NEW JERSEY REGISTER

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RULE PROPOSALS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice
"Hearings on the Papers" and Motor Vehicle Cases

Proposed Amendments: N.J.A.C. 1:2-3

Authorized By: Ronald I. Parker, Acting Director, Office of Administrative Law.
Authority: N.J.S.A. 52:14F-56, e, f and g.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions and any inquiries about submissions and responses, should be addressed to:

Steven L. Lefelt, Deputy Director
Office of Administrative Law
185 Washington Street
Newark, NJ 07102

At the close of the period for comments, the Office of Administrative Law thereafter may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. The adoption of these rules becomes effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1984-199.

The agency proposal follows:

Summary

On February 6, 1984, the Division of Motor Vehicles promulgated N.J.A.C. 13:19-12, which provides for the suspension of the driving privileges of any licensee who fails to pay a motor vehicle insurance surcharge levied under the New Jersey Merit Rating Plan. Under the DMV regulations, the licensee has the right, prior to a suspension of driving privileges, to a prehearing conference conducted by the DMV and, if the matter cannot be resolved, to a hearing before the Office of Administrative Law.

The proposed amendments expand the existing OAL rules for hearings on the papers, which currently only apply to DMV cases involving excessive point violations, other than license revocations, to insurance surcharge cases transmitted pursuant to N.J.A.C. 13:19-12. The current on the papers hearing rules were not changed except to accommodate the surcharge case process, to add an adjournment procedure for in-person hearings and to clarify that the record in paper hearings closes when the file is distributed to a judge for the writing of an initial decision.

Under the proposed amendments, if a surcharge case cannot be resolved at the DMV prehearing conference, the matter shall be transmitted to the OAL as a contested case together with all relevant materials in the possession of DMV to support its case, which will minimally consist of the surcharge bill, driver abstract, prehearing conference report and evidence of any driving convictions or administrative suspensions which are contested by the licensee.

Although DMV's case will be based solely on documentation submitted to the OAL and without any personal appearance by a representative of DMV, the proposed amendments afford the licensee the choice of either appearing in person at a hearing or proceeding with a hearing on the papers. If the licensee opts for a hearing on the papers, he or she will complete a certification at the time of the prehearing conference explaining why the surcharge bill or driver abstract is inaccurate. This certification, along with any other documentation provided by the licensee, will be transmitted to the OAL by DMV at the time it transmits the materials supporting its own case.

The proposed amendments set forth the documents available to the licensee through discovery and permit a licensee

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after the prehearing conference to submit additional documentation in support of his or her position. The proposed amendments also permit a judge after a surcharge in-person hearing to render an oral initial decision which will be later transcribed for review purposes.

The existing rules for hearings on the papers were readopted, effective March 21, 1984 with a one year expiration date in order to complete the evaluation and implementation of the hearings on the papers summary proceedings experiment. The six month expiration date for the proposed amendments requires a more rapid re-education of these amendments.

Social Impact

It is anticipated that a high volume of surcharge cases may be received by the OAL, which will require that they be processed as quickly, efficiently and fairly as possible. The OAL believes that time will be saved by eliminating the necessity in every case for a face-to-face hearings, saving the administrative law judge not only travel time but also time involved in conducting in-person hearings. Licensees who have requested in-person hearings at the prehearing conference will nevertheless receive a notice of hearing which provides another opportunity to submit their cases on the papers in lieu of making a personal appearance at the scheduled hearing. At the same time, the OAL expects that in-person hearings will be scheduled rapidly and frequently at central locations. It is anticipated that licensees requesting in-person hearings solely for delay will be unsuccessful.

The only two issues to be determined in insurance surcharge cases will be the accuracy of the surcharge bill and the accuracy of the driver abstract upon which the surcharge bill is based. Each of these issues can be fairly dealt with through the submission of documents without the necessity for a face-to-face hearing.

Economic Impact

Because the OAL anticipates large numbers of cases with limited controverted issues, the proposed amendments create a process designed to save time and cost involved in hearing surcharge cases, to the benefit of both the licensee and the government. The six month expiration date requires the OAL to monitor these cases carefully to ensure that the process is achieving the anticipated results. Speedier resolution of these cases should result in a quicker decision and recovery of those surcharges correctly levied against licensees, to the benefit of the Joint Underwriting Association fund and, ultimately, all New Jersey drivers.

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

RULES OF SPECIAL APPLICABILITY

CHAPTER 3
"HEARINGS ON THE PAPERS" AND MOTOR VEHICLE CASES

SUBCHAPTER 3. HEARINGS ON THE PAPERS

1:2-3.1 Applicability, scope

These rules for the conduct of hearings on the papers shall apply on an experimental basis to contested cases from the Division of Motor Vehicles dealing with disciplinary actions, other than license revocations,[-] for accumulating excessive points. **The rules shall also apply to cases involving proposed suspensions by the Division of Motor Vehicles for failure to pay a surcharge under the New Jersey Merit Rating Plan. The rules involving surcharges must be read in conjunction with the prehearing conference procedures of the Division of Motor Vehicles found at N.J.A.C. 13:19-12.**

1:2-3.2 Definitions

(a) A hearing on the papers is a summary proceeding conducted without any personal appearance or confrontation of the parties before the judge. The hearing is conducted through the submission of pleadings, affidavits, records and other documents to the Office of Administrative Law (OAL), for a decision by an administrative law judge.

(b) An in-person hearing for surcharge cases shall be a summary hearing conducted before a judge without any personal appearance by a Division of Motor Vehicles representative. The Division's case will be based on the surcharge bill, the licensee's driving record, any evidence of driving convictions or administrative suspensions, the conference reports, and any other documentary evidence or legal briefs necessary.

(c) Pre-hearing conferences are conducted by the Division of Motor Vehicles for the purpose of attempting to resolve disputes so that transmittal of the case to the OAL may not be required. In surcharge cases, prehearing conferences are conducted by the Division of Motor Vehicles pursuant to N.J.A.C. 13:19-12.1 through 12.11.

1:2-3.3 [Settlement] **prehearing** conference; **subsequent hearings**

(a) In a case dealing with **a surcharge or** excessive points, [a hearing on the papers shall occur following a] **the Division of Motor Vehicles will conduct a** [settlement] **prehearing** conference between the licensee and the Division[,]. [conducted by the Division.]

(b) If settlement is not reached, the parties shall use the conference to prepare the issues and evidence for the hearing, including:

1. Ascertaining whether the licensee disputes any facts recorded on the licensee's record abstract issued by the Division, and, if so, which facts and on what basis;

2. Ascertaining whether the licensee disputes the severity of the [sanction] **action** proposed by the Division, and, if so, on what basis; and

3. Ascertaining any discovery needs of the licensee.

(c) At or forthwith after the conference, the Division shall supply the licensee with any material requested pursuant to N.J.A.C. 1:2-3.6 (Discovery), or any other appropriate documents.

(d) In cases dealing with excessive points, a hearing on the papers shall occur if there is no settlement at the conference.

(e) In surcharge cases, if settlement is not reached at the conference, the licensee shall choose whether to submit his or her case on the papers or to appear at an in-person hearing.

1. If the licensee chooses to proceed on the papers, the licensee shall complete at the conference a certification in which he or she explains why the surcharge is not required or inaccurately calculated. The licensee may also be allowed to submit additional documentation.

2. The Division of Motor Vehicles shall transmit the case to the OAL including the licensee's surcharge bill, driving record, documentary evidence supporting any conviction or administrative suspension which the licensee contests, the conference report and any other necessary documentary evidence. When the licensee chooses to proceed on the papers, the

Division shall also transmit to the OAL the licensee's certification and any other written documents the licensee provides.

1:2-3.4 Notice of filing and of hearing [on the papers]

(a) **In cases dealing with excessive points,** [Along with] the notice of filing of the contested case, required by N.J.A.C. 1:1-5.2(d), [the Clerk of the OAL] shall notify the parties when a case has been scheduled as a hearing on the papers.

(b) In the notice[,] **of filing for cases concerning excessive points,** the OAL shall request the licensee to respond in writing to the Clerk of the OAL, with a copy to the Division, within twenty 20 days of the date of the notice.

(c) In cases dealing with surcharges, the notice for a hearing on the papers or an in-person hearing will be mailed to the licensee by OAL after receiving the case from the Division of Motor Vehicles. The notice for hearing shall constitute both the notice of filing and notice of hearing.

(d) In surcharge cases, the notice scheduling an in-person hearing shall permit the licensee to submit a certification or other written documents prior to the hearing in lieu of making a personal appearance at the hearing.

1:2-3.5 Response to notice of hearing on the papers; conversion to conference or plenary hearing

(a) As part of the response to the OAL, **in cases dealing with excessive points,** the licensee:

1. Shall indicate whether he or she disputes the facts recorded on the licensee's driving record abstract issued by the Division or disputes the severity of the sanction proposed by the Division, or both, or wants to raise any other relevant issue;

2. Shall submit any statements, records or other documents which supplement the initial papers or pleadings in the case, and which the party wants the judge to consider in determining the accuracy of the abstract, the appropriate penalty, or any other relevant issue. Upon request, the OAL shall grant the licensee an additional 20 days to submit supplemental documents for consideration as part of the hearing record. In the interests of justice, the OAL may grant a request for more than 20 additional days.

3. May request that the hearing be converted into a conference hearing, under N.J.A.C. 1:2-2 or a plenary hearing, under N.J.A.C. 1:1-1. As part of such request, the licensee shall explain his or her reasons for the request, pursuant to N.J.A.C. 1:2-3.7 (Conversion).

[(b) If the licensee does not respond in writing to the notice within 20 days, the licensee shall be deemed to have agreed to a hearing based on his/her initial hearing request plus any documents submitted by the Division.]

(b) If the licensee in a surcharge case elects to proceed on the papers but does not complete his or her written certification at the prehearing conference or indicates at the conference that other written documents will be submitted, the OAL shall allow the licensee to forward these submission.

1. Upon receipt of a surcharge case in which the licensee wishes to submit other documents, the OAL shall notify the licensee that he or she must submit the documents within 10 days.

2. If the licensee fails to forward the documents within the 10 days, the judge shall decide the case based upon the licensee's original hearing request plus any documents the OAL has received.

1:2-3.6 Discovery

(a) Discovery shall be limited to the records of the Division with respect to the case. The records shall include a certified copy of the licensee's driving record abstract, relevant notices and orders of suspension, and certified proof of relevant mailings to the licensee. **In surcharge cases, when the licensee is contesting the validity of any conviction or administrative suspension entered on the surcharge bill, the records shall also include any documentary evidence in the possession of the Division which supports the contested entry.**

(b) [Upon request, the]**The** Division shall supply the licensee with a copy of [these] **the** records [in the case.] **set forth in N.J.A.C. 1:2-3.6(a).**

(c) The licensee may make any discovery request either as part of the licensee's request to the Division for a hearing or at any [settlement] **prehearing** conference conducted by the Division.

1:2-3.7 Conversion **of on the papers hearing** to conference hearing or plenary hearing

(a) In the interest of providing a full and fair hearing, considering the circumstances of the case, the OAL may, on its own or on the request of a party, convert a case scheduled as a hearing on the papers into a conference hearing or plenary hearing.

(b) Reasons for such conversion include:

1. Discovery disputes or a genuine need for more extensive discovery;

2. Request for emergency relief;

3. Inability of a party to adequately communicate in writing;

4. Proofs on a disputed material fact which require oral presentation by a party or a party's witness;

5. Other genuine need for personal appearance or more extensive procedure.

1:2-3.8 Conduct of hearing on the papers

(a) At the conclusion of [the] **any** time allotted for the submission of responses and [any] supplemental documents (N.J.A.C. 1:2-3.4 **and N.J.A.C. 1:2-3.5**), the record in the case shall be closed.

(b) At any time prior to issuance of the initial decision in the case, the licensee may in writing request the OAL to reopen the record. Such motion shall be granted only for extraordinary reasons.

(c) Upon closing the record, the OAL shall assign the record for review and determination by an administrative law judge. The judge shall issue an initial decision no later than 45 days after he or she [reviews] **receives** the record of the case.

(d) There shall be a presumption of authenticity for any writing offered as part of the record.

1:2-3.9 Oral decision

(a) At an in-person hearing in surcharge cases, where the judge determines that the questions of fact and law are sufficiently simple, the judge may render the initial decision orally on the record.

(b) Judges rendering oral decisions shall comply with N.J.A.C. 1:2-2.9(b) and (c).

1:2-3.10 Adjournment of in-person hearings

Adjournments shall not be granted except for good cause. Applications for adjournments shall be made in accordance with N.J.A.C. 1:1-8.1(b).

[1:2-3.4] **1:2-3.11** Expiration date

[This] **The rules pertaining to excessive point cases in this** subchapter shall expire [one year from its effective date.] **on March 21, 1985. The rules pertaining to surcharge cases in this subchapter shall expire six months from their effective date.**

(a)

DIVISION OF PUBLIC WELFARE SETTLEMENTS

Rules of Special Applicability Human Services Hearings

Proposed New Rule: N.J.A.C. 1:10-17.1

Authorized By: Ronald I. Parker, Acting Director, Office of Administrative Law.
Authority: N.J.S.A. 52:14F-56 e, f and g.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions and any inquiries about submissions and responses, should be addressed to:

Steven L. Lefelt, Deputy Director
Office of Administrative Law
185 Washington Street
Newark, NJ 07102

At the close of the period for comments, the Office of Administrative Law thereafter may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. The adoption of these rules becomes effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1984-267.

The agency proposal follows:

Summary

The Office of Administrative Law is proposing a new rule to establish special provisions for the settlement and withdrawal of Division of Public Welfare cases transmitted to the OAL as contested cases. This proposal arises out of an experiment conducted in Hudson County during which an effort was made to expedite fair hearings and to speed the delivery of benefits to which welfare program recipients or applicants were entitled. This experiment included input from the Public Advocate's Office, the Department of Human Services, the Division of Public Welfare and the Office of Administrative Law. The participants' evaluation of the way in which settlements were handled during the Hudson County experiment led to this proposal for a Statewide change in the procedure for considering and approving welfare settlements.

The proposed new rule supplements and, to the extent of any inconsistency, supersedes the general rules governing settlements and withdrawals contained in N.J.A.C. 1:1-17.1 and 17.2 in order to meet the special needs of Division of Public Welfare cases. The Division of Public Welfare, the Department of Human Services and the Attorney General's Office concur in this proposal.

Significant changes from existing rules governing settlements and withdrawals contained in this proposal include:

1. A settlement approval procedure which requires the administrative law judge to find on the record that the proposed settlement is not a result of coercion or overreaching by the county welfare agency;
2. A requirement that all welfare settlements approved initially by administrative law judges contain a written record of the settlement terms;
3. A shortened time period for review by the agency head of DPW settlements forwarded by the OAL;
4. An expedited time schedule for implementation of the terms of a DPW settlement by the county welfare agency;
5. A requirement that the county welfare agency send a written implementation report to the agency head within a short, fixed time period.

Social Impact

The proposed new rule imposes a duty upon the judge to prohibit welfare clients from agreeing to unlawful or coercive settlements and to ensure that a written record of the settlement terms is produced for all settlements initially approved by the judge. The proposed new rule is designed to expedite the settlement process in DPW cases and to ensure the delivery of benefits to applicants or recipients under the welfare program subsequent to settlement of their cases. By shortening the time period for review of settlements by the agency head and by establishing specific time frames for the implementation of the terms of settlements and for the submission of a written implementation report by the county welfare agency, the proposed new rule should eliminate the possibility of delay in the delivery of services to those entitled, through settlement, to such benefits.

Economic Impact

The proposed new rule should aid in alleviating the financial burdens of welfare program applicants and recipients who have agreed to a settlement and withdrawal of a hearing request by eliminating unnecessary delays in the receipt of benefits subsequent to the settlement agreement. By ensuring a speedy and efficient system for the implementation of DPW settlements, this proposal should encourage parties to utilize the settlement process. This should result in a saving to the OAL, as well as to the parties, of litigation costs. The proposed new rule may result in some additional costs to county welfare agencies in meeting the implementation and reporting deadline requirements set forth in the new rule.

Full text of the proposed new rule follows.

CHAPTER 10
HUMAN SERVICES HEARINGS

SUBCHAPTERS 1.-16. (RESERVED)

SUBCHAPTER 17. SETTLEMENTS

1:10-17.1 Division of Public Welfare Settlements

(a) The following provisions for settlement and withdrawal shall apply to hearings transmitted to the Office of Administrative Law by the Division of Public Welfare and involving matters wherein a welfare program applicant or recipient disputes the proposed action of a county welfare agency. To the extent that this rule of special applicability is inconsistent with the Uniform Administrative Procedure Rules governing Settlements and Withdrawals, this rule shall apply.

(b) The parties to a hearing may resolve the dispute with consent of the presiding judge by agreeing to settlement and withdrawal of the hearing request.

(c) At the hearing, the parties shall state on the record and present and sign in the judge's presence an agreement included within a Stipulation of Settlement and Withdrawal which expresses the terms of the settlement and the withdrawal of the applicant's or recipient's hearing request.

(d) If the judge finds on the record that the settlement is entered knowingly, lawfully and voluntarily, and is not a result of coercion or overreaching by the county welfare agency the judge may approve and accept the settlement and withdrawal by signing the Stipulation.

(e) If the judge does not accept the agreement, the matter shall proceed to hearing.

(f) If the judge accepts the agreement, the Stipulation of Settlement and Withdrawal shall be forwarded by OAL with an appropriate initial decision forthwith to the agency head for expedited review. The OAL shall immediately notify the parties of the receipt by the agency head and the date for the final decision.

(g) The Division of Public Welfare, not later than three work days after its receipt, shall accept or reject the Stipulation of Settlement and Withdrawal and mail to all parties a copy of the Stipulation and an accompanying Order either requiring immediate (within one work day) implementation of the terms of the settlement or remanding the matter to the OAL for a hearing and an initial decision on the merits.

(h) If the agency head does not reject the Stipulation of Settlement and Withdrawal within three work days of its receipt in the Division of Public Welfare, the Stipulation of Settlement and Withdrawal shall constitute an Order dispositive of the fair hearing request and the county welfare agency shall, within six work days, from the Division's receipt of the Stipulation implement the terms of the agreement.

(i) No later than five work days from receipt of the implementation order or after the time provided for the county welfare agency to implement a settlement that was not rejected by the agency head, the county welfare agency shall send written confirmation of its implementation action to the Division of Public Welfare, Bureau of Administrative Review and Appeals.

AGRICULTURE

(a)

DIVISION OF REGULATORY SERVICES

Grades and Standards
Fruit and Vegetable Fees and Charges

Proposed Amendments: N.J.A.C 2:71-2.28, 2.29, 2.30 and 2.31

Authorized By: Arthur R. Brown, Jr., Secretary, Department of Agriculture.
Authority: N.J.S.A. 4:10-6 and 10-13.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submission and responses, should be addressed to:

Robert C. Fringer, Director
Division of Regulatory Services
Department of Agriculture
CN 330
Trenton, New Jersey 08625
Telephone: 609-292-5575

At the close of the period for comments, the Department of Agriculture thereafter may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-252.

The agency proposal follows:

Summary

The proposed amendments increase the fees charged for the inspection and grading of farm products in accordance with standards established and promulgated by the department. In N.J.A.C. 2:71-2.29, it is proposed that cranberries be deleted so that they may be included with all other fruits and vegetables in N.J.A.C. 2:71-2.28. Requests for inspection of cranberries, wever, are minimal.

Inspection and grading services are provided to applicants on request. Users of the services voluntarily agree to pay the fees for such charges prior to the request for inspection and classification.

Social Impact

The proposed amendments will affect requesters of inspection services who will have to pay the increased fees. The amendments, however, will not change the scope of services provided.

Economic Impact

The economic impact on the users of these services will be slight. The department must maintain the program on a "break-even basis" if it is to continue to offer these services to the users. Fees have not been increased for two years and after due consideration of present program costs, these increases are necessary.

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

2:71-2.28 Charges for inspection or grading and certification services; written agreements

(a) Charges for inspection or grading and certification services of five or more consecutive days duration, performed pursuant to a written agreement between the New Jersey Department of Agriculture and the requestor of the services, shall be made according to the following schedule:

1. Basic schedule for all products:

i. A charge of [$300.00] **$320.00** per five day week (Monday through Friday) of 40 hours or less for each inspector;

ii. A charge of [$11.50] **$12.00** per hour, or portion thereof, for all hours worked over 40 in the five day week (Monday through Friday), or for all hours over eight hours per day;

iii. [There will be at least a four hour minimum charge or $45.00 assessed for each inspector assigned work on Saturday and/or Sunday;] **An additional charge of $12.00 per hour, or portion thereof, for the actual hours worked by each inspector on legal State holidays occurring Monday through Friday;**

iv. [A charge of $13.50 per hour, or portion thereof, for the actual hours worked by each inspector on legal State holidays occurring Monday through Friday;] **A charge of $12.00 per hour, or portion thereof, for each inspector working on Saturday and/or Sunday. There will be a four hour minimum charge for each inspector working on Saturday and/or Sunday;**

v. Official mileage will be charged at the prevailing State rate per mile starting and ending where the inspector officially reports for duty.

2. Charges for inspection or grading and certification of fruit and vegetables other than potatoes for fresh market:

i. A charge of $0.02 will be made for all packages inspected or graded and certified in excess of [4,285] **4,570** packages during the seven day week (Saturday through Friday).

3. Charges for inspection or grading and certification of potatoes for the fresh market:

i. A charge of $0.03 per hundredweight for all hundredweights inspected or graded and certified in excess of [3,750] **3,200** hundredweights during the seven day week (Saturday through Friday).

2:71-2.29 Charges; oral agreements; trailer, car, warehouse and storage lots

(a) Charges for inspection or grading and certification services performed pursuant to an oral agreement between the New Jersey Department of Agriculture and the requestor, for all trailer, car, warehouse and storage lots, shall be made according to the schedule detailed below. A minimum of [$12.00] **$13.00** for inspection or grading and certification services shall be charged. However, if the conditions listed in N.J.A.C. 2:71-2.30 are met, the charges shall be calculated according to the hourly rate schedule set out in N.J.A.C. 2:71-2.31.

1. Basic charge schedule for products other than [cranberries or] potatoes:

i. [A charge of $0.035 per container for all containers not exceeding 20 pounds or 12 quarters;] **A charge of $0.07 per container for all containers;**

[ii. A charge of $0.07 per container for all containers exceeding 20 pounds or 12 quarts.]

[2. Basic charge schedule for cranberries:

i. A charge of $0.10 for each 100 pound container;

ii. A charge of $0.05 for each 48 or 50 pound container (½ barrel equivalent).

iii. A charge of $0.025 for each 24 or 25 pound container (¼ barrel equivalent).

iv. All other size containers shall be converted to hundredweight equivalents. Charges for these equivalents shall be at the rate of $0.10 per hundredweight.]

[3.] **2.** Basic charge schedule for potatoes:

i. A charge of [$0.08] **$0.10** per hundredweight;

ii. All other size containers and bulk loads shall be converted to hundredweight equivalents. Charges for these equivalents shall be at the rate of [$0.08] **$0.10** per hundredweight.

[4.] **3.** Phytosanitary certificates:

i. No charge will be made for such certificates;

ii. The Chief, Bureau of Commodity Inspection and Grading, Division of Regulatory Services, may be contacted for information on countries requiring additional declaration statements.

[5] **4.** Delayed inspections: Delayed inspections are those inspections requiring more than two hours to complete (exclusive of travel time) due to delays of any kind not attributable to the inspector Additional charges for delayed inspections shall be assessed according to the following schedule:

i. [7.00] **$8.00** per hour, in half hour increments.

2:71-2.30 Charges; oral agreements between Department of Agriculture and requestor

(a) Charges for inspection or grading and certification services performed pursuant to an oral agreement between the New Jersey Department of Agriculture and the requestor shall be made according to the hourly rate schedule set out in N.J.A.C. 2:71-2.31 when:

1. A restricted inspection of large lots is to be made and the requestor asks that the certificate show the total count or volume of the lot;

2. A requested inspection is not completed for any reason whatsoever not attributable to the inspector or when an inspection is complete and no official certification is issued;

3. A requested inspection involves bulk or bin lots of products, except [cranberries or] potatoes.

2:71-2.31 Hourly rate charges

(a) The hourly rate charges shall be made according to the following schedule:

1. A charge of [$12.00] **$13.00** per hour, or portion thereof, for regular work hours, 8:00 A.M. to 5.00 P.M. on regular workdays, Monday through Friday;

2. A charge of [$18.00] **$19.50** per hour, or portion thereof, for work started or completed between 6:00 P.M. and 7:00 A.M. on regular workdays, Monday through Friday;

3. A charge of [$18.00] **$19.50** per hour, or portion thereof, for work performed on Saturdays, Sundays, or legal State holidays at the request of the requestor.

(a)

DIVISION OF RURAL RESOURCES

State Agriculture Development Committee Agricultural Development Areas

Proposed Amendment: N.J.A.C. 2:76-1.2

Authorized By: Arthur R. Brown, Jr., Chairman, State Agriculture Development Committee.
Authority: N.J.S.A. 4:1C-5f and 4:1C-7a.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submission and responses, should be addressed to:

Donald D. Applegate, Executive Secretary
State Agriculture Development Committee
CN 330
Trenton, New Jersey 08625

At the close of the period for comments, the State Agriculture Development Committee thereafter may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-253.

The agency proposal follows:

Summary

The Agriculture Retention and Development Program is a program which provides for the long-term encouragement of the agricultural business climate and the preservation of agricultural lands. An integral part of the program is the identification of agricultural development areas. N.J.A.C. 2:76-1 is to assist county agriculture development boards or subregional agricultural retention boards in making sound judgments when identifying an agricultural development area and for receiving State Agriculture Development Committee certification for these areas. The proposed amendment to N.J.A.C. 2:76-1.2 is a technical change to adjust to the proper codification of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq, P.L. 1983, C.32. Since the amendment is a technical change, there will be no impact on the existing procedures.

Social Impact

Since the procedures of N.J.A.C. 2:76-1 have not been changed, the proposed amended rule will have no social impact.

Economic Impact

Since the procedures of N.J.A.C. 2:76-1 have not been changed, the proposed amended rule will have no economic impact.

Full text of the current rules may be found at 15 N.J.R. 2086(a), 16 N.J.R. 518(b).

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

2:76-1.2 Definitions

As used in this subchapter, the following words and terms shall have the following meanings:

"Agricultural Development Area", hereinafter referred to as ADA, means an area identified by a county agriculture development board pursuant to the provisions of [N.J.S.A. 4:1C-21] **N.J.S.A. 4:1C-18** and certified by the State Agriculture Development Committee.

"Board" means a county agriculture development board established pursuant to [N.J.S.A. 4:1C-17] **N.J.S.A. 4:1C-14** or a subregional agricultural retention board established pursuant to [N.J.S.A. 4:1C-20] **N.J.S.A. 4:1C-17**.

"Committee" means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

(a)

DIVISION OF RURAL RESOURCES

State Agriculture Development Committee Agricultural Management Practices

Proposed Amendment: N.J.A.C. 2:76-2.2

Authorized By: Arthur R. Brown, Jr., Chairman, State Agriculture Development Committee.
Authority: N.J.S.A. 4:1C-5f and 7d.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submission and responses, should be addressed to:

Donald D. Applegate, Executive Secretary
State Agriculture Development Committee
CN 330
Trenton, New Jersey 08625

At the close of the period for comments, the State Agriculture Development Committee thereafter may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN-1984-251.

The agency proposal follows:

Summary

The State Agriculture Development Committee has developed recommended agricultural management practices that are applicable to agricultural development areas, municipally approved programs and other farmland preservation programs. These practices include, but are not limited to air and water quality control, noise control, pesticide control, fertilizer application, soil and water management practices, integrated pest management and labor practices. In addition, N.J.A.C. 2:76-2 provides a procedure that shall be utilized to advise and assist municipalities, farmers, and the general public with respect to resolving disputes concerning agricultural management practices involving the operation of a commercial farm.

The proposed amendment to N.J.A.C. 2:76-2.2 is a technical change to adjust to the proper codification of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq, P.L. 1983, c.32. Since the amendment is a technical change, there will be no impact on the existing procedures.

Social Impact

Since the procedures of N.J.A.C. 2:76-2 have not been changed, the proposed amended rule will have no social impact.

Economic Impact

Since the procedures of N.J.A.C. 2:76-2 have not been changed, the proposed amended rule will have no economic impact.

Full text of the current rule may be found at 16 N.J.R. 95(b), 16 N.J.R. 707(c).

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

2:76-2.2 Definitions

As used in this subchapter, the following words and terms shall have the following meanings:

"Agricultural management practices" means practices either formally set forth in current published New Jersey Agricultural Experiment Station recommendations or practices which represent the best, collective professional judgment and opinion of the appropriate faculty of the New Jersey Agricultural Experiment Station and practices related to soil and water conservation and management approved by the State Soil Conservation Committee.[1]

"Board" means a county agriculture development board established pursuant to [N.J.S.A. 4:1C-17] **N.J.S.A. 4:1C-14** or a subregional agricultural retention board established pursuant to [N.J.S.A. 4:1C-20] **N.J.S.A. 4:1C-17.**

"Commercial farm" means any place producing agricultural or horticultural products worth $2,500 or more annually.

"Committee" means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

[1] Published New Jersey Agricultural Experiment Station recommendations are available from the Cooperative Service, Cook College, P.O. Box 231, New Brunswick, New Jersey 08903. Soil and water conservation and management practices are available from the State Soil Conservation Committee, New Jersey Department of Agriculture, CN 330, Trenton, New Jersey 08625.

BANKING

(a)

DIVISION OF CONSUMER COMPLAINTS LEGAL AND ECONOMIC RESEARCH

Procedural rules
Objections, requests for oral presentations, filing

Proposed Amendments: N.J.A.C. 3:1-2.3, 2.4, 2.5 and 2.14
Proposed Repeal: N.J.A.C. 3:1-2.20

Authority: N.J.S.A. 17:1-8.1.

Interested persons may submit, in writing, data, views, or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dominick A. Mazzagetti, Acting Commissioner
Department of Banking
Division of Consumer Complaints Legal & Economic Research
CN 040
Trenton, NJ 08625

At the close of the period for comments, the Department of Banking may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-244.

The agency proposal follows:

Summary

The rules of this subchapter regarding procedural rules were originally adopted effective August 13, 1970 as R.1970 d.97 at 2 N.J.R. 70(a), pursuant to the authority of N.J.S.A. 17:1-8.1. The Department of Banking proposes to amend these rules to conform with L. 1981 c.376, Sec 12, effective December 31, 1981 which deleted reference to Section 25 or Section 27 branches as well as eliminating limited facility branch offices.

These changes in State law were occasioned by changes in Federal law which remove some of the restrictions on branching which had previously been imposed on savings and loan associations. This legislation was part of a package of bills which make New Jersey law consonant with the provisions of the Federal "Depository Institutions Deregulation and Monetary Control Act."

Social Impact

The proposed amendments to the rules should have a positive social impact since they will conform the Department of Banking regulations to the legislature's requirements as set forth in L. 1981, c. 376 Sec 3 effective December 31, 1981 thus allowing persons filing applications or objections thereto to accurately perceive and follow procedural requirements.

Economic Impact

There should not be any additional economic impact since the process governed by the rules is an ongoing procedure and the amendments reflect the required changes in accordance with the legislative mandate.

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

3:1-2.3 Objection and request for oral presentation; time for filing; content

(a) An objection to a new charter, a full branch, [section 25] or relocation application by a bank, savings bank or savings and loan association must be filed in the Department of Banking within 14 calendar days of publication in the respective bank's, savings bank's or savings and loan association's trade association bulletin, as required by N.J.A.C. 3:1-2.2. If an objector desires oral presentation on a full branch application, [a Section 25] or a relocation application, or desires to make an appearance at a charter hearing, the objection shall also contain a specific request therefore or, in the

case of charter applications, a request for permission to appear at the formal hearing.
(b)-(h) (No change.)

3:1-2.4 Objections to Minibranch [Or Limited Facility Branch] applications
(a) An objection to a minibranch **application** [or limited facility branch] must be filed in the Department of Banking within 20 calendar days of publication in the respective bank's, savings bank's or savings and loan association's trade association bulletin.
(b)-(c) (No change.)
(d) In order to perfect an objection to a minibranch **application** [or a limited facility branch], the objector must file 25 calendar days after receipt of copies of the application form and supportive data filed by the applicant a current comprehensive objector's form. This comprehensive objector's form must also be forwarded to the applicant as well as the Department within the 25 calendar days set forth above.
(e)-(f) (No change.)
(g) There shall be no oral presentations on minibranch, communication terminal branch, **or** auxiliary [or limited facility branch] offices.

3:1-2.5 Oral presentation granted or denied
(a) The Department may grant a request for oral presentation on applications for a full branch, [a section 25 association branch] or relocation only if:
1. The objector requesting the oral presentation has filed and perfected an objection, comprehensive objection and oral presentation request; and
2. The objector requesting the oral presentation has presented reasons which indicate that it is necessary and warranted and reasons why the matter cannot be resolved on the papers.
(b)-(c) (No change.)

3:1-2.14 Priority
(a)-(b) (No change.)
(c) "Applications" shall mean and include all charter, branch minibranch, [manned limited facility branch,] branch relocation and interchange applications by banks, savings banks and state associations which are filed and complete.
(d)-(f) (No change.)

3:1-2.20 [Sharing limited facility branch offices; notice, fee] **Reserved**
[(a) Before any state association may share an unmanned limited facility branch office for which an association has already obtained approval to operate, it shall submit to the commissioner a formal notice which indicates:
1. The date it is anticipated that the sharing will commence;
2. The location of the limited facility office to be shared;
3. The name of the association which had obtained approval to operate the limited facility branch office; and
4. The date of said approval.
(b) A filing fee of $10.00 must accompany each such formal notice.
(c) Applications to share more than one limited facility branch offices must be filed separately.]

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code Fire Protection Subcode Officials

Proposed Amendment: N.J.A.C. 5:23-4.5

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

At the close of the period for comments, the Department of Community Affairs may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.
This proposal is known as PRN 1984-227.

The agency proposal follows:

Summary

The proposed amendment clarifies the relationship that is expected to exist between the fire protection subcode official and the local fire service, of which the official may or may not be a member. The fire protection subcode official is to cooperate with the local fire service to the greatest extent reasonably possible. This cooperation is to specifically include allowing access to plans and consultation prior to the granting of variations. However, the subcode official is not thereby relieved of any of his legal responsibilities nor is he obligated to follow the advice of the local fire service.

Social Impact

Disputes have arisen in some municipalities over local fire service involvement in the construction code enforcement process. This proposal is intended to establish ground rules for cooperation between the subcode official and the fire service. The public will be best served if the subcode official and the fire service representatives do their best to work together in a professional and cooperative manner.

Economic Impact

The proposed amendment will have no apparent economic impact.

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

5:23-4.5 Municipal enforcing agencies—administration and enforcement

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

(e) Duties of subcode officials:

1. (No change.)

2. In the course of enforcing the regulations, the fire protection subcode official shall cooperate, to the greatest extent possible, with the local fire service.

i. The fire protection subcode official shall, upon request of the local fire service, allow a designated representative of the local fire service reasonable access to, and opportunity to review, plans submitted to the fire protection subcode official for his approval.

ii. The fire protection subcode official shall consult with the local fire service prior to granting any variations from the requirements of the fire protection subcode. If the fire protection subcode official is not himself a member of the local fire service, he shall, upon receipt of an application for a variation, forward a copy thereof to the local fire service and shall not grant a variation until he has received the comments of the local fire service or the 20 business day period allowed for review of the variation application, pursuant to N.J.A.C. 5:23-2.11, is about to expire, whichever comes first.

iii. The participation of the local fire service in the code enforcement process shall in no way be construed as reducing the responsibility of the fire protection subcode official for the proper enforcement of the fire protection subcode. Advice rendered by the local fire service shall in no way be binding upon the subcode official.

(f) (No change.)

(a)

NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY

Transfer of Ownership Interests

Repeal: N.J.A.C. 5:80-5
Proposed New Rule: N.J.A.C. 5:80-5

Authorized By: New Jersey Housing and Mortgage Finance Agency, Feather O'Connor, Secretary.
Authority: N.J.S.A. 55:14K-34(f).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard H. Godfrey Jr.
Assistant Executive Director
New Jersey Housing and Mortgage Finance Agency
CN 070, 3625 Quakerbridge Road
Trenton, New Jersey 08625-0070

The New Jersey Housing and Mortgage Finance Agency 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 1984-258.

The agency proposal follows:

Summary

Within its portfolio, the New Jersey Housing and Mortgage Finance Agency ("Agency") holds mortgages to a number of multi-family projects owned by limited dividend corporations or associations. Several are market rate developments with no public subsidy other than a tax exempt mortgage interest rate and tax abatement; the balance are assisted through Section 236 or Section 8, often with other tenant subsidies. These regulations assume a continuation of the status of the project after it is transferred.

There are several circumstances in which a limited dividend corporation or association may decide to sell part or all of its interest in a project to another limited dividend entity. Such circumstances include but are not limited to instances where the financial benefits may have been exhausted, a financially troubled project may need a mechanism to raise capital or the owner of a healthy project may be seeking liquidity. The structure of the sale may vary depending on the circumstances of each case. The Agency's principal concern is that of assuring the viability of the project and maintaining its public purpose. Therefore, the purpose of the proposed new regulations is to provide a uniform method for the review and treatment of the transfer of ownership interests, taking into account differing circumstances of projects financed with varying degrees of public assistance.

Social Impact

The proposed new regulations redound to the benefit of the tenants since tenants are protected against disruption of effective management of the project. Additionally, the proposed regulations continue to preserve affordable low and moderate income housing.

Economic Impact

The proposed new regulations provide a balance between the Agency's public purpose of providing low and moderate income housing against the need to encourage reinvestment in the multi-family housing projects thereby maintaining the viability of the projects.

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

SUBCHAPTER 5. TRANSFER OF OWNERSHIP INTERESTS

5:80-5.1:

(a) All proposed changes in ownership interests of an Agency financed project must receive the prior review and written approval of the Agency's Executive Director in order to be effective.

(b) Agency review shall be limited to those areas reasonably related to preventing detriment to the project.

(c) The Agency Board should be notified of all proposed changes as soon as they are received.

(d) If a proposed change involves a General Partner or a Limited Partner with more than 10 percent interest, the prior specific review and approval of the Agency Board is required.

5:80-5.2:

(a) In conjunction with all changes in ownership, the Owner must submit a written request to the Executive Director which includes a specific description, rationale and impact evaluation for the change. The Agency Board will be notified of all such requests and the nature of same as soon as they are received.

(b) For all parties seeking to acquire an interest in Agency financed projects, required Administrative Questionnaires and Certifications must be submitted and State Police checks processed.

(c) When required by HUD regulations, Previous Participation Certificates (Form 2530) must also be submitted and clearance must be obtained for all new parties.

(d) Except for changes involving a general partner or a limited partner with more than a 10 percent interest, the Agency's review will be limited to information contained in administrative questionnaires, received as a result of police checks and gained through HUD Previous Participation processing.

(e) If a General partner is withdrawing from the Partnership, financial and experience data must be provided on the remaining or substituted general partners for the Agency to review and to evaluate their financial sufficiency and organizational capabilities.

(f) All proposed changes involving a General Partner or a Limited Partner with more than a 10 percent interest will be submitted to the Agency Board for its review and approval.

(g) If the ownership change involves revision to the Certificate of Incorporation or Partnership Agreement, then the approval of the Public Housing and Development Authority must be obtained.]

5:80-5.1 Definitions

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

"Agency" is the New Jersey Housing and Mortgage Finance Agency.

"Cash proceeds" means that portion of the purchase price paid by the buyer to the seller in cash or cash equivalent acceptable to the agency at closing or in successive years following the closing as determined by the agency.

"Closing" means the date on which title or other interest in the housing project is transferred from seller to buyer.

"Conversion" means transfers involving sale of the housing project owned by a nonprofit corporation to limited dividend partnership.

"Development costs" means the total development cost which shall include the original mortgage loan amount and may include any supplemental financing provided by the agency or the State of New Jersey and any additional funds to be paid out of the net proceeds which the agency has determined to be reasonable and necessary for the development or financial viability of the housing project.

"Housing project" or "project" means any work or undertaking, other than a continuing care retirement community, whether new construction or rehabilitation, which is designed for the primary purpose of providing rental housing of more than 25 dwelling units.

"Limited Dividend Corporation or Association" is any entity created pursuant to the Limited-Dividend Nonprofit Housing Corporation or Associations Law, N.J.S.A. 55:16-1 et seq.

"Portfolio Reserve Account" means that fund established pursuant to N.J.A.C. 5:80-2.4(a)3 intended primarily for financial support for any housing project financed by the agency.

"Net proceeds" means the gross proceeds of the transfer which are received from buyer, less the costs of the transfer. Net proceeds does not include secondary financing granted on the transfer.

"Purchase price" includes the cash proceeds plus secondary financing, if any, plus existing mortgage(s) assumed by the buyer.

"Resyndication" is the sale of 90 percent or more of the beneficial interest of an existing housing project by its current limited dividend owners to a new owner, typically a limited partnership.

"Secondary financing", both secured and unsecured, is any portion of the purchase price which is not paid in cash proceeds or by assuming an existing indebtedness. Secondary financing will be permitted as set forth in N.J.A.C. 5:80-5.7.

"Seller" is the existing mortgagor and owner of the housing project having a loan from the New Jersey Housing and Mortgage Finance Agency.

"Transaction cost" means those costs related directly to the sale of the housing project. All transaction costs must be approved by the agency.

5:80-5.2 General policy

(a) To be effective, all proposed changes in ownership interests of an agency financed housing project must receive the prior review and written approval of the Agency's executive director.

(b) The prior specific review and approval of the Agency members is required if a proposed change involves a general partner or a limited partner with more than a 10 percent interest.

(c) Changes in ownership processed under this policy shall not result in a modification of statutory and contractual requirements that the housing project be occupied by persons and families of low and/or moderate income except to the extent that prepayment is permitted by the Agency pursuant to N.J.A.C. 5:80-5.9.

(d) The Agency is under no obligation to approve the transfer or resale.

(e) If a general partner is withdrawing from the partnership, financial and experience data on the remaining or substituted general partners must be provided to the Agency for review and evaluation of their financial sufficiency and organization capabilities.

(f) The approval of the Public Housing and Development Authority must be obtained where necessary pursuant to N.J.S.A. 55:16-1 et seq.

(g) If a Federal subsidy contract is involved, a change in ownership must receive approval of the United States Department of Housing and Urban Development and may involve additional processing requirements in conjunction with obtaining such approval.

5:80-5.3 Conversions and applicable regulations

There are separate regulations at N.J.A.C. 5:80-2 dealing with transfers involving conversions ("conversion regulations"). The conversion regulations shall be applicable to transfers involving conversions unless the Agency determines that such treatment would jeopardize the viability of the housing project, in which case the Agency, in its discretion, may apply these regulations to such conversion. In the event, however, of any conflict or inconsistency between the provisions of these regulations and N.J.A.C. 5:80-2 as it applies to such conversion, the provisions of N.J.A.C. 5:80-2 shall control.

5:80-5.4 Procedure

(a) The seller must initially submit to the executive director of the Agency a written request for approval of any proposed change in ownership. The request must contain a detailed description of the terms of sale or other ownership changes and a statement of the reasons for the proposed sale. The seller must also identify in detail and in a written report, the present physical, financial, management and tenant needs of the housing project. The Agency will review this report for completeness and accuracy, may require additional information or revisions to the report and may conduct its own review of the housing project's condition and operation.

(b) All essential parties within the seller's organization documents must approve the transfer or sale. An affidavit and opinion of the seller's legal counsel must be submitted to the Agency as proof of the legality of the transfer pursuant to the seller's Partnership Agreement or any other document and all applicable laws and regulations. An opinion of the buyer's legal counsel may also be requested by the Agency.

(c) In selecting the prospective buyer, the seller may solicit as many proposals as it deems necessary. Bidding is not required. The seller may negotiate among prospective buyers to obtain the best financial package/offer. Full and complete disclosure as to the nature and amount of the transaction must be made in writing to the Agency.

(d) As a condition of approving the transfer, the Agency will require that the housing project be restored to sound physical condition in accordance with the report submitted by the seller and the independent review by the Agency. Deferred maintenance must be corrected at the time of transfer unless otherwise approved by the Agency. Necessary repairs and capital improvements must be completed within a time frame acceptable to the Agency. A schedule for performing the work and a letter of credit or bond in the amount needed to complete the work must be provided to the Agency at closing.

(e) Cash contributions must be sufficient to fund both immediate and anticipated reserve needs. The mortgage and all fees and charges due the Agency must be current at the time of closing. All housing project reserve accounts must be funded to an acceptable level, as determined by the Agency, within 12 months from the date of transfer in accordance with the Agency's repair and replacement funding schedule.

(f) Contributions toward the purchase price from any sources other than cash proceeds, must be identified.

(g) Upon assignment and assumption of the Agency's mortgage, modifications shall be made to the mortgage clearly specifying the Agency's right to enforce these regulations.

5:80-5.5 Scope of review

(a) The scope of the Agency's review of transfers depends on the nature of the interest to be transferred. A transfer of 90 percent or more of the ownership interest requires full review. Full review is also required in the following instances.

1. Transfer of title from the seller to any other party;

2. Any conveyance or attempted conveyance by land contract;

3. Transfer of 90 percent or more of the interest in the partnership/owner within a five year period;

4. A change in general partners or management control of the owner.

(b) In other cases, the Agency in its discretion may conduct a modified review.

5:80-5.6 Required documents

(a) Required documents for either a full or modified review must be satisfactory to the Agency and include at least the following:

1. Administrative questionnaires for buyer;

2. Previous Participation Certificates (Form 2530) for buyer;

3. Experience questionnaire for buyer;

4. Buyer's certified financial statements;

5. Legal opinion from seller's and/or buyer's attorney;

6. Complete description as to the nature of the transaction.

(b) The following additional documents shall be subject for full review:

1. Appraisal of property;

2. Physical inspection report approved by the Agency;

3. Financial report on project operations approved by the Agency.

5:80-5.7 Secondary financing

(a) Secondary financing, representing a portion of the purchase price may be permitted by the Agency. However, the following limitations exist where secondary financing is an element of the transaction:

1. The Agency will review and may restrict all secondary financing particularly where the secondary financing is secured by a lien on the project;

2. Repayment of secondary financing cannot be taken into consideration in determining the rents to be charged tenants;

3. The second mortgage, security agreement, or any other debt instrument must be subordinate to any existing mortgage of the agency;

4. In the event of a declaration of default on any existing mortgage held by the Agency, the secondary financing debt and all rights thereunder to rent or any other project income or assets shall be assigned to the Agency.

5:80-5.8 Return on equity

(a) The equity base used for calculating allowable return on equity shall be determined by the Agency as a function of the total development cost of the project rather than the purchase price unless the purchase price is less than the total development cost in which case the purchase price will be used by the Agency to determine the equity base.

(b) In conjunction with permitted prepayments of the Agency's mortgage, the mortgagor shall be limited to a cumulative return on its investment of 8 percent per annum. This limit shall include any return from project operations or on sale of the project.

1. Upon sale or other disposition of the project or any interest thereon, any amounts realized by the seller in excess of 8 percent shall be paid to the Agency as an additional fee for approving the transfer.

2. With regard to transfers which do not involve prepayment of the agency's mortgage which recognize the agency's right to approve any prepayment which preserve the low and/or moderate income nature of the project and which fully comply with all Agency rules, regulations and policies, the limit shall apply only to revenues received from operations and no such limit on return on equity shall apply to money earned from the sale of the project or any other sale of ownership interests.

5:80-5.9 Fees and repayments

(a) At closing, the following fees are required:

1. The seller shall pay the Agency a processing fee amounting to one-half of one percent of the purchase price;

2. For transfers which will require a full review pursuant to N.J.A.C. 5:80-5.4, the owner shall submit with its request for review, a non-refundable fee of $5,000 which will be applied toward the processing fee at closing;'

3. For projects subsidized under Section 236, the seller shall pay 10 percent of the cash proceeds received and for projects subsidized under Section 8, or projects without direct Federal subsidies, the seller shall pay 15 percent of the cash proceeds received into the portfolio reserve account established by the Agency;

4. Any outstanding supplemental financing must be paid at closing.

5:80-5.10 Prepayment

Prepayment of the mortgage loan made by the Agency is prohibited without the prior written approval of the Agency.

5:80-5.11 Approval and disclosure requirements

(a) The Agency specifically reserves the right to investigate and disapprove any prospective buyer or any other party involved in the transaction including without limitation all limited and general partners, attorneys, syndicators, brokers or consultants, as well as any partners or shareholders thereof. Prior to its approval, the Agency may require any party to disclose such information as may be reasonably related to the transaction and may require any party to sign such waivers, releases or affidavits as may be necessary to authenticate or investigate the information requested.

(b) All reviews, inspections, reports and other determinations received pursuant to these regulations shall be subject to final review, approval and determination by the Agency.

(a)

NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY

Tenant Selection Standards

Proposed New Rule: N.J.A.C. 5:80-6

Authorized By: New Jersey Housing and Mortgage Finance Agency, Feather O'Connor, Secretary.
Authority: N.J.S.A. 55:14J-1 et seq., specifically 55:14J-34(f).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard H. Godfrey Jr.
Assistant Executive Director
New Jersey Housing and Mortgage Finance Agency
CN 070, 3625 Quakerbridge Road
Trenton, New Jersey 08625-0070

The New Jersey Housing and Mortgage Finance Agency 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 1984-259.

The agency proposal follows:

Summary

The purpose of these new regulations is to establish standard and equitable procedures for tenant selection which will comply with State and Federal regulations and which are to be followed by qualified housing sponsors (owners).

The New Jersey Housing and Mortgage Finance Agency Act of 1983 (P.L. 1983, c.530 N.J.S.A. 55:14K-1 et seq.) states that the Agency shall establish admissions rules and regulations for any housing project financed by the Agency providing priority categories for persons displaced by urban renewal projects, highway programs or other public works, persons living in substandard housing, persons and families who, by reason of family income, family size or disabilities, have special needs, elderly persons and families living under conditions violative of minimum health and safety standards. These admission standards that are established by the Agency must also comply with all applicable current HUD regulations concerning tenant selection.

