour. (See Note 1)

Note 1 For speed limits at Port Newark and Elizabeth-Port Authority Marine Terminal see pages 29 and 30.

Pages 27A and 27B; replaced by page 29 and 30

Self-propelled Vessels - loading or discharging cargo: 8 cents per gross registered ton per day.

ADOPTIONS

Non-self-propelled Vessels - loading or discharging cargo: Other than intra-harbor craft 8 cents per gross registered ton per day

Intra-Harbor Carft - loading or discharging cargo: 10 cent per foot per day.

-Floating Cranes (unless engaged in loading or discharging cargo to and from vessels in which event no charge will be made): 7.50 per day.

Vessels not loading or discharging cargo (Except as noted in Item 481)

Length of Vessel in Feet		Charge Per Vessel Per Day
Over	Not Exceeding	
0	90	\$ 20.00
90	150	30.00
150	200	50.00
200	250	60.00
250	300	70.00
300	350	80.00
350	400	120.00
400	450	150.00
450	500	180.00
500	550	210.00
550	600	240.00

Over 600 feet: Subject to special agreement (See Item 750)

-Non-self propelled intra-harbor craft

Length of Vessel in feet		Charge per Vessel per Day
Over	Not Exceeding	
0	90	5.00
90	150	7.50
150	200	10.00
200	250	20.00
250	300	40.00

Over 300 feet: Subject to special agreement (See Item No. 750)

Delete Items 490, 495 and 500.

All cargo, unless otherwise specifically provided for

	60 cents per ton
Automobiles, unboxed	45 cents per ton
Steel and incidental metals discharges at a designated steel berth	35 cents per ton
Bulk cargo - No Free Time	65 cents per ton
Scrap Metals in bulk - No Free Time	1.25 cents per ton

Wharf Demurrage on cargo

On all cargo 15 cents per ton per day

Water:

Per net ton	50 cents
When Port Authority labor is necessary for furnishing hook up and/or disconnect	\$15.00 per hour straight time
Minimum Charge	\$25.00

Electricity:

Wharf or shed lights, for each 12 hour period or fraction thereof \$1.50 per light

Where terminal furnished shore cables, etc. . .

\$50.00 service charge plus labor and materials for hooking up.

Weighing of Vehicles (Note: Available Port Newark Only)

There is available at the terminal a (Howe Richardson 50-foot Platform Scale of 50-ton capacity) with cabinet dial with printer.

For weighing all vehicles \$2.00

and it is further

RESOLVED, that the Executive Director be and he hereby is

ADOPTIONS

OTHER AGENCIES

authorized to enter into agreements amending leases for breakbulk terminals under the "Mini- Maxi" Program increasing the unit charge by \$.10 per revenue ton, effective October 1, 1981; the form of said agreements to be subject to the approval of General Counsel or his designated representative;

and it is further

RESOLVED, that the Executive Director be and he hereby is authorized to make future adjustments to the Schedule and further amendments to the "mini-maxi" leases, from time to time, as he deems appropriate.

The Port Authority of New York and New Jersey is an "exempt agency" under the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-2(a).

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF ENVIRONMENTAL QUALITY

Hazardous Waste Management and Identification Listing of Hazardous Waste

Public Notice: Grant of Temporary Exclusions and Request for Comments

DEP. Docket No. 051-81-10

The Department is temporarily excluding solid wastes generated at several particular generating facilities from hazardous waste status. These temporary exclusions respond to delisting petitions submitted under N.J.A.C. 7:26-8.17(l). The effect of the action is to temporarily exclude certain wastes generated at these facilities from listing as hazardous waste and from management standards under N.J.A.C. 7:26-7 through 11 prior to final decision on the matter because the Department has found that there is a substantial likelihood that a permanent exclusion will be granted.

The Department will accept public comments on these temporary exclusions until December 16, 1981. Comments should be sent to Mr. Timothy McGuinness, Bureau of Hazardous Waste, 32 East Hanover Street, Trenton, New Jersey 08625.

The public docket for these temporary exclusions is located at the same address and is available for viewing from 9:00 AM to 4:00 PM, Monday through Friday, excluding holidays.

Petitions to Delist

Seton Company, Ocean Leather Corporation, and New Jersey Tanning Co., Inc. are involved in the production of tanned leather and leather products, and generate wastes which are described as hazardous wastes K053 through K059 in N.J.A.C. 7:26-8.14. Seton Company, Ocean Leather Corporation, and New Jersey Tanning Co., Inc. have petitioned the Department of Environmental Protection to delist their waste streams pursuant to N.J.A.C. 7:26-8.17. The petition is based upon the deregulation of wastes K053 through K059 by the U.S. Environmental Protection Agency (USEPA). (40 FR 72037, October 30, 1980.)

In addition, the leather industry in the State of New Jersey has petitioned to amend the EP Toxicity test, N.J.A.C. 7:26-8.12, to include hexavalent chromium in place of the existing total chromium standard. This request would amend New Jersey regulations to conform with the amended EP Toxicity criteria, proposed by EPA on October 30, 1980. (45 FR 72029, October 30, 1980.)

Support for Delisting

Seton Company, Ocean Leather Corporation, and New Jersey Tanning Co., Inc. have submitted detailed documentation in support of their petition. The documentation includes statements of financial and management impacts, citation of the scientific literature regarding the environmental affect and toxicity of trivalent chromium, and data on environmental fate of the waste associated with sites of long term disposal.

Departmental analysis and action

The constituent of concern with regards to the leather tannery wastes is trivalent chromium. At question is the toxicity of trivalent chromium and environmental fate of the metal when managed in a non-oxidizing environment. In addition, the deregulation of wastes K053 and K059 from Federal Resource Conservation and Recovery Act (RCRA) regulations has been considered in the Departmental assessment.

The impact on human health and the environment, posed by the mismanagement of leather tannery wastes, appears to be small. Considerable scientific evidence exists which reports trivalent chromium as a relatively non-toxic metal. Animal feeding studies, using large doses of trivalent chromium, have shown no adverse impacts on the test subjects. In addition, trivalent chromium has been implicated as a necessary dietary supplement, involved in human glucose tolerance factor.

Additional evidence provided by the leather tanners shows little mobility of the trivalent chromium in a landfill environment. Sites of long term disposal show negligible migration of trivalent chromium from sites of disposal into groundwater systems. The environmental fate of trivalent chromium, when managed in non-oxidizing environments, does not adversely impact groundwater systems.

Finally, the Department recognizes that the drinking water standard, which forms the basis for the EP Toxicity standards, is based on hexavalent chromium rather than total chromium. The standard supports the contention that the trivalent chromium contamination of the wastes generated by the leather tanning and finishing industry does not pose a sufficient present or potential threat to human health and the environment to warrant continued management as hazardous wastes.

In accordance with N.J.A.C. 7:26-8.17(l), the Department of Environmental Protection temporarily excludes the wastes generated by the above referenced petitioners which are the subject of the petitions presented. Concurrently, the Department will propose to amend N.J.A.C. 7:26-8.14 by deleting wastes K053 through K059 from the hazardous waste lists. These wastes will remain subject to the New Jersey Hazardous Waste Management Regulations should they meet the criteria specified in N.J.A.C. 7:26-8.9, 8.10, and 8.11. The characteristic of EP Toxicity, as defined in N.J.A.C. 7:26-8.12, also will apply to these wastes with the exception that the chromium standard will apply to hexavalent chromium rather than total chromium.

The Department defers further action on amending the characteristic of EP Toxicity until final action is taken by the USEPA. Until the characteristic of EP Toxicity is amended finally by the EPA, all wastes will remain subject to the existing standard based upon total chromium. A generator, whose waste is determined hazardous due to EP Toxicity for total chromium may apply to the Department of Environmental Protection for a temporary exclusion pursuant to N.J.A.C. 7:26-8.17(l), provided that:

1. The waste contains trivalent chromium exclusively (or nearby exclusively);
2. The waste is generated from a process which uses trivalent chromium exclusively (or nearby exclusively), which process does not generate hexavalent chromium; and
3. The waste is managed in a non-oxidizing environment.

Petition to Delist

Stepan Chemical Company is involved in the production of amino acid and protein products obtained through the hydrolysis of tanned leather wastes. The process generates a waste which is contaminated with four percent trivalent chromium and which becomes

a hazardous waste through operation of N.J.A.C. 7:26-8.12. The waste is an EP Toxic waste due to the presence of greater than 5mg/l total chromium in the leachate following the extraction procedure.