The Agency historically has used the Federal occupancy standards, including tenant selection standards, appearing at section 4 of chapter 3 of the HUD handbook (4530.3). Upon adoption of the proposed new regulations, the Agency will formally adopt section 4 of Chapter 3 of the HUD handbook (4530.3), with a few modifications as set forth below. This chapter incorporates all Federal statutory and regulatory requirements of the subsidy programs and is consistent with New Jersey State law. These regulations shall apply to all agency projects within its portfolio including market developments.

Social Impact

The Agency's primary objective is to provide low and moderate income housing. This goal has been attained primarily through the issuance of tax exempt bonds and use of Federal housing subsidies. Specifically, a majority of the Agency's multi-family projects have been assisted through the Section 236 multi-family interest rate reduction programs and Section 8 Lower-Income Rental Assistance Program, often with other tenant subsidies. Several of the Agency's projects are market rate developments that receive public assistance in the forms of tax abatements and tax exempt financing.

Tenant selection is crucial in the administering of all of the Agency's multi-family projects regardless of the degree of public assistance. The importance of tenant selection is enhanced when considered in light of the fact that there is a critical shortage of subsidized housing. Applicants far outweigh the number of available units. The proposed regulations establish formal guidelines for housing sponsors, who own and manage the housing project, to choose eligible tenants taking into account State and Federal regulations. These rules seek to avoid inequities in the distribution of benefits and provide fair housing opportunities.

Economic Impact

Part of the Agency's public purpose is making sure that the housing projects are fully rented with eligible tenants. The proposed regulations, in fact, establish criteria in which occupancy levels can be achieved and maintained. There is no actual cost for the Agency in implementing the proposed regulations. In actuality, the proposed regulations have been a longstanding policy of the Agency.

Full text of the proposed new rule follows.

SUBCHAPTER 6
TENANT SELECTION STANDARDS

5:80-6.1 Definitions

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

"Affirmative Fair Housing Marketing Plan" is a plan to attract those people who would least likely apply for residence.

"Disabled person" is a person who is unable, due to a physical or mental impairment to engage in any gainful activity defined in Section 223 of the Social Security Act or a person who has a "developmental disability" which is mental in nature as defined by Developmental Disabilities Amendments of 1970 (42 USC 60001).

"Displaced person" is a family or individual who has been displaced by governmental action or otherwise formally recognized pursuant to Federal disaster or otherwise has been involuntarily displaced.

"Elderly family" is one in which the head of household, spouse or sole member is 62 years of age or older, handicapped or disabled.

"Family" is two or more persons sharing residency and related by blood, marriage or operation of law, or who demonstrate a stable relationship which has existed over a period of time.

"Handicapped" is a person having a physical or mental impairment which is expected to be of long continued and indefinite duration and which substantially impedes his or her ability to live independently and which is of such a nature that such ability could be improved by more suitable housing conditions.

"Household" is one or more persons which share or will share a residence.

"Housing needs" is circumstances beyond the control of a family which are not one of the priorities set forth such as substandard housing, overcrowding, living with family or others, dangerous neighborhood, housing unsuitable because of medical reasons, etc., etc.

"HUD" is the United States Department of Housing and Urban Development.

"Minority" is a household of which one or more of whose members are either Black, Hispanic, American Indian or Oriental. A white person would be considered a minority if he were living in a predominantly black neighborhood.

5:80-6.2 General policy

(a) The process of screening applicants and selecting future residents is a crucial one. On one hand, a housing owner must keep units occupied to minimize vacancy loss and maintain cash flow. On the other hand, the owner must also take the time to screen applicants and to select only those applicants who will be responsible residents and meet HUD eligibility requirements.

(b) Careless selections can result in vandalism, high repair costs, costly evictions and increases in vacancies. To avoid such problems as much as possible, each owner should develop reasonable tenant selection procedures.

(c) The procedures should be designed to select applicants who will not only meet the tenant eligibility requirements for HUD's subsidy programs but will also be responsible tenants. The procedures should instruct project staff on at least:

1. How to screen tenants;
2. Fair Housing and Equal Opportunity laws;
3. Required preferences and economic mixes;
4. Limitations on admission of single persons and over-income applicants; and
5. How to select Tenants from among eligible applicants.

5:80-6.3 Screening criteria

(a) The Agency supports the owner's desire to select responsible tenants.

(b) Owners are expected to exercise sound judgment in the tenant selection process. The fact that an applicant qualifies for program benefits does not mean that he or she is a suitable tenant.

(c) Owners may consider the following factors when screening applicants. These factors are not all inclusive and the absence of any of these factors is not sufficient reason to reject an applicant. Costs of credit checks and home visits may be charged as a project expense.

1. Demonstrated ability to pay rent and make timely payment.

2. Comments from prior landlords: Tenants with histories of damaging units are obviously high risks. The endorsement of at least two prior landlords is preferable over the judgment of a present landlord. A responsible tenant may receive a bad recommendation just as a bad tenant might receive a good recommendation from the present landlord. The other landlord's interest are not always the same as the owner's interests.

3. Good credit references: Although the benefits of a credit check are debatable, credit checks may be useful when no rent-paying history is available. However, the lack of a credit history may not automatically disqualify an applicant.

4. Housekeeping habits: So-called "home visits" can be particularly valuable to make certain that the applicant maintains his or her housing unit in an acceptable manner.

5:80-6.4 Non-discrimination

(a) Owners must comply with all Federal, State or local fair housing and civil rights laws and with all equal opportunity requirements set forth in N.J.S.A. 5:14K-1 et seq., Agency regulations, and HUD's administrative procedures. Federal and State laws provide that owners may not discriminate based upon race, color, creed, religion, sex, national origin, age or handicap. Any complaints alleging violations of civil rights laws will be referred to the Agency or to HUD's Regional Offices of Fair Housing and Equal Opportunity for possible compliance actions.

(b) Owners must also comply with requirements imposed in Agency and HUD program statutes, regulations and administrative procedures. These administrative requirements prohibit restrictions on certain classes of persons. Examples of prohibited practices are shown in Exhibit A. This figure is not intended to be all inclusive.

(c) Owners are subject to all civil rights laws and Agency and HUD administrative requirements on non-discrimination. These civil rights laws and administrative requirements apply to the process of accepting applications and selecting tenants form among eligible applicants as well as to the process of assigning units. Under civil rights laws, an owner may not place minority tenants in one part of the project and non-minority tenants in another part.

(d) In partially assisted Section 8 projects (that is, those with less than 100 percent of the units under a Section 8 contract), HUD administratively requires that assisted tenants must be dispersed throughout the project. Note: In projects designed for both elderly and non-elderly families, owners may place elderly and non-elderly families in separate areas of the project.

5:80-6.5 Priorities and preferences

(a) Owners may give priority or preference for admission to otherwise eligible applicants in (b) and (c) below so long as such priorities and preferences are consistent with the fair housing laws and the owner's Affirmative Fair Housing Marketing Plan.

(b) Handicapped, disabled, displaced and substandard housing applicants shall be treated as follows:

1. For all units, owners must give preference to applicants who are either living in substandard housing or are displaced by government action or activity.

2. For all units designed specifically for the elderly, owners must give priority to elderly, handicapped and disabled applicants on an equal basis.

3. For all barrier free or partially barrier free units designed specifically for handicapped or disabled persons, owners must give priority to handicapped or disabled persons who need the modified design to permit them to operate independently with comparative ease under normal circumstances. In those units, the elderly will be given secondary priority.

(c) Residency preference shall be as follows:

1. While owners may not require local residency as a prerequisite for admission, with Agency and HUD approval, owners may give priority to residents of the municipality (here defined as the smallest unit of government, that is, town, city, county) in which the project is located.

2. The Agency will approve the use of local residency preferences only if such preferences will not be inconsistent with equal opportunity requirements or frustrate achievement of the goals of the Affirmative Fair Housing Marketing Plan. For example, if the Agency determines that affirmative marketing goals and objectives cannot reasonably be achieved with a residency preference for all units, the Agency may deny a request for use of residency preferences or approve it for only a portion of the units. For example, where the affirmative marketing goal is 5 or10 percent of the units in a project, the agency may approve a residency preference for only 95 or 90 percent of the units. Residency preferences may be used during initial rent-up and to fill vacancies occurring subsequent to the rent-up period.

i. When applying residency preferences, persons expected to reside in the municipality as a result of current or planned employment must be counted as residents. "Planned employment" means that an individual has a bona fide offer to work in the municipality.

ii. If there are applicants on the chronological waiting list, the owner may select a resident over non-resident even if the non-resident is higher on the waiting list or exhibits greater need. However, if there are no eligible residents on the waiting list, an owner cannot hold a unit open until an eligible resident is found.

iii. If certain categories of applicants are targeted on the Affirmative Fair Housing Marketing Plan and if there are insufficient numbers of such applicants who are residents of the municipality, then the owner must solicit those applicants from outside the municipality.

5:80-6.6 Limitations on admission of over-income tenants

(a) When applicants who are income-eligible and otherwise qualified are available, the owner may not lease any unit to an applicant whose income exceeds the applicable income limit.

(b) The owner may lease such units to over-income applicants only after he or she has exerted good faith effort to attract income-eligible applicants and such applicants are not available.

(c) Under no circumstances may an owner lease more than 10 percent of the units to over-income applicants without the prior written approval of the Agency.

(d) At BMIR, rent supplement or 236 projects, an owner also must obtain the prior written approval of the HUD or the Contract Administrator.

(e) At Section 8 projects, an owner also must obtain prior within HUD approval, except in older projects where the Section 8 Contract allows up to 20 percent.

(f) Before admitting any over-income applicant in accordance with these regulations, the owner must certify in writing that:

1. He or she has made all assisted units committed under the contract available for occupancy by eligible families;

2. He or she had taken all reasonable steps to attract income-eligible applicants;

3. No income-eligible applicants were available when the over-income applicant was selected for admission.

(g) The owner must retain this certification in the over-income tenant's file.

(h) If an owner fails to comply with the provision of this section, the Agency may invoke any remedies available under N.J.S.A. 55:14K-1 et seq. or Agency regulations. In addition, the HAP contract and/or Section 8 regulations provide that HUD may reduce the number of units under the HAP contract, invoke other remedies available under the contract or consider such failure as grounds for suspension or debarment from HUD programs.

5:80-6.7 Non-immigrant student aliens

(a) The Housing and Community Development Act of 1980 prohibits HUD from making housing assistance available to non-immigrant student aliens.

(b) A non-immigrant student alien is a person who:

1. Has a foreign residence which he or she has no intention of abandoning;

2. Is a bona fide student qualified to pursue a full course of study; and

3. Was admitted to the United States temporarily and solely for the purpose of pursuing a full course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him or her and approved by the Attorney General after consultation with the Department of Education of the Untied States.

(c) Non-immigrant student alien also means the alien spouse and alien minor children of such student as long as the spouse's and children's right to be in the United States depends on the alien's right.

(d) If an applicant identifies himself or herself or his or her spouse as a student the owner must request proof of United States citizenship, and ask the applicant to sign a statement certifying that he or she is not a non-immigrant student alien. An example certification form may be found as Exhibit B.

5:80-6.8 Prohibited conditions for admission

(a) In screening applicants for admission, owners may not impose irrelevant admissions criteria that are used to screen out otherwise eligible applicants.

(b) Physical examinations: Owners may not routinely require that all elderly applicants undergo physical examinations as a condition of admission. However, if the owner has reason to believe that the applicant's physical condition is such that his or her admission might have an adverse impact on the rights of other tenants to enjoy their units, or that he or she might not be able to care for the unit and carry out his or her obligations under the lease, the owner may require the applicant to furnish evidence of his or her ability to live independently (with or without attendant care).

(c) Donations or contributions: Owners of rental projects may not require a donation, contribution or membership fee as a condition of admission. Of course, owners of cooperative housing projects may charge membership fees.

EXHIBIT A
Example of Prohibited
Discrimination Practices

Class	Civil Rights Laws and Regulations	HUD Statutes, Regulations and Administrative Requirements
Religion, Race, Color, Creed, National Origin	No priorities or application criteria, e.g. variations in charges or deposits) based upon race, creed, color, religion, or national origin	
Sex	No renting units to single persons of one sex and not the other	In elderly housing, no discrimination against females/ males because disproportionate mixture of sexes
Age	No minimum or maximum ages unless necessary to normal operation to normal operation (e.g. elderly project), or required by State or local law	No maximum age for elderly. In housing for disabled and handicapped minimum age is 18; no minimum may be set above age 18
Children		In family housing no discrimination against families with children
Class Membership		No discrimination against socio-economic classes (e.g. welfare recipients, single-parent households, etc.)
Membership in Sponsoring Organization		No priority to members of sponsoring organizations. No discrimination against non-members
Handicapped	No discrimination solely because of handicap	

Agency Statutes, Regulations and Administrative Requirements

No person shall be discriminated against because of race, religious principals, color, national origin or ancestry by the agency, any housing sponsor, any institutional lender, or any loan originator or agent or employee thereof in connection with any housing project or eligible loan. No persons shall be discriminated against because of age in admission to, or continuance of occupancy in any housing project receiving assistance under this act except for any housing project constructed under a governmental program restricting occupancy of at least 90% of the dwelling units to persons 62 years of age or older and any members of their immediate households or their occupant surviving spouses, or constructed as a retirement subdivision or retirement community as defined in the "Retirement Community Full Disclosure Act," P.L. 1968, c.215 (C.45:22A-1 et seq.) Any persons who violates the provisions of this section is a disorderly person.

EXHIBIT B

FORMAT OF ADDENDUM TO APPLICATION FOR HOUSING ASSISTANCE

By law, housing assistance cannot be provided to any non-immigrant student-alien or the alien spouse and minor children of such alien (Section 1436a of Title 42, U.S.C.).

Definition of Nonimmigrant Student-Alien: (1) an alien having a residence in a foreign country which he or she has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who is admitted to the United States temporarily and solely for the purpose of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him or her and approved by the Attorney General after consultation with the Department of Education of the United States, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, and (2) the alien spouse and minor children of any such alien if accompanying him or her or following to join him or her.

I certify that I have read the information above and that I am not a nonimmigrant student-alien, and that no others in my household are nonimmigrant student-aliens.

______________________ ____________
Applicant Date

WARNING: Section 1001 of Title 18 U.S.C. provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies . . . a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both."

ENVIRONMENTAL PROTECTION

(a)

OFFICE OF THE COMMISSIONER

Sanitary Landfill Contingency Fund

Proposed Amendments: N.J.A.C. 7:1I-2.2, 3.4, and 3.5

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 13:1E-100, et seq., specifically N.J.S.A. 13:1E-114 (P.L. 1981, c. 306).
DEP Docket No. 018-84-04.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gail Gutmann
Office of Regulatory Services
Department of Environmental Protection
Labor & Industry Building
Room 803
CN 402
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 adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-250.

The agency proposal follows:

Summary

To comply with Administrative Order No. 66 signed by the Commissioner of Environmental Protection on March 27, 1984, it became necessary to revise N.J.A.C. 7:1I to effectively carry out its provisions.

N.J.A.C. 7:1I contains regulations promulgated on December 5, 1983 by the New Jersey Department of Environmental Protection pursuant to the authority conferred upon it by N.J.S.A. 13:1E-100, et seq. (Sanitary Landfill Facility Closure and Contingency Fund Act). These regulations establish procedures governing the preparation, submission and review of a claim against the Sanitary Landfill Facility Contingency Fund for compensation for damages proximately resulting from the operations or closure of a sanitary landfill.

In recognition of the need for a separate office to handle the review of such claims, Administrative Order No. 66 established the Office of Sanitary Landfill Claims which is under the supervision and control of a Director.

Therefore, the language was altered in this chapter to reflect the following:

1. N.J.A.C. 7:1I-2.2(b)1 was revised to require that claims be mailed to the Director of the new Office of Sanitary Landfill Claims.

2. N.J.A.C. 7:1I-3.4(b) was revised to indicate that a claimant's application for an investigative hearing be addressed to the Director of the new Office of Sanitary Landfill Claims.

3. N.J.A.C. 7:1I-3.5(a) was revised to indicate that a claimant's application for a contested case hearing be addressed to the Director of the new Office of Sanitary Landfill Claims.

Additional language has been added to N.J.A.C. 7:1I-2.2 to clarify that written notice of a claim must be given to the owners and operators of the sanitary landfill and any other responsible persons alleged by the claimant to have caused the damage.

Social Impact

The revised regulations will have a favorable impact upon all claimants under the Sanitary Landfill Facility Contingency Fund. By coordinating the review of these claims under one Office which is specifically designed for that purpose, the end result should be the more efficient disposition of each claim. In addition, inclusion of a general notice requirement in N.J.A.C. 7:1I-2.2, rather than the requirement of service of a complete copy of the official claim, will afford flexibility where equity demands it.

Economic Impact

The revised regulations have no intrinsic economic impact on the Department or the State. While the law itself has economic consequences to the sanitary landfill industry by exacting tax revenues which may be passed on to consumers of such services in order to fund the Sanitary Landfill Facility Contingency Fund, the proposed amendments do not.

Environmental Impact

In view of the fact that the revised regulations are merely procedural in nature, they will have no intrinsic environmental impact.

Full text of the current rules may be found at 15 N.J.R. 1213(a), 15 N.J.R. 2034(d).

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

7:1I-2.2 Filing of claim

(a) (No change.)

(b) The claim, as defined in N.J.A.C. 7:1I-1.4, once signed and certified under oath, shall be mailed by certified mail, return receipt requested, or delivered by hand to the following:

1. [Sanitary Landfill Facility Contingency Fund, Office of Special Funds Administration] **Director, Office of Sanitary Landfill Claims,** New Jersey Department of Environmental Protection, Labor & Industry Building, CN 402, Trenton, New Jersey 08625; [and]

(c) The claimant shall serve written notice of the claim by certified mail, return receipt requested, or by actual delivery, upon

i. The owners of the sanitary landfill;

ii. The operators of the sanitary landfill; and

iii. Any other responsible persons alleged by the claimant to have caused the damage.

(d) The notice of claim must be signed by the claimant or by a person acting on his behalf as provided in this Chapter and shall include:

i. The name and post office address of the claimant;

ii. The post-office address to which the person presenting the claim desires notices to be sent;

iii. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;

iv. A general description of the injury, damage or loss incurred so far as it may be known at the time of presentation of the claim;

v. The name or names of the owner and/or operator and/or any other responsible persons causing the damage; and

vi. The amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective damage, insofar as it may be known at the time of the presentation of the claim together with the basis of computation of the amount claimed.

(e) Any claimant may obtain from the department, upon written request therefor, the names and addresses of the owners and operators of the sanitary landfill.

[(c)] **(f)** (No change in text.)

[(d)] **(g)** (No change in text.)

7:1I-3.4 Investigative hearing

(a) (No change.)

(b) A claimant may request an investigative hearing prior to final agency action on a claim by addressing a written application for such hearing to the [Office of Special Funds Administration] **Director, Office of Sanitary Landfill Claims,** New Jersey Department of Environmental Protection, Labor & Industry Building, CN 402, Trenton, New Jersey 08625.

1. (No change.)

(c)-(i) (No change.)

7:1I-3.5 Contested case hearing

(a) A claimant who considers himself aggrieved by the decision of the department rendered pursuant to N.J.A.C. 7:1I-2.3(d) or 3.3(d) may, within 15 working days of claimant's receipt of such decision, request a hearing by addressing a written application for such hearing to the [Office of Special Funds Administration] **Director, Office of Sanitary Landfill Claims,** New Jersey Department of Environmental Protection, Labor & Industry Building, CN 402, Trenton, New Jersey 08625.

1. (No change.)

(b)-(c) (No change.)

(a)

DIVISION OF WATER RESOURCES

Licensing of Operators of Wastewater and Water Systems

Proposed Repeal: N.J.A.C. 7:10-13
Proposed New Rule: N.J.A.C. 7:10-13

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.

Authority: N.J.S.A. 58:11-64 et seq., specifically 58:11-66, 67 and 69; N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 58:12A-1 et seq.

DEP Docket No. 022-84-04.

Public hearings concerning this rule will be held at the following times and locations.

May 23, 1984
7:30 P.M.
Haddonfield Municipal Building
Auditorium
242 Kings Highway
Haddonfield, New Jersey

May 24, 1984
7:30 P.M.
Parsippany-Troy Hills Municipal Building
Council Chambers
1001 Parsippany Boulevard
Parsippany, New Jersey

Interested persons may submit, in writing, data, views, or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roger S. Haase
Office of Regulatory Services
Department of Environmental Protection
CN 402
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 1984-264.

The agency proposal follows:

Summary

On June 29, 1983 the Water Supply and Wastewater Operators Licensing Act (hereinafter Act), N.J.S.A. 58:11-64 et seq., became effective. This act replaces a number of antiquated licensing acts. It authorizes the department to establish a licensing system to license operators for industrial wastewater treatment systems, public wastewater collection systems, public wastewater treatment systems, public water supply systems and public water treatment systems (hereinafter systems). In order to do this the department is authorized to classify and reclassify systems and operators' licensing requirements for those systems, and establish procedures for obtaining licenses, including examinations and fees.

The department currently has licensing regulations, N.J.A.C. 7:10-13 which will expire pursuant to the act on June 28, 1984. In order to replace these regulations the department established a committee, including representatives of the regulated community, to develop a new set of regulations.

This proposal is the product of that committee. It has been further reviewed and adjusted by the various elements in the Division of Water Resources. It covers much of the same subject matter as the expiring regulations. However, changes have been made in the manner in which it covers that subject matter.

One of the changes concerns fees which are found at proposed new rule N.J.A.C. 7:10-13.8. The department has decided that at least the administrative costs of licensing operators must be covered by fees. This is the reason the fees have been raised.

Another change is in the way systems are classified. The department has established four classes for each type of system. An individual system is put into the proper class by the number of points it receives using the appropriate table found in N.J.A.C. 7:10-13.14. This classification system is based on a similar system developed by the Association of Boards of Certification for of operating Personnel in Water and Wastewater Utilities. The advantage of this classification system is that it makes New Jersey's classification system comparable with those used by many other States. This means that the department may establish reciprocity with other States, which will make it easier for licensees to obtain employment.

In addition to the significant changes described above, this proposal contains material implementing new regulatory requirements of the Act. This proposal establishes licensing requirements and system classifications for public wastewater collection systems and industrial wastewater treatment systems. The new licenses for each of these classifications of systems will allow the licensees to move from one system of the same classification to another without having to obtain a new license. The establishment of these licenses and system classifications will enable the department to better regulate these systems.

The proposed new rule also establishes the Advisory Committee on Training (N.J.A.C. 7:10-13.5). This recognizes an important group which is responsible for the content of the training courses necessary to obtain a licensee. With the ever increasing complexity in treatment processes these courses become more important. It is the department's hope that this committee will be able to guide the training course so that there will be an ever more qualified group of licensees in the future than there is today.

There are three new requirements in the proposal requiring comment. The first is a result of a change in the law. The old law allowed a licensee to renew his license within two years after his license expired. If he failed to renew his license within that two year period he had to requalify for the license by taking another examination. The Act and N.J.A.C. 7:10-13.9(c) now reduce that grace period to one year.

The department has determined that the most complex treatment systems require 24 hour coverage. Therefore, N.J.A.C. 7:10-13.10(c) requires that Class 4 treatment systems have a person holding a treatment license present at the system during that portion of each 24 hour period when the licensed operator is not present.

Thirdly, N.J.A.C. 7:10-13.13(b) requires that applicants for Class 3 and Class 4 public wastewater treatment system licenses have a certain amount of "direct responsible charge" experience before being eligible to take the examination for those licenses. This experience must be obtained while holding a license no less than one grade lower than the license being sought, and at a system classified no less than one classification lower than the license sought. This will ensure that applicants have proper operating experience in responsible positions before taking charge of the operations of the more complex systems.

Social Impact

The proposal new rule should provide a positive social impact. A major aim of the new licensing act is to enable the department to promulgate rules which will ensure that there are an adequate number of qualified operators available to cover all the types of systems that need to be regulated. With the creation of the license requirement for the public wastewater collection system and the creation of transferable licenses for the industrial wastewater treatment systems there should be sufficient licensees for all the systems. In addition, the establishment of the direct responsible charge requirement and Advisory Committee on Training should ensure that licensees are better qualified to do their jobs.

Economic Impact

On balance the economic impact of the rules should be positive. While the additional licensing requirements may slightly increase costs to the consumer, the improvement in the operation of the systems resulting from the new requirements will reduce costs associated with mismanagement. In addition, the new fees shift the cost of administering the licensing program from the general public to the persons directly benefitting from the program.

Environmental Impact

The updated licensing program will help create better qualified operators for the complex water, wastewater and industrial systems. This will lead to better operated systems, which in turn will lead to better water for potable and recreational purposes.

Full text of the proposed repeal can be found in the New Jersey Administrative Code at N.J.A.C. 7:10-13.

Full text of the proposed new rule follows.

SUBCHAPTER 13. WATER SUPPLY AND WASTEWATER COLLECTION AND TREATMENT SYSTEMS: EXAMINAING AND LICENSING OF OPERATORS

7:10-13.1 Scope and construction of rules

(a) This subchapter shall constitute the rules governing the eligibility, examining, and licensing of persons for licenses as operators of Industrial Wastewater Treatment Systems, Public Wastewater Collection Systems, Public Wastewater Treatment Systems, Public Water Treatment Systems and Public Water Distribution Systems.

(b) This subchapter shall be liberally construed to permit the Department to discharge its statutory functions.

(c) If any section, subsection, provision, clause, or portion of this subchapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.

7:30-13.2 Definitions

The following words and terms when used in this subchapter shall have it following meaning unless the context clearly indictes otherwise.

"Act" means the Water Supply and Wastewater Operators Licensing Act, N.J.S.A. 58:11-64 et seq.

"Board" means the Board of Examiners established by N.J.A.C. 7:10-13.3.

"Bureau" means the Bureau of Collections and Licensing, CN 402, Trenton, New Jersey 08625.

"Commissioner" means the Commissioner of the Department of Environmental Protection of the State of New Jersey.

"Department" means the Department of Environmental Protection of the State of New Jersey.

"Licensed operator" means the licensee approved by the Department holding any local title, designation, or job description who is on-site at a system a significant amount of time, although not necessarily full time, and who has active involvement in and is responsible for the operation, and maintenance, and effectiveness of the system and who holds a license equal or superior to that required for the system.

"Licensee" means a person who possesses a valid license issued by the Department pursuant to the Act.

"Industrial Wastewater Treatment System" means any structure or structures by means of which industrial liquid waste or sludges are subjected to any treatment process regulated by the Department pursuant to the New Jersey Pollutant Discharge Elimination System Permit Program, N.J.A.C. 7:14A under the authority of the Water Pollution Control Act N.J.S.A. 58:10A-1 et seq.

"Operating requirements" means provisions of permits or approvals, administrative orders, directives, or rules and regulations which the Department may issue or adopt to ensure the safe and efficient operation of systems, consistent with statutory authority.

"Owner" means any municipality, institution, authority, commission, corporation, person or other similar body who owns a controls a system.

"Public Wastewater Collection System" means a system which serves more than 250 people or conveys more than 25,000 gallons of wastewater per day which is regulated by the Department pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and which system consists of structures which, operating alone or with other structures, result in the collection and conveyance (or transmission) of wastewater from private, commercial, institutional or industrial sources, to public wastewater treatment plants for subsequent treatment.

"Public Wastewater Treatment System" means any structure or structures by means of which domestic, industrial or combined domestic and industrial liquid wastes or sewage are subjected to any process in order to remove or so alter constituents as to render the wastes less offensive or dangerous to public health, safety, welfare, comfort, property or environment of the State or any inhabitants of the State before discharge of the resulting effluent either directly or indirectly into any waters of the State, and which is regulated by the Department pursuant to the authority of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

"Public Water Distribution System" means a system comprising structures which is a public community water system pursuant to the Safe Drinking Water Act Regulations, N.J.A.C. 7:10, and which operating alone or with other structures, results in the derivation, conveyance (or transmission) or distribution of piped water for human consumption and domestic purposes.

"Public Water Treatment System" means any structure delivering water into a public water distribution system and which subjects water, prior to use for potable purposes, to the addition or subtraction of a substance or substances in order to enhance the safeness, palatability, public health, purity, or aesthetic qualities; or reduce the corrosive or hazardous properties of the water used.

"System" means any Industrial Wastewater Treatment System, Public Wastewater Collection System, Public Wastewater Treatment System, Public Water Distribution System or Public Water Treatment System.

"Waters of the State" means the ocean and its estuaries, all springs, groundwater, streams or bodies of surface waters, whether natural or artificial, within the boundaries of this State or subject to its jurisdiction.

7:10-13.3 Examining board

(a) A Board of Examiners is hereby established to advise and assist the Department in the preparation and administration of examinations conducted under the authority of the Act.

(b) The Board shall be comprised of certain engineering personnel of the Department, and actively engaged licensed operators having at least five years experience in the operation of a system in the State of New Jersey and possessing a current license for one or all at the time of appointment. The members of the Board shall be appointed and may be reappointed by the Commissioner and shall:

1. Be appointed for a three year term and shall serve until the appointment of a successor;

2. Be comprised of three representatives from the water works field and three representatives from the wastewater field and three representatives from the Department's engineering personnel in the Division of Water Resources; and,

3. Be subject to removal at the discretion of the Commissioner.

(c) Five members of the Board shall constitute a quorum of the Board for conducting business.

(d) No compensation shall be paid for the services of the members of the Board but they shall be reimbursed for their neceessary expenses incurred in performing the services herein prescribed.

(e) The Board shall keep minutes of its meetings and it shall transmit its recommendations through the Director, Division of Fiscal and Support Services to the Commissioner.

7:10-13.4 Examinations

(a) Examinations for licenses to operate Systems shall be given at least twice annually and at such other times as the Department may deem necessary. They shall be prepared, conducted, and scored in accordance with the Department's standard operating procedures with the advice of the Board.

(b) The examinations may consist of written questions, or oral questions, or a combination thereof.

(c) The Board shall establish examination review procedures which are fair to the applicants and which preserve the integrity of the examinations.

7:10-13.5 Advisory committee on training

(a) An Advisory Committee on Water Supply and Wastewater Licensed Operator Training is hereby established to:

1. Advise the Department through the Board on such matters as are referred to the Committee by the Department or Board with respect to the instructional process leading to State licensing of system operators and for the further educational advancement of licensees;

2. Coordinate the activities of New Jersey educational institutions offering or proposing to offer appropriate coursework.

3. Establish and periodically update standardized course outlines for the educational training of the operators of water supply and wastewater facilities leading to State licenses and specifying a minimum number of classroom hours for each.

4. Periodically review available textbooks in the field of water supply, water treatment and wastewater treatment, and make recommendations for standard textbooks which should be used for approved courses.

5. Act as a clearing house on matters affecting water supply and wastewater licensee training in New Jersey.

(b) The Committee members shall be appointed and may be reappointed by the Commissioner for terms of three years and shall include, as a minimum:

1. One representative from the Division of Fiscal and Support Services, Bureau of Collection and Licensing;

2. One representative who is a Department employee from the Board;

3. Three representatives from the Division of Water Resources;

4. Three representatives from nomination lists submitted by the New Jersey Section American Water Works Association; one of these representatives shall be a licensed operator, one shall represent management and one shall be a member of the Education Committee of the American Water Works Association;

5. Three representatives from nomination lists submitted by the New Jersey Water Pollution Control Association; one of these representatives shall be a licensed operator, one shall represent management and one shall be a member of the Education Committee of the Water Pollution Control Association;

6. One representative from a list submitted by each New Jersey Educational Institution currently conducting courses in water supply or wastewater operations or which has conducted an appropriate course during the preceding academic year.

(c) If a vacancy should occur on the committee during the term of a member, the Commissioner may fill the vacancy by appointing a qualified person for the time remaining in the term.

(d) The Advisory Committee shall meet at least twice each year.

1. Minutes shall be kept.

2. A copy of all recommendations and minutes shall be sent to each member, the Chairman of the Board and the Director of the Division of Water Resources.

(e) Administrative support for the Advisory Committee shall be provided by the Division of Water Resources.

7:10-13.6 Applications

(a) Applications for licenses shall be made on forms to be furnished by the Department and shall be filed with the Department on or before the prestamped closing date on the application form.

1. All applications shall be completed to the satisfaction of the Department and shall be accompanied by documentary evidence supporting education and experience, and the nonrefundable application fee.

2. Applicants shall be advised at least two weeks in advance regarding admission to examinations.

(b) Any applicant who submits false information when aplying for a license may be disqualified from taking the examination or receiving the license. In addition, any licensee whose eligibility for a license was based on the submission of false information is subject to having that license suspended or revoked by the Department.

7:10-13.7 Examination results

An applicant who passes the examination and pays the appropriate license fee shall be issued the license of the classification for which the applicant was examined.

7:10-13.8 Fees

(a) The fee schedule is based upon the approximate cost to the Department to process the action requiring the fee. All fees submitted to the Department are nonrefundable. The following fees must be received by the Department before any action shall be taken on the matter requiring the fee:

1. Application Fee	$35.00
2. Initial License Fee	$25.00
3. Annual License Fee	$20.00
4. Late Renewal Fee	$10.00

7:10-13.9 License renewal requirements

(a) Each license shall be valid from its issue date until the following October 1.

(b) Each license holder shall renew his license by submitting a complete application and the nonrefundable annual license fee to the Bureau, for a new license prior to September 30, of each year.

(c) A licensee who fails to renew his license within one year following the renewal date of the license, may not receive a new license until he successfully passes another qualifying examination.

7:10-13.10 Licensed operator required, penalties

(a) Every owner of a system shall employ a licensed operator holding the license prescribed by the Department for that classification of system. This licensed operator shall be in charge of the operation of the system.

1. If a system is reclassified the licensed operator of the reclassified system may continue as the licensed operator of that system, regardless of the new classification of that system.

(b) Any time the licensed operator is unavailable to cover the system for which he is the licensed operator, the owner shall obtain the services of a licensee holding a license not more than one class lower than the classification required for the operation of the system to cover the system during the unavailability of the licensed operator.

(c) Each class 3 treatment system and class 4 treatment system shall have the appropriate full-time licensed operator. In addition, class 4 treatment systems shall have a licensee possessing a valid treatment license physically present at the treatment system during that portion of each 24-hour period when the licensed operator is not present.

i. Those systems not meeting the above requirements shall have 2 years from the effective date of this subchapter to comply with the above requirements.

(d) Those licensees desiring to be designated the licensed operator for more than one system shall apply for permission from the Department. If the Department grants permission it shall specify the time period of the permission and the minimum number of hours the licensed operator shall spend at each system.

1. The Department reserves the right to limit the number of systems a licensed operator may operate.

2. The licensed operator shall designate in his application for permission the person at the system to contact when the licensed operator is unavailable to the system.

(e) Licensed operators shall notify the department's Bureau of Collections and Licensing at least two weeks prior to changing their positions or employment.

(f) The owner of a system employing a new licensed operator shall notify, in writing, the Bureau of the name of the new licensed operator within two weeks after the licensed operator begins his employment.

(g) No person shall operate a system in violatin of the provisions of the Act, this subchapter or any other operating requirements.

7:10-13.11 Reciprocity with other States

(a) The Department may issue licenses to persons meeting the requirements of N.J.S.A. 58:11-69.

(b) Any person meeting the requirements of N.J.S.A. 58:11-69 may apply to the Department for a license by filing a completed application form and the nonrefundable application fee with the Department.

Secondary Treatment	
Trickling filter or rotating biological contactor w/secondary clarifiers	10
Activated sludge w/secondary clarifiers (including extended aeration and oxidation ditches)	20
Stabilization ponds without aeration	6
Aerated lagoon	10
Advanced Waste Treatment	
Polishing Pond	4
Chemical/physical - without secondary	18
Chemical/physical - following secondary	12
Biological or chemical/biological	14
Ion exchange	12
Reverse osmosis, electrodialysis	16
Chemical recovery, carbon regeneration	6
San filters	5
Solids Handling	
Thickening	6
Anaerobic digestion	12
Aerobic digestion	8
Evaporation sludge drying	2
Mechanical dewatering	10
Solids reduction (incineration, wet oxidation)	14
Composting	5
Disinfection	
Chlorination or comparable treatment	6
On-site generation of disinfectant	6
TOTAL †	

†If unique treatment plant conditions exist, the Department may adjust the facility classification.

i. Table IIa: to be used with the "Variations in Raw Wastes" item in Table II. The system shall be awarded 0 through 10 points based on the following:

The key concept is frequency and/or intensity of deviation or excessive variation from normal or typical fluctuations; such deviation can be in terms of strength, toxicity, shock loads, Inflow/Infiltration etc. Suggested point values are:

Variations do not exceed those normally or typically expected.	0
Recurring deviations or excessive variations of 100 to 200 percent in strength and/or flow.	3
Recurring deviations or excessive variations of more than 200 percent in strength and/or flow.	6
Raw wastes subject to toxic waste discharges which affect plant performance.	10

3. Table III: Point System to be used in Conjunction with Table I for classifying Public Water Treatment Systems. The department shall assign points to the system for each item that applies. The department shall then total the points assigned and place the system in the classifications for that amount of points set forth in Table I above.

Item	Points
Size:	
Maximum population served, (Max 10 pts	1 point per 10,000 or part thereof,
Peak months's production (average day) (Max 10 pts)	1 point per MGD or part thereof,
Water supply source:	
Ground water	6
Surface water	22
Treatment:	
Iron/manganese removal employing oxidation-sedimentation	10
Ion exchange	10
Chemical precipitation softening	20
Coagulation-flocculation-sedimentation	15
Filtration	10
pH adjustment and/or corrosion control	8
Taste and odor control (carbon or oxidants)	8
Fluoridation	8
Disinfection	8
On site generation of disinfectant	5
Reserve osmosis, electrodialysis, etc	15
In plant treatment of plant sludge including recycling but excluding lagooning	6
TOTAL †	

†If unique treatment plant conditions exist, the department may adjust the facility classification.

(b) Public wastewater collection systems (C) and public water distribution systems (W) shall be classified into one of the four classes as determined by the criteria found in Table IV:

1. Table IV: Public wastewater collection systems (C) and public water distribution systems (W) shall be classified in accordance with the population served or the population equivalent as follows.

Facility-Class	Population served or Population Equivalent[1]
C4 or W4	50,001 or more people
C3 or W3	15,001 to 50,000 people
C2 or W2	1,501 to 15,000 people
C1	251 to 1,500 people
W1	101 or more service connections and less than 1,501 people

i. Population equivalent shall only be used to classify public wastewater collection systems and means the number of individuals who would normally be expected to generate a given flow or quantity of pollutants, based either on 100 gallons per person per day or 0.17 lbs. BOD or Suspended Solids per person per day.

(c) On the effective date of this subchapter all industrial wastewater treatment systems including pretreatment plants shall be classified into one of the four classes established in Table V. Each industrial wastewater treatment system's classification shall be based upon the number of points it receives in accordance with Table VI.

1. Table V: Classification of Industrial Wastewater Treatment Systems (N)

FACILITY—CLASS	N1	N2	N3	N4
RANGE OF POINTS	6 to 19	20 to 49	50 to 69	70 or more

2. Table VI: Point system to be used in conjunction with Table V for classifying an industrial wastewater treatment system. The department shall assign points to the system for

(c) The Board shall evaluate the person's application and if it meets the criteria set forth in (a) above, the Department shall, upon receipt of the nonrefundable initial license fee, issue a license to the person.

7:10-13.12 Records and reports

Licensed operators shall submit to the Department, as may be required, reports pertaining to the operation of their system.

7:10-13.13 Conversion of licenses in effect on the effective date of these rules

(a) On the effective date of this subchapter the present public wastewater treatment system licenses, public water treatment system licenses, and the public water distribution system licenses shall be coverted as follows:

1. The 1 level licenses shall become Class 4 licenses;
2. The 2 level licenses shall become Class 3 licenses; and,
3. The 3 level licenses shall become Class 2 licenses.

(b) Each holder of a S-IN license shall be granted a NN license which will permit the licensee to remain the licensed operator of the system at which he is employed on the effective date of this subchapter so long as he meets all requirements of this subchapter except the requirements of N.J.A.C. 7:10-13.15. However the NN license may not be used to meet the licensed operator requirements for any other system.

(c) The department shall begin accepting applications for the new industrial wastewater treatment system licenses on January 1, 1985. The closing date for applications to take the first set of examinations for the new industrial wastewater system license shall be February 28, 1985.

1. The department shall continue to accept applications for examination for the NN license until September 30, 1984.

(d) No paper documenting the new license shall be issued at the time of the conversion. The Department shall issue a new license document in accordance with this section at the time of the annual license renewal, to all persons holding valid licenses who apply for renewal.

(e) Any person operating a public wastewater collection system on the effective date of this subchapter shall be granted the collection system license required to operate that system if the person:

1. Submits a complete application and nonrefundable application fee to the Bureau within six months after the effective date of this subchapter. Said application shall include a notarized statement by the owner of the system that the applicant is the operator of the existing public wastewater collection system;
2. Meets the education and experience requirements, excluding the requirement for a license, set forth in N.J.A.C. 7:10-13.15(b).
3. Pays the nonrefundable initial license fee if notified he is eligible for the license.

(f) Any person employed at a public wastewater collection system on the effective date of this subchapter and who meets the education and experience requirements, excluding the requirement for a license, set forth in N.J.A.C. 7:10-13.15(b), shall be granted a license equal to the license required to operate the collection system where he is employed, if the person:

1. Submits a complete application and nonrefundable application fee to the Bureau within six months after the effective date of this subchapter. Said application shall include a notorized statement by the owner of the system substantiating the applicant's experience.
2. Pays the nonrefundable initial license fee if notified he is eligible for the license.

(g) Any person operating a public wastewater collection system on the effective date of this subchapter who does not meet the requirements of N.J.A.C. 7:10-13.15, shall be issued a CN license restricted to that system, which license shall permit him to continue to operate that system if the person:

1. Submits a complete application and the nonrefundable application fee to the Bureau within six months after the effective date of this subchapter. Said application shall include a notorized statement by the owner of the system that the applicant is the operator of the existing public wastewater collection system.
2. Pays the nonrefundable initial license fee if notified he is eligible for the license.

(h) Owners of public wastewater collection system shall obtain a licensed operator or, if eligible, a restricted licensed operator (CN) by October 1, 1985.

7:10-13.14 System classification

(a) On the effective date of this subchapter all public wastewater treatment systems and public water treatment systems shall be classified into one of the four classes established in Table I. Each public wastewater treatment system's classification shall be based upon the number of points it receives in accordance with Table II. Each public water treatment system's classification shall be based upon the number of points it receives in accordance with Table III.

1. Table I: Classification of Public Wastewater Treatment System(S) and Public Water Treatment System(T)

FACILITY-CLASS	S1 or T1	S2 or T2	S3 or T3	S4 or T4
RANGE OF POINTS	30 and Less	31-55	56-75	76 & greater

2. Table II: Point System to be used in conjunction with Table I for Classifying a Public Wastewater Treatment System. The department shall assign points to the system for every item that applies. The department shall then total the points assigned and place the system in the classification for that amount of points set forth in Table I above.

Item	Points
Size	
Design flow	2 pt. per MGD or part thereof, Max. 20 Points
Effluent Discharge	
Surface Water discharge	2
Land disposal - evaporation	2
Subsurface disposal	4
Effluent used in direct recycle and reuse system	6
Variation in Raw Wastes (slight to extreme)	
Points will be awarded in accordance with Table IIa	0–10
Pretreatment	
Screening, comminution	3
Grit removal	3
Plant pumping of main flow	3
Equalization	3
Primary Treatment	
Primary clarifiers	5
Combined sedimentation/digestion	5
Chemical addition (except chlorination, enzymes, etc)	4

every item that applies. The department shall then total the points assigned and place the system in the classification for that amount of points set forth in Table V above.

Classification Consideration		Point Rating
A. Toxicity Group in accordance with U.S. EPA NPDES Permit Rating System	1. I	1
	2. II	5
	3. III	10
	4. IV	15
	5. V	20
	6. VI	25
B. Receiving Water		
1. Surface Water—FW		5
2. Surface Water—TW		3
3. Surface Water—CW		2
4. Ground Water		5
C. Hydraulic Load		
1. Less than 0.1 MGD		2
2. 0.1-1.0 MGD		4
3. 1.0-10.0 MGD		6
4. Greater than 10.0 MGD		10
D. Primary		
1. pH Adjustment		1
2. Equalization		1
3. Oil Separator		3
4. Dissolved Air Flotation		3
5. Chemical Coagulation/ Flocculation		5
6. Sedimentation/Clarification		3
7. Chemical Addition		2
8. Filtration		5
9. Disinfection		2
E. Secondary		
1. Activated Sludge		15
2. Bio-Filtration		10
3. Stabilization Pond		5
4. Disinfection		2
F. Advanced		
1. Ammonia Removal		10
2. Nutrient Removal		10
3. Filtration		5
4. Carbon Absorption		10
5. Ion Exchange		10
6. Post Aeration		2
G. Sludge Handling/ Disposal		
1. Digestion		5
2. Sludge Conditioning		2
3. Mechanical Dewatering		4
4. Drying Beds or Lagoons		2
5. Thickening or DAF		3
6. On-Site Landfill		2
7. Composting		7
8. Incineration		10
GRAND TOTAL†		________

† If unique treatment plant conditions exist, the department may adjust the facility classification.

7:10-13.15 Criteria needed to take the examination for each license

(a) Persons applying to take an examination for any license except an industrial wastewater treatment system license shall meet the following requirements and possess the minimum education and experience requirements for the license applied for found in Table VII in (b) below.

1. Persons applying to take any examination and holding no degree higher than a high school diploma shall have successfully completed an introductory course approved by the department in the subject matter pertaining to the license being sought, prior to applying to take the examination.

2. Any person applying to take an examination for a class 2, 3 or 4 license shall complete an advanced course approved by the department in the subject matter pertaining to the license being sought, prior to applying to take the examination.

3. Either or both of the courses required above may be waived if the applicant submits satisfactory proof of equivalent training to the department.

i. Such proof of equivalent training shall consist of transcripts and descriptions of relevant courses, including textbooks used in the courses, taken by the applicant.

(b) TABLE VII: Minimum requirements applicants for licenses, except industrial wastewater treatment system licenses shall meet before being admitted to take an examination for each classification.

Personnel Classification	Education	Operating Experience Years
Classification 1	High school Diploma or Equivalency Certificate,	1
	Associate Degree[1]	1
	Bachelor Degree Category.[2]	1
Classification 2	High school Diploma or Equivalency Certificate,	3
	Associate Degree[1]	2
	Bachelor Degree Category.[2]	1.5
Classification 3	High school Diploma or Equivalency Certificate,	6
	Associate Degree[1]	4
	Bachelor Degree Category.[2]	3
Classification 4	High school Diploma or Equivalency Certificate,	10
	Associate Degree[1]	7
	Bachelor Degree Category.[2]	5

1. "Associate Degree" means successful completion of two years of formal college education resulting in an engineering or relevant science degree or post secondary vocational program acceptable to the Department, or a college degree in a field that does not meet the requirements of the Bachelor Degree category.

2. "Bachelor Degree Category" means four years of formal college education resulting in an engineering or a related science degree acceptable to the Department.

3. "Operating Experience" means the full time or equivalent time spent in the satisfactory performance of significant operational duties at a system which is acceptable to the Board. Manufacturing and process experience may be acceptable for operating experience.

(a)

OFFICE OF SCIENCE AND RESEARCH

Laboratory Certification and Standards of Performance

Proposed Amendments: N.J.A.C. 7:18-1.7, 2.2, 2.3, 2.6, 2.7, 2.10, 2.12, 3.3, 3.4, 3.6, 3.7, 3.8, 4.3, 4.4, 4.5, 4.7, 5.4

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 13:1D-1 et seq., 58:10A-1 et seq., 58:12A-1 et seq., and P.L. 1983, c.443.

DEP Docket No. 019-84-04.

Public hearings concerning this rule will be held at the following times and locations:

May 30, 1984
10:00 A.M.
Labor Education Center (Auditorium)
Cook Campus
Rutgers, The State University
Ryders Lane and Clifton Avenue
New Brunswick, New Jersey

May 31, 1984
10:00 A.M.
Rutgers Theater-Fine Arts Building
Rutgers, The State University
326 Penn Street
Camden, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Stephen W. Jenniss
Office of Quality Assurance
CN 402
Trenton, New Jersey 08625

At the close of the comment period, the Department of Environmental Protection may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these amendments, a notice of the adoption shall be published in the Register. The adopted amendments shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-261.

The agency proposal follows:

Summary

The proposed amendments to the Regulations Governing Laboratory Certification and Standards of Performance will establish a revised drinking water and water pollution laboratory certification program. All laboratories wishing to perform water analyses for compliance with regulations adopted or orders issued pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., must be certified by the Department of Environmental Protection in accordance with the procedures set forth in the regulation.

The proposed amendments expand the program's drinking water organic parameter coverage, as well as updates the program's laboratory standards and administrative procedures. A summary of the proposal follows:

N.J.A.C. 7:18-4.5(a)3. The amendment adds drinking water organic parameters with their respective analytical methods to cover the organic parameters identified in the recently approved P.L. 1983, c.443. This amendment requires the usage of several EPA methodologies, including both Gas Chromatography and Gas Chromatography/Mass Spectrometry (GC/MS methods, for the analysis of those contaminants.

N.J.A.C. 7:18-2.10(b), 2.12(b)6, and 2.12(c)10. The amendment revises the procedures for evaluating a laboratory's ability to perform on a gas chromatography method. The laboratory's performance would be based upon its ability to acceptably analyze only three or four organic parameters using a specific methodology, during a proficiency test evaluation.

N.J.A.C. 7:18-2.7(d)7.ii The amendment revises the qualifications of a bioassay supervisor.

N.J.A.C. 7:18-2.7(e). The amendment establishes new qualifications in education and experience for the operator of a CG/MS.

N.J.A.C. 7:18-2.6(b) and (d). The amendment deletes the laboratory certification fee exemption to coincide with the NJPDES permit fee procedure which is to charge the appropriate fee as stated in N.J.A.C. 7:18-2.6(a) as the laboratory certification portion of the NJPDES permit fee.

N.J.A.C. 7:18-2.3 The amendment abolishes the granting of interim approvals to NJPDES testing laboratories.

Subchapters 3 and 4. The proposal revises the general laboratory standards for chemical and microbiological testing to meet current EPA and State requirements.

Social Impact

Industrial, municipal and private laboratories analyze environmental samples on a daily basis. The data generated from these samples is used for compliance with State regulatory requirements, as well as assessment of water and wastewater quality by the public. Implementation of the proposed amendments will result in the upgrading of the quality of data currently being generated by these water and wastewater laboratories.

Implementation of the proposed amendments will also provide water and wastewater treatment facilities with a supply of good quality laboratories which may be used for monitoring daily plant operations and the quality of the finished water or discharge. These good quality laboratories may also be utilized by the general public for the analysis of pollutants in private water supplies, streams, lakes or other environments.

Economic Impact

The regulated community must presently meet the regulatory requirements of the certification program. The proposed amendments only update the standards of the current program and increases the program's parameter's coverage. Therefore, no economic burden will result.

Environmental Impact

The proposed amendments will expand the laboratory certification program's drinking water parameter coverage to include the volatile organic parameters listed in the recently approved P.L. 1983, c.443. The intent of the proposed amendments and the current regulation is to regulate and upgrade the quality of the data being generated by water and wastewater laboratories by setting and enforcing laboratory standards. The resultant data generated from these laboratories must be accurate and precise for assessing water and wastewater quality if the Department is to carry out its environmental, programmatic and enforcement activities.

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

SUBCHAPTER 1. GENERAL PROVISIONS

7:18-1.7 Definitions

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

...

"Certified thermometer" is a thermometer that has documentation from the manufacturer showing that it has been [calibrated with] **compared against** a National Bureau of Standards thermometer **for the temperature ranges employed by the labortory** and the correction factors from that [calibration] comparison.

...

"40 CFR 136" means the "Guidelines Establishing Test Procedures for the Analysis of Pollutants", as amended, which were duly promulgated as regulations by the Administrator of the United States Environmental Protection Agency.

"Indicator parameter" means a parameter which is identified in a proficiency test and is used to evaluate the overall analytical performance of a laboratory on that specific method. The laboratory's performance on analyzing an indicator parameter is then used to determine the laboratory's certification status on all parameters covered by that analytical method.

...

SUBCHAPTER 2. PROGRAM PROCEDURES AND REQUIREMENTS

7:18-2.2 Categories for certification

(a) A laboratory may apply for certification in any one or more of the following categories and shall be certified in those parameters within the category for which it demonstrates acceptable performance on proficiency samples, when available, and meets all other requirements of this chapter. The laboratory certificate shall specify the categories and the parameters within each category for which the laboratory is certified and shall be conspicuously displayed in the laboratory in a location visible to the public. The certification categories are as follows:

1.-3. (No change.)

4. Gas Chromatography, which comprises tests or analyses required to determine compliance with the Safe Drinking Water Act and the State Primary Drinking Water Regulations, and the Water Pollution Control Act and the New Jersey Pollutant Discharge Elimination System Regulations for which the gas chromatography method is applicable or required. Tests for the Gas Chromatography category shall be conducted in accordance with the methods and procedures specified in 40 CFR 141 **and N.J.A.C. 7:18-4.5** for compliance with the Safe Drinking Water Act and the State Primary Drinking Water Regulations, and 40 CFR 136 for compliance with the Water Pollution Control Act and the New Jersey Pollutant Discharge Elimination System Regulations.

5.-6. (No change.)

7:18-2.3 Application procedures for laboratories located in New Jersey including special provisions for the phase-in of the New Jersey Pollutant Discharge Elimination System Laboratory Certification Program.

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

(c) If the applicant submits a complete application, the appropriate fee, proficiency data if required, and the information submitted meets the minimum requirements of this chapter for the category or categories for which certification is requested, the application shall be accepted. Acceptance of the application does not authorize the laboratory to perform water analyses regulated by this chapter. The applicant shall be notified of the acceptance and shall participate in the following laboratory evaluation:

1. (No change.)

2. Limited Chemistry, Atomic Absorption and Gas Chromatography:

i. (No change.)

ii. The laboratory shall analyze the proficiency samples and return the proficiency data, within [30] **45** days of its receipt of the samples to the Office of Quality Assurance, Division of Water Resources, CN 029, Trenton, New Jersey 08625 [within 30 days of its receipt of the samples];

iii. (No change.)

iv. Acceptable analysis for a value in all **water pollution** parameters [excluding trihalomethane parameters] occurs when the reported value falls within the 99 percent confidence interval calculated by the USEPA from available performance evaluation data of USEPA and State Laboratories;

v. Acceptable analysis for a value in all drinking water parameters excluding trihalomethane parameters occurs when the reported value falls within the 95 percent confidence inter-

val calculated by the USEPA from available data of USEPA and State laboratories;

[v.]**vi.** Acceptable analysis for a trihalomethane parameter occurs when the reported value falls within the acceptance limits calculated by the USEPA as ± 20 percent of the true value;

[vi.]**vii.** The laboratory shall have three separate opportunities to acceptably analyze one of three different sets of proficiency samples for each parameter;

[vii.]**viii.** If the laboratory's analytical values for the proficiency samples are acceptable, the Department shall contact the laboratory to arrange a mutually acceptable date for an on-site laboratory inspection;

[viii.]**ix.** If the laboratory demonstrates, during the on-site inspection, that it is in compliance with the requirements of this chapter, then it shall be certified in the category and the parameters within the category for which it has acceptably analyzed proficiency samples.

[ix.]**x.** If performance evaluation samples are not available, then the evaluation of the laboratory will be based only on the on-site laboratory inspection.

3. (No change.)

(d)–(e) (No change.)

(f) The following special provisions are applicable to the phase-in of the New Jersey Pollutant Discharge Elimination System Laboratory certification program:

1. The owner of a laboratory who [requests certification] **has been issued an interim approval** in parameters within categories for the New Jersey Pollutant Discharge Elimination System laboratory certification program [may apply to the Department for certification after July 1, 1981. The applicant] shall follow the procedures and meet all the requirements of all previous subsections of this section except that:

i. The laboratory [shall be] **that has been** granted an interim approval [which will authorize the laboratory] **is** authorize**d** to perform analyses for the New Jersey Pollutant Discharge Elimination System program while the laboratory is being evaluated for certification;

ii. The interim approval shall be valid until the laboratory is certified or June 30, [1982] **1985,** whichever is earlier, where the laboratory demonstrates to the satisfaction of the Department that it is making good faith efforts and diligently seeking to meet the requirements for certification;

iii. A laboratory that fails to acceptably analyze the proficiency samples or otherwise fails to meet the requirements of this chapter for certification shall be allowed to remain in the interimly approved status until June 30, [1982] **1985** if the laboratory submits an acceptable plan to correct the deficiencies within 30 days of receiving notification of its deficiencies, to the Department's Office of Quality Assurance, Division of Water Resources, CN 029, Trenton, New Jersey 08625;

[iv. On July 1, 1982 State Certified NJPDES Laboratories shall follow the normal renewal of certification procedures set forth in N.J.A.C. 7:18-2.5;

v. On July 1, 1982 laboratories having interim approvals to perform analyses for the New Jersey Pollutant Discharge Elimination System and any other laboratories wishing to be initially certified to perform analyses for the New Jersey Pollutant Discharge Elimination System program shall apply for certification pursuant to this section, and the following shall apply:

(1) Laboratories meeting the application requirements of this section shall be granted an interim approval to perform analyses for the parameters within the categories for which they are seeking certification; and

(2) This interim approval shall be valid until the laboratory is certified or notified that the interim approval is revoked due to the laboratory's failure to meet the certification standards set forth in this section.]

[vi.]**iv.** Laboratories notified that their interim approval has been revoked shall immediately cease performing analyses required to be performed in a certified laboratory for compliance with the Water Pollution Control Act and the New Jersey Pollutant Discharge Elimination System Regulations and shall comply with (e) above before reapplying for certification.

7:18-2.6 Fees

(a) (No change.)

[(b) The owner of a laboratory holding a NJPDES permit pursuant to N.J.A.C. 7:14A-1 et seq. is exempt from the laboratory fee requirement for the laboratory performing the NJPDES analyses because the fee is included in the NJPDES administrative costs.]

[(c)]**(b)** The annual fees shall not be prorated and shall apply in full to any portion of the fiscal year which remains prior to the annual renewal date, June 30.

[(d)]**(c)** This section is applicable to interimly approved laboratories [except for those exempted by (b) above].

7:18-2.7 Required laboratory personnel policies

(a)–(c) (No change.)

(d) The laboratory supervisor shall possess the qualifications for the category which he/she supervises, or for laboratories applying for New Jersey Pollutant Discharge Elimination certification during the period in which the Department offers interim approvals, meet the requirements of (d)8 below:

1. (No change.)

2. If a laboratory performs tests or analyses in the category of Limited Chemistry for chlorine residual, pH, **temperature,** turbidity, or settleable solids, the supervisor shall have had at least one year of laboratory training or experience in chemistry;

3. If the laboratory performs tests or analyses in the category of Limited Chemistry **for parameters other than chlorine residual, pH, temperature, turbidity, or settleable solids,** the supervisor shall hold a bachelor's degree in chemistry or in a biological science from an accredited institution and, subsequent to graduation, shall have had at least one year of laboratory training or experience [required] in chemistry;

4.–6. (No change.)

7. If the laboratory performs tests in the category of Bioassay, the supervisor shall:

i. (No change.)

[ii. Have subsequent to graduation at least one year of laboratory training or experience in the bioassay procedure being considered for certification; and]

ii. Have subsequent to graduation at least one year of laboratory training or experience in the bioassay procedure being considered for certification; or

(1) A master's degree from an accredited institution in a biological or environmental science may be substituted for the one year of laboratory training or experience requirement, as specified in 7ii above, provided the applicant can demonstrate competency in the operation of bioassay equipment and methodologies by having successfully completed at least six definitive bioassays prior to applying for supervisor. Competency in test organism handling, sample handling/preservation, test and data methodologies must be documented. The

documentation shall be available during an inspection by a representative of the Department; and

iii. (No change.)

8. (No change.)

(e) If a laboratory performs tests or analyses utilizing gas chromatography/mass spectrometry (GC/MS), the GC/MS operator shall:

1. Meet the requirements of N.J.A.C. 7:18-2.7(d)5;

2. Have completed a formal training course in GC/MS; and

3. Have six months experience in the operation of GC/MS equipment.

[(e)]**(f)** Experience in a certified laboratory which was gained prior to acquiring a bachelors degree may be substituted on an equivalency basis of 1.5 years of such experience for every one year of post-degree training and experience required.

7:18-2.10 Proficiency testing

(a) Except when determined by the Department that an appropriate proficiency test is not readily available, all certified laboratories or laboratories seeking certification shall participate in a proficiency testing program covering all tests, analyses and analytical methods as made available within the category and categories in which the laboratory is certified or seeks certification.

1. In the Gas Chromatography category, a laboratory's performance on a specific analytical method may be determined by the ability of the laboratory to acceptably analyze three or four indicator parameters during a proficiency test.

(b)-(f) (No change.)

(g) Certified laboratories that desire to extend the range of tests or analyses offered shall **submit a written request**, comply with the requirements of N.J.A.C. 7:18-2.3 [and] or 2.4, and shall demonstrate satisfactory results in at least one round of proficiency testing samples prior to the inclusion of this test or analysis in the list of tests or analyses for which proficiency has been established.

7:18-2.12 Cancellation, suspension, and revocation of certification

(a) (No change.)

(b) The Department may temporarily suspend a laboratory's certification in any or all categories or in any parameter when the laboratory fails to fully meet the standards of this chapter and the failure does not merit immediate decertification action. The Department shall notify the laboratory by letter of its suspension and the reason therefor. Suspension may be invoked for, but are not limited to, the following reasons:

1.-4. (No change.)

5. For all categories except Radiological **and Gas Chromatography** Testing, failing to acceptably analyze both the high and low values for any one parameter during a proficiency test shall be grounds for suspension in the parameter; [or]

6. (No change.)

7. For the Gas Chromatography category, failing to acceptably analyze both the high and low values for any one parameter during a proficiency test shall be grounds for suspension in all parameters covered by that gas chromatography method.

(c) Certification may be revoked by order of the Department for due cause, including, but not limited to:

1.-8. (No change.)

9. For all categories except Radiological **and Gas Chromatography** Testing, failing to acceptably analyze both the high and low values for any one parameter during a proficiency test shall be grounds for decertification in the parameter;

10. (No change.)

11. For the Gas Chromatography category, failing to acceptably analyze both the high and low values for any one parameter during a proficiency test shall be grounds for decertification in all parameters covered by that gas chromatography method; or

[11.]**12.** Performing and charging for additional tests or analyses that have not been requested by the customer, falsifying analyses, or engaging in other unethical or fraudulent practices.

(d) (No change.)

SUBCHAPTER 3. CRITERIA AND PROCEDURES FOR MICROBIOLOGICAL TESTING AND ANALYSIS

7:18-3.3 Laboratory equipment, supplies and materials

(a) Laboratories performing microbiological tests and analyses shall have on the premises and under the control of the laboratory supervisor the equipment and instruments listed in this section necessary for the preparation [and analyses] of the specific media and **analysis of the** samples for which the laboratory is seeking certification or is certified. Such instruments, when required, shall meet the following specifications:

1. [Laboratories performing pH analysis shall have available at least one pH meter and the] **The** pH meters shall have an accuracy of **and scale graduations within** ± 0.1 unit.

2. (No change.)

3. Temperature-monitoring devices shall meet the following requirements.

i. (No change.)

ii. Continuous temperature recording devices shall be sensitive and accurate to within [0.5 degrees C] **1.0 degrees C**;

iii.-iv. (No change.)

4. Air or water-jacketed incubators, aluminum block incubators, incubator rooms, and water baths shall meet the following requirements:

i. (No change.)

ii. Incubators **and water baths** must maintain internal temperatures of 35.0 ± 0.5 degrees C for total coliform and fecal streptococci analysis, and 44.5 ± 0.2 degrees C for fecal coliform analysis, in the area of use at maximum loading;

iii. (No change.)

iv. The water bath or aluminum block shall be equipped with a calibrated thermometer graduated in increments of at least 0.2 degrees C and the temperature recorded daily;

[iv]**v.** Whenever an air incubator is in use, a calibrated thermometer with its bulb immersed in liquid shall be placed on [one of] the **top and bottom** shelves in use within the incubator; and the temperature within the incubator shall be recorded daily; [or] **and**

[v]**vi.** A recording thermometer, sensitive and accurate to a temperature[s] of [± 0.5 degrees C in the case of total coliform and fecal streptococci incubators and ± 0.2 degrees C in the case of fecal coliform incubators, shall be used and the recording tape shall be checked daily] **1 degrees C may be used to monitor the general operation of the unit.**

5. The antoclave shall meet the following requirements:

i. (No change.)

ii. The autoclave shall [have pressure and temperature gauges on the exhaust side, and shall have] **be equipped with an accurate thermometer, a separate pressure gauge, and** a safety valve that is in good operating condition;

iii.-iv. (No change.)
6. The hot air oven shall meet the following requirements:
i.-ii. (No change.)
iii. A calibrated thermometer **in at least 10 degrees C increments** with its bulb placed in sand shall be placed on one of the shelves in use within the hot air oven.
7.-8. (No change.)
9. Inoculation equipment shall meet the following requirements:
i. The diameter of inoculation loops shall be at least 3mm and the loops shall be constructed of [22 to] 24 **to 26** gauge Nichrome, chromel, or platinum - iridium wire;
ii.-iii. (No change.)
10.-12. (No change.)
13. Sample bottles shall meet the following requirements:
i.-iv. (No change.)
v. Pre-sterilized plastic bags containing 10 mg. of sodium thiosulfate may be used for collecting drinking water samples for total coliform analyses.
14.-18. (No change.)

7:18-3.4 Sample collection, handling, and preservation
(a)-(l) (No change.)
(m) Pre-sterilized plastic bags containing 10 mg of sodium thiosulfate may be used for collecting drinking water samples for total coliform.

7:18-3.6 General laboratory practices
(a) Laboratory sterilization practices shall meet the following requirements:
1. The following times and temperatures shall be used for sterilization of materials by autoclaving:

Material	Temperature/Minimum Time
Membrane filter and pads	121°C/10 min.
Carbohydrate-containing media (lauryl tryptose, brilliant green lactose bile broth, etc.)	121°C/12-15 min.
Contaminated materials and discarded tests	121°C/30 min.
Membrane filter assemblies (wrapped), sample collection bottles (empty), individual glassware items	121°C/[30]**15** min.
Rinse water volumes of 500 ml to 1,000 ml	121°C/[45]**15** min.
Rinse water in excess of 1,000 ml	121°C/time adjusted for volume; check for sterility
Dilution water blanks	121°C/[30]**15** min.

2. Membrane filter assemblies **made of metal** shall be [sterilized] **autoclaved** after each sample filtration series, the end of which is marked by the lapse of 30 minutes or more between sample filtrations;
3. Membrane filter assemblies made of glass or plastic may be sterilized by two minutes of exposure in an ultraviolet sterilizer unit, provided its use does not affect the validity of the results and the ultraviolet lamps are tested with a light meter and a spread plate irradiation test is performed quarterly.
[3.]**4.**-[4.]**5.** (No change.)
(b) (No change.)
(c) Rinse water and dilution water used by the laboratory shall meet the following requirements:
1. Stock buffer solution shall be prepared in accordance with Standard methods, [14th] **15th** Edition on Microbiological Methods - EPA, using laboratory pure water adjusted to pH 7.2;
2.-3. (No change.)
4. Rinse and dilution water shall be prepared by adding 1.25 ml of stock buffer solution **and 5 ml of magnesium chloride solution** per liter of laboratory pure water, and the final pH shall be 7.2 ± [10.1]**0.1**.
(d)-(e) (No change.)

7:18-3.7 Quality control program
(a) Each laboratory shall develop and have on file and available for inspection a written description of the current laboratory quality control program. Such written description shall outline the procedures which the laboratory will use in meeting the quality control requirements set forth in this section and N.J.A.C. 7:18-3.4 and 7:18-3.6. Management, supervisors, and analysts should participate in developing the quality control program. Each participant within the laboratory should have a copy of the quality control program and detailed guidelines for implementation of the participants responsibility. A record of analytical control tests and quality control checks on media, materials, and equipment shall be prepared by the laboratory and retained for at least five years.
1. Laboratories shall perform the following analytical quality control tests to ensure that general laboratory practices and methodology are in compliance with the requirements of this subchapter:
i.-vii. (No change.)
viii. Requirements for laboratory pure water:

pH	5.5 - 7.5
Conductivity	Greater than [0.2]**0.5** megohm-cm as resistivity or less than [5.0]**2.0** micromhos/cm as conductance at 25 degrees C
Trace metals: [A single metal] **Pb, Cd, Cr, Cu, Ni and Zn**	Not greater than 0.05 mg/L
Total metals **not limited to those above**	Equal to or less than 1.0 mg/L
Test for bactericidal properties of distilled water Standard Methods, 14th Edition p. 888, or Microbiological Methods EPA, p.200)	0.8 - 3.0
Free chlorine residual	0.0
Standard plate count	Less than [10,000] **1,000** colonies/mL

ix.-xv. (No change.)
xvi. Laboratories shall maintain an acceptable quality control program covering each method or procedure for testing and analyses performed by the laboratory in order to verify and assess accuracy, measure precision, and detect errors in the results of such tests and analyses [;].[additionally, such quality control program shall meet the following specific requirements:
(1) Biological solutions, reagents, and media shall be tested and inspected on each day of use for reactivity and deterioration, and the results of such tests and inspections shall be recorded; and
(2) Each batch of medium for microbiological testing shall be tested with selected organisms, either before or concur-

The hunting periods for hunting [area 22] **areas 14 and 22** shall be:

1. Monday, April [23] **22**-Friday, April [27] **26**
2. Monday, April [30] **29**-Friday, May [4] **3**
3. Monday, May [7] **6**-Friday, May [11] **10**
4. Monday, May [14] **13**-Friday, May [18] **17**

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

(f) Method: The taking of one male wild turkey with firearm or bow and arrow under a special wild turkey permit will be permitted in [seven] **nine** designated turkey hunting areas by holders of a special wild turkey permit.

1. Special wild turkey permits will be issued on an individual basis to holders of valid [1984] **1985** firearm or archery hunting licenses. Only one application per person may be submitted for the spring wild turkey season.

(g) (No change.)

(h) Applying for a Wild Turkey Hunting Permit

1. Only holders of valid [1984] **1985** firearm or archery hunting licenses, including juvenile licenses may apply by detaching from the hunting license the stub marked "Special Spring Turkey", signing as provided on the back, and sending the stub together with a computer card application form which has been properly completed in accordance with instructions. Application cards may be obtained from:

i.-iii. (No change.)

2. (No change.)

3. Fill in the application form to include: name, address, [1984] **1985** firearm or archery hunting license number, turkey hunting area applied for, hunting period applied for, and any other information requested. Only those applications will be accepted for participation in random selection by card sorting machine which are received in the Trenton office during the period of February 14-March 1, [1984] **1985**, inclusive. Applications received after March 1 will not be considered. DO NOT SEND FEE WITH THE APPLICATION. Selection of permittees will be made on the basis of a random selection of computer cards.

4. (No change.)

5. Successful applicants will be notified by mail. The computer card and the permit issuance fee of $5.00 in the form of a check or money order, made payable to "Division of Fish, Game and Wildlife" must be returned by mail before March 23, [1984] **1985**. The Spring Turkey Hunting Permit will then be issued. Permits not claimed by March 23 will be immediately reallocated in the same random manner as the original selection and be returnable two weeks thereafter.

(i) Applying for the Special Farmer Spring Turkey Permit

1. Only the owner or lessee of a farm, who resides thereon, or immediate members of his family 10 years of age or older who also reside thereon, may apply on forms provided for a special farmer spring turkey permit. Under this section a farm is an area of five acres or more and producing a gross income in excess of $500.00 and is tax assessed as farmland. Special farmer spring turkey permits will be issued only in those Turkey Hunting Areas where a spring gobbler season is prescribed.

2. Application forms may be obtained from the Division of Fish, Game and Wildlife, CN 400, Trenton, N.J. 08625, or from Conservation Officers.

3. Fill in the application form to include: Name, age, address and any other information requested thereon. THIS APPLICATION MUST BE NOTARIZED. Properly completed application forms will be accepted in the Trenton office only during the period of February 14-March 1, 1985. There is no fee required and all qualified applicants will receive a special farmer spring turkey permit delivered by mail.

4. Only one application may be submitted per individual.

[i.] **(j)** Use of Spring Turkey Hunting Permit **and Special Farmer Spring Turkey Permit.**

1. The spring turkey hunting permit is valid only in the turkey hunting area (THA) designated and during the time period designated and is not transferable. The spring turkey hunting permit hunter is responsible for hunting in the correct THA and time period as indicated and in ascertaining the boundaries. **The Special Farmer Spring Turkey Permit is valid only on the farm designated on the application and is not transferable.**

2. The spring turkey hunting permit is not transferable from turkey hunting area to turkey hunting area, or from hunting period to hunting period, [or] from individual to individual **or from farm to farm**. The permit must be used in the Turkey Hunting Area, in the hunting period, and by the individual to whom it was issued.

[j.] **(k)** Turkey Hunting Area Map (on file at the Office of Administrative Law)

1984 SPRING TURKEY HUNTING
SEASON PERMIT QUOTAS

Turkey Hunting Area Number	Weekly Permit Quota	Season Total	Portions of Counties Involved
1	100†	400	Sussex
2	120†	480	Sussex, Warren
3	80†	320	Sussex, Warren
4	100†	400	Sussex, Warren, Morris
5	100†	400	Sussex
6	150†	600	Sussex, Passaic, Bergen
7	**150†**	**600**	**Sussex, Morris, Passaic**
14	**100‡**	**400**	**Burlington, Ocean**
22	**100‡**	**400**	Atlantic, Cape May, Cumberland
	[750] **1000**	[3000] **4000**	

†Applied to each of the four hunting periods (A, B, C, D) in areas 1-[6] **7**:

A. Monday, April [30] **29**-Friday, May [4] **3**
B. Monday, May [7] **6**-Friday, May [11] **10**
C. Monday, May [14] **13**-Friday, May [18] **17**
D. Monday, May [21] **20**-Friday, May [25] **24**

‡Applied to each of the four hunting periods (A, B, C, D) in [area 22] **areas 14 and 22**.

A. Monday, April [23] **22**-Friday, April [27] **26**
B. Monday, April [30] **29**-Friday, May [4] **3**
C. Monday, May [7] **6**-Friday, May [11] **10**
D. Monday, May [14] **13**-Friday, May [18] **17**

[(k)[**(l)** Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:4-2, 23:4-11, 23:4-12 and other applicable statutes.

[(l)] **(m)** Location of Turkey Hunting Areas:

1. (No change.)
2. Turkey Hunting Area #2

That portion of Sussex and Warren Counties lying within a continuous line beginning at the intersection of Rt. 94 and the Blairstown-Millbrook Road at Blairstown; then northwest along the Blairstown-Millbrook Road to Millbrook Village; then northwest along the Millbrook-Flatbrookville Road to its intersection with the Flatbrook at Flatbrookville; then south along the west bank of the Flatbrook to its confluence with the Delaware River; then north along the east bank of the Delaware River to the intersection with Rt. 521 at Dingman's Ferry; then east along Rt. 521 to its intersection with Rt. 206; then southeast along Rt. 206 to its intersection with Rt. 519 at Branchville; then south along Rt. 519 to its intersection with Rt. 94 at Newton; then southwest along Rt. 94 to the point of beginning at Blairstown. [Shapnack Island lying in the Delaware River is included in this Hunting Area.]

3.-6. (No change.)

7. Turkey Hunting Area #7

That portion of Sussex, Passaic and Bergen Counties lying within a continuous line beginning at the intersection of Route 23 and Route 517 at Hardystonville; then east along Rt. 23 to its intersection with Rt. 202 at Wayne; then south and west along Rt. 202 to its intersection with Rt. 287; then south along Rt. 287 to its intersection with Rt. 80; then west along Rt. 80 to its intersection with Rt. 183 at Netcong; then east along Rt. 183 to its intersection with Rt. 206; then north along Rt. 206 to its intersection with Rt. 517; then northeast along Rt. 517 to the point of beginning at Hardystonville.

8. Turkey Hunting Area #14

That portion of Burlington and Ocean Counties lying within a continuous line beginning at the intersection of Rt. 70 and Rt. 72; then northeast along Rt. 70 to its intersection with Rt. 88 at Laurelton; then east along Rt. 88 to Bay Head; then south along the Atlantic coast to Ship Bottom; then west along Rt. 72 to the point of beginning.

[7.] **9.** Turkey Hunting Area #22

That portion of Atlantic, Cape May and Cumberland Counties lying within a continuous line beginning at the intersection of Rt. 55 and Rt. 552 spur; then east along Rt. 552 spur to its intersection with Rt. 552; then east along Rt. 552 to its intersection with Rt. 557; then southeast along Rt. 557 to its intersection with Rt. 50; then southeast along Rt. 50 to its intersection with Rt. 9 at Seaville; then south along Rt. 9 to its intersection with Rt. 83 at Clermont; then west along Rt. 83 to its intersection with Rt. 47; then west and north along Rt. 47 to its intersection [with Rt. 55; when north along Rt. 55 to the point of beginning] **with Dennis Creek; then west along the shore of Delaware Bay to its intersection with Rt. 49 at Millville; then east along Rt. 49 to its intersection with Rt. 55; then north along Rt. 55 to the point of beginning.**

7:25-5.8 Mink (Mustela vison) and muskrat (Ondatra zibethicus) Nutria (Myocaster coypus) trapping only

(a) (No change.)

(b) The duration of the mink, muskrat and nutria trapping season is as follows:

1. Northern Zone: 6.00 A.M. on November 15, [1983] **1984** through March 15, [1984] **1985**, inclusive, except on State Fish and Wildlife Management Areas.

2. Southern Zone: 6.00 A.M. on December 1, [1983] **1984** through March 15, [1984] **1985**, inclusive, except on State Fish and Wildlife Management Areas.

3. (No change.)

4. On State Fish and Wildlife Management Areas: 6:00 A.M. on January 1 through March 15, [1984] **1985** inclusive.

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

7:25-5.9 Beaver (Castor canadensis) trapping

(a) (No change.)

(b) The duration of the trapping season for beaver shall be February 1 through February [29, 1984] **28, 1985**, inclusive.

(c) Special Permit: A special $5.00 permit obtained from the Division of Fish, Game and Wildlife is required to trap beaver. (If the number of applications received in the Trenton office exceeds the quotas listed, a random drawing will be held to determine permit holders.) Applications must be received in the Trenton office during the period December [13, 1983-January 3, 1984] **1, 1984-December 25, 1984**. Applicants may apply for only one beaver trapping permit and must provide their 1984 trapping license number. Permits will be allotted on a zone basis as follows: Zone 1-[13] **9**, Zone 2-[3] **7**, Zone 3-[2] **3**, Zone 4-3, Zone 5-3, Zone 6-[2] **3**, Zone 7-[2] **3**, Zone 8-[6] **3**, Zone 9-[2] **4**, Zone 10-[9] **11**, Zone 11-4, Zone 12[[7] **6**, Zone 13-1, Zone 14-4, Zone 15-0. Total [61] **64**. **Successful applicants must provide their 1985 Trapping License Number to the Division before permit will be issued.**

(d) (No change.)

(e) A "beaver transportation tag" provided by the Division must be affixed to each beaver taken immediately upon removal from trap, and all beaver must be taken to a designated beaver checking station at the times and dates specified on the beaver permit and in any case no later than March [10, 1984] **9, 1985**.

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

7:25-5.10 River Otter (Lutra canandensis) trapping

(a) (No change.)

(b) The duration for the trapping of otter shall be February 1 through February [29, 1984] **28, 1985**, inclusive.

(c) Special Permit: A special $5.00 permit obtained from the Division of Fish, Game and Wildlife is required to trap otter. (If the number of applications received in the Trenton office exceeds the quotas listed, a random drawing will be held to determine permit holders). Beaver permit holders will be given first opportunity for otter permits in their respective zones. Applications must be received in the Trenton office during the period December [13, 1983-January 3, 1984] **1, 1984-December 25, 1984**. Only 1 application per person may be submitted for trapping otter and applicants must provide their 1984 trapping license number. Permits will be allotted on a zone basis as follows: Zone 1-6, Zone 2-3, Zone 3-4, Zone 4-[6] **5**, Zone 5-5, Zone 6-[5] **6**, Zone 7-3, Zone 8-7, Zone 9-3, Zone 10-7, Zone 11-[6] **5**, Zone 12-9, Zone 13-14, Zone 14-[5] **7**, Zone 15-10. Total [93] **94**. Successful applicants must provide their 1985 Trapping License Numbers to the Division before permit will be issued.

(d) (No change.)

(e) The "otter transportation tag" provided by the Division must be affixed to each otter taken immediately upon removal from the trap. All otter pelts and carcasses must be taken to a beaver-otter check station at dates specified on the otter permit, and in any case no later than March [10, 1984] **9, 1985**, where a pelt tag will be affixed and the carcass surrendered.

(f)-(h) (No change.)

(i) Beaver and Otter Zone Descriptions:

Zone 1: That portion of Sussex County lying within a continuous line beginning at the intersection of the New York-New Jersey state line with Rt. 519, then south on Rt. 519 to its intersection with Rt. 23, then south on Rt. 23 to its intersection with Rt. 519 at Colesville, then south on Rt. 519 to its intersection with County Rt. 636 above Branchville, then west on 636 to its intersection with Rt. 206, then south on Rt. 206

Frederick A. Carlson, Acting Chief
Bureau of Wildlife Management
Division of Fish, Game and Wildlife
Department of Environmental Protection
CN 400
Trenton, New Jersey 08625

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

This proposal is known as PRN 1984-262.

The agency proposal follows:

Summary

The proposed 1984-85 Game Code states when, under what circumstances, in what locations, by what means, and in what amounts and numbers, game birds, game animals, and furbearing animals may be pursued, taken, killed or had in possession.

The proposed amendments include the following revisions:

1. Season date adjustments to correspond with the 1984-85 calendar, including date changes for the regular and early small game seasons.
2. The addition of two turkey hunting areas and the expansion of one existing area with an allocation of 1,000 additional turkey hunting permits, and a provision to provide special farmer permits allowing farmers to spring turkey hunt on their own land.
3. Adjustments in permit allocations for the trapping of beaver and otter; a change in the dates during which applications will be accepted and changes in boundaries of two beaver and otter zones.
4. Extension of the pheasant season in certain areas of northern and southern New Jersey until the end of the late small game season.
5. Provision for the use of .36 caliber or smaller muzzleloading rifles for squirrel hunting during the late season in certain areas.
6. Adjustments in the season lengths and bag limits for archery and either-sex shotgun seasons in certain deer management zones and provisions allowing muzzleloading rifle and winter archery hunters to obtain a second tag after harvesting a deer. Adjustments in the either sex and muzzleloading rifle season permit quotas.
7. Elimination of the restrictions on fox and raccoon hunting during the muzzleloading rifle deer season.
8. Provision for the use of smoothbore muzzle loaders with a single projectile or missile during the muzzleloading rifle deer season and grammatical changes in descriptions of certain other weapons to clarify their meaning.
9. Expansion of the area in which steel shot must be used by waterfowl hunters.
10. Removal of the Clinton Wildlife Management Area from the controlled hunting program.

Social Impact

The modifications being made of the Game Code are relatively minor in that there are no significant changes to permit quotas, hunting seasons or hunting areas. However, certain impacts will be felt regarding these minor changes.

Additional hunting areas have been established, including two new turkey hunting areas, increasing hunting opportunity. Adjustments have been made to deer hunting permit quotas, season lengths and bag limits to more effectively manage deer populations within deer management zones.

Farmers will now be eligible to receive spring turkey hunting permits to hunt on their own property.

Availability of a second deer tag for successful muzzleloader and winter archery hunters will provide additional recreation without significant impact on the deer population. Allowing the use of muzzleloading rifles during the late squirrel season will also increase recreational opportunity and provide for harvest of this underutilized species.

Changes in the descriptions of mechanical holding devices will clarify questions relating to the use of these devices by archers.

An extension of the pheasant season in certain areas of the State will expand the opportunity of sportsmen to harvest pen-reared pheasants.

Expansion of the area in which the use of steel shot is required may result in some increased expense to waterfowl hunters. At the same time, however, it will reduce the availability of potentially toxic lead shot to waterfowl.

Other minor changes in dates and bag limits are designed to offer sportsmen additional recreational opportunity.

Economic Impact

There may be minor economic impact as a result of changes in permit quotas, certain new regulations and some minor adjustments to hunting season dates. The Department cannot, however, foresee any specific economic impact or detriment arising from the proposed amendments.

Environmental Impact

Annual revisions to the Game Code ensure the preservation and maintenance of the State's wildlife resources.

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

7:25-5.1 General provisions

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

(c) This Code, when adopted and when effective, shall supersede the provisions of [1982-83] **1983-84** Game Code.

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

7:25-5.2 [Male] Pheasant-Chinese ringneck (Phasianus colchicus torquatus), English or blackneck (P.c. colchicus), Mongolian (P.c. mongolicus), Japanese green (Phasianus versicolor); including mutants and crosses of above

(a) The duration for the male pheasant season is November [12] **10**, to December [3] **1**, inclusive and December [12] **10** through January [7, 1984] **5, 1985** excluding December [14 & 15] **12, 13 & 14** in those deer management zones in which a special shotgun deer season is authorized and also excluding any extra Special Permit Deer Season Day if declared open.

(b) The duration for the male pheasant season for properly licensed persons engaged in falconry is September 1 to December [3] **1** inclusive and December [12] **10** through March 31, [1984] **1985** excluding November [11] **10** and December [14 & 15, 1983] **12, 13 & 14, 1984** in those deer management zones in which a special shotgun deer season is authorized and also excluding any extra Special Permit Deer Season Day if declared open.

(c) (No change.)

(d) The duration of the season for pheasants of either sex in the area described as Warren County north of Route 80, Morris County north of Route 80, Ocean County south of Route 70 and the counties of Sussex, Passaic, Bergen, Hudson, Essex, Camden, Atlantic and Cape May is November 10 to December 1, inclusive and December 10 through February 9, 1985 excluding December 12, 13 and 14 in those deer management zones in which a special shotgun deer season is authorized and also excluding any extra Special Permit Deer Season Day if declared open. The pheasant season on wildlife management areas shall close on January 5, 1985.

[(d)] **(e)** The hours for hunting pheasants on November [12] **10** will be 8:00 A.M. to ½ hour after sunset. All other days on which the hunting for pheasants is legal, the hours shall be sunrise to ½ hour after sunset.

[(e)] **(f)** Hen Pheasants: In the area described as Warren County north of Route 80, Morris County north of Route 80, Ocean County South of Rt. 70, and in the Counties of Sussex, Passaic, Bergen, Hudson, Essex, Camden, Atlantic, and Cape May, and on all State Fish and Wildlife Management Areas, the daily bag limit shall be 2 pheasants of either sex. Unlawful to take or attempt to take female pheasants elsewhere or to have female pheasants in possession afield other than in areas above described.

[(f)] **(g)** The opening of the season on semi-wild preserves shall coincide with the listed statewide openings of November [12] **10**.

[(g)] **(h)** Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:3-32, 23:4-2, 23:4-8, and other applicable statutes.

7:25-5.3 Cottontail rabbit (Sylvilagus floridanus), Black-tailed jack rabbit (Lepus californicus), white-tailed jack rabbit (Lepus townsendii) european hare (Lepus europeus), chukar partridge (Alectoris graeca), and quail (Colinus virginianus)

(a) The duration of the season for the hunting of the animals enumerated by this section shall be November [12] **10** through December [3] **1** inclusive, and December [12, 1983] **10, 1984** to February [11, 1984] **9, 1985** excluding December [14 & 15, 1983] **12, 13 & 14, 1984** in those deer management zones in which a special shotgun deer season is authorized and also excluding any extra Special Permit Deer Season Day if declared open.

(b) The duration of the season for the hunting of the animals enumerated by this section for properly licensed persons engaged in falconry shall be September 1 to December [3] **1** inclusive and December [12] **10** through March 31, [1984] **1985** excluding November [11] **9** and December [14 & 15, 1983] **12, 13 & 14, 1984** in those deer management zones in which a special shotgun deer season is authorized and also excluding any extra Special Permit Deer Season Day if declared open.

(c) (No change.)

(d) The hunting hours for the animals enumerated in this section are as follows: November [12] **10**, 8:00 A.M. to ½ hour after sunset. On all other days for which hunting for these animals is legal, the hours shall be sunrise to ½ hour after sunset.

(e) (No change.)

7:25-5.4 Ruffed grouse (Bonasa umbellus)

(a) The duration of the season for the hunting of grouse in that portion of the state situated north of Rt. 70 from Pt. Pleasant west to Camden shall be October [5] **3** through December [3] **1** inclusive and December [12] **10** to February [11, 1984] **9, 1985**, excluding December [14 & 15, 1983] **12, 13 & 14, 1985** in those deer management zones in which a special shotgun deer season is authorized and excluding any extra special deer permit season day that is declared open.

(b) The duration of the season for the hunting of grouse in that portion of the state situated south of Rt. 70 from Pt. Pleasant west to Camden shall be October [22] **20** through December [3, 1983] **1, 1984** inclusive and December [12] **10** to February [11, 1984] **9, 1985**, excluding December [14 & 15, 1983] **12, 13 & 14, 1984** in those deer management zones in which a special shotgun deer season is authorized and also excluding any extra special deer permit season day that is declared open.

(c) (No change.)

(d) The hunting hours for ruffed grouse shall be sunrise to ½ hour after sunset, with the exception of November [12]**10** when legal hunting hours shall be 8:00 A.M. to ½ hour after sunset.

(e) (No change.)

7:25-5.5 Eastern gray squirrel (Sciurus carolinensis)

(a) The duration of the season for the hunting of squirrels in that portion of the state situated north of Route 70 from Pt. Pleasant west to Camden shall be October [15] **13** through December [3, 1983] **1, 1984** inclusive and December [12] **10** to February [11, 1984] **9, 1985** excluding December [14 & 15, 1983] **12, 13 & 14, 1984** in those deer management zones in which a special shotgun deer season is authorized and also excluding any extra special permit season day if declared open.

(b) The duration of the season for hunting squirrels in that portion of the state situated south of Rt. 70 from Pt. Pleasant west to Camden shall be October [22] **20** through December [3, 1983] **1, 1984** inclusive and December [12] **10** to February [11, 1984] **9, 1985** excluding December [14 & 15, 1983] **12, 13 & 14, 1984** in those deer management zones in which a special shotgun deer season is authorized and also excluding any extra special deer season day that is declared open.

(c) The duration of the season for the hunting of squirrels for properly licensed persons engaged in falconry shall be September 1 to December [3]**1** inclusive and December [12] **10** through March 31, [1984] **1985** excluding December [14 & 15, 1983] **12, 13 & 14, 1984** in those deer management zones in which a special shotgun deer season is authorized and also excluding any extra Special Permit Deer Season Day if declared open.

(d) (No change.)

(e) Hunting hours for squirrels shall be sunrise to ½ hour after sunset, with the exception of November [12] **10** when legal hunting hours shall be 8:00 A.M. to ½ hour after sunset.

(f) (No change.)

7:25-5.6 (No change.)

7:25-5.7 Wild turkey (Meleagris gallapavo)

(a) The duration of the Spring Wild Turkey Gobbler hunting season shall include four separate hunting periods of five days each. The hunting periods for hunting areas [1-6] **1-7** shall be:

1. Monday, April [30] **29**-Friday, May [4] **3**
2. Monday, May [7] **6**-Friday, May [11] **10**
3. Monday, May [14] **13**-Friday, May [18] **17**
4. Monday, May [21] **20**-Friday, May [25] **24**

rently with use of the medium, to conform the required growth characteristics, selectivity, enrichment, and biological response, and the results of such tests shall be recorded;]

2. The following procedures shall be followed in performing quality control checks of laboratory media, equipment, and supplies:

i. (No change.)

ii. Top loader or pan balances shall [be calibrated annually; calibration shall] be checked monthly against class "S" weights, and a record shall be made of each calibration check;

iii. (No change.)

iv. The temperature of air or water-jacketed incubators, water baths, and incubator rooms shall be either recorded continuously or recorded **twice** daily from in-place thermometers immersed in liquid and placed on [at least one of the] **the top and bottom** water volumes of 500 ml toshelves in use;

v.-viii. (No change.)

ix. Washing processes shall be adequate to provide clean glassware with no stains or spotting, and at the time of initial use of a detergent or washing product and whenever the brand or type of washing product is changed, the rinsing process shall demonstrate that the detergent or washing product provides glassware free of toxic material by the inhibitory residue test as set forth in Standard Methods, 14th Edition, P.885, or Microbiological Methods - EPA, P.199;

(1) Test each batch of clean glassware for acid or alkaline residues by adding bromthymol blue indicator to representative items;

x.-xiv. (No change.)

xv. Testing should be carried out on [media and] membranes to determine recovery and performance as compared to a previously acceptable lot of [media and] membranes;

xvi. (No change.)

xvii. Heat sensitive tapes, [and] spore strips, or spore ampoules should be used during sterilization, and, it is recommended that a maximum registering thermometer be used;

xviii. All reagents and solutions shall be [labelled] **labeled** to indicate identity and, when applicable, [titer] strength or concentration, recommended storage requirements, preparation or expiration date, and other information pertinent to identification;

xix.-xx. (No change.)

7:18-3.8 Records and data reporting

(a) Each laboratory shall maintain **bound** records and report data in accordance with the requirements set forth in this section.

(b) [Records] **Bound records** of microbiological analysis shall be kept by the laboratory for not less than five years. This requirement is equally applicable to all raw data, quality control data, chain of custody forms and laboratory reports.

(c)-(j) (No change.)

SUBCHAPTER 4. CRITERIA AND PROCEDURES FOR CHEMICAL TESTING AND ANALYSES

7:18-4.3 Specifications for laboratory equipment and instrumentation

(a) Laboratories which have received certification or are seeking certification to perform any of the required chemical analyses, shall have on the premises and under the control of the laboratory manager, all of the equipment and instruments necessary to analyze each parameter in which the laboratory is certified, or is seeking certification and such equipment and instruments shall meet the following specifications:

1. Analytical balance shall meet and be operated in accordance with the following specifications:

i.-v. (No change.)

vi. Two class "S" weights shall be available for checking the analytical balance.

2.-14. (No change.)

15. Laboratory glassware should be made of borosilicate glass that is resistant to damage by heat, chemicals, and repeated use. When applicable, Class A volumetric glassware shall be used and need not be calibrated before use. The following criteria and procedures apply to laboratory glassware:

i. Unless otherwise specified, borosilicate [or] bottles shall be used for the storage of reagents and standard solutions;

ii.-iii (No change.)

16.-17. (No change.)

7:18-4.4 Sample collection, handling and preservation

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

(c) Sample collection, handling, and preservation techniques required by the analytical methods listed in Table III shall be followed for the organic parameters analyzed by these methods.

[(c)]**(d)** (No change.)

[(d)]**(e)** (No change.)

[(e)]**(f)** (No change.)

7:18-4.5 Methodology

(a) Analytical methods for drinking water parameters

1.-2. (No change.)

3. Test procedures set out in the following Table III shall be utilized for the analysis of the parameters identified in the Interim Safe Drinking Water Act Testing Schedule for Hazardous Contaminants by Public Community Water Systems, N.J.A.C. 7:10-14.

Table II (No change.)

Table III — Interim Methodology for Drinking Water Parameters

Parameter	Method Description	Method EPA (4)	EPA (5)
Trichloroethylene	Gas Chromatography	601	
	Gas Chrom./Mass. Spec.	624	
Tetrachloroethylene	Gas Chromatography	601	
	Gas Chrom./Mass. Spec.	624	
Carbon Tetrachloride	Gas Chromatography	601	
	Gas Chrom./Mass. Spec.	624	
1,1,1,-Trichloroethane	Gas Chromatography	601	
	Gas Chrom./Mass. Spec.	624	
1,2-Dichloroethane	Gas Chromatography	601	
	Gas Chrom./Mass. Spec.	624	
Vinyl Chloride	Gas Chromatography	601	
	Gas Chrom./Mass. Spec.	624	
Methylene Chloride	Gas Chromatography	601	
	Gas Chrom./Mass. Spec.	624	
1,1,-Dichloroethylene	Gas Chromatography	601	
	Gas Chrom./Mass. Spec.	624	
tran-1,2-Dichloroethylene	Gas Chromatography	601	
	Gas Chrom./Mass. Spec.	624	
Benzene	Gas Chromatography	602	
	Gas Chrom./Mass. Spec.	624	
Chlorobenzene	Gas Chromatography	601	
	Gas Chromatography	602	
	Gas Chrom./Mass. Spec.	624	
Dichlorobenzene	Gas Chromatography	601	
	Gas Chromatography	602	
	Gas Chrom./Mass. Spec.	625	
Polychlorinated Biphenyls	Gas Chromatography	608	
	Gas Chrom./Mass. Spec.	625	

Chlordane	**Gas Chromatography**	**608**	
	Gas Chrom./Mass. Spec.	**625**	
Trichlorobenzene(s)	**Gas Chromatography**	**612**	
	Gas Chrom./Mass. Spec.	**625**	
Xylenes	**Gas Chromatography**	**602**	**503.1**
	Gas Chron/Mass. Spec.	**625**	

REFERENCES

(1) "Standard Methods for the Examination of Water and Wastewater", American Public Health Association, 14th Edition.

(2) "Methods for Chemical Analysis of Water and Wastes", Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1979.

(3) "Annual Book of ASTM Standards", American Society for Testing Materials, Part 31.

(4) "Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater", United States EPA - 600/4-82-057, July 1982.

(5) "The Analysis of Aromatic Chemical Indicators of Industrial Contamination in Water by the Purge and Trap Method", USEPA - 600/4-81-057.

7:18-4.7 Quality control program

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

(e) Laboratories shall perform the following internal quality control checks:

1. Each analytical balance shall be checked and adjusted annually by a service person employed by the laboratory or by a balance consultant. The accuracy of each analytical balance shall be checked once a month using at least two class "S" weights **one in the gram range and one in the milligram range.** The weights used, weight detected to nearest 0.1 mg, dates on which checks were performed, analyst, and other pertinent information shall be recorded in a log book.

2. (No change.)

3. Each pH meter shall be cleaned immediately after each use period and calibrated prior to usage with two pH buffer standards [and records of each calibration shall be maintained. It is recommended that the buffer standards bracket] **bracketing** the value to be measured [.] **and the calibration recorded. A daily check shall be made of the pH meter by setting the meter to pH 7.00 with a buffer standard and then without further adjustment, reading pH buffer standards of pH 4.00 and 10.00 and recording the actual readings.**

4.-7. (No change.)

8. Standard curves used in analysis of parameters in the Limited Chemistry category shall be prepared as follows:

i. Standard curves consisting at a minimum of one reagent blank and five standards shall be prepared with each analysis[;]. **The absorbance or transmittance reading for each standard shall be based upon the average of three replicate readings of each standard; or**

ii. A standard curve consisting at a minimum of a reagent blank and five standards shall be prepared and shall be used with each subsequent analysis provided the standard curve is verified by using at least one reagent blank and one standard at or near the maximum contaminant level (MCL) in the case of analyses under the Safe Drinking Water Program, or in the case of analyses under the NJPDES program at the concentration levels normally encountered in such analyses. **The absorbance or transmittance reading for each standard shall be based upon the average of three replicate readings of each standard.** A new standard curve should be prepared on a daily basis or whenever a new reagent is prepared, and shall be prepared on at least a quarterly basis. Such verifications shall be considered satisfactory if, and only if, the results are within ± 10 per cent of the original curve. All data used [on] **in drawing** the curve, **shall be so indicated on the curve,** and record shall be made of the verification containing the dates on which such verifications were performed, the results of the verification, and the name of the analyst who performed the check.

9.-22. (No change.)

23. Dissolved oxygen meters shall be checked weekly using the Winkler Method and the results recorded.

7:18-4.8 Records and data reporting

(a) Records of chemical analysis, including but not limited to all raw data, calculations, quality control data, and laboratory reports, shall be kept in a bound form by the laboratory for at least five years.