Stepan Chemical Company has petitioned to deregulate this waste pursuant to N.J.A.C. 7:26-8.17. The petition is based upon the deregulation of wastes from the leather tanning and finishing industry and the proposal to amend the EP Toxicity test by the USEPA.

Support for Delisting

Stepan Chemical Company has supplied detailed documentation which demonstrates that the chromium constituent of the sludge, generated at the Maywood New Jersey plant, is contaminated nearly exclusively with trivalent chromium. The waste contains less than 2 mg/kg hexavalent chromium, thus the leachate concentration could not exceed this value.

Stepan Chemical supplied documentation concerning disposal costs for management of this waste as hazardous and provided evidence of the toxicity and environmental fate of trivalent chromium.

Departmental analysis and action

The regulatory question involved here is identical to that involved in the deregulation of wastes from the leather tanning and finishing industry. Stepan Chemical derives the waste from a process which utilizes tanned leather wastes, and is contaminated with the same constituent as the wastes from the leather industry. The question of regulation of trivalent chromium bearing wastes has been addressed in the analysis of the petition by the leather tanning and finishing industry, and will provide the basis for this action.

Analyses provided by Stepan Chemical Company show the waste to be hazardous based solely on EP Toxicity due to total chromium. The analyses demonstrate that the waste would not be regulated if the EP Toxic standard is based on hexavalent chromium. In accordance with N.J.A.C. 7:26-8.17(1), the Department of Environmental Protection temporarily excludes the wastes generated by the above referenced petitions which are the subject of the petition presented.

The waste will continue to be subject to the criteria specified in N.J.A.C. 7:26-8.9, 8.10, and 8.11. The characteristic of EP Toxicity will continue to apply if subsequent tests show the waste to exceed the leachate standard for hexavalent chromium. The Department defers final action on this petition until the characteristic of EP Toxicity is amended finally by EPA.

Petition to Delist

Merck and Co., Inc. has petitioned to delist Indomethacin (1-(p-chlorobenzoyl)-5-methoxy-2-methylindole-3-acetic acid) from the New Jersey Hazardous Waste Management Regulations. Indomethacin is an active ingredient in the human therapeutic agent, Indocin, which is produced by Merck and Co., Inc. Merck petitioned to delist Indomethacin from regulation as a hazardous waste in New Jersey due to the de-regulation of the compound by the EPA.

Support for Delisting

Merck and Co., Inc. cited the action of the USEPA in the deregulation of Indomethacin as the basis for the action in New Jersey. Merck cited the erroneous listing of this compound, based upon confusion of data for this compound and one similar which is contained on the EPA carcinogen lists. Recognizing that the original listing was based upon incorrect data, EPA removed Indomethacin from regulation as a hazardous waste under the Resource Conservation and Recovery Act (RCRA) regulations.

Departmental analysis and action

The Department of Environmental Protection has examined the supporting documentation provided by Merck and Co., Inc. and found that Indomethacin was incorrectly listed by EPA in the original hazardous waste lists of RCRA. The scientific literature con-

tains no information to support continued regulation of Indomethacin as a hazardous waste. The Department recognizes that continued regulation of Indomethacin is not justified and will temporarily exclude the waste from regulation.

In accordance with N.J.A.C. 7:26-8.17(1), the Department of Environmental Protection temporarily excludes the wastes generated by the above referenced petitioner which are the subject of the petition presented. Concurrently, the Department will propose to amend N.J.A.C. 7:26-8.15(f) and N.J.A.C. 7:26-8.16 by removing Indomethacin from said hazardous waste lists. These wastes will remain subject to the New Jersey Hazardous Waste Management Regulations should they meet the criteria specified in N.J.A.C. 7:26-8.9, 8.10, 8.11, or 8.12.

This Notice is published pursuant to the provisions of N.J.A.C. 7:26-8.17(1) and as a matter of public information.

(a)

DIVISION OF WATER RESOURCES

Continuation of Flood Control Bond Grant Program

Public Notice

Take notice that pursuant to the Emergency Flood Control Bond Act, P.L. 78, c. 78, and the Flood Control Bond Grant Regulations, N.J.A.C. 7:23-1, the New Jersey Department of Environmental Protection shall continue the Flood Control Bond Grant program during Fiscal years 1982 and 1983. Some funds remain available from the proceeds of the bonds authorized by the Act to the Department for the purpose of providing State grants to local units for flood control facilities.

Application may be obtained for Flood Control Bond Grants from the Bureau of Flood Plain Management at the address listed below. Any questions or applications concerning the Flood Control Bond Grants should be addressed to:

John O'Dowd, Chief
Bureau of Flood Plain Management
Division of Water Resources
P.O. Box CN-029
1911 Princeton Avenue
Trenton, New Jersey 08625

Flood Control Bond Grant applications must be received by the Bureau of Flood Plain Management on or before August 20, 1982.

This Notice is published as a matter of public information.

(b)

THE COMMISSIONER

State Certifications of Draft NPDES Permits

Public Notice

Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, pursuant to the "New Jersey Water Pollution Control Act," N.J.S.A. 58:10A-1 et seq., is authorized to assess compliance of a surface water discharge with State law pertaining to discharges to the waters of the State. The Department is requested by the United States Environmental Protection Agency, as required by section 401 of the Federal Clean Water Act, 33 U.S.C. 1251 et seq., to certify that a discharge, as described in a draft National Pollutant Discharge Elimination System permit, will not violate the requirements of State law.

ENVIRONMENTAL PROTECTION

NOTICES

The Department publishes public notice of certifications in the DEP Bulletin. Copies of the Bulletin may be obtained by calling (609) 292-3178 or writing to the Documents Distribution Center, P.O. Box 1390, Trenton, New Jersey 08625.

LATE FILINGS

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Motor Fuels Tax Retail Sales of Motor Fuels: Gallon and Liter Conversions

**Proposed Amendments: N.J.A.C. 18:19-1.1,
2.1, 2.2, 2.6 and 3.1**

**Proposed New Rules: N.J.A.C. 18:19-2.10
and 18:19-3.3**

Authorized By: Sidney Glaser, Director of the Division
of Taxation.

Authority: N.J.S.A. 56:6-6 and P.L. 1981, c.230, sec.4.

The agency proposal follows:

Summary

The proposed rules, pursuant to P.L. 1981, c.230, provide for larger mandatory price signs attached to retail motor fuels pumps which shall be able to accommodate signs with both the price per gallon and the price per liter. The proposed rules also permit other signs to be used in addition to the pump signs.

Social Impact

The proposed rules will affect motor fuels retail purchasers and retail dealers in the State of New Jersey. The proposed rules clarify the manner used by motor fuels sellers at retail to employ metric measurements and prices per liter. By enabling the posting of signs away from fuel pumps, the proposed rules afford the general public a better means of seeing the pricing used by retail dealers.

Economic Impact

The proposed rules have no economic impact upon the purchasing public or upon retail dealers of motor fuels who wish to continue their current practice of posting prices per gallon. They do permit the use of larger signs by those who wish to sell motor fuels by the liter. The proposed rules enable retail dealers to price the sale of motor fuels to the public in either price per gallon or price per liter.

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

18:19-1.1 Words and phrases defined

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

- "Director" means.....
[Statutory Reference N.J.S.A. 56-6.1]
"Motor Fuel" means.....
[Statutory Reference N.J.S.A. 56-6.1]
"Person" means.....
[Statutory Reference N.J.S.A. 56-6.1]
"Purchase" means.....
[Statutory Reference N.J.S.A. 56-6.1]

"Retail dealer" means.....

[Statutory Reference N.J.S.A. 56-6.1]

"Sale" means.....

[Statutory Reference N.J.S.A. 56:6-1]

"Selling expense" means.....

[Statutory Reference N.J.S.A. 56:6-1]

"Superintendent" means the State Superintendent of Weights and Measures. The term may also include any State, county, or municipal weights and measures officer.

18:19-2.1 Posted price signs

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

(c) No retail dealer shall sell or offer for sale any motor fuel without having attached by a suitable bracket or slot arrangement to each pump or other dispensing equipment from which motor fuel is sold or offered for sale a weather-proof case not less than 5 1/2 inches by eight inches and not more than [eight] **12** inches by [ten] **12** inches, on both sides of which will be displayed a card insert price sign not less than five inches by 7 1/2 inches and not more than [7 1/2] **11 1/2** inches by [nine] **11 1/2** inches, stating the price per gallon **if sold by the gallon, and per gallon and per liter if sold by the liter** at which motor fuel may be purchased from such pumps or other dispensing equipment.