(b)-(f) (No change.)

SUBCHAPTER 5. CRITERIA AND PROCEDURES FOR RADIOLOGICAL TESTING AND ANALYSIS

7:18-5.4 Preservation of samples, methodology, and major instrumentation

(a) Table [III] **IV** below gives the minimum requirements for sample handling including preservation, methodology, and major instrumentation TABLE [III] **IV** SAMPLE HANDLING, PRESERVATION, METHODOLOGY[1] AND MAJOR INSTRUMENTATION (minimum requirements).

(No change in table.)

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Fish and Game Council 1984-85 Game Code

Proposed Amendment: N.J.A.C. 7:25-5

Authorized by: Fish and Game Council, Anthony DiGiovanni, Chairman.
Authority: N.J.S.A. 13:1B-30 et seq. and 23:1-1 et seq.

DEP Docket No. 020-84-04.

A **public hearing** concerning this proposal will be held on June 12, 1984 at 8:00 P.M. at:

Trenton State College Student Center
Room 202W
Pennington Avenue, (Route 31)
Trenton, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 12, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

to Rt. 521, then southwest on 521 to its intersection with County Rt. 617, then south on Rt. 617 to its intersection with Rt. 624 near Fairview Lake, then northwest on Rt. 624 to its intersection with Rt. 615, and then west on 615 to the Delaware River, then north along the Delaware River to the state line and south along the state line to Rt. 519, the point of beginning.

Zone 2: That portion of Sussex County lying within a continuous line beginning at the intersection of the New York-New Jersey state line with Rt. 519, then south on Rt. 519 to its intersection with Rt. 23, then south on Rt. 23 to its intersection with Rt. 519 at Colesville, then south on Rt. 519 to its intersection with County Rt. 636 above Branchville, then west on 636 to its intersection with Rt. 206, then southeast on Rt. 206 to its intersection with Rt. 15 at Ross Corner, then south on Rt. 15 to its intersection with Rt. 517 at Sparta, then north on Rt. 517 to its intersection with Rt. 23, then east on Rt. 23 to its intersection with Rt. 515 at Stockholm, then north on Rt. 515 to its intersection with Rt. 94 at Vernon, then north on Rt. 94 to the state line, then west along the state line to its intersection with Rt. 519, the point of beginning.

Zone 4: That portion of Sussex and Warren Counties lying within a continuous line beginning at the intersection of Rt. 615 and the Delaware River at Flatbrookville, then east along 615 and the Delaware River at Flatbrookville, then east along 615 to its intersection with Rt. 624, then south on Rt. 624 to its intersection with Rt. 617, then north on 617 to its intersection with Rt. 521 then northeast on Rt. 521 to its intersection with Rt. 206, then south on Rt. 206 to its intersection with Rt. 94 at Newton, then south on Rt. 94 to its intersection with Rt. 608 at Marksboro, then south on Rt. 608 to its intersection with Rt. 521, then south on Rt. 521 to its intersection with Rt. 80 near Hope, then west on Rt. 80 to the Delaware River near Columbia, then north and northeast along the Delaware River to its intersection with Rt. 615, the point of beginning.

Zone 5: That portion of Sussex and Warren Counties lying within a continuous line beginning at the intersection of the Delaware River and Rt. 80 at Columbia, then east on Rt. 80 to its intersection with Rt. 521 near Hope, then north on Rt. 521 to its intersection with Rt. 608, then northeast on Rt. 608 to its intersection with Rt. 94 at Marksboro, then north and east on Rt. 94 to its intersection with Rt. 206 at Newton, then north on Rt. 206 to its intersection with Rt. 15 at Ross Corner, then south on Rt. 15 to its intersection with Rt. 517 at Sparta, then southwest on Rt. 517 to its intersection with Rt. 46 at Hackettstown, then west on Rt. 46 to the Delaware River, then north on the Delaware River to Rt. 80 at Columbia, the point of beginning.

Zone 6: That portion of Warren, Morris, Sussex, Passaic Counties lying within a continuous line beginning at the intersection of Rt. 46 and Rt. 517 in Hackettstown, then north on Rt. 517 to its intersection with Rt. 23 at Franklin, then south on Rt. 23 to its intersection with Rt. 699 (Berkshire Valley Rd.) at Oak Ridge, then south on Rt. 699 to its intersection with Rt. 15, then south on Rt. 15 to its intersection with Rt. 80, then west on Rt. 80 to its intersection with Rt. 10 near Ledgewood, then east on Rt. 10 to its intersection with Rt. 513, then west on Rt. 513 to its intersection with Rt. 517 at Long Valley then north on 517 to its intersection with Rt. 182, then north on Rt. 182 to its intersection with Rt. 46, then northwest on Rt. 46 to its intersection with Rt. 517 at Hackettstown, the point of beginning.

Zone 7: That portion of Morris, Passaic and Essex Counties lying within a continuous line beginning at the intersection of Rt. 699 (Berkshire Valley Rd.) and Rt. 23 at Oak Ridge, then southeast on Rt. 23 to its intersection with Rt. 80 near Singac, then west on Rt. 80 to its intersection with Rt. 287, then south on Rt. 287 to its intersection with Rt. 10 near Whippany, then west on Rt. 10 to its intersection with Rt. 80 at Ledgewood, then east on Rt. 80 its intersection with Rt. 15, then north on Rt. 15 to its intersection with Rt. 699 at Mt. Hope, then north on Rt. 699 to its intersection with Rt. 23 at Oak Ridge, the point of beginning.

Zone 8: That portion of Ocean County lying within a continuous line beginning at the intersection of Rt. 537 and Rt. 539 at Hornerstown, then south on Rt. 539 to its intersection with Rt. 72 near Howardsville, then east on Rt. 72 to its intersection with Rt. 532, then east on Rt. 532 to the Atlantic Ocean, then north along the Atlantic Ocean to its intersection with Rt. 528 at Mantoloking, then west along Rt. 528 (527/528) to its intersection with Rt. 195 near Jackson Mills, then west along Rt. 195 to its intersection with 537 near Holmeson, then southwest along 537 to its intersection with 539 at Hornerstown, the point of beginning.

Zone 9: That portion of Ocean and Burlington Counties lying within a continuous line beginning at the intersection of Rt. 537 and Rt. 539 at Hornerstown, then south on Rt. 539 to its intersection with Rt. 72 near Howardsville, then northwest on Rt. 72 to its intersection with Rt. 532, then west on Rt. 532 to its intersection with Rt. 206 near Tabernacle, then north on Rt. 206 to its intersection with Rt. 537 at Chambers Corner, then east on Rt. 537 to its intersection with Rt. 539 at Hornerstown the point of beginning.

Zone 10: That portion of Burlington, Camden and Atlantic Counties lying with a continuous line beginning at the intersection of Rt. 623 (Taunton Rd.) and Rt. 541 near Medford, then southeast on Rt. 541 to its intersection with Rt. 532, then east on Rt. 532 to its intersection with Rt. 563 at Chatsworth, then south on Rt. 563 to its intersection with Rt. 30 at Egg Harbor, then northwest on Rt. 30 to its intersection with Rt. 561 near Hammonton, then northwest on Rt. 561 to its intersection with Rt. 73 at Blue Anchor then north on Rt. 73 to its intersection with Spur 536 (Taunton-Hopewell Rd.) near Tansboro then north on Spur 536 to its intersection with Rt. 623 near Taunton Lake, then north on Rt. 623 to its intersection with Rt. 541 near Medford, the point of beginning.

Zone 11: That portion of Ocean, Burlington and Atlantic Counties lying within a continuous line beginning at the intersection of Rt. 563 and Rt. 532 at Chatsworth then east on 532 to its intersection with Rt. 72, then southeast on Rt. 72 to its intersection with Rt. 532 near Howardsville, then east on Rt. 532 to the Atlantic Ocean, then south along the Atlantic Ocean to the Absecon light house in Atlantic City, then northwest on Rt. 30 to its intersection with Rt. 563 in Egg Harbor, then north on Rt. 563 to its intersection with Rt. 532 at Chatsworth, the point of beginning.

Zone 12: That portion of Atlantic, Gloucester, Camden and Cape May Counties lying within a continuous line beginning at the intersection of Rt. 322 and Spur 536 at Williamstown, then northeast on Spur 536 to its intersection with Rt. 73 near Tansboro, then south on Rt. 73 to its intersection with Rt. 561 at Blue Anchor, then southeast on Rt. 561 to its intersection with Rt. 30 near Hammonton, then southeast on

Rt. 30 to the Absecon Lighthouse in Atlantic City, then south along the Atlantic Ocean [to Corson's Inlet and Rt. 50 near] **to Sea Isle Boulevard (Rt. 625) in Sea Isle, then west on Sea Isle Boulevard to its intersection with Rt. 50** at Seaville, then northwest on Rt. 50 to its intersection with Rt. 557 near Buck Hill, then northwest on 557/555 to its intersection with Rt. 322 near Williamstown, then east on 322 to its intersection with Spur 536 at Williamstown, the point of beginning.

Zone 13: That portion of Cape May, Atlantic and Cumberland Counties lying with a continuous line beginning at the intersection of Rt. 557 and County Rt. 671 at Buena, then southeast on Rt. 557 to its intersection with Rt. 50 near Buck Hill, then south on Rt. 50 [to Seaville and Corson's Inlet] **to its intersection with Rt. 9 at Seaville, and south on Rt. 9 to its intersection with Sea Isle Boulevard (Rt. 625) at Ocean View; then east on Sea Isle Boulevard to the Atlantic Ocean**, then south along the Atlantic Ocean, then north along the Delaware Bay to its intersection with East Point Rd. in Heislerville Management Area, then north on East Point Rd. to its intersection with Rt. 616 (Dorchester-Heislerville Rd.), then north on Rt. 616 to its intersection with Rt. 740, then northeast on Rt. 740 to its intersection with Rt. 47, then north on Rt. 47 to its intersection with Rt. 646 (Cumberland-Port Elizabeth Rd.) near Port Elizabeth, then north on Rt. 646 to its intersection with Rt. 49 near Cumberland, then west on Rt. 49 to its intersection with Rt. 671 (Union Rd.) then north on Rt. 671/71 to its intersection with Rt. 557 near Buena, the point of beginning.

Zone 14: That portion of Cumberland, Salem, Gloucester and Atlantic Counties lying within a continuous line beginning at the intersection of Delaware Bay and the west bank of the Maurice River, then north along the west bank of the Maurice River to Rt. 631, then north along Rt. 631 to its intersection with Rt. 553, then north along Rt. 553 to its intersection with Rt. 536/322 at Glassboro, then east along Rt. 322/536 to its intersection with Rt. 555 near Williamstown, then south along Rt. 555/557 to its intersection with Rt. 71 (Union Rd.) near Buena, then south on Rt. 71/671 to its intersection with Rt. 49 at Cumberland, then east on Rt. 49 to its intersection with Rt. 646 (Cumberland-Port Elizabeth Rd.) then south on Rt. 646 to its intersection with Rt. 47 at Port Elizabeth, then south on Rt. 47 to its intersection with Rt. 740, then southwest on Rt. 740 to Rt. 616 (Dorchester-Heislerville Rd.) then south on Rt. 616 to East Point Rd. in Heislerville Mgt. Area, then south on East Point Rd. to the Delaware Bay, then west along the Delaware Bay to its intersection with the west bank of the Maurice River, the point of beginning.

Zone 15: That portion of Salem and Cumberland Counties lying within a continuous line beginning at the intersection of the Delaware River and Rt. 25 at Oakwood Beach, then east on Rt. 25 to its intersection with Rt. 49 at Salem, then southeast on Rt. 49 to its intersection with Rt. 32, then east on Rt. 32 to its intersection with Rt. 540, then east on Rt. 540 to its intersection with Rt. 553 at Centerton, then south on Rt. 553 to its intersection with Rt. 631 near Port Norris, then south on Rt. 631 to the Delaware Bay, then northwest along the Delaware Bay and Delaware River to its intersection with Rt. 25 at Oakwood Beach, the point of beginning.

7:25-5.11 Raccoon (Procyon lotor), Red Fox (Vulpes fulva), Gray Fox (Urocyon cinereoargenteus) and Virginia Opossum (Didelphis virginiana), Striped Skunk (Mephitis mephitis), Long-tail Weasel (Mustela frenata), Shorttail Weasel (Mustela erminea), Coyote (Canis latrans). Trapping Only.

(a) (No change.)

(b) The duration of the regular raccoon, red fox, gray fox, Virginia opossum, striped skunk, long-tail weasel, short-tail weasel and coyote trapping season shall be 6:00 A.M. on November 15, [1983] **1984** to March 15, [1984] **1985**, inclusive, except on State Fish and Wildlife Management Areas.

(c) The duration for trapping on State Fish and Wildlife Management Areas shall be after 6:00 A.M. on January 1, through March 15, [1984] **1985**, inclusive.

(d)-(h) (No change.)

7:25-5.12 (No change.)

7:25-5.13 Migratory Birds

(a) Should any open season on migratory game birds, including waterfowl, be set by federal regulation which would include the date of November [12, 1983] **10, 1984**, the starting time on such date will be 8:00 A.M. to coincide with the opening of the small game season on that date. However, this shall not preclude the hunting of migratory game birds, including waterfowl, on the tidal marshes of the state as regularly prescribed throughout the season by federal regulations.

(b) (No change.)

(c) No person shall take, attempt to take, hunt for or have in possession, any migratory game birds including waterfowl, except at the time and in the manner prescribed by the code of federal regulations of the U.S. Department of the Interior, U.S. Fish and Wildlife Service, for the [1983-84] **1984-85** hunting seasons. The species of migratory game birds, including waterfowl, that may be taken or possessed and unless otherwise provided the daily bag limits shall be the same as those prescribed by the U.S. Department of the Interior, U.S. Fish and Wildlife Service for the [1983-84] **1984-85** hunting season.

(d)-(h) (No change.)

(i) Federal [duck stamp is] **and state waterfowl stamps are** required for hunting ducks and geese for everyone 16 years of age or over. Regular state valid hunting license is also required to hunt ducks and geese.

(j)-(k) (No change.)

(l) No person shall take migratory game birds:

1.-10. (No change.)

11. Before 8:00 A.M. on November [12, 1983] **10, 1984**. However this shall not preclude the hunting of migratory game birds on tidal waters or tidal marshes of the State.

12.-13. (No change.)

14. Except at the time and manner prescribed by the state or federal regulation, or by the [1983-84] **1984-85** Game Code.

15.-19. (No change.)

(m) Seasons and bag limits

1. Whistling swan (Cygnusolor columbianus), and dove (Zenaida macroura) are protected. There will be no open season on these birds during [1983-84] **1984-85**.

2. Rail and Gallinule

i. The duration of the season for hunting clapper rail (Rallus longirostris, Virginia rail (Rallus limicola), sora rail (Porzana carolina) and common gallinula (Gallinula chloropus) shall be September 1 through November [9, 1983] **9, 1984** inclusive.

ii. (No change.)

3. Woodcock

i. North Zone: The duration of the season for huntingwoodcock (Philohela minor) in that portion of the state situated north of Route 70 from Point Pleasant west to Camden shall be October [5] **6** through November [28, 1983] **29, 1984**.

ii. South Zone: The duration of the season for huntingwoodcock in that portion of the state situated south of Route 70 from Point Pleasant west to Camden shall be October [22] **27** through December [3, 1983] **1, 1984** inclusive and December [12] **15** to [December 23, 1983] **January 2, 1985** including December [14 & 15] **12, 13 & 14** in those deer management zones in which a special shotgun deer season is authorized and also excluding any extra Special Permit Deer Season Day if declared open.

iii. (No change.)

iv. Hunting hours for woodcock are sunrise to sunset except on November [12] **10**, when the hunting hours are 8:00 A.M. to sunset.

(n) (No change.)

7:25-5.14 Special regulation limiting use of shotgun shells containing lead pellets

(a) No person shall have in possession or use in hunting water-fowl and coot or any snipe, rail or gallinules after the season for hunting waterfowl commences any shotgun shell containing lead shot or lead pellets in the following designated area of New Jersey.

1. [The state and federal designated steel shot area is bounded on the north by the Shark River on the west by the Garden State Parkway, on the south by the Cape May Canal and on the east by the Atlantic Ocean.] **The State and federal designated steel shot area includes that portion of Monmouth, Ocean, Burlington Atlantic and Cape May Counties lying within a continuous line beginning at the Atlantic Ocean and the Shark River; then up the Shark River to the Garden State Parkway; then south along the Garden State Parkway to its intersection with Route 9; then south along Route 9 to its intersection with Route 542; then west along Route 542 to its intersection with Route 563 at Greenbank; then south along Route 563 to its intersection with Route 50 at Egg Harbor; then south along Route 50 to its intersection with Route 557 at Tuckahoe; then west and south along Route 557 to its intersection with Route 47; then west along Route 47 to its intersection with Stimpson Island Road at Eldora; then south along Stimpson Island Road to its intersection with the West Creek; then south along the east bank of the West Creek to the Delaware Bay; then along a straight line bearing of 225° SW to the New Jersey-Delaware State Line in the Delaware Bay; then southeast along the New Jersey-Delaware line to the Atlantic Ocean; then north along the Atlantic Ocean to the Shark River, the point of beginning.**

2. (No change.)

(b) (No change.)

(c) (No change.)

7:25-5.15 Common crow (Corvus brachyrhynchos)

(a) Duration for the season for hunting the common crow shall be Monday, Thursday, Friday and Saturday from August [20, 1983]**20, 1984** through March [31, 1984] **30, 1985** inclusive, excluding December [5-10] **3-8** December [15, 1983] **12, 13 & 14, 1984** in those deer management zones in which a special regular firearm deer season is authorized.

(b) (No change.)

(c) The hours for hunting crows shall be sunrise to ½ hour after sunset, except on November [12] **10** when the hours are 8:00 A.M. to ½ hour after sunset.

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

7:25-5.16 (No change.)

7:25-5.17 Raccoon (Procyon lotor) and Virginia opossum (Didelphis virginiana) hunting

(a) The duration for the season of hunting raccoons and Virginia opossum shall be one hour after sunset on October 1, [1983] **1984** to one hour before sunrise on March 1, [1984] **1985**. The hours for hunting shall be one hour after sunset to one hour before sunrise.

(b) (No change.)

(c) No person shall hunt for raccoon or opossum with dogs and firearms or weapons of any kind [from] **on** December [4, 1983] [to and including] **3-8, 1984 and on** December [23, 1983] **12, 13 & 14, 1984, in those deer management zones in which a special shotgun deer season is authorized** and including any extra special **shotgun** permit deer season day.

(d) No person shall train a raccoon or opossum dog other than during the period of September 1 to October 1, [1983] **1984** and from March 1 to May 1, [1984] **1985**. The training hours shall be 1 hour after sunset to 1 hr. before sunrise.

(e) (No change.)

7:25-5.18 Woodchuck (Marmota monax) hunting

(a) Duration for the hunting of woodchucks with a rifle in this state shall be March [17] **16**-September 28, [1984] **1985**. License hunters may also take woodchuck with shotgun or long bow and arrow or by means of falconry during the regular woodchuck rifle season and during the upland game season established in N.J.A.C. 7:25-5.3.

(b)-(f) (No change.)

7:25-5.19 Red fox (Vulpes fulva) and gray fox (Urocyon cinereoargenteus) hunting

(a) The duration of the red fox and gray fox hunting season is as follows:

1. Northern Zone: November [12, 1983] **10, 1984** through March 1, [1984] **1985** inclusive, excluding December [5-23, 1983] **3-8 and December 12, 13 & 14, 1984 in those deer management zones in which a special shotgun deer season is authorized** and also excluding any extra special **shotgun** permit deer season day if declared open.

2. Southern Zone: November [12, 1983] **10, 1984** through February [11, 1984] **9, 1985**, excluding December [5-23, 1983] **3-8 and 12, 13 & 14, 1984 in those deer management zones in which a special shotgun deer season is authorized** and also excluding any extra special **shotgun** permit deer season day if declared open.

(b)-(c) (No change.)

(d) The hours for hunting fox shall be 8:00 A.M. to ½ hour after sunset on November [12, 1983] **10, 1984** and other days sunrise to ½ hour after sunset.

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

7:25-5.20 Dogs

(a) There shall be no exercising or training of dogs on State Fish and Wildlife Management Areas May 1 to August 31, inclusive, except on portions of various wildlife management areas designated as dog training areas, and there shall be no exercising or training of dogs on any Wildlife Management Area on November [11] **9** and on Clinton, Flatbrook, Black River, Assunpink and Whittingham WMA's on the following Sundays: November [13, 20 and 27, 1983] **11, 18 and 25, 1984.**

(b)-(c) (No change.)

7:25-5.21 (No change.)

7:25-5.22 (No change.)

7:25-5.23 Firearms and missiles, etc.

(a) Except during the firearm deer seasons no person shall have in his possession in the woods, fields, marshlands or on the water any shell or cartridge with missiles of any kind larger than #4 fine shot. This shall not preclude a properly licensed person from hunting woodchuck with a rifle during the woodchuck season. **Also excepted is the use of a muzzleloading rifle, .36 caliber or smaller, loaded with a single projectile during the late squirrel season in designated areas.** Waterfowl hunters may possess and use shotgun shells loaded with BB steel fine shot or #2 or smaller lead fine shot and properly licensed persons hunting for raccoon or opossum with hounds or engaged in trapping for furbearing animals may possess and use a .22 caliber rifle and .22 short caliber cartridge only for the purpose of killing raccoon, or opossum or legally trapped furbearing animals other than muskrat.

(b) (No change.)

(c) No person shall use in hunting fowl or animals of any kind, any shotgun capable of holding more than three shells at one time or that maybe fired more than three times without reloading. **No person shall use in hunting or trapping of any kind, a rifle loaded with more than three cartridges.**

(d) (No change.)

(e) Within the areas described as portions of Passaic, Morris, Somerset Mercer, Hunterdon, Warren and Sussex Counties lying within a continuous line beginning at the intersection of Rt. 513 and the New York State line; then south along Rt. 513 to its intersection with Rt. 80; then west along Rt. 80 to its intersection with Rt. 206, then south along Rt. 206 to its intersection with Rt. 202 at Somerville; then southwest along Rt. 202 to its intersection with Rt. 31; then south along Rt. 31 to its intersection with Rt. 546; then west along Rt. 546 to the Delaware River; then north along the east bank of the Delaware River to the New York State Line; then east along the New York State Line to the point of beginning at Lakeside; and in that portion of Salem, Gloucester, Camden, Burlington, Mercer, Monmouth, Ocean, Atlantic, Cape May and Cumberland counties lying within a continuous line beginning at the intersection of Rt. 295 and the Delaware River; then east along Rt. 295 to its intersection with the New Jersey Turnpike; then east along the New Jersey Turnpike to its intersection with Rt. 40; then east along Rt. 40 to its intersection with Rt. 47; then north along Rt. 47 to its intersection with Rt. 536; then east along Rt. 536 to its intersection with Rt. 206; then north along Rt. 206 to its intersection with the New Jersey Turnpike; then northeast along the New Jersey Turnpike to its intersection with Rt. 571; then southeast along Rt. 571 to its intersection with the Garden State Parkway; then south along the Garden State Parkway to its intersection with Rt. 9 at Somers Point; then south along Rt. 9 to its intersection with Rt. 83; then west along Rt. 83 to its intersection with Rt. 47; then north along Rt. 47 to its intersection with Dennis Creek; then south along the west bank of Dennis Creek to its intersection with Delaware Bay; then northwest along the east shore of Delaware Bay and the Delaware River to the point of beginning; persons holding a valid and proper rifle permit in addition to their 1985 firearm hunting license may hunt for squirrels between January 21 and February 9, 1985 using a .36 caliber or smaller muzzle-loading rifle loaded with a single projectile.

[(e)] **(f)** Except as specifically provided below for waterfowl hunters, semi-wild and commercial preserves, muzzle loader deer hunters and trappers, from December [5-10] **3-8** inclusive, it shall be illegal to use any firearm of any kind other than a shotgun. Persons hunting deer shall use a shotgun not smaller than 20 gauge or larger than 10 gauge with the standard hollow base rifled slug or hollow base slug shotgun shell only or a shotgun not smaller than 12 gauge nor larger than 10 gauge with the buckshot shell. It shall be illegal to have in possession any firearm missile except the 20, 16, 12 or 10 gauge hollow base rifle slug or hollow base slug shotgun shell or the 12 or 10 gauge buckshot shell. (This does not preclude a person legally engaged in hunting on semi-wild or commercial preserves for the species under license from being possessed solely of shotgun and nothing larger than No. 4 fine shot, nor a person engaged in hunting waterfowl only from being possessed solely of shotgun and nothing larger than No. 2 lead fine shot or BB steel shot. A legally licensed trapper possessing a valid rifle permit may possess and use a .22 rifle and short rimfire cartridge only while tending his trap line).

1. Persons who are properly licensed may hunt for deer with a muzzle loading rifle during the [1983] **1984** six day firearm deer season and the special permit, muzzleloading rifle deer season.

2. Muzzleloading rifles used for hunting deer are restricted to single-shot single barrelled weapons with flintlock or percussion actions, shall not be less than .44 caliber and shall fire a single missile or projectile. No telescopic sights shall be attached or affixed to the muzzle loading rifle while engaged in hunting for deer. Only one muzzle loading rifle may be possessed while hunting. Double barrel and other types of muzzle loading rifles capable of firing more than one shot without reloading or holding more than one charge are prohibited. **Persons who are properly licensed may hunt for deer with a smooth bore muzzleloader during the special permit muzzleloading rifle season. Smooth bore muzzleloaders are restricted to single-shot, single barrelled weapons with flintlock or percussion actions, shall not be smaller than 20 gauge or larger than 10 gauge, and shall fire a single missile or projectile. No telescopic sights shall be attached or affixed to the smooth bore muzzleloader while engaged in hunting for deer. Only one muzzleloading rifle or smooth bore muzzleloader may be possessed while deer hunting. Double barrel and other types of smooth bore muzzleloaders capable of firing more than one shot without reloading or holding more than one charge are prohibited.**

3. Properly licensed persons 14 years of age and older engaged in hunting with a muzzle loading rifle must have in possession a proper and valid rifle permit. **Properly licensed persons 14 years of age or older, hunting during the muzzleloading rifle deer season with a smooth bore muzzleloader must also have in possession a proper and valid rifle permit.** Rifle permits for 14-17 year olds will be valid for muzzleloader deer hunting only.

[(f)] **(g)** No person shall hunt, hunt for, or attempt to capture, kill, take, injure or destroy game birds or animals except at the time and in the manner provided by NJSA Title 23 and the valid State Game Code.

[(g)] **(h)** The prohibition against shooting waterfowl or placing a boat or other structure at a greater distance than one hundred feet from shore shall not apply in all areas, and in the Atlantic Ocean. (Sinkbox prohibited by U.S. Regulations).

[(h)] **(i)** Wild waterfowl, migratory game birds, rabbits, hares, jack rabbits, squirrels, grouse, chukar partridge, pheasants, and quail shall not be hunted for or taken on Sunday. However, pheasants, quail and chukar partridge may be hunted for or taken on Sunday on semi-wild and commercial shooting preserve lands that are properly licensed for the taking thereof.

[(i)] **(j)** Except for conservation officers and their deputies, no person shall carry or possess a bow and arrow, firearm of any kind or any instrument capable of firing or throwing a projectile of any type within the limits of a state game refuge unless authorized by the Division.

[(j)] **(k)** Deer shall not be hunted for or taken on Sunday except on wholly enclosed preserves that are properly licensed for the propagation thereof.

[(k)] **(l)** No person shall, for the purpose of hunting for, pursuing, taking or killing, or attempting to hunt, pursue, take or kill any bird or animal, have in an automobile or vehicle of any kind, any firearm loaded with missiles of any kind, under a penalty of not less than $20.00 nor more than $50.00.

[(l)] **(m)** The Division may issue special permits without fee, to shoot or hunt from a standing vehicle that is parked off the road, to licensed hunters who after investigations, are found to be paraplegics. Permittees are subject to all applicable New Jersey Fish and Game laws and regulations.

[(m)] **(n)** No person shall have both a firearm and a bow and arrow in his possession or under his control in the woods or fields or on the water while hunting any wild bird or animal. This does not apply to duly constituted law enforcement officers.

[(n)] **(o)** Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:3-1, 23:4-1, 23:4-12, 23:4-13, 23:4-16, 23:4-18, 23:4-19, 23:4-24.1, 23:4-29, 23:4-42, 23:4-44 and 23:8-10 and other applicable statutes.

7:25-5.24 Bow and arrow; general provisions

(a) [Bow means long bow, straight limb, reflex, recurve and compound bow. All mechanical holding devices are prohibited.] **A bow means longbow, recurved bow or compound bow that is hand-held and hand drawn, and that has no mechanical device built into, or attached to, that will enable the archer to lock the bow at full or partial draw. All draw locking and draw holding devices are prohibited.** All crossbows or variations thereof are prohibited.

(b) No person shall use a bow and arrow for hunting, on December [14 & 15, 1983] **12, 13 & 14, 1984** in those deer management zones in which a special regular shotgun deer season is authorized or on any extra Special Permit Deer Season Day if declared open, or between ½ hour after sunset and ½ hour before sunrise during the Fall Bow and Arrow Deer Seasons or during the 6 Day Firearm Deer Season, or between ½ hour after sunset and sunrise during other seasons.

(c) [During the Bow and Arrow Seasons for taking deer, October 1-November 11, 1983 and January 7-21, 1984, or any other time bow and arrow deer or turkey hunting is permitted,] **During the Bow and Arrow Seasons for taking deer, September 29-November 9, 1984 in most deer management zones; September 29-December 1, 1984, excluding November 24, in zones 13, 36, 49, 50 and 51; and, January 5-19, 1985, or any other time bow and arrow deer or turkey hunting is permitted,** all arrows used for taking deer or turkey must be fitted with an edged head of the following specifications:

1.-5. (No change.)

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

7:25-5.25 White-tailed Deer (Odocoileus virginianus) fall bow and arrow exclusively (either sex)

(a) [Deer of either sex and any age may be taken by bow and arrow exclusively from ½ hour before sunrise on October 1 to ½ hour after sunset November 11, 1983 inclusive. Legal hunting hours shall be ½ hour before sunrise to ½ hour after sunset.] **Deer of either sex and any age may be taken by bow and arrow exclusively from September 29-November 9, 1984 inclusive; except in zones 13, 36, 49, 50 and 51 where the season shall be September 29-December 1, 1984, excluding November 22, 1984. Legal hunting hours shall be ½ hour before sunrise to ½ hour after sunset.**

(b) Bag Limit: One deer of either sex. Kill must be tagged immediately with completely filled in "transportation tag" and must be transported to a deer checking station before 8:00 P.M. EST on day killed. Nothing contained herein shall preclude a person who has legally killed and reported a deer from then procuring one valid and proper permit which will allow this person to continue hunting and take one additional legal deer during the [1983] **1984** fall bow and arrow deer season. This permit shall not be valid on the day of issuance.

1. (No change.)

2. Deer taken during the period of November 10-December 1, 1984, in zones 13, 36, 49, 50 and 51 inclusive, must be transported to a designated deer checking station before 7:00 P.M. E.S.T. on the day killed.

(c) This season shall be open only to holders of a valid [1983] **1984** bow and arrow hunting license which contains an attached fall bow and arrow deer "transportation tag". If the anticipated harvest of deer has not been accomplished during this season, additional days of bow and arrow deer hunting may be authorized by the Director. Such authorization and dates thereof shall be announced by press and radio.

(d) (No change.)

7:25-5.26 White-tailed deer (Odocoileus virginianus) winter bow and arrow, exclusively (either-sex)

(a) Deer of either sex and any age may be taken by bow and arrow exclusively from ½ hour before sunrise on January [7] **5** to ½ hour after sunset on January [21, 1984] **19, 1985.** Legal hunting hours shall be ½ hour before sunrise to ½ hour after sunset.

(b) Bag Limit: One deer of either sex. Deer must be tagged immediately with "transportation tag" appropriate for the season (special winter bow and arrow) completely filled in, and must be transported to a deer checking station before 7:00 P.M. EST on day killed. Any legally killed deer which is recovered too late to be brought to a check station by closing time must be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement district headquarters. Said deer must be brought to a checking station on the next open day to receive a legal "possession tag". If the season has concluded, said deer must be taken to a regular deer checking station on the following weekday to receive a legal "possession tag". **Nothing contained herein shall preclude a person who has legally killed and reported a deer from then procurring one valid and proper permit which will allow this person to continue hunting and take one additional deer during the 1985 winter bow season. This permit shall not be valid on the day of issuance. Only deer with antlers at least three inches in length may be taken under this permit (second tag) provision.**

(c) This season will be open only to holders of a valid [1984] **1985** bow and arrow hunting license which contains an attached winter bow season "transportation tag", in addition to the regular fall bow season "transportation tag". If the anticipated harvest of deer has not been accomplished during this season, additional days of special winter bow and arrow deer hunting may be authorized by the Director. Such authorization and dates thereof shall be announced by press and radio.

(d) (No change.)

7:25-5.27 White-tailed deer (Odocoileus virginianus) six day firearm

(a) Duration for this season will be December [5-10, 1983] **3-8, 1984** inclusive with shotgun or muzzle loading rifle, exclusively.

(b) Bag Limit: One deer, antlered only, except in those areas designated as "hunters choice" indicated in subsection (d) below. One deer for the season, with antler at least three inches in length. Kill must be tagged immediately with completely filled in "transportation tag" and must be transported to a deer checking station before 7:00 P.M. EST on day killed. Any legally killed deer which is recovered too late to be brought to the check station by closing time must be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement district headquarters. Said deer must be brought to a checking station on the next day to receive a legal "possession tag". If the season has concluded, said deer must be taken to a regular deer checking station on the following weekday to receive a legal "possession tag". Nothing contained herein shall preclude a person who has legally killed and reported a deer from then procuring one valid and proper permit which will allow this person to continue hunting and take one additional, legal deer during the [1983] **1984** firearm deer season. This permit shall not be valid on the day of issuance.

(c) A person who has legally taken deer during the fall bow and arrow season can legally take an antlered deer with a shotgun or muzzle loading rifle during the interval of December [5-10, 1983] **3-8, 1984** if he possesses his valid firearm license, but he may not take another deer with a bow. If the anticipated harvest of deer has not been accomplished during this season, additional days of deer hunting may be authorized by the Director, with the approval of the Council. Such authorization and dates thereof shall be announced by press and radio.

(d) Hunter's Choice Area: Hunter's choice area is described as follows: That portion of Bergen, Hudson, Essex, Morris, Union, Somerset and Middlesex Counties lying within a continuous line beginning at the intersection of Rt. 202 and the New York State line near Suffern; then south on Rt. 202 to its intersection with Rt. 23 near Wayne; then south on Rt. 23 to its intersection with Rt. 80; then southwest on Rt. 80 to its intersection with Rt. 511; then south on Rt. 511 to its intersection with Rt. 510; then west on Rt. 510 to its intersection with Rt. 24 at Morristown; then southeast on Rt. 24 to its intersection with Rt. 82; then southeast along Rt. 82 to its intersection with Rt. 22; then southwest on Rt. 22 to its intersection with Rt. 287 near Somerville; then southeast on Rt. 287 to its intersection with Rt. 18 near South Bound Brook; then southeast on Rt. 18 to its intersection with the NJ Turnpike; then north on the Turnpike to its intersection with the Raritan River; then east along the north bank of the Raritan River to Raritan Bay and the New York State line; then north along the New York State line Arthur Kill and [east] **west** bank of the Hudson River; then west along the NJ-NY border to the point of beginning near Suffern.

(e) Hunting Hours: December [5] **3**-December [10, 1983] **8, 1984**, inclusive, 7:00 A.M. EST to 5:00 P.M. EST, with shotgun or muzzle loading rifle.

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

7:25-5.28 White-tailed deer (Odocoileus virginianus) special permit season, muzzleloading rifle, either sex

(a) The Director with the approval of the Council may authorize the issuance of special muzzle loading rifle deer permits for the taking of deer **with a muzzleloading rifle or smoothbore muzzle-loader loaded with a single projectile** anywhere within this state or at any state or federal installation.

(b) (No change.)

(c) [One deer of either sex, and any age, may be taken with a special deer permit for muzzle loading rifles. It is unlawful to attempt to take or hunt for more than the number of deer permitted.] **One deer of either sex, and any age, may be taken with a special muzzleloading rifle deer permit. Nothing contained herein shall preclude a person who has legally killed and reported a deer from then procuring one valid and proper permit which will allow this person to continue hunting and take one additional deer during the 1984 special permit, muzzleloading rifle deer permit season. This permit shall not be valid on the day of issuance. Only deer with antlers at least three inches in length may be taken under the special, second tag (permit) provision. It is unlawful to attempt to take or hunt for more than the number of deer permitted.**

(d) Duration of the special deer permit season for muzzleloading rifles shall be from 7:00 A.M. EST to 5:00 P.M. EST on December [12, 13, 16, 17, 19-23, 1983] **10, 11, 15, and 17-22, 1984** or any other time as determined by the Director.

(e) (No change.)

1. Special deer permits for muzzleloading rifles will be issued on an individual basis to holders of valid [1983] **1984** firearm licenses. Only one application per person may be submitted for the special either sex deer seasons for muzzleloading rifle or shotgun. Special farmer muzzleloader deer permits will be issued on an individual basis to owners or lessee of farms who reside thereon or to the immediate members of their families 14 years of age or older who also reside thereon, upon receipt of a notorized application form.

(g) Special permits for muzzleloading rifles consist of back display which include a "special permit transportation tag" and a validated permit application stub. The back display portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid firearm license. The validated application stub must be in the possession of permittee while hunting. The "Deer Transportation Tag" portion of the permit must be completely filled out, separated at the perforation and affixed to the deer immediately upon killing. This completely filled in "special permit transportation tag" allows legal transportation of the deer of either sex to an authorized checking station only. Personnel at the checking station will issue a "possession tag". Any permit holder killing a deer of either sex on December [12, 13, 16, 17, 19-23, 1983] **10, 11, 15 and 17-22, 1984** must transport this deer to an authorized checking station by 7:00 P.M. EST on the day killed to secure the legal possession tag". The possession of a deer of either sex after 7:00 P.M. EST on the day killed without a legal "possession tag" shall be deemed illegal possession. Any legally killed deer which is recovered too late to be brought to the check station by closing time must be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement district headquarters. Said deer must be brought to a checking station on the next open day to receive a legal "possession tag". If the season has concluded said deer must be taken to a regular deer check station on the following weekday to receive a legal possession tag.

(h) Applying for a Special Muzzleloading Rifle Deer Permit:

1. Only holders of valid [1983] **1984** firearm hunting licenses may apply by detaching from their hunting license stub marked "Special Deer Season [1983] **1984**" signing as provided on the back, and sending the stub, together with a Special Muzzleloading Rifle Deer Season computer card application form which has been properly completed in accordance with instructions. Application cards may be obtained from:

i.-iii. (No change.)

2. (No change.)

3. Only one application whether for [muzzle loader rifle] **special permit muzzleloading rifle** season or the [shotgun either-sex] **special permit shotgun season** accompanied by the hunting license stub, may be submitted by any one individual.

4. Fill in the application form to include: Name, address, [1983] **1984** firearm hunting license number, deer management zone applied for, and any other information requested. Only those applications will be accepted for participation in random selection by card sorting machine which are received in the Trenton office during the period of August [29] **25**-September [13, 1983], **10, 1984** inclusive. Applications postmarked after the 13th will not be considered. DO NOT SEND FEE WITH THE APPLICATION. Selection of permittees will be made on the basis of a random selection of computer cards.

5. (No change.)

6. Successful applicants will be notified by mail. The computer card and the permit fee of $10.00 in the form of a money order, made payable to "Division of Fish, Game and Wildlife" must be returned by mail before October [11, 1983] **10, 1984**. The Special Deer Permit will then be issued. Permits not claimed by October 11 will be immediately reallocated in the same random manner as the original selection and be returnable two weeks thereafter.

(i) Applying for the Special Farmer Muzzleloading Rifle Deer Permit

1.-2. (No change.)

3. Fill in the application form to include: Name, age, size of farm, address, and any other information requested thereon. THIS APPLICATION MUST BE NOTARIZED. Properly completed application forms will be accepted in the Trenton office only during the period of September 1-17, [1983] **1984**. There is no fee required, and all qualified applicants will receive a special farmer muzzle-loading rifle deer permit, delivered by mail.

4. Only one application, whether for [muzzle loading permit] **special permit muzzleloading rifle** season or [shotgun permit] **special permit shotgun** season may be submitted per individual.

(j) Use of Special Muzzleloading Rifle Deer Permit and Special Farmer Muzzle**loading Rifle** [Loader] Deer Permit.

1. The special [muzzle loader] **muzzleloading rifle** deer permit is valid only in the deer management zone (DMZ) designated and is not transferable. The special farmer muzzleloading rifle deer permit is valid only on the farm occupied and designated in the application and is not transferable. The DMZ quota and DMZ map follow. The special permit hunter is responsible for hunting in the correct DMZ or farm as indicated and in ascertaining the boundaries.

2. Neither the special [muzzle loader] **muzzleloading rifle** deer permit nor the special muzzleloading rifle farmer deer permit is transferable from Deer Management Zone to Deer Management Zone, or from farm to farm, or from individual to individual. The permit must be used on the farm, in the Deer Management Zone, and by the individual to whom it was issued.

(k) Deer Management Zone Map (on file at the Office of Administrative Law).

[1983] **1984** MUZZLELOADING RIFLE DEER SEASON PERMIT QUOTAS

EITHER SEX

Deer Mgt. Zone No.	Anticipated Deer Harvest	Permit Quota	Portions of Counties Involved
	[1983] **1984**	[1983] **1984**	
1	[60] **56**	[350] **400**	Sussex
2	[33] **25**	[165] **155**	Sussex
3	[21] **28**	[210] **280**	Sussex, Passaic, Bergen
4	[108] **123**	[635] **880**	Sussex, Warren
5	[117] **129**	[730] **860**	Sussex, Warren
6	[60] **49**	[400] **445**	Sussex, Morris, Passaic, Essex
7	[58] **79**	[340] **440**	Warren, Hunterdon
8	[185] **211**	[1025] **1240**	Warren, Hunterdon, Morris, Somerset
9	[46] **38**	[220] **235**	Morris, Somerset
10	[154] **160**	[640] **725**	Warren, Hunterdon
11	[53] **41**	[290] **295**	Hunterdon
12	[128] **139**	[610] **730**	Mercer, Hunterdon, Somerset
13	[19] **17**	[110] **120**	Morris, Somerset
14	[40] **37**	[365] **365**	Mercer, Somerset, Middlesex, Burlington
15	[15] **18**	[150] **175**	Mercer, Monmouth, Middlesex
16	[23] **25**	[230] **250**	Ocean, Monmouth
17	[8] **14**	[80] **140**	Ocean, Monmouth, Burlington
18	[19] **16**	[125] **155**	Ocean
19	[10] **11**	[100] **105**	Camden, Burlington
20	[10] **11**	[100] **105**	Burlington
21	[50] **30**	[250] **300**	Burlington, Ocean
22	[7] **5**	[30] **45**	Burlington, Ocean
23	[38] **34**	340	Burlington, Camden, Atlantic
24	[46] **48**	[210] **240**	Burlington, Ocean
25	[22] **21**	[120] **205**	Gloucester, Camden, Atlantic, Salem
26	[44] **38**	[200] **210**	Atlantic
27	[25] **35**	[110] **185**	Salem, Cumberland
28	[16] **19**	[100] **110**	Salem, Cumberland, Gloucester
29	[44] **36**	[220] **240**	Salem, Cumberland
30	[7] **8**	[30] **35**	Cumberland
31	2	[10] **15**	Cumberland
32	[6] **4**	20	Cumberland
33	[20] **12**	70	Cape May, Atlantic
34	[27] **30**	[140] **185**	Cape May, Cumberland
35	[15] **15**	[100] **150**	Gloucester, Salem
41	[67] **62**	[230] **270**	Mercer, Hunterdon
42	[2] **4**	[15] **35**	Atlantic
43	[11] **11**	[40] **45**	Cumberland
44	[1] **2**	[10] **15**	Cumberland
45	17	[80] **90**	Cumberland, Atlantic, Cape May
46	[18] **14**	65	Atlantic
47	[3] **2**	20	Atlantic, Cumberland, Gloucester
48	[11] **8**	[75] **80**	Burlington
49	0	0	Burlington, Camden, Gloucester
50	[18] **5**	[80] **50**	Middlesex, Monmouth
51	[19] **10**	[190] **100**	Monmouth, Ocean
Total	[1,703] **1,699**	[9,630] **11,180**	

(k) Muzzle loader, either-sex permits not applied for by September [13, 1983] **10, 1984** will be reallocated to shotgun either-sex season permit applicants.

(l) (No change.)

7:25-5.29 White-tailed deer (Odocoileus virginianus) special permit season, shotgun only, either sex

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

(c) One deer of either sex, any age, may be taken with a special shotgun deer permit **except in deer management zones**

where the limit will be two deer of either-sex and any age; only one deer may be taken in a given day. It is unlawful to attempt to take or hunt for more than the number of deer permitted.

(d) Duration of the special **permit** shotgun deer [permit] season shall be from 7:00 A.M. EST to 5:00 P.M. EST on Wednesday, December [14, 1983] **12, 1984** [except that in zones 13, 14, 16, and 42, 50 and 51, the special permit deer season will also include December 15, or at other times as determined by the Director.] **except that in zones: 2, 5, 6, 7, 8, 12, and 16 the special permit shotgun season will also include December 13, 1984; and, except that in zones 9, 13, 14, 41, 50, and 51 the special permit shotgun season will also include December 13 and 14, 1984; or at other times as determined by the Director**.

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

1. Special shotgun deer permits will be issued on an individual basis to holders of valid [1983] **1984** firearm licenses. Only one application per person may be submitted for the special season whether as a farmer or a license holder. Farmer shotgun deer permits will be issued on an individual basis to owners or lessees of farms who reside thereon, or the immediate members of their families 10 years of age or older who also reside thereon, upon receipt of a notarized application form.

(g) Special permits consist of back display which include a "special permit transportation tag" and a validated permit application stub. The back display portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid firearm license in the case of a special deer permit, and without the license in the case of the farmer deer permit. The validated application stub must be in the possession of permittee while hunting. The "Deer Transportation Tag" portion of the permit must be completely filled out, separated at the perforation and affixed to the deer immediately upon killing. This completely filled in "special permit transportation tag" allows legal transportation of the deer of either sex to an authorized checking station only. Personnel at the checking station will issue a "possession tag". Any permit holder killing a deer of either sex during this season must transport this deer to an authorized checking station by 7:00 P.M. EST on date killed to secure the legal "possession tag". The possession of a deer of either sex after 7:00 P.M. EST on date killed without a legal "possession tag" shall be deemed illegal possession. Any legally killed deer which is recovered too late to be brought to the check station by closing time must be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement district headquarters. Said deer must be brought to a checking station on the next open day to receive a legal "possession tag". If the season has been concluded said deer must be taken to a regular deer checking station on the following weekday to receive a legal "possession tag". **For deer management zones where the special permit shotgun season is more than one day and the bag limit is two deer, a second valid and proper "special permit transportation tag" will be issued upon registration of the first deer, provided the season is open on the following day(s). Said permit will allow this person to continue hunting and take one additional legal deer during the shotgun permit season. This permit shall not be valid on the day of issuance, and will only be available from check stations designated to be open for the extended shotgun permit deer season.**

(h) Applying for a Special Shotgun Deer Permit:

1. Only holders of valid [1983] **1984** firearm hunting licenses including juvenile firearm license holders may apply by detaching from their hunting license stub marked "Special Deer Season [1983] **1984**" signing as provided on the back, and sending the stub, together with a computer card application form which has been properly completed in accordance with instructions. Application cards may be obtained from:

i.-iii. (No change.)

2.-3. (No change.)

4. Fill in the application form to include: Name, address, [1983] **1984** firearm hunting license number, deer management zone applied for, and any other information requested. Only those applications will be accepted for participation in random selection by card sorting machine which are received in the Trenton office during the period of [August 29-September 13, 1983] **August 25-September 10, 1984**. Applications postmarked after the [13] **10**th will not be considered. DO NOT SEND FEE WITH THE APPLICATION. Selection of permittees will be made on the basis of a random selection of computer cards.

5.-6. (No change.)

(i) Applying for the Special Farmer Shotgun Deer Permit

1.-2. (No change.)

3. Fill in the application form to include: Name, age, size of farm, address, and any other information requested thereon. THIS APPLICATION MUST BE NOTARIZED. Properly completed application forms will be accepted in the Trenton office only during the period of September 1-17, [1983] **1984**. There is no fee required, and all qualified applications will receive a special farmer shotgun deer permit, delivered by mail.

4. (No change.)

(j) Use of Special Shotgun Deer Permit and Special Farmer Shotgun Deer Permit

1. The special shotgun deer permit is valid only in the deer management zone (DMZ) designated and is not transferable. The special shotgun farmer deer permit is valid only on the farm occupied and designated in the application and is not transferable. The DMZ quota and DMZ map follow. The special shotgun permit hunter is responsible for hunting in the correct DMZ or farm as indicated and in ascertaining the boundaries.

2. Neither the special shotgun deer permit nor the special shotgun farmer deer permit is transferable from Deer Management Zone to Deer Management Zone, or from farm to farm, or from individual to individual. The permit must be used on the farm, in the Deer Management Zone, and by the individual to whom it was issued.

(k) Deer Management Zone Map (on file at the Office of Administrative Law).

[1983] **1984** SHOTGUN DEER SEASON
PERMIT QUOTAS

EITHER SEX

Deer Mgt. Zone No.	Anticipated Deer Harvest	Permit Quota	Portions of Counties Involved
	[1983] **1984**	[1983] **1984**	
1	[196] **149**	[1118] **931**	Sussex
2†	[165] **258**	[970] **860**	Sussex
3	[65] **38**	[650] **380**	Sussex, Passaic, Bergen
4	[310] **111**	[1455] **585**	Sussex, Warren
5†	[793] **1025**	[3004] **2770**	Sussex, Warren
6†	[181] **201**	[1350] **1150**	Sussex, Morris, Passaic, Essex
7†	[343] **365**	[1107] **986**	Warren, Hunterdon

8†	[681] **1076**	[2352] **2624**	Warren, Hunterdon, Morris, Somerset
9‡	[289] **304**	[1430] **950**	Morris, Somerest
10	[401] **608**	[1113] **1737**	Warren, Hunterdon
11	[347] **348**	[990] **1122**	Hunterdon
12†	[498] **676**	[1517] **1502**	Mercer, Hunterdon, Somerset
13‡	[231] **197**	[1040] **657**	Morris, Somerset
14*	[454] **461**	[1663] **1537**	Mercer, Somerset, Middlesex, Burlington
15	[75] **107**	[480] **713**	Mercer, Monmouth, Middlesex
16†	63	[525] **630**	Ocean, Monmouth
17	[128] **118**	[421] **407**	Ocean, Monmouth, Burlington
18	[64] **38**	[427] **292**	Ocean
19	[8] **31**	[80] **172**	Camden, Burlington
20	[45] **33**	[281] **275**	Burlington
21	[32] **17**	[267] **131**	Burlington, Ocean
22	[20] **15**	[200] **136**	Burlington, Ocean
23	[63] **15**	[443] **125**	Burlington, Camden, Atlantic
24	[35] **9**	[350] **64**	Burlington, Ocean
25	[12] **27**	[55] **142**	Gloucester, Camden, Atlantic, Salem
26	[65] **32**	[278] **128**	Atlantic
27	[15] **74**	[70] **296**	Salem, Cumberland
28	[29] **21**	[156] **117**	Salem, Cumberland, Gloucester
29	[212] **202**	[466] **594**	Salem, Cumberland
30	[16] **18**	[73] **72**	Cumberland
31	[11] **9**	[110] **90**	Cumberland
32	0	0	Cumberland
33	[26] **30**	[173] **167**	Cape May, Atlantic
34	[72] **48**	[262] **117**	Cape May, Cumberland
35	[22] **53**	[136] **212**	Gloucester, Salem
41‡	[325] **541**	[851] **751**	Mercer, Hunterdon
42†	[15] **10**	[65] **67**	Atlantic
43	0	0	Cumberland
44	[9] **10**	[38] **42**	Cumberland
45	0	0	Cumberland, Atlantic, Cape May
46	[53] **21**	[171] **75**	Atlantic
47	[21] **12**	[117] **48**	Atlantic, Cumberland, Gloucester
48	[27] **35**	[144] **218**	Burlington
49	0	0	Burlington, Camden, Gloucester
50‡	[38] **57**	[253] **285**	Middlesex, Monmouth
51‡	[50] **52**	[417] **260**	Monmouth, Ocean
Total	[6,505] **7,515**	[27,068] **24,417**	

(l) Shotgun, either-sex permits not applied for by September [13, 1983] **10, 1984** will be reallocated to muzzleloading rifle, permit applicants.

(m) (No change.)

† Indicates two day zones (December [14 and 15, 1983] **12 and 13, 1984**).

‡ Indicates three day zones (December 12, 13, and 14, 1984) with provision for second deer tag.

(n) Locations of Deer Management Zones

ZONE #1 to ZONE #35 (No change.)

ZONE #36 Hunters' Choice Area: That portion of Bergen, Hudson, Essex, Morris, Union, Somerset and Middlesex Counties lying within a continuous line beginning at the intersection of Rt. 202 and the New York State line near Suffern; then south on Rt. 202 to its intersection with Rt. 23 near Wayne; then south on Rt. 23 to its intersection with Rt. 80; then southwest on Rt. 80 to its intersection with Rt. 511; then south on Rt. 511 to its intersection with Rt. 510; then west on Rt. 510 to its intersection with Rt. 24 at Morristown; then southeast on Rt. 24 to its intersection with Rt. 82; then southeast along Rt. 82 to its intersection with Rt. 22; then southwest on Rt. 22 to its intersection with Rt. 287 near Somerville; then southeast on Rt. 287 to its intersection with Rt. 18 near South Bound Brook; then southeast on Rt. 18 to its intersection with the NJ Turnpike; then north on the Turnpike to its intersection with the Raritan River; then east along the north bank of the Raritan River to Raritan Bay and the New York State line; then north along the New York State line Arthur Kill and [east] **west** bank of the Hudson River; then west along the NJ-NY border to the point of beginning near Suffern.

ZONE #37 to ZONE 51 (No change.)

7:25-5.30 White-tailed deer (Odocoileus virginianus) special permit, fire arms only, either-sex, Great Swamp

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

(c) Duration of the Great Swamp Special Permit Season shall be from 7:00 A.M. EST to 5:00 P.M. EST on the following dates: December 6, 7, 8, [16, 17, 1983] **1984** and January [6, 7, 1984] **17, 18, 19, 1985** or as may otherwise be designated by the U.S. Fish and Wildlife Service.

(d) Bag Limit: Two deer of either sex, any age, may be taken with a Great Swamp Special Deer Permit. Only one deer may be taken in a given day. **This shall not preclude the taking of a third deer in that portion of Great Swamp designated as the Wilderness Area.**

(e)-(i) (No change.)

7:25-5.31 (No change.)

7:25-5.32 (No change.)

7:25-5.33 Controlled Hunting Wildlife Management Areas

[(a) The Wildlife Management Area selected for limited hunter density is Clinton in Hunterdon County. The Clinton W.M.A. will be controlled on November 12, 19 and 24 (Thanksgiving). Registration will begin at 5:30 A.M. on all days except November 12 (opening day). On November 12, registration will begin at 6:30 A.M. All hunters must check out by 12 noon. Registration is not required after 12 noon.

(b) Hunter quota for the Clinton Area will be 195. Additional registrants will be accepted as replacements for registrants who have completed hunting and checked out for the day.

(c) Hunters will be admitted on a first-come, first-served basis. No reservations will be accepted and hunters must register in person. One registration station will be located at the Clinton Area, on the north side of Spruce Run Reservoir.

(d) Each registrant in possession of a current hunting license will be issued an arm band and each vehicle a windshield tag. The arm band is good only for hunting on the associated wildlife management area and must be displayed in addition to the regular hunting license. The check-in procedure is reversed at the conclusion of the day's hunt. Bag checks and other pertinent information will be collected during the check out procedure.

(e) Anyone found hunting without proper registration on these areas on the dates specified will be prosecuted.]

(a) No wildlife management areas have been selected for limited hunter density for the 1984-85 season.

[(f)] **(b)** Authority: 13:1B-30, 23:4-1, 23:4-12, 23:7-9 and other applicable statutes.

7:25-5.34 (No change.)

7:25-5.35 (No change.)

7:25-5.36 (No change.)

7:25-5.37 (No change.)

(a)

DIVISION OF WASTE MANAGEMENT

Solid and Hazardous Waste Regulations Licensing of Collector/Haulers (Transporters) and Facilities: Disclosure Statements, Background Investigations, Disqualification Criteria, License Issuance and Revocation

Proposed Amendments: N.J.A.C. 7:26-1.2, 1.3, 1.4, 2.2, 2.5, 3.2, 4.7 through 4.8, 5.1 through 5.8, 7.5, 12.2, 12.3, 12.5, 12.7, 12.10 and 2.13
Proposed New Rules: N.J.A.C. 7:26-4.9, 5.9 and 7:26-16 and 16A
Proposed Repeal: N.J.A.C. 26-4.9

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 13:1D-9 and N.J.S.A. 13:1E-6 as supplemented by P.L. 1983, c.392, N.J.S.A. 13:1E-126 et seq.
DEP Docket No. 023-84-04.

Two **public hearings** concerning this rule will be held at the following times and locations:

May 23, 1984
2:00 P.M. to 5:00 P.M. and
6:00 P.M. to 10:00 P.M.
Hickman Hall
Douglass College Campus
George Street
New Brunswick, New Jersey

May 24, 1984
2:00 P.M. to 5:00 P.M. and
6:00 P.M. to 10:00 P.M.
Burlington County College
Parker Center Building
Gallery Room
Pemberton, New Jersey

Interested persons may submit in writing any data, views or arguments relevant to this proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Bruce S. Schwartz, Esq.
Illse E. Heacox, Esq.
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, N.J. 08625

At the close of the period of comments, the Department of Environmental Protection may thereafter adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.S.A. 1:30-3.5. The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-265.

The agency proposal follows:

Summary

The Department of Environmental Protection is proposing amendments and additions to its solid and hazardous waste rules pursuant to authority under the Solid Waste Management Act, N.J.S.A. 13:1E-6, to implement a stringent new licensing program required under P.L. 1983, c.392, N.J.S.A. 13:1E-126. This statute, known before its enactment as Assembly Bill 901, will become effective June 11, 1984. Th statute has no official short title. In this document it will be referred to as the "Licensing Act".

Under the Solid Waste Management Act, N.J.S.A. 13:1E-5, solid and hazardous waste transporters and disposal facilities are required to obtain from the Department an authorization called an "approved registration" or "approved registration statement" in order to lawfully operate in New Jersey. For the most part, the Department's pre-registration review of an applicant's qualifications for such an authorization has been limited to technical matters. For example, disposal facilities such as sanitary landfills have been required to obtain approval of engineering designs only.

Since 1981, however, the Department has inquired into the "character" or "integrity" of hazardous waste applicants. Hazardous waste transporters are required to submit financial information and to disclose convictions for crimes involving the illegal storage, transportation or disposal of hazardous waste. (See N.J.A.C. 7:26-7.5(c)2.) Hazardous waste facility operators are required to submit limited disclosure statements setting forth the identities of stockholders, officers, directors and key partners; recounting the company's record in hazardous waste management, and listing any environmentally-related convictions or civil judgements. (See N.J.A.C. 7:26-12.2(g)). Non-hazardous solid waste collector/haulers (garbagemen), however, have not been subjected to any pre-registration background checks.

The "integrity" or "character" information received from an applicant is evaluated by the Department in judging the likelihood that the applicant would adhere to the solid waste management rules. N.J.S.A. 13:1E-5 and 13:1E-12 authorize the Department to revoke an approved registration for causes, including violations of the Act or its regulations; or to withhold an approved registration if the Department finds that an applicant will not meet the "standards and criteria" of the Act. The Department's effective use of this authority has been hampered by a lack of investigative staff and the statutory authorization to conduct full background investigations of applicants or licensees.

The Licensing Act goes beyond N.J.S.A. 13:1E-5 and 13:1E-12 in an attempt to eliminate the influence of criminal elements in the non-hazardous waste or garbage industry, and to ensure the reliability of operators in the hazardous waste industry. The Licensing Act, adapted from similar provisions of the Casino Control Act, N.J.S.A. 5:12-80, gives the Department and the Office of the Attorney General plenary investigative powers, as well as substantive and procedural powers to deny or revoke a Department solid or hazardous waste license. An applicant for a license to operate a solid or hazardous waste facility must submit a full disclosure statement to the Attorney General and the Department, who will conduct a pre-registration review of the applicant's "reliability, expertise and competency." The Office of the Attorney General is authorized to conduct full background investigations and to prepare investigative reports for the Department,

which may be used to deny or revoke a license based upon the criteria set forth in the Licensing Act.

This proposal implements these provisions of the Licensing Act, including a fee schedule for the Attorney General and the Department. The Department has prepared a Basis and Background document which has been filed with the Office of Administrative Law. The public may review this document at:

Department of Environmental Protection
Office of Regulatory Services
Room 803
Labor and Industry Building
Trenton, New Jersey
or
Office of Administrative Law
88 East State Street
Trenton, New Jersey

Social Impact

This proposal implementing the Licensing Act, will directly affect the regulated solid and hazardous waste industries, including applicants for, as well as existing holders of, Department licenses. New applicants must file a disclosure statement with the Department and the Office of the Attorney General on the effective date of the adopted rules. Existing license holders will have to submit a disclosure statement within two years after the effective date of the Licensing Act (June 11, 1984). The completed disclosure statements will contain personal and confidential information. The individuals submitting the disclosure statements will be the subject of complete background investigations by the Office of the Attorney General. If the investigation should reveal a disqualifying factor, the Department may deny or revoke a license. It is expected that license denials and revocations will become more frequent, generating additional appeals through the administrative hearing process and litigation in the courts. The numbers cannot be forecast.

As a result of the additional responsibilities placed upon them, the Department anticipates that the less reliable companies or individuals with criminal connections seeking to operate, or presently operating a solid or hazardous waste business will lose their licenses or choose to leave the industry. It is anticipated that this will foster a more competitive market within the solid waste industry, with collusion and economic or physical coercion eliminated. There should be more competition in bidding for municipal waste removal contracts and private, individual solid waste contracts. There should also be a reduction in the incidence of illegal and environmentally unsound disposal of hazardous waste. As these effects become more evident in the immediate future, it is hoped that public confidence in the industry will increase, contributing to a reduction in public opposition to the siting of new waste disposal facilities.

One possible negative effect of this proposal may be that small businesses will not be able to sustain the increased costs of applying for and obtaining a Departmental solid waste collector/hauler license. These may become excessive for either existing small business or new small companies. Although the Department is sensitive to this possibility and will do what it can within the law to minimize the burden on small business, the Department must follow the Licensing Act's explicit requirements.

Economic Impact

The Department licenses approximately 4,050 solid and hazardous waste collector/haulers and facilities. Of this number approximately 3,000 license holders will be subject to the requirements of this rule. The remaining 1,050 licensees are governmental agencies, municipally owned landfills, or persons disposing of their own wastes and therefore exempt under proposed N.J.A.C. 7:26-16.3(d). Under this proposed rule, each of the approximately 3,000 remaining license holders or new applicants, if not otherwise exempt under proposed N.J.A.C. 7:26-16.3d, must submit a disclosure statement to the Department. Each applicant will pay a combined fee pursuant to proposed N.J.A.C. 7:26-16.13 of $200.00 for each individual required to be listed under proposed N.J.A.C. 7:26-16.4. Based upon the number of trucks presently registered by collector/haulers, the Department extrapolates three to five names will be submitted with each disclosure statement. This may yield revenues during the two years following the effective date of this proposed rule of approximately $1.8 to $3 million. Preliminary estimates from the Office of the Attorney General and the Department indicate a combined cost of $2 million per year or $4 million for the two year period, to implement and administer this proposed rule.

The cost incurred by the regulated industry in complying with this proposed rule will be passed on to its customers in the form of higher hauling and disposal charges. Recovery of these costs will depend on the extent to which the Board of Public Utilities allows rate increases.

However, the costs of this proposed rule will have a proportionately small impact on the overall cost of solid waste disposal. Current Department figures indicate that citizens in the State generate approximately 11.3 million tons of solid waste annually, and that the average cost for collection, haulage and disposal is approximately $46.00 per ton. This implies a total annual cost for the State of $500 million to $600 million. Even if costs attributable to this proposed rule should run $5 million to $6 million per year, it would represent only a one percent increase in the overall cost of disposal. Similar figures for hazardous waste are not available.

Not easily quantifiable are the savings to be realized over time as a result of increased competition among solid and hazardous waste licensees. Hazardous waste disposal customers may experience a rise in prices as vendors willing to cut prices because they are using illegal disposal methods are eliminated from the industry. However, there is evidence from cases prosecuted by the Division of Criminal Justice that illegal disposal does not always save money for customers. Many cases have involved fraud, where the customer has paid prices commensurate with legal disposal but the hauler has dumped the material and pocketed the difference.

Cost attributable to illegal disposal of hazardous waste, such as direct cleanup costs, health care expenses and costs of replacing natural resources (polluted wells), will be reduced. Furthermore, the growth of a competitive, open market for legal, hazardous and solid waste facilities will foster jobs and sales for legitimate businesses.

Environmental Impact

Positive environmental impacts will be effected to the extent licensees willing to use illegal hazardous waste disposal methods are driven from the industry. Although there will be a similar positive impact from the regulation of the non-hazardous solid waste industry, it will be to a lesser degree. The Department expects fewer incidents of deliberate illegal disposal, thereby reducing the number of contaminated locations Statewide and related pollution effects to surface and groundwater, and to air.

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

Subtitle F. Division of **Waste Management** [Environmental Quality]

CHAPTER 26
DIVISION OF WASTE MANAGEMENT [BUREAU OF SOLID WASTE MANAGEMENT]

7:26-1.2 Construction
These rules shall be liberally construed to permit the Department [and the Bureau of Solid Waste Management] to discharge its statutory functions.

7:26-1.3 Practice where rules do not govern
The Commissioner may rescind, amend or expand these rules from time to time, and such rules shall be filed with the Secretary of State as provided by law. In any matter concerning solid waste management that arises not governed by these rules, the Commissioner[, the] or Director [or the Bureau Chief] shall exercise his discretion within the authority of N.J.S.A. 13:1E-1 et seq.

7:26-1.4 Definitions
The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

. . .

[''Administration'' means the Solid Waste Administration within the Department of Environmental Protection.]

''Approved Registration'' means the registration of solid waste disposal site, collector/hauler, or other solid waste facility issued by the [Bureau of Solid Waste Management,] Department of Environmental Protection[,] after review and approval of the registration statement.

. . .

[''Bureau'' means the Bureau of Solid Waste Management in the Division.

''Bureau Chief'' means the Chief of the Bureau of Solid Waste Management or any person designated to act on the Chief's behalf.]

. . .

''Director'' means the Director of the Division of [Environmental Quality] **Waste Management** or any person designated to act on the Director's behalf.

. . .

''Division'' means the Division of [Environmental Quality] Waste Management in the Department.

. . .

''Existing hazardous waste facility'' or ''Existing facility'' means a hazardous waste facility which was in operation, or for which construction [has] **had** commenced, on or before November 19, 1980. Construction had commenced if [:1.] the owner or operator [has] had obtained all necessary Federal permits as well as any permit required by the **Division's predecessor, the** Solid Waste Administration, and either:

[a.] 1. a continuous physical, on-site construction program [has] **had** begun, or

[b.] 2. The owner or operator [had] **had** entered into contractual obligations—which [cannot] **could not** be cancelled or modified without substantial loss-for the construction of the facility to be completed within a reasonable time.

. . .

''New hazardous waste incinerator'' means a hazardous waste incinerator which began operation, or for which construction commenced, after January 1, 1982. Construction commenced if the owner or operator has obtained all necessary Federal permits as well as any permit required by the **Department, the Division or its predecessor,** the Solid Waste Administration, and either:

1.-2. (No change.)

. . .

''Registration statement'' means **an** application for approved registration executed on forms provided by the [Bureau] **Department** and containing such information as may be required.

7:26-2.2 Registration
(a) No person shall [hereafter] engage or continue to engage in disposal of solid waste in this State without first filing a completed registration statement with the [bureau] **Departmental** for each disposal facility. The registration statement shall be signed by the person engaged in or desiring to engage in solid waste disposal, shall be executed on forms furnished by the [d]Department, and shall state such information necessary and proper for the enforcement of this subchapter as the Department may require. An engineering design must be submitted with the registration statement.

(b) No person shall engage in disposal of solid waste in this State without having first obtained Department approval of the registration statement required under [subsection (a) of this Section.] **(a) above.**

(c) After July 2, 1984, any person who files an application for approval of a registration statement shall submit with the application the disclosure statement described in N.J.A.C. 7:26-16.4. The requirement of a disclosure statement shall not apply to any person specifically exempted under N.J.A.C. 7:26-16.3(d).

[(c)] **(d)** No new facility shall begin operations without first obtaining Departmental approval of the engineering design submitted with the registration statement; nor shall any existing facility continue to operate subsequent to receiving notice that the Department has disapproved the engineering design for that facility. Failure to comply with the requirements of this subsection shall be cause for revocation of an approved registration for an existing facility or the denial of registration for a new installation.

[(d)] **(e)** No person shall engage in disposal of solid waste in this State if such an operation does not meet the operational requirements listed in this Subchapter. In addition, each disposal facility must comply with any conditions or limitations which may be specified on the approved registration. Approved registrations are further contingent upon implementation of all features contained in the approved engineering design.

[(e)] **(f)** Prior to May 1 in each calendar year, each registrant shall submit to the Department, a statement updating the information contained in the initial registration statement. This update shall be on forms furnished by the Department. In no case shall the submission of an updated registration statement alter the requirements of [subsection (d) of this Section.] **(e) above.**

[(f)] **(g)** [The] **A** registrant shall notify the Department in writing within 30 days of any change in [status as listed on his] **the information supplied on its** current registration statement **or disclosure statement.**

[(g)] **(h)** The failure to submit an updated registration statement and to submit all applicable fees (see Subchapter 4 of this Chapter) on or before [July] June 1 of each calendar year shall be sufficient cause to revoke the approved registration of a solid waste facility **or to declare it expired**.

(i) No person shall be issued an approved registration if that person is disqualified for any of the reasons set forth in N.J.A.C. 7:26-16.8.

7:26-2.5 Sanitary landfill operational requirements (General)

(a)-(u) (No change.)

(v) No new solid waste facility shall begin operations without first installing a ground water monitoring system constructed and located in accordance with instructions furnished by the Department. Further, no new facility shall begin operations prior to obtaining ground water samples, and analyses thereof, for the purpose of establishing baseline information. Upon written notice from the Department that in the opinion of the Department, continued operation of an existing solid waste facility poses a real or potential threat to the quality of the ground waters of the State, the operator of the solid waste facility shall install a ground water monitoring system located and constructed in accordance with instructions furnished by the Department. The taking and analyses of samples shall be done by a laboratory acceptable to the State using methods approved by the Department, **and** copies of [analysis] analyses shall be forwarded to the [Bureau] **Department** within 30 days of sampling date. The initial and annual (submitted with each updated registration statement) analyses shall include the following determinations:

1.-29. (No change.)

(w) (No change.)

(x) (No change.)

(y) Rules on topographic surveys, maps and reports include the following:

1.-3. (No change.)

[4. Waste, the weight of which is determined by use of public scales;

5. Vegetative waste delivered to solid waste facilities authorized to receive only such waste.]

(z) (No change.)

7:26-3.2 Registration

(a) No person shall engage or continue to engage in the collection [and/] or haulage of solid or hazardous waste in this State without first filing a completed registration statement with the [Bureau] **Department**. The registration statement shall be signed by the person engaged in or desiring to engage in the collection [and/] or haulage of solid or hazardous waste, shall be executed on forms prescribed by and furnished by the [Bureau] **Department** and shall state such information necessary and proper to enforcement of this subchapter as the Department may require.

(b) After July 2, 1984, any person who files an application for approval of a registration statement shall submit with the application the disclosure statement described in N.J.A.C. 7:26-16.4. The requirement of a disclosure statement shall not apply to any person specifically exempted under N.J.A.C. 7:26-16.3(d).

[(b)] **(c)** No person shall engage in the collection [and/] or haulage of solid or hazardous waste in this State without [having] **first obtaining** an approved registration from the Department.

[(c)] **(d)** No person shall engage in the collection [and/] or haulage of solid or hazardous waste in this State if such an operation does not meet the collector/hauler requirements listed in this subchapter. In addition, the operator must comply with any other conditions or limitations which may be specified on the approved registration.

[(d)] **(e)** Prior to [March 15] **May 1 in each calendar year** (for the registration year of [implementation] **initial registration**, a pro rata adjustment of fees will be made by the Department), [in each calendar year,] each registrant **other than a hazardous waste hauler** shall submit to the Department a statement updating the information contained in the original registration statement. [Such information shall be submitted] **This update shall be on forms** [supplied] **furnished** by the Department. In no case shall the submission of an [updating] **updated** registration statement alter the conditions under which the approved registration [is] **was** granted. **Hazardous waste haulers shall submit updated registration statements on or before October 1, as more fully set forth at N.J.A.C. 7:26-7.5(c)5.**

[(e)] **(f)** [The] **A** registrant shall notify the Department in writing within 30 days of any change in the information supplied on [his] **its** current registration statement **or disclosure statement.**

(g) The failure to submit an updated registration statement and to submit all applicable fees (see N.J.A.C. 7:26-4) on or before June 1 in each calendar year shall be sufficient cause to revoke the approved registration of a solid waste collector-hauler or to declare it expired.

(h) No person shall be issued an approved registration if that person is disqualified for any of the reasons set forth in N.J.A.C. 7:26-16.8.

7:26-4.7 Fee schedule for collection and haulage

(a) For all solid waste collector/haulers, an annual registration and inspection fee shall be paid. The fee shall be $20**.00** for each vehicle per year or part thereof. The registration year shall extend from May 1 through April 30.

(b) For all hazardous waste collector/haulers, an annual registration and inspection fee shall be paid. The registration year shall extend from [May 1 through April 30] **October 1 through September 30**. The registrant may elect either of the following fee schedules:

1. $50**.00** for each vehicle per year or part thereof; or

2. $50**.00** for each vehicle up to 20 vehicles and $5**.00** per additional vehicle per year or part thereof. If the registrant intends to register more than 20 vehicles, he or she must notify the Department with the initial application in order to qualify for the reduction of fee for additional vehicles.

(c) (No change.)

7:26-4.8 Examination from fee payment

(a) [Any] **A** solid waste facility is exempt from payment of annual registration, inspection, and regulation fees [provided that] **if**:

1. The facility is operated solely for the purpose of composting leaf; and

2. The operation of the facility does not require a Certificate of Public Convenience and Necessity issued by the Board of Public [Utility Commissioners] **Utilities**; and

3. The annual Updated Registration Statement form [(N.J.B.S.W.M.-41)] filed with the Department prior to May 1 of each calendar year is accompanied by a certification, executed by the operator of the facility on forms supplied by the department, that the facility qualifies under the conditions set forth above.

(b) A sanitary landfill or transfer station is exempt from payment of inspection and regulation fee [provided that] **if**:

1. The operation of the facility does not require a Certificate of Public Convenience and Necessity issued by the Board of Public [Utility Commissioners] **Utilities**; and

2.-3. (No change.)

4. The annual Updated Registration Statement form [(N.J.B.S.W.M.-41)] filed with the Department prior to May 1 of each calendar year is accompanied by [the] **a** certification, executed by the operator of the facility on forms supplied by the Department, that the facility qualifies under the conditions set forth above.

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

The **current text** of N.J.A.C. 7:26-4.9 is replaced in its entirety. **Full text** of new section is as follows:

7:26-4.9 Time for submission of fees

(a) Fees for annual registration of a disposal facility (N.J.A.C. 7:26-4.3(a)1.), annual registration of a collector/hauler (N.J.A.C. 7:26-4.7(a)) and transfer of a registration are due at the time for submission of the updated registration statement.

(b) Fees for inspection and regulation of disposal facilities (N.J.A.C. 7:26-4.3(a)3.) are due quarterly, on or before January 1, April 1, July 1 and October 1.

(c) Fees for engineering design review are due at the time of submission of an engineering design.

7:26-5.1 Definitions

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

. . .

["Bureau" means the Bureau of Solid Waste Management in the division.

"Bureau chief" means the Chief of the Bureau of Solid Waste Management or any person designated to act on the chief's behalf.]

"Code" means the New Jersey Administrative Code, **Title** 7, Chapter 26 (N.J.A.C. 7:26-1.1 [through 7:26-2.10, formerly the New Jersey State Sanitary Code, Chapter VIII.] et seq.)

. . .

"Division" means the Division of [Environmental Quality] **Waste Management** in the Department.

["Division] "Director" means the Director of the Division of [Environmental Quality] **Waste Management** or any person designated to act on the [d]**D**irector's behalf.

7:26-5.2 Scope and construction

(a) Unless otherwise provided by statute, rule, regulation or code, the following rules shall constitute the rules of practice and procedure of, and shall govern all proceedings in, the [Bureau of Solid] **Division of** Waste Management.

(b) These rules shall be liberally construed to permit the [bureau] **Department** to effectuate the purposes of the law. The Commissioner **or** [division] Director [or bureau chief] may, upon notice to all persons involved in a specific proceeding, in the interest of justice, relax the application of these rules.

7:26-5.3 Administrative orders

(a) All administrative orders shall be in writing, shall state clearly the statute, rule, regulation or code allegedly violated, the time period within which compliance is to be achieved and the person or persons who have actual administrative responsibility who shall be responsible for having such correction made. Such orders may require interim measures directed toward ultimate compliance. All such orders shall include notice to the person advising him of the statutory sanctions provided for noncompliance, [his] **and of any** right to seek redress from the Department and the procedure and time limitations for doing so except in cases of stipulations or administrative orders consented to by the parties involved.

(b) The Commissioner **or** [division] Director [or bureau chief] may, [within] **in** his discretion, upon written application by the person against whom the order was issued and for good cause, stay the operation of any administrative order pending a hearing.

(c) (No change.)

7:26-5.4 Administrative hearings

(a) The conduct of all hearings shall conform to the requirements of the [New Jersey] Solid Waste Management Act [(1970)], as amended, (N.J.S.A. 13:1E-1 et seq.) and the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.)

(b) In addition to any hearing mandated by the [New Jersey] Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), any person aggrieved by any of the following actions of the [Bureau of Solid] **Department** [Waste Management] may [upon application made within 15 days after notice of the action] be entitled to a hearing before the Department:

1.-2. (No change.)

3. Refusal to renew [a registration application] **an approved registration** when renewal application has been timely made;

4. (No change.)

(c) Nothing in this section shall prohibit the Department from proceeding with an action in Superior Court when authorized to do so by [this chapter (formerly the New Jersey State Sanitary Code, Chapter VIII).] the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) or any other statute.

(d) Application for a hearing pursuant to (b) above shall be made to the Department in writing identifying the relevant statute, rule, regulation or code; the specific actions of the [bureau] **Department** causing the grievance, the nature of and reasons for the grievance; and the remedies sought. [The application for a hearing shall be made within 15 days of the specific actions of the bureau precipitating the request for a hearing].

(e) Application for a hearing shall be made within 30 days of notice of intent to deny a registration application. In revocation or suspension cases and all other cases application shall be made within 15 days after notice of the action of the Division precipitating the hearing request.

[(e)] **(f)** Any person making application for a hearing before the Department pursuant to (b) above shall have a written notice of hearing served upon him or forwarded to him by certified mail, return receipt requested, not less than 15 days before the hearing.

7:26-5.5 Penalties and rebates

(a) When good and sufficient cause exists, the Commissioner [division] **or** Director [or bureau chief] may exercise his discretion in deviating from the following guide, including referral of violation to the Office of the Attorney General for prosecution.

(b) Compromises and settlements of any claims for penalties and rebates thereof pursuant to N.J.S.A. 13:1E-9 shall be made for the New Jersey Administrative Code, **Title 7**, Chapter 26 [(formerly the Chapters of the New Jersey State Sanitary Code)] in accordance with the following guide:

(Schedule) (No change.)

(c) (No change.)

(d) Requests for rebates of penalty settlements must be made in writing to the Department. Such requests shall identify clearly the amount of the settlement, the date on which it was made and [jurisdictions] **justifications** for the rebate. The Department shall respond to all requests for rebates in writing stating its decision and the reasons therefor.

7:26-5.6 Stipulations and consent orders

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

(c) Upon request for and during negotiation, the Commissioner [division] **or** Director [or bureau chief] may stay an enforcement action or postpone a hearing pending a satisfactory conclusion to such negotiation.

(d) The Commissioner [division] **or** Director [or bureau chief] may terminate the process of negotiation at any time, in which event the Department will lift any stays or postponements in force and proceed with the enforcement process.

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

7:26-5.7 Test facilities and reports

(a) A request by the [bureau] **Department** to furnish test facilities will be made in writing and shall identify the operation to be tested, the location of the test facility, the purpose of the test, the contaminants to be measured, the nature of the facilities to be furnished and the date by which the request is to be honored.

(b) A request by the [bureau] **Department** that tests be conducted and the results be submitted will be made in writing and shall identify the facility at which the test is to be made, the contaminants to be measured and the conditions to prevail during the test.

(c) (No change.)

7:26-5.8 Renewal of approved registration

(a) Any person to whom an approved registration has been issued pursuant to the [New Jersey] Solid Waste Management Act (N.J.S.A. 13:1E-5) and N.J.A.C. 7:26-2.2, shall be notified by the [bureau,] **Department** in writing, not less than 90 days before the expiration of such approved registration, of the requirement to apply for renewal before the expiration date indicated on the registration certificate. The notification will identify the [disposal] operation involved, the number of the certificate to be renewed, and the expiration date of the certificate and will have attached the forms provided by the [bureau] **Department** for making the application for renewal.

(b) (No change.)

7:26-5.9 Effect of non-renewal or revocation of approved registration

(a) An approved registration constitutes a continuing authorization from the Department to engage in the collection and/or disposal of solid waste, including hazardous waste. The registration continues in effect for so long as the registrant continues to renew it within the time limits set forth in this Chapter, unless its duration is limited by its terms or the terms of an applicable District Solid Waste Management Plan, or unless explicitly revoked by the Department after notice and opportunity for a hearing.

(b) An approved registration expires automatically if the registrant fails to submit an updated registration statement and to pay all applicable fees within 30 days after the annual renewal/expiration date indicated on the approved registration. The expiration becomes effective upon the end of the 30-day grace period.

(c) If a hearing is requested in any case where the Department has declared that an approved registration has expired because of failure by the registrant to submit an updated registration statement or to pay applicable fees, the only issues that may be raised by the aggrieved party are:

1. That the updated registration statement and/or fees were in fact submitted to the Department within the applicable time periods; or

2. That the failure of the registrant to submit the updated registration statement and/or fees is excusable in light of all circumstances.

(d) A refusal by the Department to renew an approved registration is equivalent to a revocation, and shall be regarded as equivalent in any appeals process.

(e) If a registration expires pursuant to (b) above, or if the Department revokes or refuses to renew an approved registration after notice and opportunity for a hearing, the registration cannot be renewed for any subsequent year. If the registrant thereafter wishes to become authorized again to engage in the disposal, collection or haulage of solid waste, the registrant must submit a new application and disclosure statement, and be subject to all requirements of this Chapter that apply to new applicants.

7:26-7.5 Hazardous waste hauler responsibilities

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

(c) License issuance, renewal and revocation:

1. Prior to operation, a hazardous waste hauler shall obtain a hazardous waste hauler license from the Department. **A "hazardous waste hauler license" is a form of approved registration, and shall be deemed the equivalent of an "approved registration" under N.J.S.A. 13:1E-5.**

2. The [license] application **for a hazardous waste hauler licenses** shall be executed on forms provided by the Department, and shall state such information as required below, as well as any additional information that the Department may require. This information includes, but is not limited to, the following:

i. After July 1, 1981, proof of compliance with the minimum financial responsibility requirements covering public liabilities, property damage and environmental restoration set out in section 30 of the Federal Motor Carrier Act of 1980, **23 U.S.C. 315,** and 49 CFR 387 as adopted;

ii.-iii. (No change.)

3. After July 2, 1984, any person who files an application for a hazardous waste hauler license shall submit with the application the disclosure statement described in N.J.A.C. 7:26-16.4. The requirement of a disclosure statement shall not apply to any person specifically exempted under N.J.A.C. 7:26-16.3(d).

4. Any applicant who claims to be exempted under N.J.A.C. 7:26-16.3(d) from the requirement of a disclosure statement shall submit an affidavit stating the basis for the claim. In addition, such applicant shall submit in lieu of a disclosure statement an alternative information statement on forms supplied by the Department, in accordance with N.J.A.C. 7:26-12.2(g)2.

[2.] **5. Every hazardous waste hauler license issued by the Department shall indicate on its face an annual renewal/expiration date, which shall be September 30.** Prior to [May 1] **October 1** in each calendar year, each licensee shall submit to the Department a statement updating the information contained in the license application. Such information shall be submitted on forms supplied by the Department. In no case shall the submission of an [updating] **updated** licensing statement alter the conditions under which the [approved registration is] **license was** granted.

[3.] **6.** [The] **A** licensee shall notify the Department in writing within [thirty] 30 days of any change of information supplied on the licensee's current licensing application or **disclosure statement.**

7. The failure to submit updated information and to submit all applicable fees (see N.J.A.C. 7:26-4) within 30 days after the annual renewal/expiration date of a hazardous waste hauler license shall be sufficient cause to revoke the license or to declare it expired pursuant to N.J.A.C. 7:26-5.9(b).

[4. No person shall be issued a new hazardous waste hauler license nor shall any existing hazardous waste hauler license be renewed if the applicant:

i. Including any owner, officer or employee of the applicant has been convicted of a criminal offense under State or Federal law for acts involving the illegal disposal of hazardous waste during the (10) ten year period prior to application for a license;

ii. Has not provided accurate and complete information required to be submitted pursuant to paragraph (a) on the application for issuance or renewal.]

8. No person shall be issued a hazardous waste hauler license nor shall any hazardous waste hauler license be renewed if the applicant or licensee has failed to provide the accurate and complete information required to be submitted on the application for issuance or the updating statement for renewal.

9. No person shall be issued a hazardous waste hauler license if that person is disqualified for any of the reasons set forth in N.J.A.C. 7:26-16.8.

[5. The Department may revoke, after notice and opportunity for hearing, the license of a hazardous waste hauler for:

i. Activities described at (c) 4i and ii above;

ii. Knowing or reckless unauthorized disposal of hazardous waste;

iii. Violation of any applicable provision of this chapter.]

10. The Department, after notice and opportunity for hearing, may revoke the license of a hazardous waste hauler for the causes listed below which are in addition to, and not a limitation of any disqualifying reasons set forth in N.J.A.C. 7:26-16.8 and 16.9:

i. Failure to maintain the financial responsibility requirements or to provide for employee training as required under paragraphs 2i and 2ii above;

ii. Any of the disqualifying reasons set forth in N.J.A.C. 7:26-16.8 or 16.9;

iii. Violation of any applicable provision of the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), this Chapter, any administrative order issued by the Department or any environmental protection statute of this State;

iv. A pattern of violations of the environmental protection statutes or regulations of this or any other State, or the federal government.

(d)-(h) (No change.)

(i) Annual report; On or before May 1 of each year, every hazardous waste hauler shall submit to the Department an annual report describing the types and quantities of hazardous waste transported by the hauler during the previous calendar year. The annual report shall be submitted on forms provided by the Department.

7:26-12.2 Permit application

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

(g) In addition to the submittals required in Parts A and B of the permit application, all applicants shall submit to the Department [a] **the** disclosure statement [including but not limited to:] **described in N.J.A.C. 7:26-16.4.**

1. The requirement of a disclosure statement shall not apply to any person specifically exempted under N.J.A.C. 7:26-16.3(d).

2. Any applicant exempted under N.J.A.C. 7:26-16.3(d) from the requirement of a disclosure statement shall submit to the Department an alternative information statement including but not limited to:

i. (No change.)

ii. The names and addresses of all officers, directors or partners of any business concern disclosed pursuant to [(a)] **i** above and all persons holding more than 10 percent equity share in or more than 10 percent of the debt liability of any business concern disclosed pursuant to [(a)] **i** above;

iii. (No change.)

iv. A description of the experience, credentials, and licenses in [a] **the** field of hazardous waste management possessed by the key employees, officers, directors, or partners of the business concern seeking a permit;

v. (No change.)

vi. A listing and explanation of any judg[e]ment of liability or conviction under any State or Federal statute or local ordinance concerning hazardous waste management against the business concern seeking a permit or against any key employee, officer, director or partner of the business concern; and

vii. Any other information the Department may require that relates to the competency or reliability of the applicant[;].

(h)-(j) (No change.)

7:26-12.3 Existing facilities

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

(c) Owners or operators making changes during operation prior to final deposition of permit application shall comply with the requirements of [(c)] this section.

1.-3. (No change.)

4. **Changes in the ownership or operational control of a facility** [subject to prior approval by the Department, may be made if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change] **must be approved in advance by the Department.**

i. The prospective new owner or operator shall submit a Part A permit application and a disclosure statement not less than 180 days prior to the contemplated change; provided, however, that if the new owner or operator is a person exempted from the requirement of a disclosure statement under N.J.A.C. 7:26-16.3(d) he shall submit a Part A permit application and an alternative information statement not less than 90 days prior to the contemplated change.

ii. The prospective new owner or operator shall also submit a notification of changes in ownership or operational control pertaining to the potential applicability of N.J.A.C. 7:1-3, regulations under the Environmental Cleanup Responsibility Act, P.L. 1983, c.330, N.J.S.A. 13:1K-6; to:

Department of Environmental Protection
Division of Waste Management
Bureau of Industrial Sites Evaluation (or its successor)
CN 028
Trenton, New Jersey 08625

iii. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the hazardous waste facility financial requirements of N.J.A.C. 7:26-9.10 and N.J.A.C. 7:26-9.11, until the new owner or operator has demonstrated to the Department that it is complying with those sections. All other duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility. Upon demonstration to the Department by the new owner or operator of compliance with N.J.A.C. 7:26-9.10 and N.J.A.C. 7:26-9.11, the Department shall notify the old owner or operator in writing that it no longer needs to comply with those sections as of the date of demonstration.

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

(f) Eligibility to continue operation of an existing hazardous waste facility under this section terminates when:

1.-3. (No change.)

4. The Department, after notice and opportunity for hearing, revokes the owner or operator's authorization to operate a hazardous waste facility for any of the disqualifying reasons set forth in N.J.A.C. 7:26-16.8 and 16.9.

5. For the purposes of P.L. 1983. c.392 (N.J.S.A. 13:1E-126 et seq.), any authorization to operate a hazardous waste facility, whether conferred by temporary operating authorization, judicial or administrative order, approved registration and engineering design plan, or arising from the operation of this section, shall be deemed the equivalent of an approved registration statement.

(g) (No change.)

(h) The owner or operator of an existing hazardous waste facility may be required at the Department's discretion to submit Part B of its permit application along with a disclosure statement and an Environmental and Health Impact Statement, where applicable.

1. Any owner or operator shall be allowed at least six months from the date of request to submit the requested information, **except that a disclosure statement shall be filed within 90 days of the Department's request.**

2. (No change.)

7:26-12.5 Transfer of ownership [of]**or** operational control

(a) (No change.)

(b) The permittee shall notify the Department at least [90] **180** days in advance of any proposed change of ownership or operational control of a facility (90 days in the case of a prospective new permittee exempt from the requirement of a disclosure statement under N.J.A.C. 7:26-16.3(d)). The notice shall include:

1. A disclosure statement **or alternative information statement** prepared by the **prospective** new permittee meeting the requirements of N.J.A.C. 7:26-12.2(g);

2.-3. (No change.)

7:26-12.7 Termination of permits

(a) The following are causes for terminating a permit during its term or for denying a permit renewal application:

1. Noncompliance with any condition of the permit; [or]

2. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; [or]

3. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; [or]

4. A change in ownership or operational control of a permitted hazardous waste facility[.]; or

[5. The permittee's conviction before a court of competent jurisdiction for a criminal offense involving the management of hazardous waste provided that:

i. The permittee's activities would be illegal under the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) if conducted in New Jersey; and

ii. The permittee was convicted of the crime within 10 years of the date that termination procedures under this subchapter are begun.]

5. Any of the reasons for disqualification set forth in N.J.A.C. 7:26-16.8 or 16.9.

(b) The Department shall follow the applicable procedures in N.J.A.C. 7:26-12.13(c) in terminating any permit under this section.

(c) For the purposes of license revocation under N.J.S.A. 13:1E-12 and P.L. 1983, c.392 (N.J.S.A. 13:1E-126 et seq.), a "permit" issued pursuant to this subchapter shall be deemed the equivalent of an approved registration statement.

7:26-12.10 Permit application procedures

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

(c) Except as otherwise set forth in (d) below, [T]the Department shall not begin processing of a permit until the applicant has fully complied with the application requirements of N.J.A.C. 7:26-12.2 and the process set out in this paragraph.

1. Not les than [90] **180** days prior to filing a Part B application (90 days in the case of an applicant exempted from the requirement of a disclosure statement under N.J.A.C. 7:26-16.3(d)), as required by N.J.A.C. 7:26-12.2(e) and an Environmental and Health Impact Statement, as required by N.J.A.C. 7:26-12.2(e), the applicant shall submit to the Department:

i. A letter of intent to apply for a permit which shall include a brief description of the facility; and

ii. A disclosure statement or alternative information statement meeting the standards set forth at N.J.A.C. 7:26-12.2(g).

(d) Within [60] **150** days of receipt of the [letter of intent,] disclosure statement or within 60 days of receipt of the alternative information statement, the Department shall inform the applicant whether the disclosure statement or alternative information statement shows sufficient indication of competency and reliability in the area of hazardous waste management to warrant the submission of a Part B application and an Environmental and Health Impact Statement (EHIS). Such indication shall include a preliminary evaluation of the character of the applicant and the applicant's history of compliance with or violation of all relevant laws, rules and regulations concerning hazardous waste management in this State or elsewhere. This evaluation shall be finalized to the extent practicable by the time the Part B application review is completed. It is the Department's intent to continue this evaluation process during the term of the permit if issued.

1. An applicant may voluntarily submit a Part B application and EHIS to the Department earlier than set forth above, and request that the Department review the application concurrently with the background investigation and disclosure statement review required under N.J.A.C. 7:26-16.1 et seq. The Department in its discretion may begin reviewing the application.

2. The Department shall not be bound in any way to continue review of the application should an investigative report from the Attorney General or review of the disclosure statement indicate that the applicant may be subject to one of the

causes for disqualification set forth in N.J.A.C. 7:26-16.8.
(e) (No change.)

7:26-12.13 Procedures for modification, revocation and reissuance, or termination of permits
(a)-(b) (No change.)
(c) If the Department tentatively decides to terminate a permit under N.J.A.C. 7:26-12.7 **(a)1. through (a)4.**, it shall issue a notice of intent to terminate. **This form of** [A] notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under N.J.A.C. 7:26-12.11.
(d) If the Department decides to terminate a permit under N.J.A.C. 7:26-12.7(a)5, it need issue a notice to the permittee only. In this case, the notice shall not be considered a form of draft permit, but the permittee shall have the same right to a hearing as in any other proceeding to revoke an approved registration under N.J.S.A. 13:1E-12. and N.J.A.C. 7:26-16.

Full text of the proposed new rules follows.

SUBCHAPTER 16
SOLID AND HAZARDOUS WASTE LICENSING AND REVOCATION-DISCLOSURE STATEMENTS AND INTEGRITY REVIEW

7:26-16.1 Scope and authority
(a) This subchapter 16 implements P.L. 1983, c.392 (N.J.S.A. 13:1E-126 et seq.), and the public policy declared therein to preclude from participation in the solid and hazardous waste industries persons with known criminal records, habits, or associations, and to exclude or remove from positions of authority or responsibility in those industries any person known to be so deficient in reliability, expertise or competence that his or her participation would create or enhance the danger of unsound, unfair or illegal practices, methods or activities in the business of those industries.
(b) This subchapter applies to any proceeding involving the issuance, approval, termination or revocation of any approved registration or equivalent authorization to operate a solid or hazardous waste business in New Jersey, including any temporary operating authorization, hazardous waste hauler license, or hazardous waste facility permit.

7:26-16.2 Definitions
The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.
"Applicant" means any person seeking a license.
"Application" means the forms and accompanying documents filed in connection with the applicant's request for a license.
"Broker" means any person, not registered with the Department, who for compensation (for example, a commission or fee) arranges for the transportation or disposal of solid waste or hazardous waste, other than waste generated by that person.
"Business concern" means any corporation, association, firm, partnership, trust or other form of commercial organization.
"Disclosure statement" means a statement containing information about an applicant or licensee as set forth in N.J.A.C. 7:26-16.4.
"Key employee" means any person employed by an applicant or licensee in a supervisory capacity or empowered to make discretionary decisions with respect to the solid or hazardous waste operations of the business concern, but shall not include employees exclusively engaged in the physical or mechanical collection, transportation, treatment, storage or disposal of solid or hazardous waste.
"License" means the initial approval and first renewal of any registration statement or engineering design pursuant to N.J.S.A. 13:1E-1 et seq. and/or N.J.S.A. 13:1E-49 et seq. for the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste in this state, except that "license" shall not include any registration statement or engineering design approved for any of the persons listed in N.J.A.C. 7:26-16.3(d). "License" includes any authorization equivalent to an approved registration, including any temporary operating authorization, hazardous waste hauler license, or hazardous waste facility permit.
"Licensee" means any person who has received a license.

7:26-16.3 Filing of disclosure statement
(a) Every applicant shall file a disclosure statement with the Department and the Attorney General at the time the application is filed, unless exempted under (d) below. Applicants for siting under the Major Hazardous Waste Facilities Siting Act, N.J.S.A. 13:1E-49 et seq., shall file a disclosure statement at the time specified in N.J.A.C. 7:26-13A.6.
(b) Disclosure statements shall be filed by submitting an original and three conformed copies of all papers, including Personal History Disclosure Forms, to the Department at the following address:

Department of Environmental Protection
Division of Waste Management
License Section
32 E. Hanover Street
CN 028
Trenton, New Jersey 08625

1. The Department will transmit copies to the Attorney General for purposes of the investigative report.
2. Additional conformed copies of disclosure statements, or any portions thereof, shall be supplied upon the request of the Department or the Attorney General.
(c) Any person required to be listed in the disclosure statement, other than a non-supervisory employee required to be listed under N.J.A.C. 7:26-16.4(a)9., shall be fingerprinted for identification and investigation purposes in accordance with procedures established by the Attorney General.
1. Completed fingerprint cards shall be supplied by the applicant with the filed disclosure statement. The applicant shall arrange for the taking of fingerprints.
2. Fingerprints shall be supplied on fingerprint cards specified for the purpose by the Attorney General and made available by the Department. Fingerprints must be taken and verified by an employee of a police agency authorized to take fingerprints. (Most local police departments will provide this service for a fee.)
(d) Exemptions: The following persons are exempted from the requirement to submit a disclosure statement:
1. Any department, division, agency, commission or authority of the Federal government or the State, or any county, municipality or agency thereof;
2. Any person whose application or license is solely for the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste generated by that person; provided, however, that this exemption shall not apply where the waste generated is from a facility requiring a license and not itself exempted under this subsection;
3. Any person whose application or license is for the operation of a hazardous waste facility, if at least 75 percent of the

total design capacity of that facility is utilized to treat, store or dispose or hazardous waste generated by that person;

4. Any person whose application or license is for the operation of a hazardoús waste facility which is considered as such solely as the result of the recycling or refining of hazardous wastes which are or contain gold, silver, osmium, platinum, palladium, iridium, rhodium, ruthenium, or copper;

5. Any person whose application or license is solely for the collection, transportation, treatment, storage or disposal of granular activated carbon used in the adsorption of hazardous waste.