1. [The price signs shall show only the unit price per gallon;] **Data to be shown on price signs:**

i. The price signs shall show the unit price per gallon if the fuel is sold by the gallon;

ii. If the fuel is sold per liter, the sign shall show the unit price per gallon and the unit price per liter. The price per gallon shall be located on the top half of the sign and the price per liter shall be located on the bottom half of the sign on differing background colors such as black and white;

iii. Such signs shall show no other data than the data required by (c) of this section.

2. (No change.)

3. The size of the whole numbers and fractions which are a part of the price sign must be of such a size that they will be readily readable by a customer approaching the pump.

[(d) Size of whole numbers, fractions.

1. The whole numbers in the unit price of the price sign must be at least 3 1/2 inches high;

2. When a fraction is part of the unit price, the figures in the numerator and denominator must be at least 1 1/2 inches high and the total size including the numerator, the line dividing the numerator and denominator, and the denominator must be at least 3 1/2 inches high;

3. As a substitute for the fraction there may be used only the numerator of the fraction, in which case, the numerator figure must be 1/2 the size of those in the whole number;]

Renumber (d)4.-6. as (c)4.-6.

18:19-2.2 Special conditions for price signs

(a) (No change.)

(b) Waterproof case location rules are:

1. If such signs are placed on the top of a pump, the top of the waterproof case (size not less than 5 1/2 inches by 8 inches and not more than [8] **12** inches by [10] **12** inches) must not be more than 14 inches above the top of such pump or other dispensing equipment;

2. (No change.)

(c) (No change.)

(d) In addition to the signs required to be affixed to the pumps by this chapter, a Motor Fuel Retail Dealer may install or display over-

sized signs referring to the per gallon or per gallon and per liter price of motor fuels. Such signs shall permit a member of the public to see readily the price of fuels as he drives into the station.

18:19-2.6 Other advertising requirements

(a) Any advertising of the retail price of motor fuel through any other medium which contains a reference to the per gallon price or the per liter and per gallon price thereof, must include all taxes in the price stated, and there must be included in such advertising a statement that such price includes taxes, or a statement of the amount of taxes which are included in such price.

(b) (No change.)

18:19-2.10 Conversion tables

(a) The following formula is designed to assist the purchaser of motor fuels in converting liters to approximately equivalent gallons or determine tank capacity in liters:

3.785 liters 1 gallon
 1 liter 0.2642 gallon.
 If greater precision is needed
 3.785412 liters 1 gallon
 1 liter 0.264172 gallon.

1. The following table will help convert liters to approximately equivalent gallons or find tank capacity in liters:

Liters	Gallons	Liters	Gallons
1	0.26	50	13.2
4	1.1	55	14.5
10	2.6	57	15.0
15	4.0	60	15.9
19	5.0	65	17.2
20	5.3	70	18.5
25	6.6	75	19.8
30	7.9	80	21.1
35	9.2	85	22.5
38	10.0	90	23.8
40	10.6	95	25.1
45	11.9	100	26.4

2. On the following approximate price comparison chart the gallon price equivalents are rounded to the nearest penny.

Price per liter	Price per gallon	Price per liter	Price per gallon
\$0.28	\$1.06	.44	1.67
.29	1.10	.45	1.70
.30	1.14	.46	1.74
.31	1.17	.47	1.78
.32	1.21	.48	1.82
.33	1.25	.49	1.85
.34	1.29	.50	1.89
.35	1.32	.51	1.93
.36	1.36	.52	1.97
.37	1.40	.53	2.01
.38	1.44	.54	2.04
.39	1.48	.55	2.08
.40	1.51	.56	2.12
.41	1.55	.57	2.16
.42	1.59	.58	2.20
.43	1.63		