7:26-16.4 Content of disclosure statement

(a) The disclosure statement shall be filed on forms supplied by the Department, and shall include the following information:

1. The full name, business address, home address, date of birth, social security number and/or Federal Employer Identification Number of the applicant, or, if the applicant is a business concern, of any officers, directors, partners, or key employees thereof and all persons or business concerns holding any equity in or debt liability of that business concern, or, if the business concern is a publicly traded corporation, all persons or business concerns holding more than five percent of the equity in or debt liability of that business concern, except that where the debt liability is held by a chartered lending institution, the applicant need only supply the name and business address of the lending institution;

2. The full name, business address, home address, date of birth and social security number of all officers, directors, or partners of any business concern disclosed in the statement and the names and addresses of all persons holding any equity in or the debt liability of any business concern so disclosed, or, if the business concern is a publicly traded corporation, all persons or business concerns holding more than five percent of the equity in or debt liability of that business concern, except that where the debt liability is held by a chartered lending institution, the applicant need only supply the name and business address of the lending institution.

3. The full name and business address of any company which collects, transports, treats, stores or disposes of solid waste or hazardous waste in which the applicant holds an equity interest;

4. A description of the experience and credentials in, including any past or present licenses for, the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste possessed by the applicant, or, if the applicant is a business concern, by the key employees, officers, directors, or partners thereof;

5. A listing and explanation of any notices of violation or prosecution, administrative orders or license revocations issued by any State or Federal authority, in the 10 years immediately preceding the filing of the application, which are pending or have resulted in a finding or a settlement of a violation of any law or regulation relating to the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste by the applicant, or if the applicant is a business concern, by any key employee, officer, director, or partner thereof;

6. A listing and explanation of any judgement of liability or conviction which was rendered, pursuant to any State or Federal statute or local ordinance, against the applicant, or, if the applicant is a business concern, against any key employee, officer, director, or partner thereof, except for any violation of Title 39 of the Revised Statutes (N.J.S.A.) or comparable motor vehicle offenses in jurisdictions other than New Jersey;

7. A listing of all labor unions and trade and business associations in which the applicant was a member or with which the applicant had a collective bargaining agreement;

8. A listing of any agencies outside of New Jersey which had regulatory responsibility over the applicant in connection with its collection, transportation, treatment, storage or disposal of solid waste or hazardous waste;

9. A listing of all employees of the applicant not otherwise required to be listed, and as to each, the full name, home address, date of birth and social security number;

10. As to every person required to be listed in the disclosure statement (other than a non-supervisory employee required to be listed under N.J.A.C. 7:26-16.4(a)9.), a completed Personal History Disclosure Form on forms supplied by the Department, including information about family, education and employment history;

11. Any other information the Attorney General or the Department may require that relates to the competency, reliability or good character of the applicant.

(b) The disclosure statement shall be sworn to or affirmed and subscribed and dated by the applicant or the author before a person legally competent to take an oath or affirmation, who shall himself subscribe and date the signature of the affiant and indicate the basis of his authority to take oaths and affirmations. Personal History Disclosure Forms shall be sworn to or affirmed and subscribed in the same manner, by the individual and the oath-taker. The following statement shall immediately precede the signature of the affiant: "I swear (or affirm) that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

(c) Disclosure statements shall be signed by each of the following:

1. If of a corporation, by its president, its chairman of the board, any other chief executive officer thereof, its secretary and its treasurer;

2. If of a partnership, by each of its partners; if of a limited partnership, only by each of its general partners;

3. If of any other business concern, by its chief executive officer, its secretary and its treasurer;

4. If of a natural person, by the person himself or herself.

(d) Personal History Disclosure Forms shall be signed by the individual described thereon.

(e) All signatures shall be signed in ink and dated on original papers, but may be photocopied, typed, stamped or printed on copies. The name and address of the signatory shall be typed, stamped or printed beneath each signature.

7:26-16.5 Investigative report by Attorney General

(a) The Department shall not issue any license (other than a temporary registration for not more than one year) to an applicant until it has received and reviewed an investigative report from the Attorney General.

(b) The departmental review of the application shall include a review of the disclosure statement and investigative report.

(c) In its discretion, the Department may issue a temporary registration for not more than one year to an applicant, if such issuance is necessary to prevent or ameliorate a hazard to the public health, safety or the environment; to prevent economic hardship to a public body, or otherwise serves some interest of the general public, and the applicant signs an agreement that it will cease its solid or hazardous waste operations upon the expiration date of the temporary registration if a license has not been approved by the Department, or upon order of the Department.

7:26-16.6 Change of information on disclosure statement

(a) If any of the information required to be included in a disclosure statement changes, or if any additional information should be added after the filing of the statement, the applicant or licensee shall provide that information to the Department and the Attorney General in writing within 30 days of the change or addition.

(b) Changes of information shall be filed on amendment forms supplied by the Department, or on copies of applicable portions of the disclosure statement or Personal History Disclosure Form.

(c) Changes of information shall be filed by submitting an original and three conformed copies to the Department, which shall transmit copies to the Attorney General.

(d) Changes of information shall be sworn to or affirmed and subscribed in the manner prescribed for original disclosure statements at N.J.A.C. 7:26-16.4(b).

(e) Where an applicant or licensee has submitted multiple amendments to its disclosure statement; or the information concerning an applicant or licensee has undergone substantial change; or if the disclosure statement currently on file with the Department is more than five years old, the Department, in its discretion, may require the applicant or licensee to file a new disclosure statement.

7:26-16.7 Additional information; Duty to cooperate

(a) All applicants and licensees have the continuing duty to provide any assistance or information requested by the Department or the Attorney General, and to cooperate in any inquiry or investigation conducted by the Attorney General and any inquiry, investigation, or hearing conducted by the Department. If, upon issuance of a formal request to answer any inquiry or produce information, evidence or testimony, any applicant or licensee refuses to comply, the license of that person may be denied or revoked by the Department.

(b) Upon request, the applicant shall supply physical evidence, including but not limited to photographs or handwriting exemplars of any individual listed on the disclosure statement or any amendment thereof.

7:26-16.8 Disqualification criteria

(a) No license shall be approved by the Department unless the Department finds that the applicant, in any prior performance record in the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste, has exhibited sufficient reliability, expertise, and competency to operate the solid waste or hazardous waste facility, given the potential for harm to human health and the environment which could result from the irresponsible operation thereof, or if no prior record exists, that the applicant is likely to exhibit that reliability, expertise and competence.

(b) No license shall be approved by the Department if any person required to be listed in the disclosure statement, or shown to have a beneficial interest in the business of the applicant or the licensee other than an equity interest or debt liability by the investigation thereof, has been convicted of any of the following crimes under the laws of New Jersey or the equivalent thereof under the laws of any other jurisdiction:

1. Murder;
2. Kidnapping;
3. Gambling;
4. Robbery;
5. Bribery;
6. Extortion;
7. Criminal usury;
8. Arson;
9. Burglary;
10. Theft and related crimes;
11. Forgery and fraudulent practices;
12. Fraud in the offering, sale or purchase of securities;
13. Alteration of motor vehicle identification numbers;
14. Unlawful manufacture, purchase, use or transfer of firearms;
15. Unlawful possession or use of destructive devices or explosives;
16. Violation of section 19 of the "New Jersey Controlled Dangerous Substances Act," N.J.S.A. 24:21-19, except possession of 84 grams or less of marijuana;
17. Racketeering, N.J.S.A. 2C:41-1 et seq.;
18. Violation of criminal provisions of the "New Jersey Antitrust Act," N.J.S.A. 56:9-1 et seq.;
19. Any purposeful, knowing, willful or reckless violation of the criminal provision of any federal or state environmental protection laws, rules, or regulations;
20. Violation of N.J.S.A. 2C:17-2;
21. Perjury, false swearing or any other offense set forth in Chapter 28 of the New Jersey Code of Criminal Justice, N.J.S.A. 2C:28-1 et seq.;
22. Any violation of the criminal provisions of the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq.

(c) Notwithstanding the provisions of (b) above, no applicant shall be denied a license on the basis of a conviction of any individual required to be listed in the disclosure statement, or shown to have a beneficial interest in the business of the applicant or the licensee other than an equity interest or debt liability by the investigation thereof, for any of the offenses enumerated in (b) above as disqualification criteria, if the person has affirmatively demonstrated by clear and convincing evidence his rehabilitation. In determining whether an applicant has affirmatively demonstrated rehabilitation, the Department shall request a recommendation thereon from the Attorney General, and shall consider the following factors and weigh them in light of the policies set forth in N.J.A.C. 7:26-16.20 et seq.:

1. The nature and responsibilities of the position which a convicted individual would hold;
2. The nature and seriousness of the offense;
3. The circumstances under which the offense occurred;
4. The date of the offense;
5. The age of the individual when the offense was committed;
6. Whether the offense was an isolated or repeated incident;
7. Any social conditions which may have contributed to the offense;
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision.

(d) No license shall be approved by the Department if the Attorney General determines that there is a reasonable suspicion to believe that a person required to be listed in the disclosure statement, or shown to have a beneficial interest in the business of the applicant or the licensee other than an equity interest or debt liability by the investigation thereof, does not possess a reputation for good character, honest and integrity, and that person or the applicant fails, by clear and convincing evidence, to establish his reputation for good character, honesty and integrity.

(e) No license shall be approved by the Department with respect to the approval of an initial license, if there are current prosecutions or pending charges in any jurisdiction against any person required to be listed in the disclosure statement, or shown to have a beneficial interest in the business of the applicant or the licensee other than an equity interest or debt liability by the investigation, for any of the offenses enumerated in (b) above, provided, however, that at the request of the applicant or the person charged, the department shall defer decision upon such application during the pendency of such charge.

(f) No license shall be approved by the Department if any person required to be listed in the disclosure statement, or shown to have a beneficial interest in the business of the applicant or the licensee other than an equity interest or debt liability by the investigation thereof, has pursued economic gain in an occupational manner or context which is in violation of the criminal or civil public policies of this State, where such pursuit creates a reasonable belief that the participation of that person in any activity required to be licensed under this chapter would be inimical to the policies of N.J.S.A. 13:1E-126 et seq. For purpose of this section, "occupational manner or context" means the systematic planning, administration, management, or execution of an activity for financial gain.

(g) No license shall be approved by the Department if the applicant refuses to comply with inquiries as required under N.J.A.C. 7:26-16.7.

(h) No license shall be approved by the Department if the applicant in its application, disclosure statement or any other materials supplied to the Department or the Attorney General shall supply information which is untrue or misleading as to a material fact pertaining to the disqualification criteria.

7:26-16.9 Causes for license revocation

(a) In addition to any other cause set forth in this Chapter, any license may be revoked by the department for any of the following causes:

1. Any cause which would require disqualification, pursuant to N.J.S.A. 7:26-16.8, from receiving a license upon original application;

2. Fraud, deceit or misrepresentation in securing the license, or in the conduct of the licensed activity;

3. Offering, conferring or agreeing to confer any benefit to induce any other person to violate the provisions of N.J.S.A. 13:1E-1 et seq., N.J.S.A. 13:1E-126 et seq., or of any other law relating to the collection, transportation, treatment, storage, or disposal of solid waste or hazardous waste, or of any rule or regulations adopted pursuant thereto;

4. Coercion of a customer by violence or economic reprisal or the threat thereof to utilize the services of any licensee;

5. Preventing, without authorization of the department, any licensee from disposing of solid waste or hazardous waste at a licensed treatment, storage or disposal facility.

7:26-16.10 Administrative hearing; Requests

(a) Any applicant who is denied an initial license pursuant to this subchapter shall, upon a written request transmitted to the Department within 30 days of that denial, be afforded the opportunity for a hearing thereon in the manner provided for contested cases pursuant to the "Administrative Procedure Act," N.J.S.A. 52:14B-1 et seq.

(b) Any licensee who receives a notice of intent to revoke or refuse to renew a license shall have 15 days from receipt of the notice to transmit to the Department a request for a hearing.

7:26-16.11 Severance of disqualifying individuals

(a) Notwithstanding the disqualification of an applicant or licensee pursuant to N.J.A.C. 7:26-16.8 or 16.9, the department may issue or renew a license if the applicant or licensee severs the interest of or affiliation with the person who would otherwise cause that disqualification.

(b) Where the disqualifying individual is the owner of an equity interest or interest in the debt liability of the licensee or applicant, he must completely divest himself of that interest. Where immediate sale of the interest would work an economic hardship on the individual, the licensee or applicant, the Department may, in its discretion, allow for divestiture over a period of time not to exceed one year.

(c) Arrangements such as blind trusts will be acceptable only as part of a divestiture arrangement under which the trustee is obliged to sell the disqualifying individual's interest within a period not to exceed two years.

(d) Before the Department will issue or renew a license to an applicant or licensee which has severed a disqualifying individual, the applicant or licensee must submit to the Department an affidavit, sworn to by the chief executive officer, attesting to the severance of the disqualifying individual and describing the terms, circumstances and conditions of that severance. Any instruments pertaining to that severance (such as a trust agreement) shall be submitted with the affidavit.

7:26-16.12 License revocation; Ineligibility for reapplication

(a) The Department will not issue a license to any person who has had an application denied, or a license revoked, for any of the reasons set forth in N.J.A.C. 7:26-16.8 or 16.9, for a period of five years following such denial or revocation.

(b) A person that is a business concern shall be considered as the same person if the management structure of the concern includes the person or persons that were the cause of the original disqualification.

7:26-16.13 Fees charged by the Attorney General and the Department

(Note: The fee for the Attorney General is proposed pursuant to Section 3.d of P.L. 1983, c.392, N.J.S.A. 13:1E-128d. The fee for the Department is proposed pursuant to N.J.S.A. 13:1E-18.)

(a) Every applicant or licensee who files a disclosure statement shall submit a fee to the Attorney General to cover the cost of enforcing P.L. 1983, c.392 (N.J.S.A. 13:1E-126 et seq.) and a fee to the Department to cover the cost of reviewing disclosure statements and securing confidential documents. Each fee shall be $100.00 per each individual required to be listed in the disclosure statement (other than a non-supervisory employee required to be listed pursuant to N.J.A.C. 7:26-16.4(a)9) or shown to have a beneficial interest in the business of the applicant or licensee other than an equity interest or debt liability interest.

(b) The applicant shall calculate the amount of each fee due and submit to the Department separate checks for each fee amount, made payable to "Treasurer, State of New Jersey." The Department shall forward the check for the Attorney General's fee to the Attorney General. The Department will not accept an application or disclosure statement as complete for filing unless accompanied by the appropriate fee payments.

(c) If, on the basis of investigation, the Department or the Attorney General determine that a person not listed on the disclosure statement should have been listed thereon, the Department and Attorney General may require the payment of additional separate fees along with the submission of additional information pertaining to that person. The applicant shall pay such additional separate fees promptly upon demand. Nothing in this subsection shall be construed as limiting the power of the Department to deny or revoke a license if the Department finds the omission of a person from the disclosure statement was intended to mislead or conceal information from the Department.

(d) If an applicant or license files a change of information pursuant to N.J.A.C. 7:26-16.6, and discloses thereon an individual not listed in the disclosure statement information (including any amendments) currently on file with the Department, the applicant or licensee shall pay additional separate fees of $100.00 per each individual so disclosed (other than a non-supervisory employee required to be listed pursuant to N.J.A.C. 7:26-16.4(a)9.).

7:26-16.14 Confidential information

(a) As used in this section, the following terms shall mean:

1. "Authorized personnel" means any employee of the Department or the Attorney General authorized to act in the enforcement of P.L. 1983, c.392, N.J.S.A. 13:1E-126 et seq.

2. "Confidential information" means

i. Any information required to be furnished to the Department or the Attorney General by an applicant, licensee or an individual required to be listed on a disclosure statement, which pertains to private financial matters of the applicant, licensee or individual which are not otherwise subject to public disclosure by any statute or regulation;

ii. Any information which pertains to the criminal record, family or personnel background of an applicant, a licensee or an individual required to be listed on a disclosure statement;

iii. Any information obtained by the Department or the Attorney General pursuant to an interrogatory issued pursuant to N.J.S.A. 13:1E-129 or a subpoena issued pursuant to N.J.S.A. 13:1E-130; and

iv. Any other information which is confidential pursuant to applicable statutory provision, judicial decision or rule of court.

3. "Secure storage facility" means any area, room, furniture, equipment, machinery or other device used for the storage of confidential information, access to which is limited to authorized personnel at all times by locks, alarms, codes or other appropriate security precautions.

(b) Confidential information shall not be released or disclosed to any person except in accordance with the provisions of this section.

(c) Except as otherwise provided (k) below, access to confidential information within the possession of the Department or the Attorney General shall be restricted to authorized personnel who require such information in the performance of their official duties.

(d) Confidential information not currently being used by authorized personnel shall be stored in secure storage facilities. Every such facility shall be under the direct supervision of a supervisor designated by the Commissioner or Director. The said supervisor shall periodically review for their effectiveness all security measures. Measures determined to be ineffective shall be immediately corrected or improved.

(e) The Commissioner or Director shall designate in writing all Department personnel authorized to have access to confidential information.

(f) Authorized personnel shall not remove confidential information from designated secure storage facilities unless such removal is necessary to the fulfillment of their official duties. Confidential information which is not presently being utilized by authorized personnel shall be promptly returned to its secure storage facility.

(g) A record shall be maintained of all confidential information which is removed from secure storage facilities other than those which utilize computer or magnetic media. This record shall include:

1. The name of the person removing the information;

2. The name of the person for whom the information is being obtained;

3. The date of removal;

4. A description of the information removed or the number of the file which has been removed; and

5. The date the information is returned.

(h) Confidential information shall not be removed from the offices of the Department without the prior approval of an appropriate supervisor. Such approval shall only be granted where removal of the confidential information is necessary to the performance of the official duties of authorized personnel.

(i) The integrity of confidential information in the possession of authorized personnel shall be preserved at all times. It shall be the personal responsibility of any individual granted temporary custody of confidential information to insure that the information is not shown, released or disclosed to any unauthorized person or to any otherwise authorized person who does not require such information in the performance of their official duties. Confidential information temporarily stored outside designated secure storage facilities shall be maintained in a locked desk or filing cabinet, or protected by other appropriate security precautions.

(j) A hard copy of confidential information stored on computer or magnetic media, or any other copy of confidential information within the possession of the Department shall only be made where absolutely necessary to the administration of N.J.S.A. 13:1E-126 et seq., or where an authorized release of the confidential information is made pursuant to the provisions of (k) and (l) below.

(k) Confidential information within the possession of the Department shall not be released or disclosed in whole or in part to any person, except:

1. Upon lawful order of a court of competent jurisdiction; or

2. In the course of the necessary administration of N.J.S.A. 13:1E-126 et seq.;

3. With the approval of the Attorney General, to a duly authorized law enforcement agency; or

4. Upon presentation of proper identification, to the applicant, licensee or individual who furnished the confidential information to the Department or the Attorney General; or

5. Upon presentation of a duly executed and notarized release authorization by the applicant, licensee or individual who furnished the confidential information, to any person making a written request for specifically identified confidential information.

(l) If confidential information is released or otherwise disclosed to any person under any circumstances other than those identified in (k)2 through 5 above, written notice shall be given to any applicant, licensee or individual affected prior to the release or disclosure, whenever possible, unless such notice would otherwise imperil the administration of N.J.S.A. 13:1E-126 et seq. To the extent known, the notice shall include:

1. The name and address of the person to whom the information was released or disclosed;

2. A description of the information released or disclosed; and

3. The date of the release of disclosure.

(m) Any confidential information disclosed in the course of any proceeding in the administration of N.J.S.A. 13:1E-126 et seq., or in the course of a judicial proceeding in which disclosure has been made pursuant to lawful order of the court, shall cease to be confidential information to the extent the record of the proceeding becomes a public record.

(n) Any knowing or willful disclosure of confidential information by personnel of the Department, other than a disclosure authorized under this section, shall be a violation of the Department's code of ethics and shall subject the violator to the penalties provided by N.J.S.A. 52:13D-23(d), following notice and the right to a hearing before the Executive Commission on Ethical Standards. The violator may also be subject to disciplinary action, including suspension or dismissal. Unauthorized disclosure of information obtained pursuant to interrogatory or subpoena may subject the violator to criminal penalties under N.J.S.A. 13:1E-131.

7:26-16.15 to 16.19 (Reserved)

7:26-16.20 Policies on disqualification

(a) To guide in the exercise of its discretion under N.J.A.C. 7:26-16.8 and 16.9, the Department from time to time shall promulgate policies and publish them as regulations in this subchapter.

(b) Where no published policy applies, the Department shall evaluate applicants and licensees in light of the policies expressed in N.J.S.A. 13:1E-126.

7:26-16.21 Convicted persons generally

(a) No licensee shall knowingly hire as an officer, director or key employee, nor knowingly allow to acquire an equity interest or debt liability interest, any person who has been convicted of any of the crimes enumerated in N.J.A.C. 7:26-16.8(b), without first obtaining the approval of the Department. This provision does not apply to persons who were employed or held their interests before June 11, 1984.

(b) In connection with any such request, the licensee shall file with the Department and the Attorney General an amended disclosure statement, containing the necessary information about the person, including any evidence the licensee wishes to bring forth demonstrating the person's rehabilitation.

(c) The Department shall request a recommendation from the Attorney General as to whether the person has affirmatively demonstrated rehabilitation, and shall consider the factors set forth at N.J.A.C. 7:26-16.8(c) in determining whether to grant permission to the licensee to employ the individual or allow him to acquire an interest in the licensee.

(d) Any licensee that violates (a) above may be subject to having its license revoked, notwithstanding the rehabilitation of the individual in question.

7:26-16.22 Persons convicted of environmental crimes

(a) In the case of persons convicted of violating the criminal provisions of any Federal or State environmental protection laws, rules or regulations, including N.J.S.A. 2C:17-2, N.J.S.A. 13:1E-9(e) or (f) and N.J.S.A. 58:10A-10f, or persons convicted of any crime which involved the violation of such laws, rules or regulations, the Department will not consider such person rehabilitated unless he has made all reasonable efforts to clean up or mitigate any environmental damage caused by the activities for which he was convicted, and to make restitution to any victims injured thereby; and

(b) In the absence of clear and convincing evidence to the contrary, the Department will hold that a conviction pursuant to (a) above warrants a finding of "unreliability" under N.J.A.C. 7:26-16.8(a) if the date the conviction became final (including the exhaustion of any appeals) is less than ten years preceding the filing of the application or notice of intent to revoke a license.

(c) Notwithstanding (a) and (b) above, the Department may still deny or revoke a license because of a conviction more than ten years old if the person in question fails to demonstrate rehabilitation by clear and convincing evidence.

7:26-16.23 "Independent contractors" or "consultants"

(a) Applicants and licensees may not avoid the effects of N.J.A.C. 7:26-16.8 and 16.9 by designating an employee as an "independent contractor" or "consultant". The Department will look beyond the form of such contracts, and if it finds that a person designated as an "independent contractor", "consultant" or similar term is performing functions commonly performed in the industry by employees, or is exercising any discretion over the solid waste or hazardous waste operations of an applicant or licensee, the Department will regard that person as an employee.

(b) The department may deny or revoke a license if it finds that an applicant or licensee has entered into an "independent contractor" arrangement, "consultant" agreement or similar arrangement for the purpose of avoiding disqualification under N.J.A.C. 7:26-16.8 or 16.9.

7:26-16.24 "Brokerage" by convicted persons

(a) It is the policy of the Department to discourage persons who would be disqualified from obtaining licenses under N.J.A.C. 7:26-16.8(b) from acting as brokers in the solid waste or hazardous waste industries.

(b) The Department may examine an applicant or licensee's relationship with a broker in order to determine whether the broker is or has acted as an employee. In making this determination the Department may consider the following factors:

1. Whether the broker was formerly employed by the licensee or a business concern owned, controlled or under the same ownership as the licensee or applicant;

2. Whether the broker is under retainer to the applicant or licensee, or receives any compensation that is not dependent on producing sales;

3. Whether the commissions paid to the broker are disproportionate to those paid to other brokers similarly situated in the industry;

4. Whether the broker derives the bulk of his income from one licensee, or from licensees under common ownership;

5. Whether the broker performs functions customarily performed by employees, such as signing manifests, supervising the loading of trucks, instructing drivers on routes to follow, etc;

6. Whether the broker has an agreement (written or oral) with a licensee to "steer" business to the licensee rather than to competitors, such that the broker is not exercising independent judgment in his choice of licensed operators.

(c) If the Department finds that a broker who would be disqualified from obtaining a license is or has acted as an employee, it may result in the applicant or licensee being disqualified under N.J.A.C. 7:26-16.8 or 16.9.

(d) The Department may deny or revoke a license if it finds that an applicant or licensee has set up or maintained a relationship with a broker for the purpose of avoiding disqualification under N.J.A.C. 7:26-16.8 or 16.9.

SUBCHAPTER 16A
SPECIAL RULES FOR SUBMISSION OF DISCLOSURE STATEMENTS BY EXISTING LICENSEES AND APPLICANTS WHOSE APPLICATIONS WERE PENDING BEFORE THE DEPARTMENT PRIOR TO JULY 2, 1984

Executive Order No. 66(1978) notice: This Subchapter will expire on June 10, 1986.

7:26-16A.1 Scope and applicability; Conflicts

(a) This subchapter implements section 3.a. of L.1983, c.392, N.J.S.A. 13:1E-128.a., which states that "Every licensee who is not otherwise required to file a disclosure statement within two years of the effective date of this act (June 11, 1984) shall file a disclosure statement with the department and the Attorney General within that period."

(b) This subchapter is intended to provide for orderly and timely filing of disclosure statements by existing licensees so as to equalize the administrative burdens on the Department and the Attorney General over the two-year period.

(c) Except where the context would require otherwise, the provisions of N.J.A.C. 7:26-16 are applicable to this subchapter.

(d) In case of any conflict between a provision of this subchapter and any other provision of this chapter, the provision of this subchapter shall govern.

(e) The Commissioner or Director may relax the application of any part of this subchapter if necessary to prevent unreasonable delay in the processing of any application that was pending before the Department prior to July 2, 1984.

7:26-16A.2 Schedule for submitting disclosure statements

(a) All persons who had received a license from the Department prior to July 2, 1984 shall submit a disclosure statement to the Department and the Attorney General within two years after June 11, 1984. Disclosure statements shall be submitted according to the procedures and requirements set forth in N.J.A.C. 7:26-16.3 and 16.4.

(b) A person shall be deemed to have "received a license" if he had received from the Department final approval to operate a solid or hazardous waste collector-hauler business or treatment, storage or disposal facility, or was actually operating pursuant to any authorization equivalent to an approved registration, such as a temporary operating authorization, judicial order or administrative consent order.

(c) The Department may require any applicant or licensee to submit a disclosure statement on demand upon 90 days notice.

(d) Any licensee may voluntarily submit a disclosure statement earlier than demanded.

(e) The applicant or licensee shall have 90 days from the time of receipt of the demand to file a disclosure statement with the Department and the Attorney general. Refusal to file the disclosure statement shall be deemed a refusal to comply under N.J.S.A. 13:1E-128.c. and N.J.A.C. 7:26-16.7.

7:26-16A.3 Applications pending on July 2, 1984

(a) Persons with applications pending before the Department on the effective date of these rules (July 2, 1984) shall submit a disclosure statement to the Department and the Attorney General no later than August 31, 1984.

(b) It is the Department's intention that applicants whose applications were pending before the Department prior to the proposal date of subchapter 16 (May 7, 1984) shall have the licensing process delayed as little as possible by reason of the new licensing requirements imposed by L.1983, c.392. When it finds that it is in the public interest to do so, or to prevent unreasonable economic hardship, the Department may conditionally issue a license to an applicant whose application was pending on May 7, 1984 before it has received a full investigative report from the Attorney General, provided that:

1. The disclosure statement has been filed, and a preliminary review by the Department indicates no reason for disqualification;

2. The Attorney General has conducted a check of applicable criminal history information and reported to the Department that such check indicates no reason for disqualification; and

3. The applicant has signed a statement indicating its understanding that its license may be revoked if the full investigative report or subsequent investigation indicate reasons for disqualification.

(c) Applicants who filed their applications after May 7, 1984 may not be issued licenses until completion of the investigative report. However, the Department will attempt to expedite processing of such applications by requesting the Attorney General to accord highest priority to completing investigative reports on applicants whose applications are pending before the Department prior to July 2, 1984. Also, in appropriate cases, the Department will continue technical review of such applications concurrent with the disclosure statement review and investigative report.

(a)

DIVISION OF WASTE MANAGEMENT BOARD OF PUBLIC UTILITIES

Interdistrict and Intradistrict Solid Waste Flow

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

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

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

DEP Docket No. 84-021-04.

A **public hearing** concerning this proposal will be held on May 16, 1984 at 7:30 P.M. at:

Room AV 109 (Audio-Visual Building)
Mercer County Community College
1200 Old Trenton Road
Trenton, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984.

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

Barbara M. Greer
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, N.J. 08525

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

This proposal is known as PRN 1984-263.

The agency proposal follows:

Summary

On December 13, 1983, the Mercer County Board of Chosen Freeholders adopted an amendment to the Mercer County District Solid Waste Management Plan which proposes to redirect waste types 10 (municipal), 13 (bulky), 23 (vegetative), 25 (animal/food processing), and 27 (non-chemical industrial waste) from disposal in the Parklands Reclamation Project Landfill, Bordentown Township, Burlington County, New Jersey, to the GROWS Landfill, Falls Township, Bucks Township, Pennsylvania, for disposal. About 900 tons per day of waste will be redirected.

The redirection of waste in necessitated by: (1) the termination of the Burlington County-Mercer County Interdistrict Waste Flow Agreement which had permitted the disposal of Mercer County's solid waste at the Parklands Landfill; and (2) the absence of existing landfill capacity within Mercer County; and (3) Mercer County's failure to negotiate a new interdistrict agreement which would permit disposal within the State.

The Department of Environmental Protection and the Board of Public Utilities, pursuant to N.J.A.C. 7:26-6.6, are proposing to amend the "waste flow rules" to include the redirection of Mercer County's solid waste as adopted by the Mercer County Board of Chosen Freeholders. This proposal will provide the public with an opportunity to comment on the waste flow redirection. Until public comment is received and reviewed, the DEP and the Board reserve judgment on the proposal.

Social Impact

Mercer County must secure a facility for the disposal of solid waste generated within the County. The Mercer County Board of Chosen Freeholders have investigated numerous options for the disposal of the District's wastes and have determined that the utilization of the GROWS Landfill in Falls Township, Pennsylvania, represents the most viable option presently available. Securing a contract with the GROWS Landfill represents a positive social impact for the residents of Mercer County by providing them with a short-term solution to the problem of disposing of the County's solid waste.

Economic Impact

An adverse economic impact upon the generators of solid waste in Mercer County will result from the redirection of waste from disposal at the Parklands Landfill to the GROWS Landfill. This is because the disposal fee for residential/commercial compacted solid waste at Parklands is presently $2.40 per cubic yard ($3.00 per cubic yard for transfer trailer compacted solid waste) whereas the contract for disposal at the GROWS Landfill is based upon a rate of $4.50 per cubic yard for compacted commercial/residential solid waste. Redirection will therefore result in a significant increase over the Parklands tipping fee. For most Mercer County municipalities, however, travel distance to the GROWS Landfill will be equidistant to that of the Parklands Landfill, thereby resulting in no increase or decrease in transportation costs.

Environmental Impact

A positive environmental impact will result from redirecting the disposal of solid waste from the Parklands Landfill to the GROWS Landfill. By removing a substantial portion of the waste now landfilled at Parklands, that facility's lifespan will be increased thereby providing additional disposal capacity for Burlington County residents until the District's regional landfill is operational. Also, the signing of a contract with GROWS Landfill will provide a disposal facility for Mercer County's waste thereby avoiding an environmental crisis if no disposal facility was obtained.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]). The current text of N.J.A.C. 7:26-6, Interdistrict and Intradistrict Solid Waste Flow, appears at 15 N.J.R. 900(a) and 16 N.J.R. 134.

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

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

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

(c) Waste flows within, into and out of the Burlington County District:

1.-12. (No change.)

13. All waste types 10, 13, 23, 25 and 27 generated from within Mercer County shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey, [until January 1, 1984] as provided for in the Interdistrict Waste Flow Agreement between Burlington and Mercer Counties and subject to the terms and conditions set forth therein **until such time as the Interdistrict Waste Flow Agreement is terminated.**

14. (No change.)

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

(l) Waste flows within, into and out of the Mercer County District:

1. All waste types 10, 13, 23, 25, and 27 generated from within Mercer County shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey [until January 1, 1984] as provided for in the Interdistrict Waste Flow Agreement between Burlington and Mercer Counties and subject to the terms and conditions set forth therein. **Upon termination of the Interdistrict Waste Flow Agreement, said solid wastes may be disposed of at out-of-state facilities as designated in the Mercer County District Solid Waste Management Plan when such disposal does not violate any law or regulation of the receiving state.**

(m)-(v) (No change.)

HEALTH

(a)

HEALTH ECONOMICS SERVICES

Standard Hospital Accounting and Rate Evaluation (SHARE) Rate Review Guidelines

Proposed Amendment: N.J.A.C. 8:31A-7

Authorized By: J. Richard Goldstein, M.D., Commissioner, Department of Health (with the approval of the Health Care Administration Board).
Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5b.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Joseph I. Morris, Assistant Commissioner
Health Planning and Resource Development
New Jersey Department of Health
CN 360
Trenton, NJ 08625

The Department of Health thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). This adoption becomes effective upon publication in the Register of a Notice of Adoption.
This proposal is known as PRN 1984-255.

The agency proposal follows:

Summary

The proposed amendments update the SHARE Rate Review Guidelines, applicable to Specialized and Rehabilitation hospitals only and, contain minor changes to the regulation. Reference to a specific year has been eliminated in the text and terms such as: base year, rate year, prior year's rate, existing rate, etc. have been substituted as appropriate.

The reference to the one time elimination of the 1979 overspending challenge for Specialized and Rehabilitation hospitals accepting either the Global or Alternate Rate in 1983 has been deleted and new language reflecting the adjustment for 1984 has been added.

Social Impact

The proposed amendments in terminology and codification will add clarity to the intent of the regulation and negate the need for yearly date changes which will improve the readibility of the text and give more continuity overall.

Economic Impact

The one time relief of the overspending challenge for 1979 has been effected and the yearly adjustment will be addressed by the current Economic Factor. This is in accordance with the cost containment objective of the total regulation and will require that the Specialized and Rehabilitation hospitals employ good financial management techniques and avoid overspending tendencies.

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

SUBCHAPTER 7. RATE REVIEW GUIDELINES

8:31A-7.1 Objectives of the Hospital Rate Review Program

(a) The rate review program is charged with establishing reimbursement rates for hospitals which reflect reasonable costs for the health care facilities involved.

(b) The two basic principles upon which the Guidelines and methodology are formulated are that the Department shall establish that for each hospital:

1. The costs currently incurred are reasonable for the level of services currently provided and

2. Any increases in those costs are reasonable.

[For the year 1983[1] for specialized and rehabilitation hospitals not covered under N.J.A.C. 8:31B-1 et seq. Chapter 83 Reimbursement in the State of New Jersey]. It is the Department's objective to limit the average increase in **specialized and rehabilitation** hospitals inpatient expenditures (both cost and volume) which are reimbursed by hospital service corporations, the State's medical assistance program, and other covered governmental agencies, referred to hereafter as "payors," to a maximum of one and one-half percent [(1.5%)] above the Department's established Economic Factor.

[[1] All year numbers in this rule will automatically increase by one beginning January 1, 1984.]

8:31A-7.2 [Rules concerning 1983] Hospital Rate Review Guidelines

(a) [Allen N. Koplin, Acting] The Commissioner of Health, pursuant to the authority of N.J.S.A. 26:2H-1, et seq. N.J.S.A. 17:2H-1 et seq. and with the approval of Health Care Administration Board, adopts the following rules concerning the [1983] rate review for **specialized and rehabilitation** hospitals.

1. Authority:

i. In accordance with N.J.S.A. 26:2H-1 et seq., payment by hospital service corporations and government agencies for health care services provided by a hospital shall be at rates approved as to reasonableness by the Commissioner of Health taking into consideration the total costs of the hospital.

2. Scope:

i. Unless otherwise provided by rule or statute, the following shall constitute the rules of practice and procedure for determining hospital payment rates [relative to 1983 admissions only,] and for appeals from an administrative rate determination.

ii. In accordance with N.J.S.A. 26:2H-18, the elements of cost will be those defined by the Commissioner of Health.

3. Definitions:

In addition to those definitions outlined in N.J.A.C. 8:3-1.4, the following definitions shall apply:

"Director" means the Director of Health Economics Services.

"Analyst" means the Analyst, Health Economics Services, to whom an individual hospital's cost submission has been assigned.

"Payors" means hospital service corporations and government agencies that are contractual purchasers of health care services.

"Approved Rate" means the current rate in effect established by the Rate Review Program. The approved rate provides reasonable reimbursement for covered inpatient hospital costs. Costs which are attributed to non-eligible or outpatient services are not reviewed and are not part of the approved reimbursement rate under the SHARE Program.

"Global Rate" means the Final Administrative Payment Rate [for 1983] determined by adjusting the [1982] **previous year's** Global [Budget] **rate** by an increment, as described in [Section 5.A. below.] **N.J.A.C. 8:31A-7.4(a).**

"Alternate Rate" means the [1983] rate determined by applying these rate review guidelines to the lower of the [1981] **base year** actual costs or [1981] **base year** approved costs, as described in [Section 6.] **N.J.A.C. 8:31A-7.5** and all subsequent sections.

"Proposed Alternate Rate" means the payment rate developed by applying these rate review guidelines to the elements of cost reported on the [1981] Actual SHARE Forms.

"Administrative Payment Rate" means the payment rate developed following a detailed review with the Analyst of the Proposed Alternate Rate.

"Final Administrative Rate" means the payment rate developed as a result of acceptance by the hospital of the Global Rate, acceptance by the hospital of the Proposed Alternate Rate, acceptance by the hospital of the Administrative Payment Rate, or the rate established following an appeal to the Hearing Officer from the administrative rate determination.

"Final Rate" means the payment rate developed from the Final Administrative Rate following the certification of actual costs of providing health care services as reported by hospitals, by making the retroactive adjustments described [under Section 15.] **in N.J.A.C. 8:31A-7.15.**

"Forms" means the data collection forms which a hospital uses to report actual costs. These forms must be completed using the cost center definitions in [Section B] **N.J.A.C. 8:31A-2** of the SHARE Manual, the statistical definitions in [Section D] **N.J.A.C. 8:31A-4** of the Manual, and the cost reporting and allocation methodology prescribed in [Section E] **N.J.A.C. 8:31A-5** of the Manual. No other allocation method is acceptable.

"Schedules" means the schedules used to test the reasonableness of actual expenses and to determine reasonable increases.

"Level I Appeal" means the appeal held with a Department Analyst. This appeal will be held within 60 working days from the issuance of the Proposed Alternate Rate.

"Level II Appeal" means the appeal held before a hearing officer in which the hospital or the payors appeal the Administrative Payment Rate based on the Analyst Review (Level I Appeal). The purpose of the Level II appeal is to determine if the Guidelines were properly interpreted and executed by the analyst at the Level I Appeal based on only information and documentation made available at the time of the analyst review.

"Base Year" means the year from which historical cost data are utilized for prospective reimbursement in the "Rate Year" or Reimbursement period. This Base Year is usually two years prior to the Rate Year.

"Rate Year" means the year in which current reimbursement takes place; also known as the "Reimbursement Period."

4. Times tables:

i. At the request of the Commissioner, hospitals shall furnish to the Department of Health such reports and information as the Department may require to establish reasonable rates for payment by payors for health care services provided by a hospital, excluding confidential communications from patients. The information shall be used to establish [1983] inpatient per diem rates according to the following schedule:

Activity	Date In the Rate Year
SHARE [1981] **Base Year** Actual Submission	April 30 [1982]
Projections for **Rate Year** [1983] Volumes and other items as required	July 31, [1982]
Request for additional Depreciation, Malpractice and Interest to be included in the Payment Rates	July 31 [1982]
Global Rate Established	October 1 [1982]
Request for [1983] Alternate Rate	November 1 [1982]
Alternate Rate Established	December 15
Form B-2 submitted for Quarter Ending:	
December 31 [1982]	February 15 [1983]
March 31 [1983]	May 15 [1983]
June 30 [1983]	August 15 [1983]
September 30 [1983]	November 15 [1983]
[December 31 1983]	[February 15 1984]
Date to submit [1982] actual costs on SHARE Forms	April 30 [1983]
Date to submit [1982] Audited Financial Statement	June 30 [1983]

ii. Hospitals shall submit their Base Year [1981] actual[s] Data to the Department no later than April 30, [1982], **of the following year.** Volume projections, documentation of depreciation and interest costs required for [1983] **the rate year** and other information needed to establish reasonable payment rates [for 1983] shall be submitted by July 31, [1982]. Any errors in the actuals or supplemental information submitted must be corrected within 10 working days of notification of the error. Once the Department has determined that the actual cost submission is suitable for entry into the data base, it shall be so entered; no further substitutions or rearrangement of costs will be accepted unless it is deemed necessary by those performing the detailed, on-site review pursuant to [Paragraph E below.] **N.J.A.C. 8:31A-7.3.**

iii. Hospitals that fail to submit the actual costs in a condition that would render them suitable for entry into the data base by June 30, [1982] and/or those that fail to submit volume projections and any other supplemental information in a condition that would render them suitable for entry into the data base by August 15, [1982,] shall forfeit their right to proceed under the normal methodology for determining a reasonable reimbursement rate. These hospitals shall have their rates calculated according to the following method:

(1) Hospitals failing to comply with the above deadlines shall submit their actual costs and/or volume projections and other required information to the Department in a condition suitable for entry into the data base no later than [thirty] **30** calendar days subsequent to the respective deadlines. No Global Rate shall be calculated for these hospitals. The hospital's Proposed Alternative Rate shall be devoid of any of the automatic management increases that normally will be calcu-

lated for other hospitals receiving an Alternate Rate in accordance with [Section 11 of these Guidelines.] **N.J.A.C. 8:31-7.11** In lieu of these normally allowed management increases, the hospital will be required to document the need for each management increase at the detailed review with the Analyst before such increases may be included in the Administrative Payment Rate. The hospital may appeal the rate so established to the Hearing Officer in accordance with [Section 14 (below).] **N.J.A.C. 8:31A-7.14.** The Proposed Alternate Rate will not be calculated for the hospitals having late submissions until after all other hospitals proceeding under normal review process have received their rate.

(2) Should the hospital fail to submit its actual costs and/or volume projections, and other required information to the Department in a condition suitable for entry into the data base as stipulated in (1) above, its [1982] latest approved **rate** [budget] (Global Rate, Proposed Alternate Rate, Administrative Payment Rate or Final Administrative Rate) increased by **one half** of the [1983] **rate year** economic factor shall become its Final Administrative Rate [for 1983]. The hospital will not be entitled to an appeal of this rate. The [1983] Final Approved Rate will be adjusted for the items specified in [Section 15.] **N.J.A.C. 8:31A-7.15.**

iv. For any hospital proceeding under the normal methodology which has requested an Alternate Rate, a date for the detailed review with the Analyst shall be set within 60 working days of the issuance of the Proposed Alternate Rate. At least 10 working days prior to the date so established the hospital must submit written documentation of all items to be discussed. This documentation will specify each item, the costs associated with the item, and the hospital's rationale for the request. Should the hospital fail to submit the documentation in the allotted time or fail to appear on the established date, it shall have forfeited its right to an appeal, and the Proposed Alternate Rate will become the Final Administrative Rate.

(1) At the Analyst Review, the Analyst shall indicate which items are not supported by sufficient documentation. The hospital must furnish the necessary documentation within 10 working days for it to be considered. Following receipt of this documentation, the Department shall neither request nor require further documentation and shall issue the Administrative Payment Rate within 30 working days.

(2) Should the hospital pursue an appeal of the Administrative Payment Rate provided for [below (Section 14)] **in N.J.A.C. 8:31A-7.14** the hospital may not submit documentation other than that provided to the Analyst unless the hospital can demonstrate the existence of good cause for failure to provide the documentation to the Analyst within the deadlines set forth above.

(3) Requests for additional costs for management changes must be justified by a full presentation of the dollar value of the cost, the dollar value of the benefits and a complete explanation of any other benefits resulting from the program which cannot be given a dollar value.

(4) In all cases in which an Administrative Payment Rate is issued following the detailed review, the hospital shall have 5 working days after notification in which to verify the accuracy of the calculation on the rate schedules and to notify the Department of any corrections to be made. After this time the Administrative Payment Rate shall be issued pursuant to [Section 6, B., 12.] **N.J.A.C. 8:31A-7.5 (b)13.**

[vii.]**v.** If a hospital fails to submit its [1982] Actual data by April 30, [1983,] and is unable to justify the delay or non-submission, its [1983] per diem will be reduced by five percent effective the first day of each month, until the submission is received by the Department. This reduced rate shall remain in effect until the Actual data has been processed and found suitable for entry into the [1982] Actual data base. Once the data is approved for entry into the data base the reduced per diem rate will be retroactively increased to the latest rate approved by the Department. The hospital is allowed to submit corrections and changes to its [1982] actual data[, resulting from the certified actual audit, subsequent to April 30, 1983, but prior to the date established for determination of the 1984 data base] **until the data base is closed.**

8:31A-7.3 Auditing of costs

(a) At a mutually agreed upon time, the Department may perform a detailed on-site review of costs and statistics to verify consistent reporting of data and extraordinary variations in data. The hospital may ask the Department to reconsider its findings, and the Director of Health Economics Services will render a decision. This decision may be appealed according to the Administrative appeal process as defined in [Section 14 below.] **N.J.A.C. 8:31A-7.14.** Nothing in this section modifies, in any way, the rights of any third party to conduct its own audit per contract agreement and/or legal requirements.

8:31A-7.4 Methodology for calculating Global Rates

(a) A [1983] Global Rate will be developed from the hospital's [1982] **prior year** Global [Budget] **Rate** established pursuant to the [1982 SHARE Guidelines. Acceptance of the [1983] Global Rate shall constitute a waiver of any right of appeal concerning the [1983] rate and no adjustments to any prior year shall affect the [1983] Global Rate.

1. Hospitals eligible for a Global Rate [(see Section 4.B. above)] **(see N.J.A.C. 8:31A-7.2(a)4ii** will be given an automatic percentage increase to its adjusted approved [1982] Global [Budget] **Rate**. The percentage increase will provide for:

i. General economic factors that will be common to all hospitals, plus,

ii. An additional factor to provide for the increases in management changes (they will vary by hospital as described in [Section 5.A. (6) below)] **5 below**.

2. The adjusted approved [1982] Global [Budget] Rate will be calculated by adjusting the [1982] **prior year's** Global [Budget established for the hospitals] **rate in existence** on December 1[, 1981,] by the follow factors:

i. A volume adjustment will be calculated on the variances between [1982] budgeted volumes and the [1983] projected volumes using volume variances as detailed in [Exhibit 1.] **Appendix A.**

ii. The reasonable costs for legally required changes made in [1982] **the prior year** that were or were not included in the [approved 1982] **existing** Global [approved budget] **Rate**.

iii. Difference between the [1982] approved Global Rate and the [1983] **projected** reasonable costs for:

(1) Interest
(2) Non-department Depreciation and lease
(3) Malpractice
(4) Utilities

iv. The amounts that were or were not to be incorporated in the [1982 or 1983] Global Rates to provide for special and/or non-recurring situations.

v. Shifts in cost to/from hospitals from/to other providers of health care.

3. The percentage adjustment described in [Paragraph 1] **(a)1 above** will be applied to all expense items except interest,

non-departmental depreciation and lease, malpractice, and utilities. Hospitals desiring additional adjustments for interest and depreciation above the amount approved in the [1982] Global Rate should submit a formal request to the Department of Health together with appropriate supporting data by July 31[, 1982] **of the rate year**.

4. Separate adjustments also will be made to annualize the effect of approved Certificate of Need items not already covered in [2.c.] **2iii** above and other legal changes not included in the [1982] **approved** Global Rate.

5. The hospital's specific adjustments carried out in accordance with [Section 5.A,1.b.] **1ii** above establishes the reasonable increase in costs for management changes in lieu of the management request and approval procedure that existed in previous Rate Review Guidelines.

i. For hospitals having [1981] actual costs equal to or less than 95 percent of the median in all three Level I clusters (statewide patient care cluster costs per patient day, statewide general services cluster costs per patient day, and category ancillary cluster costs per admission), the non-physician costs will be increased by two percent.

ii. For hospitals having [1981] actual costs equal to or less than the median in all three Level I cluster, the non-physician costs will be increased by one and one-half percent.

iii. For hospitals having [1981] actual costs equal to or less than 105% of the median in all three Level I clusters, the non-physician costs will be increased by one percent.

iv. For hospitals having [1981] actual costs equal to or less than 110% of the median in all three Level I clusters, the non-physician costs will be increased by one-half percent.

v. For all other hospitals, the non-physician costs will not be increased.

vi. The physician portion of the hospital's costs will be increased by one-half of the factor applied to the non-physician's portion.

6. The budgets for physician and non-physician costs will be adjusted separately. Individual ceilings will apply, and there will be no netting of costs between these two portions.

7. [Blue Cross add-ons will be incorporated into 1983 rates by applying the 1982 approved Blue Cross add-ons. 1983 Blue Cross add-ons will be applied, if available by September 1, 1982.] **Appropriate Blue Cross add-ons in existence on September 1 will be incorporated into the Global Rate.** Actual Blue Cross add-ons will be adjusted in accordance with **N.J.A.C. 8:31A-7.15.**

[B. For specialized and rehabilitation hospitals accepting either the Global or Alternate Rate in 1983, an adjustment will be made to reflect the elimination of the 1979 overspending challenge. The 1979 overspending challenge will be calculated in accordance with Section 6.B.5 of the 1981 SHARE Guidelines and will be increased by a two-year Economic Factor to reflect 1983 dollars. This adjustment will be reduced by any relief of overspending challenge in the rate years 1981 and 1982. This adjustment shall not exceed the 1981 overspending challenge calculated in accordance with the 1983 SHARE Guidelines, Section 6.B.5.]

(b) The 1979 overspending adjustment approved for Specialized and Rehabilitation hospitals accepting the Global or Alternate Rate in 1983 will be adjusted by the Economic Factor, as determined in N.J.A.C. 8:31A-7.10, and be included in the 1984 Global and Alternate Rates.

8:31A-7.5 Methodology for Alternate Rates

(a) A hospital may request an Alternate Rate based on the SHARE rate review methodology by notifying the [Coordinator,] Hospital Rate Setting Unit, Health Economics Services, New Jersey State Department of Health, CNB 360, Trenton, New Jersey 08625, by certified mail on or before November 1[, 1982]. The Department will notify each such hospital of its Proposed Alternate Rate established under the SHARE methodology on or before December 15[, 1982]. The Alternate Rate will be developed in accordance with the process described in the [paragraph] (b) below and can be appealed as provided in this regulation. There is no assurance that the Alternate Rate so developed will be equal to or greater than the Global Rate initially developed. Once the hospital has requested an Alternate Rate, this rate will be established and implemented.

(b) A proposed Alternate Rate will be developed from the following:

1. Tests at the cost center level of the [1981] actual costs for presumptive reasonableness will be done using peer comparisons of [1981] actual data. [The 1981] Costs that are not accepted as presumptively reasonable will be deducted from the base period costs before performing subsequent review steps.

2. [The 1981] Actual costs revised for base period challenges, will be adjusted for volume projections for [1983] admissions and patient days in accordance with [Section 9 below] **10 below**.

3. An industry-wide economic factor as described in [Section 11 below,] **N.J.A.C. 8:31A-7.10** will be applied globally to actual expenses, adjusted in accordance with 1 and 2 above.

4. The hospital will be given an automatic adjustment to its [1981] actual costs, adjusted in accordance with 1 and 3 above, to provide for management increases in accordance with **N.J.A.C. 8:31A-7.11** [Section II below]. Should the hospital determine that the allowed increase is insufficient, the hospital will be required to document the need for additional costs. No further adjustment will be allowed until the hospital can justify the need for all of the management increases allowed in the total approved costs. Should the hospital attempt to document the need for additional monies for management increase, and/or seek an increase of its covered inpatient costs, except as described in **N.J.A.C. 8:31A-7.11** [Section G-16], it is at risk for the monies allowed through the automatic adjustment. (For example, a hospital may determine it requires an increase of $100,000 in a particular cost center which has only been given an increase of $30,000 through the normal methodology. That same hospital may have been given an automatic global management increase totaling $250,000. No additional costs will be given in the center requiring the $100,000 adjustment until the need for all of the allowed $250,000 has been explained. Should the hospital substantiate the need for only $200,000 of the automatic adjustment, the remaining $50,000 will be deducted from the approved costs.)

i. Information relating to the documentation of the need for additional monies for management changes must be submitted to the Analyst in accordance with the time frame established for the detailed review [(Section 4.C.).] **in accordance with N.J.A.C. 8:31A-7.2(a)4iv.**

ii. Any request for additional costs related to legal/management changes approved in [1982] the Administrative Payment Rate and not included in the amounts for the automatic adjustments described above will be considered by the Analyst. A presumption of reasonableness of these costs will prevail in those instances where all conditions remain equal.

5. **Base Year** over-expenditures [in 1981 which are] incurred by the hospital without the approval of the Depart-

ment cannot be appealed in [1983.] the **Rate Year.** These expenditures were determined to be unreasonable in [1981] and the hospital had the opportunity to appeal these challenges at the detailed Analyst review and the [hearing officer appeal.] **administrative law judge hearing.** These expenditures may be specifically identified item by item and requested as new management requests at the [1983] **Rate Year** Analyst review.

6. The [1981] Adjusted Approved [amount] **Base** will be determined by adjusting the most recent [1981] approved [amount] **rate** (Final Administrative Rate, Administrative Payment Rate, or Proposed Administrative Rate) for actual volume variances, relevant certificate of need and other legal changes, and excluding depreciation and lease costs in the Plant cost center, interest, malpractice and utility costs. This Adjusted Approved amount will be compared to the [1981] actual costs less peer comparison challenges and exclusive of depreciation and lease costs in the Plant cost center, malpractice and utility costs. If the actual costs are in excess of the Adjusted Approved [amount] **Base** the amount of excess is the overspending challenge. The overspending challenge will be increased by the economic factor and deducted from the [reasonable] **Actual** costs for [1983.] This adjustment will be made separately for the non-physician and physician portions. No trade-offs will be allowed.

7. Separate analysis will be made of the reasonableness of emergency services costs for inclusion in inpatient rates. Clinic and outpatient costs will not be included in the inpatient rates.

8. Physicians' compensation will be evaluated separately as described in [Section 12 below] **N.J.A.C. 8:31A-7.12** and that portion of a hospital's cost will be subject to a separate cost ceiling.

9. Any planning regulation implemented during [1981, 1982, or 1983] **the base year** will be accounted for by appropriate adjustments to these rates.

10. Blue Cross add-ons for Medicare Carve-Out, and Outside Collection Costs, will be reviewed for reasonableness by the Department. Appropriate adjustments for economic factor increases and volume adjustments will be made.

11. A hospital may either accept its Proposed Alternate Rate or proceed to a review with the Analyst. Request for additional costs for management changes must be justified by a full presentation of the dollar value of the benefits and a complete explanation of any other benefits resulting from the program which cannot be given a dollar value. If the hospital accepts the Proposed Alternate Rate, this becomes the Final Administrative Rate.

12. The Department may perform a detailed on -site review of costs and statistics to verify consistent reporting of data and extraordinary variations in data. The hospital may ask the Department to reconsider its findings. The decision will be made by the Director of Health Economics Services and may be appealed according to [Section 14 below.] **N.J.A.C. 8:31A-7.14.**

13. A hospital's Administrative Payment Rate (APR) will be issued subsequent to the completion of the review with the Analyst. The review will be undertaken in accordance with procedures established by Health Economics Services. If the hospital accepts the Administrative Payment Rate, this becomes the Final Administrative Payment Rate.

14. A hospital may appeal its Administrative Payment Rate as outlined in [Section 14, Appeals.] **N.J.A.C. 8:31A-7.14.**

8:31A-7.6 Computational techniques

(a) For the purpose of detailed analysis of hospital costs, cost centers are separated into four levels: [(See Exhibit I)] **(See Appendix A)**

1. Level I cost centers are those that can be grouped for aggregate tests of reasonableness. These are cost centers for which a good deal of commonality exists among similar hospitals and for which reasonable units of service can be defined.

2. Level 2 cost centers are those for which commonality exists among similar hospitals and units of service are available.

3. Level 3 cost centers include those that are not readily comparable among similar hospitals. These cost centers will be reviewed only for the reasonableness of proposed cost increases.

4. Level 4 cost centers are those that have no bearing on determination of inpatient payment rates.

(b) In order to eliminate the effects of geographic compensation differentials among hospitals in various areas, compensation costs will be equalized in analyzing and comparing cost centers costs.

1. Compensation equalizing will be done separately utilizing the 10 labor market areas. [(See Exhibit II).] **(See Appendix B).**

2. Each hospital's actual total employee compensation will be equalized by multiplying total employee compensation by an index that is the ratio of the state-wide to the area-wide median rates. Total employee compensation includes salaries and fringe benefits. Included in fringe benefits is the value of free and subsidized meals and the imputed value of self-insurance.

3. The total equalized costs of each cost center are calculated by adding supplies, services, other expenses, depreciation and leases to equalized total compensation and subtracting expenses recoveries. This total is then divided by the unit of service specified in [Exhibit I] **Appendix A** to calculate unit costs for Level I and II cost centers. These unit costs are used to quantify present cost levels that will be questioned as presumptively unreasonable.

i. Unit costs for each cost center in each hospital are calculated and analyzed within appropriate peer groupings specified in [Exhibit I.] **Appendix A.**

ii. For each cost center in a hospital, the amount to be challenged will be all costs above the reasonableness limit established in [Exhibit I.] **Appendix A.** In order to explain a challenged amount, the hospital must explain total costs the cost center.

iii. The amounts disallowed are converted from a compensation equalized basis to the hospital's reported basis so that the amounts disallowed for a particular hospital are consistent with the actual dollars reported on the SHARE Actual Forms.

8:31A-7.7 Reasonableness test-peer comparisons

(a) If the equalized actual costs of Level I General Services cost centers are less than 110 percent the state-wide median costs per patient day, then this segment of the actual costs will be presumed reasonable.

(b) If the equalized actual cost of Level I Ancillary Services cost centers are less than 110 percent the category median cost per admission, then this segment of the projected costs will be presumed reasonable.

(c) If the equalized actual costs of the Level I Inpatient Care cost centers are less than 110 percent the state-wide median costs per patient day, then this segment of the actual costs will be presumed reasonable.

(d) If the equalized Level I unit costs of any of the above clusters exceeds the reasonableness screen, then the costs in excess of that screen shall be considered presumptively unreasonable. Peer comparisons shall be made at the cost center level in order to provide detailed support for the amounts challenged in the cluster. These category and reasonableness limits are specified in [Exhibit 1], **Appendix A** "Cost Center Record". The costs reviewed are covered inpatient costs as [given by] **on the** SHARE **Actual** Form F. [1981 actual.]

(e) Level II cost centers and physician costs (including fringe benefits but not equalized) will be analyzed separately. They will not be included in the cluster totals nor in the analysis by cost center of cluster challenges. The challenge ratio will be that specified on [Exhibit I] **Appendix A** for each cost center.

(f) Base Period Challenges will be deducted from the actual base before making subsequent review steps.

8:31A-7.8 Volume changes

(a) Reasonable changes in expenses resulting from volume changes will be determined by calculating for each cost center in each hospital, the portion of the budgeted change that is accounted for by changes in volume, using the volume variability factors specified in [Exhibit I,] **Appendix A** and the following units of service.

1. Inpatient admissions will be used for the following cost centers:

Anesthesia	Operating and Recovery Rooms
Blood Bank	Other Physical Medicine
Cardiac Catherization	Pharmacy
Central Sterile Supply	Physical Therapy
Delivery and Labor	Radiology
Dialysis	Respiratory Therapy
Electrodiagnosis	Therapeutic Radiology
Laboratory	Fiscal
Nuclear Medicine	Medical Records

i. Admissions from the emergency room will be used for the inpatient portion of the emergency room cost center.

2. Patient days will be used for all other cost centers.

3. In making these calculations physicians fees will be considered variable and physician salaries fixed.

4. The base of making these calculations for the proposed Alternative Rate will be [1981] actual costs less any base period challenges. The volume change will be calculated on the basis of the increase/decrease of [1983] projected patient days or admissions compared to [1981] actuals.

8:31A-7.9 Reasonableness tests-increases due to economic factors

(a) The Commissioner will develop and promulgate an industry-wide economic factor to account for presumptively reasonable increases in expenses due to inflation, compensation increases, and other factors increasing costs.

(b) In establishing reimbursement rates, the Commissioner subscribes to the view that determination of compensation rates is a management prerogative. Accordingly, the Commissioner is taking the position that compensation increases in excess of the economic factor should be made only through improved utilization of personnel, upgrading of the quality of employees, increases in productivity, and other cost containment efforts.

(c) This economic factor will be applied globally to total covered inpatient costs exclusive of:

1. Mortgage, and other facility interest charged to the Plant cost center.

2. Depreciation and lease costs for building, major moveable and other miscellaneous equipment reported in the Plant cost center.

3. Base period challenges.

4. Malpractice Insurance and Utility Costs.

(d) Interest rates will be screened against the prevailing interest rate available through refinancing of debt and the cost of refinancing.

8:31A-7.10 Management increases

(a) Increases in the intensity of a particular service or for other programmatic changes deemed necessary by the management of the hospital will be allowed automatically in accordance with the formula outlined below. The amount to be allowed will be determined using a cost center by cost center analysis; however, the management of the hospital should use its own discretion in determining how to allocate these monies to the various departments of the hospital in order to best meet the needs of the patients.

(b) For each hospital a comparison shall be made of the unit cost of each Level I and Level II cost center to the median cost and adjustments will be made to increase the base year costs as follows:

Hospital's Unit Cost is:	Allowance
equal to or greater than the median	0
equal to or greater than 95 percent of the median, but less than the median	1
equal to or greater than 90 percent of the median, but less than 95% of the median	2
equal to or greater than 80 percent of the median, but less than 90% of the median	3
less than 80 percent of the median	4

1. This adjustment shall be made separately for physician and nonphysician sectors, and the management of the hospital should not trade-off the allowed costs between these two sectors.

2. These allowances may be appealed in accordance with [Section 6.B, Item 4, above.] **N.J.A.C. 8:31A-7.5(b)4.** Should the hospital pursue such an appeal, it will be at risk for the adjustments made in accordance with the formula given above.

8:31A-7.11 Reasonableness tests — Education/Physician Coverage

(a) The reasonableness of all physician compensation will be tested in the following SHARE cost centers:

1. Physician Coverage
2. Residents
3. Education and Research

(b) This test will involve calculating the average [1981] actual compensation per physician in each cost center, and ranking with categories as defined in [Section 13.] **N.J.A.C. 8:31A-7.13.** Costs will be deemed presumptively reasonable to the extent that they do not exceed one-hundred and ten percent of category median value.

8:31A-7.12 Peer groupings used

(a) Four groupings will be used for analysis and comparison of functional costs. These are:

1. Category based on spectrum of services provided:

i. Rehabilitation hospitals;

ii. Special function hospitals.

2. Catchment area character:

i. Inner city;

ii. Urban;

iii. Suburban;

iv. Rural.

3. Labor Equalization Areas.

4. Statewide (includes only Specialized and Rehabilitation hospitals not covered under N.J.A.C. 8:31B-1 et seq.)

(b) Factors considered in grouping hospitals for analysis of patient care costs include:

1. Inpatient services licensed in the "New Jersey State Plan for Hospital and Related Health Care Services," such as specialized acute services (for example: rehabilitation, self-care, long-term care, orthopedic).

2. Statewide special health care services provided (for example: renal dialysis, cardiac catheterization, organ transplants, burn center, organ bank).

(c) Applying these factors, with respect to the base year data, New Jersey hospitals have been grouped as Specialized hospitals and separated by rehabilitation centers and other specialized facilities such as orthopedic hospitals, nurological rehabilitation centers, specialized surgery centers, and so forth.

(d) The determination of the characteristics of a hospital's catchment area will be based on population information published in New Jersey [1980] **March 1981** Census Counts of Population by Race and Spanish Origin, by the State of New Jersey Department of Labor and Industry, [area information published in New Jersey County and Municipal Work Sheets — PT 1, January, 1976, by the Department of Community Affairs, Division of State and Regional Planning,] and economic characteristics published in the latest official United States Census. For purposes of classifying New Jersey's hospitals by catchment area characteristics, the following criteria are used:

1. Inner City—If a hospital is located in a city of more than 50,000 population (or in a city of more than 10,000 population that is in a county whose population density is more than 2,500 per square mile) and that city has more than 10 percent of families with income less than the poverty level, that hospital shall be categorized as an "inner city" hospital unless the hospital is located in a neighborhood that is atypical of the city or services a patient mix that is atypical of the city (e.g., less than twelve percent of patient days are Medicaid patients).

2. Urban—Hospitals that are located in cities of more than 25,000 population that have high population density.

3. Suburban—Hospitals that are located in cities or towns of more than 10,000 population that are characterized by factors such as high percentage of single-family own-occupied housing and medium population density.

4. Rural—If a hospital is located in a place of less than 25,000 population in a county whose population density is less than 250 per square mile.

8:31A-7.13 Appeals concerning the determination of costs

(a) Appeals may be taken by hospitals, their payors and the Division of Rate Counsel, Department of the Public Advocate (Under N.J.S.A. 52:27 E-18) subsequent to the determination of the Administrative Payment Rate. Such appeals may only be taken if the Administrative Payment Rate resulted from a review with the Analyst or resulted from proceedings in accordance with [Section 4, B.1., above (page 5).] **N.J.A.C. 8:31A-7.2(a)4iii(1).**

(b) The request for an appeal must be filed with Health Economics Services, Department of the Public Advocate (Under N.J.S.A. 52:27 E-18) within 30 days following receipt of notification of the Administrative Payment Rate (established in the manner indicated above). Hospitals shall be notified of the date of their appeal within 30 days following receipt of the request for an appeal.

(c) Within 30 days subsequent to the request for an appeal before the hearing examiner, the hospital shall furnish to the Department of Health and the Public Advocate a list of all items to be appealed and the costs associated with those items.

1. As provided in [Section 4.C. (above),] **N.J.A.C. 8:31A-7.2(a)4iv,** no documentation other than that provided to the Analyst in connection with the detailed review can be presented to the hearing officer unless the party can establish just cause for failure to provide the documentation earlier. Should any of the parties desire to present any such evidence, it must be sent to the other parties at least 30 days prior to the appeal.

2. Should the hospital desire to bring witnesses to the appeal to substantiate the written document already provided, the hospital must notify the other parties involved of the name of the witness, the item or items which will be the subject of the witness' testimony. This notification must be made at least 30 days prior to the appeal.

(d) After the hearing officer has filed his report, the Commissioner of Health will determine and approve the Final Administrative Rates and the hospital and its payors will be notified in the form of an administrative order over the signature of the Commissioner of Health.

8:31A-7.14 Retroactive adjustments

(a) Since the Global Rate or the Alternate Rate will establish costs which are reasonable for establishing [1983] Reimbursement Rates, the Final Payment Rate will be adjusted for the following items only:

1. Volume variances.

2. Actual economic factor.

3. Statutory adjustment, if any.

4. Items excluded from the economic factors as listed in [Section 10 of these Guidelines.] **N.J.A.C. 8:31A-7.9.**

5. Audited Blue Cross add-ons.

(b) The adjustments will apply separately to Physician Costs. Under/over expenditures in Physician Costs cannot be used to offset over/under expenditures in other expenses.

8:31A-7.15 Unpredictable and uncontrollable costs

(a) Should a hospital be faced during the year with unpredictable and uncontrollable changes in its costs, the hospital should notify the Commissioner of Health who will consider the necessity for an adjustment to give relief from such occurrences. This notification must be in writing and received by the Commissioner within 30 days of the occurrence.

8:31A-7.16 Time-Phased Plans [(1983)]

(a) This provision establishes the procedure to develop a plan by which the hospital eliminates unreasonable costs. The plan will phase out those costs deemed unreasonable based on the SHARE comparisons with peer hospitals (based-period challenges). The hospital had the opportunity to appeal these challenges of unreasonable costs at the detailed review with the Analyst. If the hospital did not justify the reasonableness of these base-period costs (which are based on the [1981] actual spending), there exists two alternatives. The first alternative is that the hospital recognizes the costs are unreasonable and submits a plan of action designed to eliminate them. The second alternative is that the hospital pursues an appeal to the Hearing Officer and does not submit a plan to reduce unreasonable expenditures.

(b) This regulation sets forth the manner in which each alternative is handled. The expenditures that are to be eliminated are those which are actually being incurred by the hospital. Thus, it does not apply to cost increases over the base year. Such costs should not be incurred by the hospital without the approval of the Department. This section applies only to new base-period challenges (eligible base-period challenges) [in 1983] for which the hospital did not receive a time-phase adjustment in any prior year's approved rate. If the hospital received a time-phase adjustment for a cost center in a previous year, then the hospital had the opportunity to reduce the unreasonable costs and may not receive additional monies [in 1983] to phase out the same costs for a second time.

(c) Any overspending of the [1981 budget] **Approved Rate** [(minimum base-period challenge)] **overspending challenge** relates either to unanticipated and uncontrollable costs or to expenditures not approved by the Department. There exist two means of including unanticipated and uncontrollable costs to a hospital's budget. The first is [Section 17] **the Time-Phased Plans as described in this section** of the [1981] Guidelines which allows a hospital to petition the Commissioner for relief from such expenditures. The second is a request in the [1981] actual submission to include legally mandated and Certificate of Need related expenditures in the [1981] approved budget base (K Form adjustment). Over-expenditures in [1981] **the Base Year** which are incurred by the hospital without the approval of the Department cannot be appealed in [1983] **the Rate Year**. These expenditures were determined to be unreasonable [in 1981] and the hospital had the opportunity to appeal these challenges at the detailed Analyst review and **Administrative law judge** [the] hearing. [officer appeal.] These expenditures may be requested as new management requests at the [1983] Analyst review.

(d) Where the above defined actual expenditures are to be reduced, the following procedures shall apply:

1. All [1983] **Rate Year** expenditures that are considered eligible for a time-phase adjustment, per the aforementioned definitions, may be allowed [in the 1983] **as** approved costs. All expenditures incurred prior to the receipt of the Proposed Administrative Payment Rate (APR) will be allowed [in the 1983] **as** approved costs. The hospital will receive this adjustment either in the revised APR or the (FAR) Final Administrative Rate. (For example: A hospital incurs a base period challenge in a cost center in 1983 for which it did not receive a time-phase adjustment in a prior year. If the base period challenge is $100,000 and the hospital receives the APR on June 30, 1983 the time-phase adjustment (per this section) will include 50 percent of the challenged dollars because six months of the year have elapsed. If the same hospital received its APR on August 1, 1983 the time-phase adjustment would include fifty eight percent of the challenge dollars because seven months of the year elapsed).

i. For hospitals that submit a plan of action, these costs will be allowed in a revised APR in addition to all other expenditures approved through a time-phase plan.

ii. If the hospital does not submit a plan or does not appeal to the Hearing Officer, then the time-phase adjustment, as described in the example, must include only the expenditures incurred up to the date of the APR. This will be considered its time-phase plan and the approved costs will be included in the hospital's FAR.

2. Following receipt of the Administrative Payment Rate, with respect to eligible base period challenges which the hospital does not intent to appeal to the Hearing Officer, the hospital shall submit a detailed plan leading to the elimination of the challenged expenditures within a reasonable period of time. Such plans shall set forth in detail the costs necessarily incurred in eliminating the challenged expenditure within the time period set forth.

3. The Hospital Submits a Plan

i. The hospital may submit a time-phase plan for any eligible base-period challenge which was discussed with the Analyst at the detailed review. Where a plan is submitted, the following procedures shall apply:

(1) Notice that the hospital will submit a plan to phase out a base period challenge shall be made to the Analyst no later than 10 working days following receipt of the Administrative Payment Rate.

(2) The submission of such a plan by a hospital shall indicate that the hospital does not wish to contest the challenge to a Hearing Officer Appeal. The hospital shall submit the plan within 20 working days following receipt of the Administrative Payment Rate.

(3) Health Economics Services (HES) will make a written recommendation to this plan no later than 15 working days following the receipt of the plan. The hospital shall receive a copy of the recommendation.

(4) If the hospital accepts the recommendation of Health Economics Services, the Hospital shall notify the Department within 10 working days of the receipt of the recommendation. The recommended plan shall be made a part of the hospital's rate file, appropriate adjustments shall be made to the Administrative Payment Rate and all such expenditures shall be removed from the base for all succeeding years.

(5) If the hospital fails to implement the approved plan, the Department shall treat these expenditures in succeeding years as if the plan had been implemented.

(6) If the hospital does not accept the recommendation of Health Economics Services, the hospital may appeal this decision and shall proceed as under [Section C.2.] **ii(1)** below. The hospital must notify the Department within 10 working days of the receipt of the recommendation that the hospital intends to appeal the decision of the Department to the Hearing Officer. No adjustment will be made to the Administrative Payment Rate under these circumstances. Hospitals shall be notified of the date of their appeal within 30 days following the receipt of the request for this appeal. Where possible, this appeal will be heard in conjunction with any other appeals scheduled for that hospital under [Section G-14: Appeals.] **N.J.A.C. 8:31A-7.14.**

ii. When an institution appeals the time-phased plan to the Hearing Officer [(Section C.1.f. above),] **i.(6) above** the following procedure shall apply:

(1) The Hearing Officer shall make a recommendation as to which time-phased plan should be approved (i.e., either the hospital's plan as proposed under [Section C.1.b.] **i(2) above** or the recommendation of Health Economics Services as proposed under [Section C.1.c.] **1(3) above.** The approved plan shall be made part of the hospital's rate file, appropriate adjustment shall be made to the payment rate (APR/FAR) and all such expenditures shall be removed from the base for all succeeding years.

4. The Hospital Does Not Submit a Plan

i. Where a hospital does not submit a time-phased plan for an eligible base period challenge, the following procedures shall apply:

(1) When the Hearing Officer recommends that a base period challenge be included in the hospital's budget as reasonable cost, such cost shall be paid and allowed in the Final Administrative Rate (FAR) only upon the waiver by the hospital of all further appeals for that cost center.

(2) Where the Hearing Officer sustains the base period challenge, an adjustment shall be made in accordance with [Section 17.A.] **(d)1 above**, and this a adjustment will constitute an approved time-phased plan. The [1983] approved costs shall include costs actually incurred up to the date of the hearing, where such appeals involve colorable issues and are taken in good faith. Whenever the Hearing Officer shall determine that non-colorable issues have been pursued or the issues were not pursued in good faith, only those expenditures covered in [Section 17.A. above] **(d)1 above** shall be included in the [1983] approved costs. This adjustment shall be made to the Final Administrative Rate and all such expenditures shall be removed from the base for all succeeding years.

(3) If the hospital fails to implement the approved plan, the Department shall treat these expenditures in succeeding years as if the plan has been implemented.

5. For hospitals receiving a time-phased adjustment [(Sections B, C, and D above)], 2, 3 and 4 above the following provisions shall apply in all future years:

i. Where a hospital has been granted an adjustment for the purpose of reducing unreasonable costs (base period challenges) in any cost center [in 1983] no similar adjustment shall be made [in 1984] **in future years.** The hospital may appeal a situation in which the reasonableness screen is lower [in 1984] than it was in [1983.] **the prior year.**

ii. The hospital may request legal or management changes in any cost center. The hospital has the right to a hearing with respect to the denial of any legal or management request.

iii. In the [department] **development** of [1983] rates, there shall be no adjustment through at time-phased plan of the overspending of the [1982] approved budget. The hospital had the opportunity to appeal its [1982] approved budget at the Detailed Analyst Review and in Appeal before a Hearing Officer. All reasonable costs were included in the hospital's approved budget. The hospital can appeal prior year overspending as it relates to [Section 15, Retroactive Adjustments.] **N.J.A.C. 8:31a-7.15.** Additionally, [Section 16, Unpredictable and Uncontrollable Costs,] **N.J.A.C. 8:31A-7.16** allows the hospital to petition the Commissioner for relief of unpredictable changes in its cost.

[EXHIBIT I] **APPENDIX A**

Cost Center Record

Function	Cost Center (Abbr.)	Level	Peer Group	Units of Services	Reasonableness Limit	Cost Increase Analysis: Variability Personnel	Cost Increase Analysis: Factor Supplies
Inpatient Care	ACU	I	Statewide	ACU Patient Days	1.1	50	100
	ICU	I	Statewide	ICU Patient Days	1.1	50	100
	NBN	II	Statewide	NBN-Days	1.2	50	100
	SAC	I	Statewide	SAC Patient Days	1.2	50	100
Outpatient Care	EMR	II	Character	ER Admission	1.1	50	100
Ancillary Service	ANS	III	Statewide	OR Hours & Dels.	—	50	100
	CSS	I	Category	Admissions	1.1	50	100
	DEL	I	Statewide	Del & Gyn Procedures	1.1	50	100
	DIA	III	Statewide	DIA Treatments	—	50	100
	EDG	I	Category	Admissions	1.1	50	100
	LAB	I	Category	Admissions	1.1	50	100
	ORR	I	Category	ORR Hrs. + (.241 x operations)	1.1	50	100
	PHM	I	Category	Patient Days & (3.74 x adm.)	1.1	50	100
	PHT	II	Category	Patient Days	1.3	50	100
	RAD	I	Category	Admissions	1.1	50	100
	RSP	I	Category	Patient Days	1.2	50	100
	CCA	III	Statewide	Procedures	—	50	100
	BBK	II	Statewide	Admissions	1.2	—	100
	OPM	III	Statewide	Patient Days	—	50	—

[EXHIBIT I] **APPENDIX A**
Cost Center Record

Function	Cost Center (Abbr.)	Level	Peer Group	Units of Services	Reason-ableness Limit	Cost Increase Analysis Varia-bility Personnel	Factor Supplies
Physician	PHY	II	Statewide	Fee & Sal. Hrs.	1.1	0	0
	RSD	II	Statewide	Fee & Sal. Hrs.	1.1	0	0
General Services	A&G	I	Category	Patient Days	1.1	0	0
	DTY	I	Statewide	Patient Days**	1.1	50	100
	FIS	I	Category	Admission	1.1	50	100
	HKP	I	Statewide	Sq. Ft.*	1.1	0	0
	MAL	III	Category	Patient Days	—	0	0
	MRD	I	Category	Admissions	1.1	50	50
	PCC	II	Category	Admissions	1.1	0	0
	PLT	I	Character	Sq. Ft.*	1.1	0	0
	UTC	III	Statewide	Sq. Ft.*	—	0	0
	OGS	II	Charactor	Patient Days	1.3	0	0
	L&L	I	Statewide	Patient Days	1.1	50	50
Other	EDR	III	Category		—	0	0
Fringe Benefits	LFB	—	Statewide	Hours			
	PFB	—	Statewide	Hours			
	PEN	—	Statewide	Hours			
	INT	III	Statewide	Patient Days			
	DEP	III	Statewide	Patient Days			

* Inpatient % for this cost center
** Excluding "In & Out" same day

[EXHIBIT II] **APPENDIX B**

Abbreviation	Cost Center Description
ACU	Acute Care Unit
ICU	Intensive Care Unit
NBN	Newborn Nursery
SAC	Sub-Acute Case
EMR	Emergency Room
ANS	Anesthesia
CSS	Central and Sterile Supply
DEL	Delivery
DIA	Dialysis
EDG	Electrodiagnosis
LAB	Laboratory
ORR	Operating and Recovery Rooms
PHM	Pharmacy
PHT	Physical Therapy
RAD	Radiology
RSP	Respiratory Therapy
CCA	Cardiac Catheterization
BBK	Blood Bank
OPM	Other Physical Medicine
PHY	Physician
RSD	Resident
A&G	Administrative and General
DTY	Dietary
FIS	Fiscal
HKP	Housekeeping
MAL	Malpractice
MRD	Medical Records
PCC	Patient Care Coordination
PLT	Plant
UTC	Utilities
OGS	Other General Services
L&L	Laundry & Linen
EDR	Education
LFB	Legal Fringe Benefits
PFB	Policy Fringe Benefits
PEN	Pension
INT	Interest
DEP	Depreciation

[EXHIBIT III] **APPENDIX C**
Labor Market Areas Used in Calculating Equalization Factors

Area	Abbreviation	Counties Included
1.	PASSA	Passaic
2.	HACK	Bergen
3.	NEWT	Sussex, Warren
4.	TRENT	Mercer, Hunterdon
5.	NEWARK	Union, Essex, Somerset, Morris
6.	JERCIT	Hudson
7.	NEBRU	Middlesex
8.	LBRAN	Monmouth, Ocean
9.	ATCIT	Atlantic, Capt May
10.	CAM/BURL	Burlington, Camden, Gloucester, Salem, Cumberland

HIGHER EDUCATION

(a)

HIGHER EDUCATION ASSISTANCE AUTHORITY

Guaranteed Student Loan Program Defaulted Loan Interest Payments

Proposed Amendment: N.J.A.C. 9:9-1.16

Authorized By: New Jersey Higher Education Assistance Authority, Jerome Lieberman, Chairman.
Authority: N.J.S.A. 18A-72-10.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses should be addressed to:

Grey J. Dimenna, Esq.
Administrative Practice Officer
Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

The Higher Education Assistance Authority 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 1984-240.

The agency proposal follows:

Summary

The Higher Education Assistance Authority is statutorily charged with the administration of the Guaranteed Student Loan Program including the purchasing of defaulted student loans from lending institutions pursuant to its guaranty agreements. Under current State regulations, lending institutions may bill the Higher Education Assistance Authority for the outstanding principal of the loan plus accrued interest up to one year from the date of first delinquency. This proposal amends the amount of interest which the Higher Education Assistance Authority may be billed to a maximum of 90 days beyond the date of default, thereby bringing this requirement into accord with Federal regulations concerning this area.

Social Impact

The proposed amendment, by narrowing the time between the loan's default and the purchase of the defaulted loan by the Higher Education Assistance Authority, will require lending institutions to submit defaulted loans to the Higher Education Assistance Authority for purchase under its guaranty agreement on a more timely basis.

Economic Impact

Limiting the amount of interest which the Higher Education Assistance Authority shall pay to lending institutions on defaulted student loans shall lessen the total amount of interest payments made by the Higher Education Assistance Authority to lending institutions.

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

9:9-1.16 Procedure for filing chain

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

(c) Separate claims must be submitted on each loan accruing interest at different rates. It is permissible to combine more than one loan on one claim form as long as the interest rate is the same. Two sets of claims forms will be sent with both copies expected to be returned in completed form. The lender will be reimbursed for the total unpaid principal and interest due [not to exceed one year's interest following the expiration of the grace period on all non-converted accounts and not to exceed one year's interest following the date of the first delinquent payment on converted accounts] **for a period not to exceed 90 days beyond the date of default on both non-converted and installment accounts.** A photostatic copy of the note must be forwarded with the claims. By law, the Authority may not reimburse the lender for late charges.

(b)

HIGHER EDUCATION ASSISTANCE AUTHORITY

Direct PLUS Program Loan Prerequisites

Proposed Amendment: N.J.A.C. 9:9-9.2

Authorized By: New Jersey Higher Education Assistance Authority, Jerome Lieberman, Chairman.
Authority: N.J.S.A. 18A-72-10.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses should be addressed to:

Grey J. Dimenna, Esq.
Administrative Practice Officer
Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

The Higher Education Assistance Authority 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 1984-239.

The agency proposal follows:

Summary

The Higher Education Assistance Authority is statutorily charged with the administration of the Guaranteed Student Loan Program and PLUS (Parent Loans for Undergraduate Students) program, two Federally insured educational loan programs, within the State of New Jersey. The Highway Education Assistance Authority is also authorized to make such loans directly to applicants who are eligible for loans but are unable to obtain such a loan from a financial institution. Federal regulations permit the Higher Education Assistance Authority to adopt its own regulations regarding its direct loan programs concerning the need for a cosigner. This proposal amends current Higher Education Assistance Authority policy mandating a co-signer for each direct PLUS loan issued by the Higher Education Assistance Authority to allow the Higher Education Assistance Authority discretion as to the requirement for a co-signer.

Social Impact

The proposed amendment, by granting the Higher Education Assistance Authority discretion as to whether a co-signer is required for a direct PLUS loan, will make direct PLUS loans more available for financially qualified borrowers.

Economic Impact

Elimination of the co-signer requirement for all borrowers will eliminate financial barriers to qualified borrowers, thereby allowing a greater number of PLUS loans to be issued.

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

9:9-9.2 Loan prerequisites

(a) Prior to obtaining a direct PLUS loan, the borrower must satisfy the following additional requirements:

1.-2. (No change.)

3. Each applicant [will] **may** be required to have a co-signer for each loan **at the discretion of the Authority**; and

4.-5. (No change.)

HUMAN SERVICES

(a)

DIVISION OF PUBLIC WELFARE

Special Payments Handbook: Aged, Blind and Disabled
Notice of No Financial Interest

Proposed Amendment: N.J.A.C. 10:100-3.8

Authorized By: George J. Albanese, Commissioner, Department of Human Services.
Authority: N.J.S.A. 44:7-12, 44:7.13, 44:7-38 and 44:7-43

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Director
Division of Public Welfare
CN 716
Trenton, New Jersey 08625

At the close of the period for comments, the Department of Human Services may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-245.

The agency proposal follows:

Summary

This proposal deletes the requirement that a county welfare agency, in notifying certain holders of funds of deceased recipients of its lack of interest in such funds, supply a copy of the notice to the Division of Medical Assistance and Health Services (DMAHS). The notice had been required in order to allow DMAHS to initiate action on any claim which it may have on those funds. Since that Division has instituted internal procedures to obtain such information, the copy of the notice from the county welfare agency is no longer necessary.

Social Impact

This change does not impact on the public in any way. The only discernable social impact is internal in that county welfare agencies and DMAHS will be relieved of handling superfluous paperwork.

Economic Impact

A small administrative saving in time, paper, and postage will result. The amount of the saving is not subject to calculation.

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

10:100-3.8 Other CWA duties at time of death

(a) In any case in which the CWA becomes aware of the death of an SSI or Medicaid Only recipient and the CWA (and to the best of its knowledge, no other CWA) has no financial interest (that is, has no lien or claim and will not be paying any part of burial cost), the CWA will notify in writing all known holders of the decedent's assets or funds that it has no interest in the assets or funds. [The CWA will send a copy of each such notice to the Chief, Bureau of Utilization Control, Division of Medical Assistance and Health Services, Trenton, N.J. 08625.] The CWA is cautioned against the giving of instructions as to the disposition of funds in which it has no interest.

(b) (No change.)

(b)

DIVISION OF YOUTH AND FAMILY SERVICES

Child Care
Manual of Standards for Child Care Centers

Proposed Amendments: N.J.A.C. 10:122-1.1, 1.2, 2.1-2.4, 3.2, 4.3, 5.1, 5.2, 5.4, 6.1-6.5, and 6.7

Proposed New Rules: 10:122-2.5, and 8.1–8.5

Authorized By: George J. Albanese, Commissioner, Department of Human Services.
Authority: N.J.S.A. 30:5B-1 to 15.

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and inquiries about submissions and responses, should be addressed to:

Richard Crane, Chief
Bureau of Licensing
Division of Youth and Family Services
1 South Montgomery St.
CN 717
Trenton, N.J. 08625

At the close of the period for comments, the Department of Human Services may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-257.

The agency proposal follows:

Summary

Governor Thomas H. Kean recently signed into law a new State Child Care Center Licensing Act (N.J.S.A. 30:5B-1 to 15). The new law, which becomes effective May 16, 1984, repeals N.J.S.A. 18A:70-1 to 9, the existing licensing law. The main thrust of the new law is to eliminate several categories of centers that are currently exempted from licensing, the most notable of which are centers operated by a bona fide church. However, like the existing law, it continues to require the licensing of certain publicly and privately operated child care centers serving six or more children below six years of age.

By way of background, the existing child care center licensing law exempts centers: 1) operated by the Department of Human Services; 2) operated or sponsored by a properly organized and accredited church or aid society of a properly organized and accredited church; 3) operated by a fraternal society organized for the aid and relief of its members; 4) operated by a county, city, municipality or public school district; 5) that are an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth; and 6) operated by certain children's homes or service agencies subject to visitation or supervision by the Department of Human Services. The new law will eliminate nearly all of the above-noted categories of exemption in the existing law.

The new law will retain exemptions for: 1) day training centers operated by the Division of Mental Retardation of the Department of Human Services; 2) centers or special classes operated primarily for religious instruction or for the temporary care of children while persons responsible for such children are attending religious services; and 3) centers operated by public school districts and programs operated by private schools which are run solely for educational purposes, including kindergartens, pre-kindergarten programs and child care centers that are an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth.

Also, the new law will add the following additional categories of exemption: 1) special activities programs for children, including athletics, hobbies, art, music, dance and craft instruction, which are supervised by an adult, agency or institution; and 2) youth camps required to be licensed under the New Jersey Youth Camp Safety Act (P.L. 1973, c. 375). Such exemptions had been included in existing licensing regulations for many years, but were not in the law until now.

Although the new law will remove the existing exemption for church-operated centers, it also will "grandfather" those church-operated centers that are in operation at the time the law becomes effective (May 16, 1984); however, the new law requires such grandfathered centers at least to comply with the physical facility and life/safety requirements of the licensing regulations, after which they will receive a certificate of approval (rather than a regular license) from the Bureau of Licensing in the Division of Youth and Family Services.

To implement the Child Care Center Licensing Act, the Division's proposal would amend the current child care center licensing regulations (referred to as the Manual of Standards for Child Care Centers) in order to bring them into conformity with provisions of the new licensing law. The proposed revisions primarily affect the legal authority, definition, and administrative hearing sections of the regulations, including the addition of provisions on court hearings. For the most part, however, the proposed revisions to the regulations constitute only minor, rather than substantive, changes. In addition, various technical changes are proposed to improve the organization, readability and clarity of the regulations. For example, certain requirements that appeared in subchapter 6 (Program Requirements) of the existing regulations have been shifted to subchapter 5 (Physical Facility Requirements) where they more appropriately should be placed. A number of amendments are also proposed in subchapter 5 to make the regulations consistent with changes that were recently adopted in the State Uniform Construction Code (UCC). Finally, the proposed revised regulations contain provisions specifying the requirements and procedures for currently exempted church-operated centers to secure a life/safety certificate of approval, as called for in the new law.

Social Impact

The proposed regulations will have a positive social impact by providing for the first time the protections and safeguards of licensure for children attending child care centers that are now exempt for licensure under the provisions of the existing licensing law.

Economic Impact

Since the proposed regulations include only minor, rather than substantive, revisions to the existing regulations, the proposal is not expected to have any economic impact on the more than 1,600 centers already licensed under the existing law. Also, application of the licensing regulations, as revised, to previously exempted child care centers that will be subject to licensing for the first time under the new law is not expected to have a major economic impact on those centers.

Of all of the categories of exemption to be eliminated, the most significant was that exempting church-operated centers, since this category comprised the largest number of exempted centers known to the Division. Of the some 420 church-operated centers known to this Division that are currently exempted from licensure under the existing law, 260 (62%) have already qualified for and are operating pursuant to a regular license on a voluntary basis; thus, the proposed regulations would have no impact on these centers at all. The remaining 160 existing church-operated centers that currently are exempt from licensure will be required under the new law only to meet the life/safety and physical facility requirements of the regulations; these requirements are not expected to have a significant fiscal impact on these centers since they are already subject to requirements of the State Uniform Construction Code (UCC), to which the Division's licensing life/safety and physical facility requirements are keyed. Therefore, these centers are not expected to experience a financial burden in meeting the life/safety requirements of the regulations.

Finally, application of the licensing regulations to the other currently exempt categories similarly should not result in widespread economic impact on such centers. For one thing, the number of centers in these categories that are known to the Division is low: 1) centers operated by the Department of Human Services — 16; 2) centers operated by a fraternal society organized for the aid and relief of its members — 14; and 3) centers operated by a county, city or municipality — 12. For another, these centers, like those operated by churches, have been subject to provisions of the UCC since 1977. Lastly, the regulations constitute baseline licensing requirements governing essential life/safety, health, and program needs of the children to be served. They are not designed as model or preferred levels of care, but rather represent the minimum level below which no child care center would legally be permitted to open and operate. The aim is to provide basic protections for the children served without imposing overly stringent and costly requirements that could inhibit the development/expansion of these vitally needed resources.

It is possible that a particular center, which was previously exempt, will be required to expend additional funds to meet licensing requirements, but the number of such centers should not be high and, significantly, the Division contends that such costs are necessary to provide a minimum level of protection to the children being served.

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

SUBCHAPTER 1. GENERAL PROVISIONS

10:122-1.1 Legal authority

(a) This chapter is promulgated pursuant to the [State's] [c]**C**hild [c]**C**are **Center** [l]**L**icensing [law]**Act** (N.J.S.A. [18A:70-1 to 9)] **30:5B-1 to 15).** [and N.J.S.A. 30:1-25.]

(b) Under N.J.S.A. [18A:70-1 to 9] **30:5B-1 to 15**, the Department of Human Services is authorized to license certain [privately operated non-sectarian] **public and private** child care centers [providing] **that are maintained for the** care, [for] **development or supervision of** six or more children under [the age of] six years **of age** for less than 24-hours-a-day.

(c) Under N.J.S.A. 30:5B-1 to 15, the Department of Human Services is authorized to certify a child care center that was operating prior to May 16, 1984 (the effective date of the Child Care Center Licensing Act) and was exempt from the licensing provisions of N.J.S.A. 18A:70-1 et. seq. because it was operated by an aid society of a properly organized and accredited church. Such centers are not required to be licensed under this act, but are required to comply with physical facility and life/safety requirements as specified in N.J.A.C. 10:122-5.1 to 5.4.

[(c) Under N.J.S.A. 30:1-25, the Department of Education's functions, powers and duties pertaining to the licensing of child care centers were transferred to the Department of Institutions and Agencies, which is now referred to as the Department of Human Services (N.J.S.A. 30:1A-1).]

(d) In order to be eligible for a license, a child care center shall demonstrate to the satisfaction of the Department of Human Services or its duly authorized agent through such methods and procedures as may be prescribed that it complies with the rules and regulations contained in this chapter, which constitute minimum standards only.

(e) Responsibility for insuring that centers comply with the provisions of the statutes cited in (a) above and of this chapter is hereby delegated by the Department of Human Services[.] **to the Bureau of Licensing of the Division of Youth and Family Services.**

10:122-1.2 Definitions

The following words and terms when used in this chapter, have the following meanings.

"Bureau" means the Bureau of Licensing of the Division of Youth and Family Services, New Jersey Department of Human Services.

"Child" means any person under [the age of] six years[.] **of age.**

"Child Care Center" or "Center" means any facility, by whatever name known, which is maintained for the care, development and supervision of six or more children under [the age of] six years **of age who attend the facility** [supervision of six or more children under the age of six years] for less than 24-hours-a-day. This term shall include, but shall not be limited to, such programs as **child care centers,** day care centers, drop-in centers, night **time** [care] centers, **day** nursery schools, play schools, cooperative child centers [and], centers for children with special needs[.], **infant-toddler programs, employment related centers, child care centers that have already received approval from the Department of Human Services prior to the enactment of the Child Care Center Licensing Act, and kinder gartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth.** The term ["Child Care Center" or "Center"] shall not include [any]:

1. [Public or private family day care homes,] **F**oster homes, group homes[, residential child care facilities and children's shelter facilities or homes;] **and other types of in-home residential facilities, and children's institutions, whether public or private, providing live-in care on a 24-hour basis;**

2. [Centers operated by a properly organized and accredited church or an aid society of a properly organized and accredited church;] **Programs operated by a public school district and private schools which are run solely for educational purposes. This exclusion shall apply to kindergartens, prekindergarten programs or child care centers that are an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth;**

3. [Centers operated by any fraternal society organized for aid and relief of its members;] **Centers or special classes operated primarily for religious instruction or for the temporary care of children while persons responsible for such children are attending religious services;**

[4. Centers operated by the Department of Human Services or any centers operated by a county, city, municipality or school district;

5. Children's home, orphan asylum, children's aid society, or society for the prevention of cruelty to children, incorpo-

rated under the laws of this State and subject to visitation or supervision by the Department of Human Services, except in the conduct of a philanthropic day nursery;

6. Centers that are an integral part of a private educational institution or system offering elementary education in grades kindergarten through six.]

[7.] **4.** Special activities programs for children, including athletics, hobbies, art, music, dance, or craft instruction[;], **which are supervised by an adult, agency or institution.**

[8.] **5.** Youth camps required to be licensed under the Youth Camp Safety Act of New Jersey (N.J.S.A. 26:12-1 et seq.); or

[9.] **6.** Day training centers operated by the Division of Mental Retardation [within the], **New Jersey** Department of Human Services.

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

"Director" means any person responsible for the actual operation and management of a child care center.

"Division" means the Division of Youth and Family Services, New Jersey Department of Human Services.

"Manual of Standards for Child Care Centers" or "Manual of Standards" means the rules and regulations promulgated in this chapter, which constitute minimum requirements for child care centers.

"Parent" means a **natural or adoptive** parent, guardian, or any other person having responsibility for, or custody of, a child.

"Person" means any individual, [agency,] corporation, company, association, organization, society, firm, partnership, joint stock company, the State or any political subdivision thereof.

"Regular Certificate of Life/Safety Approval" or "Regular Certificate" means an approval in writing issued by the Bureau which indicates that the child care center is in full compliance with the physical facility and life/safety requirements, as specified in N.J.A.C 10:122-5.1 to 5.4 of this chapter.

"Regular License" means a certificate in writing issued by the Bureau which indicates that the child care center is in full compliance with the provisions of the [State] [c]Child [c]Care **Center** [l]Licensing [law]**Act** (N.J.S.A. [18A:70-1 to 9)] **30:5B-1 to 15)** and of this chapter.

"Revocation of a Certificate of Life/Safety Approval" means a rescinding of a center's current certificate of life/safety approval to operate for failure or refusal to comply with the physical facility and life/safety requirements, as specified in N.J.A.C. 10:122-5.1 to 5.4 of this chapter.

"Revocation of a License" means a rescinding of a center's current license to operate for failure or refusal to comply with the provisions of the [State] [c]Child [c]Care **Center** [l]Licensing [law]**Act** (N.J.S.A. [18A:70-1 to 9)] **30:5B-1 to 15)** and of this chapter.

"Shall" denotes a provision of this chapter that a child care center must meet to qualify for a license.

"Should" denotes a recommendation reflecting goals towards which a center is encouraged to work for the improvement of the program.

"Sponsor" means any person owning **or operating** a child care center. The "sponsor" also may serve as the director.

"Staff Member" means any person employed by or working for or with a child care center on a regularly scheduled basis. This shall include full-time, part-time, voluntary and substitute staff, whether paid or unpaid.

"Suspension of a Certificate of Life/Safety Approval" means a temporary rescinding of a center's current certificate of life/safety approval to operate, which can be reinstated by the Bureau upon the center's compliance with the physical facility and life/safety requirements, as specified in N.J.A.C 10:122-5.1 to 5.4 of this chapter.

"Suspension of a License" means a temporary rescinding of a center's current license to operate, which can be reinstated by the Bureau upon the center's compliance with the provisions of the [State] [c]Child [c]Care **Center** [l]Licensing [law] **Act** (N.J.S.A. [18A:70-1 to 9)] **30:5B-1 to 15)** and of this chapter.

"Temporary Certificate of Life/Safety Approval" or "Temporary Certificate" means an approval in writing issued by the Bureau which indicates the child care center is in substantial compliance with the physical facility and life/safety requirements, as specified in N.J.A.C. 10:122-5.1 to 5.4 of this chapter, provided that no serious or imminent hazard affecting the children exists, and on the condition that the center comes into full compliance with the physical facility and life/safety requirements, as specified in N.J.A.C. 10:122-5.1 to 5.4 of this chapter, by the expiration date of the temporary certificate of life/safety approval.