3. The State of New Jersey Official price per liter to price per gallon conversion chart follows:

Price per liter cents	Price per gallon cents	Price per liter cents	Price per gallon cents	Price per liter cents	Price per gallon cents
30.9	117.0	33.7	127.6	36.5	138.2
31.0	117.3	33.8	127.9	36.6	138.5
31.1	117.7	33.9	128.3	36.7	138.9
31.2	118.1	34.0	128.7	36.8	139.3
31.3	118.5	34.1	129.1	36.9	139.7
31.4	118.9	34.2	129.5	37.0	140.1
31.5	119.2	34.3	129.8	37.1	140.4

31.6	119.6	34.4	130.2	37.2	140.8
31.7	120.0	34.5	130.6	37.3	141.2
31.8	120.4	34.6	131.0	37.4	141.6
31.9	120.8	34.7	131.4	37.5	142.0
32.0	121.1	34.8	131.7	37.6	142.3
32.1	121.5	34.9	132.1	37.7	142.7
32.2	121.9	35.0	132.5	37.8	143.1
32.3	122.3	35.1	132.9	37.9	143.5
32.4	122.6	35.2	133.2	38.0	143.8
32.5	123.0	35.3	133.6	38.1	144.2
32.6	123.4	35.4	134.0	38.2	144.6
32.7	123.8	35.5	134.4	38.3	145.0
32.8	124.2	35.6	134.8	38.4	145.4
32.9	124.5	35.7	135.1	38.5	145.7
33.0	124.9	35.8	135.5	38.6	146.1
33.1	125.3	35.9	135.9	38.7	146.5
33.2	125.7	36.0	136.3	38.8	146.9
33.3	126.1	36.1	136.7	38.9	147.3
33.4	126.4	36.2	137.0	39.0	147.6
33.5	126.8	36.3	137.4	39.1	148.0
33.6	127.2	36.4	137.8	39.2	148.4

18:19-3.1 Violations and penalties

(a) Rules concerning violations and penalties follow:

1. Every retail dealer who fails to post and publicly display in the manner required by this [C]chapter, a sign or signs stating the price per gallon or per gallon and per liter of all motor fuel sold by said retail dealer; or

2. Who sells motor fuel at a price other than the per gallon or per gallon and per liter price, as provided by this [C]chapter; or

3.-4. (No change.)

18:19-3.3 Enforcement

The Superintendent, who, together with the Director, has been given enforcement authority pursuant to N.J.S.A. 56:6-4.1 shall, periodically at the request of the Director, meet with or appoint a representative to meet with, the Director or his agent in order to coordinate enforcement activities pursuant to N.J.S.A. 56:6-1 et seq.

OFFICE OF ADMINISTRATIVE LAW NOTE: This proposal was received by the Office of Administrative Law on October 8, 1981 and was inadvertently omitted from the November 2, 1981 New Jersey Register.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-278.

INDEX OF RULES ADOPTED THIS MONTH SUPPLEMENTING THE NEW JERSEY ADMINISTRATIVE CODE

**See the November 2, 1981 New Jersey Register for complete index of
adopted rules supplementing the New Jersey Administrative Code**

The New Jersey Register supplements the New Jersey Administrative Code. The New Jersey Register should be used in the same way as a pocket part, to complete the Code with rules promulgated between the most recent update of each Code title and the most recent Register.

Each rule promulgated subsequent to the most recent update of the Code is listed below in order of its Code citation. At the bottom of the listings for each title is the date of the most recent update for that title. Accompanying the Code citation for each rule is a brief description of its contents, its Office of Administrative Law (OAL) document citation (which should be used if ordering from OAL a copy of the rule), and the Register citation for its adoption notice.

The adoption notice citation can be used to find, in the pertinent Register, the Register citation for the rule as it was proposed and the substance of any changes in the proposed rule upon adoption.

The full text of the proposed rule plus the changes in the proposed rule upon adoption constitute an official copy of the promulgated rule. If the full text of the proposed rule was not printed in the Register, it is available for a fee from:

Administrative Publications
CN 301
Trenton, New Jersey 08625

The complete index will appear in the first issue of each month, with a supplemental index appearing in the second issue of each month (covering only rules adopted in that issue).

In order to be sure that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with July 5, 1979.

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW—TITLE 1			
1:1-3.5	Attorneys obstruction	R. 1981 d. 443	13 N.J.R. 842(a)
1:1-3.7	Appearances and representation in contested cases	R. 1981 d. 442	13 N.J.R. 842(b)
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