"Temporary License" means a certificate in writing issued by the Bureau which indicates the child care center is in substantial compliance with the provisions of the [State] [c]Child [c]Care **Center** [l]Licensing [law] **Act** (N.J.S.A. [18A:70-1 to 9)] **30:5B-1 to 15)** and of this chapter, provided that no serious or imminent hazard affecting the children exists, and on the condition that the center comes into full compliance with the provisions of the [State] [c]Child [c]Care **Center** [l]Licensing [law] **Act** (N.J.S.A. [18A:70-1 to 9)] **30:5B-1 to 15)** and of this chapter by the expiration date of the temporary license.

SUBCHAPTER 2. LICENSING PROCEDURES

10:122-2.1 Application for license

(a) No person shall conduct, maintain or operate a child care center unless the center first secures a license to do so from the Bureau, pursuant to the provisions of the [c]Child [c]Care **Center** [l]Licensing [law] **Act** (N.J.S.A. [18A:70-1 to 9)] **30:5B-1 to 15)** and of this chapter. [Operation of a child care center without a valid license as required by N.J.S.A. 18A:70-8 constitutes a misdemeanor.] **Any person who operates or assists in the operation of a child care center which does not have a regular or temporary license, or who has used fraud or misrepresentation in obtaining a license or in the subsequent operation of a center, or who offers, advertises or provides any service not authorized by a valid license or who violates any other provision of this act shall be guilty of a crime of the fourth degree.**

(b) Filing of application with the Bureau:

1.-2. (No change.)

10:122-2.2 Issuance of a license

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

(c) If the Bureau determines that a child care center is in substantial compliance with, but does not meet all of the applicable provisions of this chapter, and provided that the extent of the center's deviation from such requirements is not deemed serious or imminently hazardous to the **education,** health, safety, well-being and [proper] **physical and intellectual** development of the children, the Bureau shall issue a temporary license.

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

10:122-2.3 Causes for denial, suspension or revocation of a license

(a) A child care center's license may be denied, suspended or revoked for good cause, including but not limited to the following:

1. Failure to comply with the provisions of the [State's] [c]Child [c]Care **Center** [l]Licensing [law]**Act** [or] **and** of this chapter;

2. Violation of the terms and conditions of a license;

3. Use of fraud or [dishonesty] **misrepresentation** in obtaining a license or in the subsequent operation of the center;

4. Refusal to furnish the Bureau with files, reports or records as required by this chapter;

5. Refusal to permit an authorized representative of the Division to gain admission to the center[;] **during normal operating hours; or**

6. Any [activity, policy or] conduct, **engaged in or permitted, which** [that] adversely affects or presents a serious or imminent hazard to the **education,** health, safety and well-being **and physical and intellectual development** of any child attending the child care center, or [that] **which** otherwise demonstrates unfitness or inability to operate a child care center.

7. Failure to provide a developmental or age-appropriate program that meets the physical, social, emotional and cognitive needs of the children in the center as required by this chapter.

(b) If the center's license is suspended or revoked, the parent of a child in the center shall receive notice thereof, personally and in writing, by the center's sponsor.

[(b)]**(c)** If a child care center's license is suspended, it shall be reinstated by the Bureau once the center achieves compliance with the provisions of the [State] [c]Child [c]Care **Center** [l]Licensing [law] **Act** and of this chapter. In such a case, it is not necessary for the center to submit a new application for a license and application fee.

[(c)]**(d)** If the Bureau revokes a center's license to operate, the center shall submit to the Bureau a new application for a license and application fee, meet the provisions of the [State] [c]Child [c]Care **Center** [l]Licensing [law]**Act** and of this chapter and secure a new license to operate prior to resuming operations.

[(d)]**(e)** Each license issued by the Bureau to a child care center remains the property of the State of New Jersey. If a center's license is suspended or revoked or upon the permanent closing of the center by the sponsor, the sponsor shall return the center's license[(s)] to the Bureau immediately.

10:122-2.4 Administrative hearings

(a) To effectuate the purposes of this chapter, the Bureau may initiate an administrative hearing **and transfer the matter to the Office of Administrative Law as a contested case in the interest of justice.**

(b) When the Bureau proposes **to deny, suspend, revoke or refuse to renew a** [not to] license [or not to continue licensure of a child care center], the Bureau shall afford the child care center **sponsor, personally, or by certified or registered mail,** notice and opportunity for an administrative hearing.

(c) [All administrative hearings shall be conducted pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.) and the Uniform Admini strative Procedure Rules of Practice (N.J.A.C. 1:1).] **The hearing shall take place within 60 calendar days from the issuance or mailing of the notice and shall be conducted pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.) and the Uniform Administrative Procedure Rules of Practice (N.J.A.C. 1:1).**

10:122-2.5 Court action

(a) The Bureau may institute a civil action in a court of competent jurisdiction for injunctive relief to enjoin the operation of a child care center for good cause, including but not limited to the following:

1. Any imminent danger or hazard that threatens the health and safety of children in the center;

2. Repeated violation of the provisions of the Child Care Center Licensing Act; and

3. Opening and operating a child care center without a license or without complying with the provisions of the Child Care Center Licensing Act.

10:122-[2.5] **2.6** Complaints

10:122-[2.6.] **2.7** Public access to licensing records

SUBCHAPTER 3. ADMINISTRATION

10:122-3.2 Reporting requirements

(a) The center shall notify the Bureau and the Office of Child Abuse Control (toll-free 800-792-8610) immediately if any of the following events occur:

1. Injury **or illness** requiring hospitalization and/or the death of any child which occurred while the child was on the premises of the center or in the care of center personnel; and

2. (No change.)

(b) (No change.)

(c) The Center shall notify the Bureau in writing [at least 30 days prior to any] **within 14 calendar days** of the following proposed changes and events:

1.-7. (No change.)

SUBCHAPTER 4. STAFF REQUIREMENTS

10:122-4.3 Types, responsibilities and qualifications of staff

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

(c) Responsibilities and qualifications of staff for centers serving only children under 2½ years of age:

1.-3. (No change.)

4. For any program category, the caregiver shall:

i.-iii. (No change.)

iv. Possess a Child Development Associate Credential (CDA) and have one year of [teaching] experience in a group program for children under six years of age, which may include student teaching.

(d) (No change.)

(e) Responsibilities and qualifications of staff for centers serving only children over 2½ years of age:

1. (No change.)

2. The head teacher shall possess the qualifications as specified in (e)2i, ii and iii below for the appropriate program category.

i. Day program: The head teacher shall:

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

(3) For conditional approval, submit to the Bureau documentation of enrollment in an undergraduate program or in courses approved by the New Jersey Department of Education leading to the required New Jersey Instructional Certificate for Teacher of Nursery School or New Jersey Instructional Certificate with the Teacher of Nursery School Endorsement and have two years of **teaching** experience in a

group program for children under six years of age. This conditional approval shall be valid for a maximum of six months, at which time the individual must submit to the Bureau a copy of a New Jersey Instructional Certificate for Teacher of Nursery School or a New Jersey Instructional Certificate with the Teacher of Nursery School Endorsement in order to continue serving as head teacher; or

(4) (No change.)

ii.-iii. (No change.)

3.-4 .(No change.)

5. A group teacher shall possess the qualifications as specified in (e)5i, ii and iii below for the appropriate program category.

i. Day program: A group teacher shall:

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

(3) For conditional approval, submit to the Bureau documentation of 12 college credits in early childhood education and/or child development and documentation of enrollment in an additional three-credit college course in these subject areas and have two years of **teaching** experience in a group program for children under six years of age, which may include student teaching. This conditional approval shall be valid for a maximum of six months, at which time the center must submit to the Bureau documentation showing that the individual has acquired the three additional credits; or

(4) (No change.)

ii.-iii. (No change.)

(f)-(h) (No change.)

SUBCHAPTER 5. PHYSICAL FACILITY REQUIREMENTS

10:122-5.1 Local government physical facility requirements

(a) An applicant seeking a license to open and operate a child care center for the first time as such shall:

1. For newly constructed buildings, existing buildings whose construction code use group classification would change from that which it had been or existing buildings that require major alteration or renovation, submit to the Bureau a copy of the building's certificate of occupancy issued by the municipality in which it is located, reflecting the center's compliance with the provisions of the State Uniform Construction Code (N.J.A.C. 5:23), hereinafter referred to as UCC, for one of the following use group classifications:

i. [A-4 (Assembly)] **E (Educational)** for buildings accommodating children 2½ years of age and/or older and having a total occupancy (children and adults) that is 50 or more; or

ii. B (Business) for buildings accommodating children 2½ years of age and/or older and having a total occupancy (children and adults) that is fewer than 50; or

iii. I-2 (Institutional) for buildings accommodating one or more children [less than] **below** 2½ years of age.

2. For existing buildings whose construction code use group classification is already [A-4] **E**, B or I-2 and **that have** [which has] not had major alterations or renovations to make [it] **them** suitable for use as a center, submit to the Bureau a copy of the building's certificate of occupancy issued by the municipality in which it is located at the time the building was originally constructed or approved for use in the [A-4] **UCC's E**, B or I-2 use group classifications[;]**.** [or, a certificate of continued occupancy issued by the municipality in which it is located, reflecting the center's compliance with the municipality's construction code requirements that were in effect at the time it was originally constructed or converted to use group classification A-4, B or I-2; and

3. Submit to the Bureau a copy of the municipal or county health inspection approval for the building, based on an inspection conducted within the preceding 12 months. The local or county health official shall certify that the center meets the provisions of all local or county health codes and Chapter 12 of the State Sanitary Code (N.J.A.C. 8:24-1), and poses no health hazard to the children served.]

[(b) An applicant seeking renewal of a license to operate a child care center shall:

1. Submit to the Bureau a copy of the municipal or county health inspection approval for the building, as specified in (a)3 above; and

2. If the municipality in which the center is located has enacted an ordinance governing the maintenance of buildings, including child care centers, submit to the Bureau a statement from the municipal enforcing agency certifying that the center is in compliance with such ordinance.

(c) The child care center shall submit to the Bureau a copy of a new certificate of occupancy issued by the municipality in which it is located, reflecting the center's compliance with the provisions of the UCC whenever it takes any of the following actions:

1. Changing the building's use group classification to one other than the one prescribed on its original certificate of occupancy; or

2. Making a major alteration or renovation, as defined by the UCC, of the building or premises in which the center is located; or

3. Increasing the floor area or the number of stories to the building or premises in which the center is located.

(d) Whenever a variation(s) has been granted by the municipality for any of the requirements in the UCC, such variation(s) may be accepted by the Bureau as meeting the appropriate requirement(s) as specified in 10:122-5.]

3. For existing buildings whose use prior to the adoption of the UCC was and continues to be for a center and that have not had major alterations or renovations to the center, submit to the Bureau a copy of the building's certificate of continued occupancy issued by the muncipality in which it is located, reflecting the building's compliance with provisions of the municipality's construction code requirements that were in effect at the time it was originally constructed or converted for use as a child care center.

4. On an annual basis thereafter, the center shall, if the municipality in which the building is located has enacted an ordinance governing the maintenance of centers, submit to the Bureau a statement from the municipal enforcing agency certifying that the building is in compliance with such ordinance.

(b) The child care center shall submit to the Bureau a copy of a new certificate of occupancy issued by the municipality in which it is located, reflecting the building's compliance with provisions of the appropriate UCC use group classification whenever it takes any of the following actions:

1. Changing the building's use group classification to one other than the one prescribed on its original certificate of occupancy; or

2. Making a major alteration or renovation, as defined by the UCC, of the building or premises in which the center is located; or

3. Increasing the floor area or the number of stories to the building or premises in which the center is located.

(c) Whenever a variation(s) has been granted by the municipality for any of the requirements of the UCC, such variation(s) may be accepted by the Bureau as meeting the appropriate requirement(s) of this chapter.

(d) Health:

1. Inspection approval

i. The center shall submit to the Bureau a copy of the municipal, county or state health inspection approval for the building, based on an inspection conducted within the preceding 12 months. The local, county or state health official shall certify that the building meets the provisions of all local, county and state health codes and poses no health hazard to the children served.

ii. A center seeking renewal of a license to operate shall submit to the Bureau a copy of the municipal, county or state health inspection approval for the building, as specified in (d)1 above.

2. Communicable disease control

i. The center shall report the occurrence of a communicable disease to the Bureau and its local board of health within 24 hours after such disease has been diagnosed in accordance with the provisions of Chapter 2 of the State Sanitary Code (N.J.A.C. 8:57 -1.1 et seq.).

ii. A child who is ill at the center shall be isolated from other children in a separate area of the center, as specified in N.J.A.C. 10:122-5.2(q), where she/he can be cared for until arrangements are made for the child's return to a parent or other authorized person.

iii. Staff members with symptoms of illness shall not be permitted in the children's play rooms or sleeping rooms.

iv. Pets kept by the center shall be domesticated and free from disease. Pets shall be inoculated as prescribed by law or as recommended by a veterinarian.

3. Medication control (prescription and non-prescription)

i. All medication shall be kept in a secured area that is inaccessible to the children.

ii. Unused medication shall be discarded or returned to the parent(s) when no longer being administered.

iii. Any prescription medication for a child shall be:

(1) Prescribed by the child's physician;

(2) Stored in its original container according to the directions on the container; and

(3) Labeled with the child's name, the name of the medication, date prescribed and directions for its administration.

4. Smoking shall be prohibited in all rooms occupied by children.

10:122-5.2 General life/safety requirements

(a) Exiting requirements:

1. Exits:

i. Exits shall be maintained in proper operating condition and the center shall insure that:

(1) There are two independent unobstructed exits from every floor of a building which allows exiting from the building or room in two separate directions;

(2) The maximum travel distance to an outside exit door or exit stairway does not exceed the following lengths:

Use Group Classification	Without Fire Suppression System	With Fire Suppression System
[A-4]**E**	150 feet	200 feet
B	200 feet	300 feet
I-2	100 feet	200 feet

(3) An exit access shall not pass through a boiler room, furnace room, toilet facility or storage room.

ii. (No change.)

2. Doors:

i.-iv. (No change.)

3. Stairways:

i. Stairways used for exits shall be unobstructed.

ii. Interior stairways:

(1) The maximum height of risers shall be [eight] **seven and one half** inches and the minimum width of tread shall be [11] **10** inches.

(2) Winding staircases shall not be counted for purposes of meeting the exit requirements of this chapter.

(3) A space below a stairway shall be enclosed with a one-hour fire-rated material.

iii. Exterior stairways:

(1) Exterior stairways conforming to the interior stairway requirements, as noted in (a)3ii above, shall be acceptable as required exits in child care centers **not exceeding five stories in height** and that serve only children 2½ years of age and/or older.

(2) Exterior stairways shall be constructed of materials that are [permitted] **in accordance with** table 401 of the UCC's Building Sub-Code (BOCA).

iv. Handrails and guardrails:

[(1) Handrails shall be provided for all stairs that have three or more risers.]

[(2)] **(1)** All stairways **having three or more risers** shall have a handrail on at least one side.

(2) Stairways more than 44 inches wide shall have continuous handrails on both sides.

(3) Stairways more than 88 inches wide shall also have an intermediate hand rail dividing the stairway.

[(3)] **(4)** Handrails shall be 30 to 34 inches above the nosing of treads.

[(4)] **(5)** Guardrails shall not be less than 42 inches in height measured vertically above the nosing of treads.

[(5)] **(6)** Guardrails shall be provided with intermediate guards spaced six inches apart or with equivalent protection.

4. (No change.)

(b)-(c) (No change.)

(d) Maintenance and sanitation:

1. (No change.)

2. Indoor maintenance and sanitation requirements:

i. [Basements, cellars and crawl spaces] **Child care centers** shall be free of moisture resulting from water leaks or seepage.

ii. All lally columns in areas used by the children shall have protective padding placed around them that is at least 48 inches above the floor.

iii. Floors, walls, ceilings, and other surfaces shall be kept clean and in good repair. These areas shall be covered or treated when necessary and no paint containing lead shall be used.

iv. Stairways shall be free of hazards such as toys, boxes, loose steps, uneven treads, torn carpeting, raised strips, or risers that are not uniform.

v. Carpeting shall be secured to the floor to avoid tripping.

vi. Garbage shall be removed from the interior of the building daily.

vii. The center shall utilize receptacles for food waste disposal that are made of durable materials that are nonabsorbent, leak proof and easily cleanable.

viii. Food waste receptacles shall be lined and cleaned daily and more frequently when necessary.

[vii.]**ix.** The center shall take necess ary action to protect the facility from rodent, insect and related infestations. Extermination services and the application of pesticides shall be in accordance with the regulations of the State Department of Environmental Protection, as specified in N.J.A.C 7:30-1 through 10.

[viii.]**x.** Toilets, wash basins, kitchen sinks, and other plumbing shall be maintained in good operating and sanitary condition at all times and shall be kept free of materials that might clog or impair their operation.

[ix.]**xi.** All corrosive agents, insecticides, bleaches, detergents, polishes, any products under pressure in an aerosol spray can and any other toxic substance, shall be stored in a locked cabinet or in an enclosure located in an area not accessible to the children.

[x.]**xii.** Openable windows that are located within 48 inches above the floor shall have protective guards so as to prevent children from falling out of the windows.

3. Outdoor maintenance and sanitation requirements:

i. The building, land and the outdoor play area shall be maintained in good repair and be free from any hazards to the health, safety or welfare of the children.

ii. The land, including the outdoor play area, shall be properly graded and provided with drains to dispose of surface water.

iii. The building structure shall be maintained to prevent water from entering, excessive drafts, or heat loss during inclement weather, and to provide protection against infestation from rodents, insects, etc.

iv. Railings of balconies, landings, porches, or steps shall be maintained in [good repair and capable of supporting the weight of any person leaning against them.] **safe condition.**

v. [The center shall utilize] **A sufficient number of** garbage receptacles to accommodate [its] **the center's** waste disposal needs **shall be located in an outdoor area,** [The receptacles] shall be made of durable [materials that are nonabsorbent and], leak proof **and nonabsorbent materials,** [The receptacles] shall be provided with covers, and shall be [maintained] **changed as regularly as necessary to maintain them** in sanitary condition.

vi. The area in which the garbage receptacle(s) are located shall be maintained in a sanitary manner.

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

(h) Ventilation:

1. Natural or mechanical ventilation shall be provided in all rooms used by children.

2. All **required** mechanical [exhaust] **ventilation** systems shall [vent] **exhaust** directly to the outside.

3. Rooms not having windows with an openable area of at least four percent of the floor space shall be equipped with a mechanical ventilating or air conditioning system with a capacity [as specified in] **that is in conformance with provisions of the Mechanical Sub-Code of** the UCC.

4. Corridors shall be provided with natural or mechanical ventilation that is in conformance with **provisions of the Mechanical Sub-Code of** the UCC.

5.-7 (No change.)

8. Kitchens provided with a stove with more than four burners shall be vented with a mechanical system having a capacity [as specified in] **that is in conformance with provisions of the Mechanical Sub-Code of** the UCC.

9. (No change.)

10. [There shall be] **Toilet room doors shall have** at least one inch **but not more than two inches** of space between the floor and the bottom of the toilet room door. [when the toilet is equipped with mechanical ventilation.]

(i) Toilet facilities:

1.-3. (No change.)

4. Centers serving children that require diapering:

i. The center shall insure that the diapers of children are changed when wet or soiled.

ii. A staff member shall wash and dry each child during each diaper change with an individual sanitary wash cloth or paper towel.

iii. Areas used for changing children's diapers shall be cleaned after each child has been changed by:

(1) Sanitizing the area with a disinfectant solution; or

(2) Using a clean paper or cloth covering for the area and discarding or laundering the covering after each use.

iv. A supply of clean diapers shall always be available.

v. Used diapers shall be placed in a closed container that is lined. Such diapers shall be removed daily.

vi. Staff members changing children's diapers shall wash their hands with soap and water immediately after each diaper change.

[4.] **5.** In centers serving a mix of children ranging from birth through five years of age, the center shall either:

i.-ii. (No change.)

[5.] **6.** Location of toilet facilities: Toilet facilities shall be easily accessible to the children:

i.-iii. (No change.)

[6.] **7.** Additional toilet facility requirements:

i.-ii. (No change.)

(j)-(k) (No change.)

(l) Asbestos:

1. (No change.)

2. If sprayed-on asbestos-containing materials appear to be present in a center, the Bureau shall notify the New Jersey Department of Health. The material shall be tested, through laboratory analysis, to determine its contents. When test results reveal the presence of sprayed-on asbestos containing materials, and the State Health Department determines that action must take place to minimize exposure potential, the sponsor shall follow the recommendation of the State Health Department for enclosure, removal or other **appropriate** action[.] **to abate the threat or risk of asbestos contamination.**

(m) (No change.)

(n) Emergency plan, first aid and equipment:

1. Emergency plan: A written plan [specifying the] **showing the** procedures and manner in which emergencies[,] **and** evacuations, [and injuries] are handled shall be posted in a location of prominence **on every floor** within the center. All staff members shall review the plan periodically. The plan shall contain at least the following:

i.-v. (No change.)

vi. The location of written authorization from parent(s) for emergency medical care for each child; [and]

vii. A diagram showing how the center is to be evacuated in case of emergency[.]; **and**

viii. The location of fire alarms and fire extinguishers.

2.-3. (No change.)

(o) Evacuation Requirements: In order to assure the safe and timely evacuation of the children from the center in the event of a fire or other emergency, centers required to secure a certificate of life safety approval shall meet the minimum staff/child ratio requirements as specified in N.J.A.C. 10:122-4.5 (d)-(f).

(p) Furniture and equipment:

1. Furniture for feeding:

i. Furniture appropriate to the maturity of the child shall be provided at mealtime, including:

(1) Feeding chairs or other age appropriate seating apparatus that have a wide sturdy base and safety straps; and

(2) Low chairs and tables that insure a comfortable seating arrangement for each child.

2. Furniture and materials:

Play equipment, materials and furniture for indoor and outdoor use shall be of sturdy and safe construction, nontoxic, easy to clean and free of hazards that may be injurious to young children.

3. Rest and sleep equipment:

i. Each crib/playpen shall be equipped with:

(1) A waterproof mattress; and

(2) A clean sheet or other covering and blanket.

ii. The tops of the crib/playpen rail shall be at least 19 inches above the mattress.

iii. The crib/playpen slats shall not be more than 2⅜ inches apart.

iv. Any locks or latches on the dropside of a crib shall be safe and secure from accidental release.

v. The mattress used in the crib/playpen shall fit snugly.

4. A center providing a mat for rest and sleep shall insure that the floor or surface on which the mat is placed is warm, dry, clean and draft free.

5. Cribs, beds, playpens, cots or mats shall be placed at least one foot apart and shall be arranged so as to provide direct access to a three-feet-wide aisle that leads to an unobstructed exit(s).

(q) Space and room requirements:

1. At no time shall a center allow more children in attend ance than the number specified on its license or certificate of approval.

2. The center shall provide sufficient space to insure the safety and well-being of the children. The center shall include:

i. Play rooms/sleep rooms and/or areas to accommodate the various play activities and sleeping needs of the children served;

ii. An isolation room/area to accommodate children too ill to remain in the group;

iii. Space for the children's physical activities;

iv. Bathroom facilities to accommodate the needs of the children served; and

v. A kitchen and/or food preparation area, if the center is preparing and/or serving food.

3. Space requirements for play rooms/sleep rooms:

i. The minimum net square footage shall be determined by excluding the space used in hallways, bathroom facilities, lockers, offices, storage rooms, staff sleepinrooms, furnace rooms, kitchen areas, the isolation area and any other areas that children do not use for sleep or play.

ii. Day, drop-in and special needs programs: There shall be a minimum of 30 square feet of net indoor floor space for each child in play rooms.

iii. Night programs:

(1) For centers serving children under 2½ years of age, there shall be a minimum of 30 square feet of net indoor floor space for each child; and

(2) For centers serving children over 2½ years of age, there shall be a minimum of 50 square feet of net indoor floor space for each child.

4. Space requirements for isolation room/area:

i. There shall be a small isolation room in a separate section of the center or a small isolation area in a section of a room in the center where ill children shall be cared for until they can be taken home or suitably cared for elsewhere.

ii. The isolation room/area shall be furnished with sleeping equipment and clean bedding.

iii. All items used by the ill child (including sleeping equipment, bedding, utensils and toys) shall be cleaned and sanitized prior to being used by another child.

[(o)] **(r)** Supplemental requirement:

1. In addition to all of the above requirements, the Bureau shall also require the center to take whatever steps are necessary to correct any conditions in the facility that may endanger in any way the health, safety and well-being of the children served.

10:122-5.4 Additional life/safety requirements for centers beginning operation after January 1, 1977

(a) Any center, as specified in N.J.A.C. 10:122-5.1(a), beginning operation after January 1, 1977 and approved to operate as a center, in accordance with provisions of the UCC, shall be inspected by the Bureau prior to beginning its operation or renewal of its license to insure that the center is being maintained in accordance with the UCC and (a)1 through 6 below.

1.-2. (No change.)

3. Fire protection:

i. General requirements:

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

(4) Illuminated exit signs shall be provided at all doors used as exits [in buildings having an occupant load of 50 or more,] with directional signs being provided at locations where the exit may not be readily visible or understood. Any door, stairway or passageway that is not an exit, but may be mistaken for an exit, shall be identified with a sign that reads, "NOT AN EXIT".

ii-iv (No change.)

4.-6. (No change.)

SUBCHAPTER 6. PROGRAM REQUIREMENTS

10:122-6.1 Health

(a) (No change.)

[(b) Communicable disease control

1. The center shall report and make every effort to control the outbreak of a communicable disease, in accordance with the provisions of Chapter 2 of the State Sanitary Code (N.J.A.C. 8:57 -1.1 et seq.).

2. A child who is ill at the center shall be isolated from other children in a separate area of the center, as specified in N.J.A.C. 10:122-6.5(f), where she/he can be cared for until arrangements are made for the child's return to a parent or other authorized person.

3. Staff members with symptoms of illness shall not be permitted in the children's play rooms or sleeping rooms.]

[(c)] **(b)** Staff members shall visually inspect each child upon his/her arrival at the center every day in an effort to determine the child's general health condition.

[(d)] **(c)** When accidents or illnesses occur to a child, the center shall take the necessary emergency action and notify the parent(s) immediately.

[(e)] **(d)** If any child demonstrates unusual behavior or shows signs of possible illness while attending the center, a staff member shall report this information to the parent(s) at the time of the child's departure from the center.

[(f) Pets kept by the center shall be domesticated and free from disease. Pets shall be inoculated as prescribed by law or as recommended by a veterinarian.]

[(g)] **(e)** Medication (prescription and non-prescription):

1. Medication shall be administered to a child at the center only upon written approval from the child's parent(s).

2. The director of the center shall authorize and designate those staff members at the center who may admini ster medication to those children whose parent(s) have authorized it.

[3. All medication shall be kept in a secured area that is inaccessible to the children.

4. Unused medication shall be discarded or returned to the parent(s) when no longer being administered.

5. The center shall insure that the staff member(s) responsible for administering medication are informed of the medication needs of each child at the center.

6. The center shall keep a record of each time and by whom medication was administered to a child.

7. Any prescription medication for a child shall be:

i. Prescribed by the child's physician;

ii. Stored in its original container according to the directions on the container; and

iii. Labeled with the child's name, the name of the medication, date prescribed and directions for its administration.]

3. A center administering medication shall comply with the requirements, as specified in N.J.A.C. 10:122-5.1(d)3.

10:122-6.2 Hygiene

(a) (No change.)

(b) [Diapering:]

[1. The center shall insure that the diapers of children are changed when wet or soiled.

2. A staff member shall wash and dry each child during each diaper change with an individual sanitary wash cloth or paper towel.

3. Areas used for changing children's diapers shall be cleaned after each child has been changed by:

i. Sanitizing the area with a disinfectant solution; or

ii. Using a clean paper or cloth covering for the area and discarding or laundering the covering after each use.

4. A supply of clean diapers shall always be available.

5. Used diapers shall be placed in a closed container that is lined. Such diapers shall be removed daily.

6. Staff members changing children's diapers shall wash their hands with soap and water immediately after each diaper change.]

[(c)] Toilet training:

1.-5. (No change.)

[(d)] **(c)** Additional requirements for centers serving children under 2½ years of age:

1.-2. (No change.)

10:122-6.3 Food and nutrition

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

[(d) Furniture for feeding:

1. Furniture appropriate to the maturity of the child shall be provided at mealtime, including:

i. Feeding chairs or other age appropriate seating apparatus that have a wide sturdy base and safety straps; and

ii. Low chairs and tables that insure a comfortable seating arrangement for each child.]

10:122-6.4 Rest and sleep

(a) Day, drop-in and night programs serving children under the age of 18 months:

1.-2. (No change.)

[3. Each crib/playpen shall be equipped with:

i. A waterproof mattress; and

ii. A clean sheet or other covering and blanket.

4. The tops of the crib/playpen rail shall be at least 19 inches above the mattress.

5. The crib/playpen slats shall not be more than 2⅜ inches apart.

6. Any locks or latches on the dropside of a crib shall be safe and secure from accidental release.

7. The mattress used in the crib/playpen shall fit snugly.]

3. A center providing a crib/playpen for rest and sleep shall comply with the requirements, as specified in N.J.A.C. 10:122-5.2(p)3.

(b) Special needs programs serving children under the age of 18 months:

1.-2. (No change.)

3. A center providing a crib/playpen for rest and sleep shall comply with the requirements, as specified in [(a)3 through 7 above.] **N.J.A.C. 10:122-5.2(p)3.**

(c) Day, drop-in and special needs programs serving children over the age of 18 months and under the age of 5 years:

1.-2. (No change.)

3. A center providing a crib, bed or playpen for rest and sleep shall comply with the requirements, as specified in [(a)3 through 7 above.] N.J.A.C. **10:122-5.2(p)3.**

4. [A center providing a] **Each** cot or mat **used** for rest and sleep shall [comply with the requirements, as specified in (a)3ii above.] **be equipped with a clean sheet or other covering and blanket.**

5. (No change.)

[6. A center providing a mat for rest and sleep shall insure that the floor or surface on which the mat is placed is warm, dry, clean and draft free.]

(d) Night programs serving children over the age of 18 months:

1. (No change.)

2. A center providing a crib/bed for sleep shall comply with the requirements, as specified in [(a)3 through 7 above.] **N.J.A.C. 10:122-5.2(p)3.**

3. A center providing a cot for rest and sleep shall comply with the requirements, as specified in [(a)3ii]**(c)4.** above. In addition, a cot shall be provided with a minimum one inch, waterproof rest mat secured with a fitted sheet.

4. (No change.)

(e) Other requirements:

1.-5. (No change.)

6. [Cribs, beds, playpens, cots or mats shall be placed at least one foot apart and shall be arranged so as to provide direct access to a three-feet-wide aisle that leads to an unobstructed exit(s).]

[7.] The center shall comply with any special health conditions for rest and sleep that have been provided in writing from a child's physician.

[8.] **7.** The staff members responsible for supervising the children during rest and sleep periods shall be awake at all times and shall oversee the children.

[9.] **8.** Dim lighting shall be provided in the sleeping room in order to enable staff to oversee the children during rest or sleep periods.

[10.] **9.** The center shall insure that no child is deprived of needed sleep or has it unnecessarily interrupted. The center shall arrange the scheduled hours for admitting children and for picking them up so that sleeping children are not disturbed by the arrival or the pick-up of other children.

10:122-6.5 Enrollment [and space]

[(a) At no time shall a center allow more children in attendance than the number specified on its license.]

[(b)] **(a)** A center may enroll up to 10 percent more children per session than the maximum number of children permitted to be served, as specified on its license.

[(c)] **(b)** A center may enroll from 11 percent up to 15 percent more children per session than the maximum number of children permitted to be served, as specified on its license, provided that it documents in writing to the satisfaction of the

Bureau that its rate of absenteeism is such that an over-enrollment would not result in more children attending the center on a given day than is permitted by its maximum number, as specified on its license.

[(d)] **(c)** The center shall provide sufficient space to allow for the implementation of the center's program, **and meet the space requirements specified in N.J.A.C. 10:122-5.2(q)**.

[The center shall include:

1. Play rooms/sleep rooms and/or areas to accommodate the various play activities and sleeping needs of the children served;

2. An isolation room/area to accommodate children too ill to remain in the group;

3. Space for the children's physical activities;

4. Bathroom facilities to accommodate the needs of the children served; and

5. A kitchen and/or food preparation area, if the center is preparing and/or serving food.]

[(e) Space requirements for play rooms/sleep rooms:

1. The minimum net square footage shall be determined by excluding the space used in hallways, bathroom facilities, lockers, offices, storage rooms, staff rooms, furnace rooms, kitchen areas, the isolation area and any other areas that children do not use for sleep or play.

2. Day, drop-in and special needs programs: There shall be a minimum of 30 square feet of net indoor floor space for each child in play rooms.

3. Night programs:

i. For centers serving children under 2½ years of age, there shall be a minimum of 30 square feet of net indoor floor space for each child; and

ii. For centers serving children over 2½ years of age, there shall be a minimum of 50 square feet of net indoor floor space for each child.

(f) Space requirements for isolation room/area:

1. There shall be a small isolation room in a separate section of the center or a small isolation area in a section of a room in the center where ill children shall be cared for until they can be taken home or suitably cared for elsewhere.

2. The isolation room/area shall be furnished with sleeping equipment and clean bedding.

3. All items used by the ill child, (including sleeping equipment, bedding, utensils and toys, shall be cleaned and sanitized prior to being used by another child.]

[(g)] **(d)** Space requirements for physical activites for children over the age of 10 months:

1.-4. (No change.)

[(h) Space requirements for bathroom facilities: See N.J.A.C. 10:122-5.2(i) for the space requirements for bathroom facilities.

(i) Space requirements for kitchen facilities: See N.J.A.C. 10:122-5.2(j) for the space requirements for kitchen facilities.

(j) Smoking shall be prohibited in all rooms occupied by children.]

10:122-6.7 Program equipment

[(a) Play equipment, materials and furniture for indoor and outdoor use shall be of sturdy and safe construction, non-toxic, easy to clean and free of hazards that may be injurious to young children.]

[(b)] Play equipment, materials and child-size furniture shall be provided in such quantity so as to meet the needs of the children.

SUBCHAPTER 8. CERTIFICATION REQUIREMENTS AND PROCEDURES FOR LIFE/SAFETY APPROVAL FOR CENTERS OPERATED BY AN AID SOCIETY OF A PROPERLY, ORGANIZED AND ACCREDITED CHURCH AND THAT BEGAN OPERATING PRIOR TO MAY 16, 1984

10:122-8.1 Application for certification

(a) No person shall conduct, maintain or operate a child care center unless the center first secures a certificate of life/safety approval to do so from the Bureau, pursuant to the provisions of the Child Care Center Licensing Act (N.J.S.A. 30:5B-1 to 15) and of this chapter. Any person who operates or assists in the operation of a child care center which does not have a regular or temporary certificate of life/safety approval, or who has used fraud or misrepresentation in obtaining a certificate or in the subsequent operation of a center, or who offers, advertises or provides any service not authorized by a valid certificate or who violates any other provision of this act shall be guilty of a crime of the fourth degree.

(b) Filing of application with the Bureau:

1. A person applying to the Bureau for a certificate of life/safety approval for the first time for such a child care center shall submit to the Bureau a completed application form (supplied by the Bureau). A center renewing its certificate must submit such an application at least 45 days prior to the expiration of its current certificate.

2. Applicants for an initial or renewed certificate shall submit the following with the completed application form:

i. A $50.00 certificate fee in the form of a check or money order made payable to "The Treasurer, State of New Jersey."

(1) In the event the application is denied, the Bureau shall return this fee to the applicant.

(2) The certificate fee, or any portion thereof, shall not be refundable once the Bureau issues the center a regular or temporary certificate and the center discontinues operating voluntarily or involuntarily.

ii. Written certification from the municipality or county in which the child care center will operate stating that the center meets local government code approval, as specified in N.J.A.C. 10:122-5.1 of this chapter.

10:122-8.2 Issuance of a certificate

(a) The Bureau shall review the application for a certificate and materials submitted with it, and shall conduct an on-site physical facility inspection of the child care center to determine whether the center meets the provisions of the physical facility and life/safety requirements of N.J.A.C 10:122-5.1 to 5.4 of this chapter. If so, the Bureau shall issue a regular certificate of life/safety approval to the center.

(b) The Bureau shall provide notice if the certificate will not be granted or renewed and shall specify reasons for such action.

(c) If the Bureau determines that a child care center is in substantial compliance with, but does not meet all of the applicable provisions of N.J.A.C 10:122-5 of this chapter, and provided that the extent of the center's deviation from such requirements is not deemed serious or imminently hazardous to the health, safety, and well-being of the children, the Bureau shall issue a temporary certificate of life/safety approval.

(d) When a temporary certificate of life/safety approval is issued, the Bureau shall provide a written statement explaining what the center must do to achieve a regular certificate of life/safety approval.

(e) A temporary certificate may be issued for a period not to exceed six months. The Bureau may renew the temporary certificate as often as it deems necessary; provided, however, that a center shall not operate pursuant to temporary certificates for more than a total of 18 months.

(f) Each period of certification, which may include the issuance of one or more temporary certificates and/or one regular certificate, shall be three years.

1. In determining the expiration date of the first certificate, the Bureau shall compute the three-year period of certification from the date of issuance of the first regular certificate or temporary certificate.

2. In determining the expiration date of a renewed certificate, the Bureau shall compute the three-year period of certification from the date on which the center's previous regular certificate of life/safety approval expired, unless the center ceased to operate for a period of at least six months following the expiration date of its previous regular certificate of life/safety approval.

(g) The certificate shall be issued to a particular child care center sponsor at a particular location and shall not be transferable.

1. Any change in identifying information noted on the certificate shall necessitate application for and receipt of a new certificate reflecting the change.

2. An application fee shall not be required in cases where there is a change in identifying information during any period in which a certificate is in effect; provided, however, that this certificate shall be given the same expiration date as that of the previous certificate.

(h) The certificate shall be posted and displayed by the sponsor at all times in a location of prominence within the center.

(i) When two or more child care centers are or will be operated at different locations by the same sponsor, the sponsor shall submit to the Bureau a separate application for a certificate and certificate fee for each center.

(j) When two or more child care centers will be operated on the same premises by the same sponsor, the sponsor shall submit to the Bureau a single application for a certificate and certificate fee.

(k) A child care center shall not make claims either in advertising or in any written or verbal announcement or presentation contrary to its certificate status.

10:122-8.3 Causes for denial, suspension or revocation of a certificate

(a) A child care center's certificate may be denied, suspended or revoked for good cause, including but not limited to the following:

1. Failure to comply with the provisions of the Child Care Center Licensing Act or of subchapter 5 of this chapter;

2. Violation of the terms and conditions of a certificate;

3. Use of fraud or misrepresentation in obtaining a certificate or in the subsequent operation of the center;

4. Refusal to furnish the Bureau with files, reports or records as required by subchapter 5 of this chapter;

5. Refusal to permit an authorized representative of the Division to gain admission to the center during normal operating hours; or

6. Any activity engaged in or permitted which adversely affects or presents a serious or imminent hazard to the health, safety and well-being of any child attending the child care center, or which otherwise demonstrates unfitness or inability to operate a child care center.

(b) If a child care center's certificate is suspended or revoked, the parent of a child in the center shall receive notice thereof, personally and in writing, by the center's sponsor.

(c) If a child care center's certificate is suspended, it shall be reinstated by the Bureau once the center achieves compliance with the provisions of the Child Care Center Licensing Act and of subchapter 5 of this chapter. In such a case, it is not necessary for the center to submit a new application for a certificate and application fee.

(d) If the Bureau revokes a center's certificate to operate, the center shall submit to the Bureau a new application for a certificate and application fee, meet the provisions of the Child Care Center Licensing Act and of subchapter 5 and secure a new certificate to operate prior to resuming operations.

(e) Each certificate issued by the Bureau to a child care center remains the property of the State of New Jersey. If a center's certificate is suspended or revoked or upon the permanent closing of the center by the sponsor, the sponsor shall return the center's certificate to the Bureau immediately.

10:122-8.4 Administrative hearings

(a) To effectuate the purposes of this chapter, the Bureau may initiate an administrative hearing and transfer the matter to the Office of Administrative Law as a contested case in the interest of justice.

(b) When the Bureau proposes to deny, suspend, revoke or refuse to renew a certificate, the Bureau shall afford the child care center sponsor, personally or by certified or registered mail, notice and opportunity for an administrative hearing.

(c) The administrative hearing shall take place within 60 calendar days from the issuance or mailing of the notice and shall be conducted pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14f-1 et seq.) and the Uniform Administrative Procedure Rules of Practice (N.J.A.C. 1:1).

10:122-8.5 Court action

(a) The Bureau may institute a civil action in a court of competent jurisdiction for injunctive relief to enjoin the operation of a child care center for good cause, including but not limited to the following:

1. Any imminent danger or hazard that threatens the health and safety of children in the center;

2. Repeated violation of the provisions of the Child Care Center Licensing Act; and

3. Operating a child care center without a certificate or without complying with the provisions of the Child Care Center Licensing Act.

LAW AND PUBLIC SAFETY

(a)

BOARD OF ACCOUNTANCY
DIVISION OF CONSUMER AFFAIRS

Applications for Reexamination

Proposed Readoption: N.J.A.C. 13:29-1.7

Authorized By: Joseph Sorelle, President, New Jersey State Board of Accountancy.
Authority: N.J.S.A. 45:2B-10.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions and any inquiries about submissions and responses should be addressed to:

John J. Meade, Executive Secretary
New Jersey State Board of Accountancy
Room 507A
1100 Raymond Boulevard
Newark, NJ 07102

The New Jersey State Board of Accountancy thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The readoption becomes effective upon acceptance for filing of the notice of readoption by the Office of Administrative Law.

This proposal is known as PRN 1984-235.

The agency proposal follows:

Summary

Executive Order No. 66 (1978) provides that any agency rule adopted after May 18, 1978 shall expire no later than five years after its effective date or sooner if indicated in the regulation itself. The proposed readoption of N.J.A.C. 13:29-1.7 is made in accordance with N.J.A.C. 1:30-4.3 in order to maintain the effectiveness of this regulation. The regulation was adopted May 25, 1983. The regulation is proposed for readoption without change in the existing text as proposed and summarized as follows. The readoption requires candidates to attain a grade of 75 percent or better in each subject to pass the CPA exam. It allows candidates who receive a passing grade in two or more subjects or in accounting practice alone to receive conditional credit for the subjects passed provided they attain an average of 50 percent in the subjects failed. Finally, the readoption allows a candidate to add to conditional credit if he attains a grade of 75 percent in the subjects passed and maintains an average of 50 percent in the subjects failed.

Social Impact

The readoption is based on a recent and thorough review of the conditional credit rule. It has been modeled after the conditional credit regulation existing in approximately 34 other states at the present time. Prior to the adoption of this regulation the Board found that there were candidates who sat for the CPA exam with no hope of passing all the subjects. New Jersey's rate of failure far exceeded that of most states prior to the adoption of this rule. The rule discourages unqualified candidates from taking the exam and has brought the Board's rules on conditional credit in line with the majority of states beginning with the November 1983 CPA exam.

Economic Impact

The regulation will have a favorable impact on the public, candidates for licensure and the Board. With the commencement of this rule the Board has found a three-fold increase in the number of applicants passing the entire examination on the first try. This will lead to a decrease in the number of applicants sitting for repeated examinations and will result in a reduction in the time, effort and money used by the Board to process applications. It will also result in reduced time, effort and money in candidates for licensure who apply for repeated examinations. The regulation will result in the better utilization of monies received by the Board, monies formerly directed toward the examination process will now be directed toward better regulation of the conduct of its licensees.

Full text of the readoption follows.

13:29-1.7 Applications for reexamination

(a) Applications for reexamination shall be allowed as follows in (b) below, and all fees must be paid by certified check or money order.

(b) Rules on conditional credit are:

1. A candidate will be required to attain a grade of not less than 75 percent in each subject before he will be declared to have passed the examination.

2. A candidate who fails to receive conditional credit in any examination shall have the right to reexamination in the subjects failed.

3. A candidate who fails to pass all subjects, but who receives a passing grade in two or more subjects, or accounting practice alone, shall receive conditional credit for such subjects provided such candidate attains an average grade of 50 percent on the subjects failed. This minimum grade requirement shall be waived if three subjects are passed at a single sitting.

4. To add to conditional status, a candidate must attain a grade of 75 percent or more in the subjects passed and an average grade of 50 percent in all subjects failed. An average grade of less than 50% will prevent a candidate from adding to conditional status, provided, however, such an average grade alone will not remove or cancel conditional status previously attained.

5. In the event that a candidate fails to receive passing grades in all examined subjects at any of the six examinations immediately following the first examination at which conditional credit was earned, the candidate shall forefeit the conditional credit and shall revert to the status of a new applicant.

6. The Board may, in the exercise of its discretion and for good cause shown, extend the period within which conditional credits shall continue to be valid.

7. At any examination sitting, a candidate shall sit for all subjects for which he has not yet received a passing grade. The failure of a candidate to submit a paper in regard to any part of an examination not already passed will disqualify all papers submitted by that candidate at that examination unless the Board, in its discretion, finds good cause not to disqualify the papers submitted.

8. The conditional credit provided for herein shall commence with the examination to be administered in November 1983.

9. Conditional credits granted by other jurisdictions may be recognized upon proper application for recognition of such credits. The right to have such credits recognized may be determined under the laws and regulations of the jurisdiction which granted the original credits provided such requirements are substantially equivalent to the requirements set forth herein except that the period for which such conditional credits shall be continued shall be determined under this rule.

(a)

BOARD OF ACCOUNTANCY DIVISION OF CONSUMER AFFAIRS

Fees

Proposed Readoption: N.J.A.C. 13:29-1.13

Authorized By: Joseph Sorelle, President, New Jersey State Board of Accountancy.
Authority: N.J.S.A. 45:1-3.2.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

John J. Meade, Executive Secretary
State Board of Accountancy
Room 507-A
1100 Raymond Boulevard
Newark, NJ 07102

The New Jersey State Board of Accountancy thereafter may adopt this proposal without further notice (see: N.J.A.C.1:30-3.5). The readoption becomes effective upon acceptance for filing of the notice of readoption by the Office of Administrative Law.

This proposal is known as PRN 1984-231.

The agency proposal follows:

Summary

Executive Order No. 66(1978) provides that any agency rule adopted after May 15, 1978 shall expire no later than five years after its effective date or sooner if indicated in the regulation itself. The purpose of this "sunset" provision is to insure that the State's administrative agencies periodically review their rules and regulations in order to insure their continued usefulness and necessity. The proposed readoption of N.J.A.C. 13:29-1.13 is made in accordance with N.J.A.C. 1:30-4.3 in order to maintain the effectiveness of the regulations. The regulation was adopted in 1978. The regulation expired on July 21, 1983. The regulation is proposed for readoption without change in the existing text as proposed and summarized as follows.

N.J.A.C. 13:29-1.13 provides the fee schedule for the biennial registration of all licensees, certified public accountants, registered municipal accountants and public accountants. It also provides the fees schedule for the costs of the application and examination.

Social Impact

The regulation affects approximately 10,500 licensees in New Jersey. The fees for registration and other services performed by the administrative offices of the Board of Accountancy are established by law to defray the costs incurred by the Board in its daily activity. Were these rules not readopted, the ability of the Board to collect fees for biennial registration and such other application and examination fees would be seriously hampered.

Economic Impact

The regulation will have a favorable economic impact on the public since the fees generated by the Board constitute its primary financial support for the licensure process and the regulation of the professional conduct of its licensees. The fees charged for biennial registration of certified public accountants, public accountants and registered municipal accountants have been in effect since 1978. There is no record of any objection to reasonableness of these fees or the reasonableness of the fees charged for other services performed by the administrative offices of the Board of Accountancy such as issuance of applications, forms and examination fees.

Full text of the readoption follows.

13:29-1.13 Fees

(a) Fees for original applications, examinations, reexaminations and renewals, for certified public accountants, public accountants, corporations, partnerships, professional corporations, and for certified public accountants' license by endorsement are as follows:

1. Original application, examination fee, certified public accountant: $100.00;
2. Reexamination fee, all subjects repeated, certified public accountant: $75.00;
3. Reexamination fee for any one, two or three subjects, certified public accountant: $60.00;
4. Original application, examination fee, registered municipal accountant: $100.00;
5. Reexamination fee, registered municipal accountant: $60.00;
6. Original application, public accountant: $60.00;
7. Original application, endorsement as certified public accountant: $100.00;
8. Biennial registration or any portion thereof for certified public accountant, public accountant municipal accountant, corporations, partnerships, professional corporations: $40.00.

(b)

MEDICAL EXAMINERS DIVISION OF CONSUMER AFFAIRS

Advertising and Solicitation Practices

Proposed Amendment: N.J.A.C. 13:35-6.10

Authorized by: Edwin H. Albano, M.D., President, State Board of Medical Examiners.
Authority: N.J.S.A. 45:9-2.

Interested persons may submit in writing data, views or arguments relevant to the proposals on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles A. Janousek,
Executive Secretary
Board of Medical Examiners
28 West 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 adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-233.

The agency proposal follows:

Summary

On March 15, 1984 the Board of Medical Examiners adopted a new rule, effective April 16, 1984, greatly expanding permissible forms of advertising by licensees of the Board of Medical Examiners. (See: 16 N.J.R. 921(a).) That rule did not contain certain limitations on styles or accompaniments to media advertising, due to the Board's uncertainty as to constitutional acceptability of such provisions. However, now that the Supreme Court of New Jersey has adopted restrictions on attorney advertising which are virtually identical to the restrictions consistently desired and previously required by the Medical Board, the proposed amendment will reinstate such restrictions on Medical Board licensee advertising. The proposed restrictions will prohibit the use of drawings, animations, clinical photographs, dramatizations, music or lyrics in advertisements which may appear in any of the public media.

Social Impact

The proposed amendment is expected to have a beneficial social impact in that readers, listeners or viewers of media advertising will not be distracted by non-pertinent and irrational appeals to seek professional services when the inducement may arise from advertising features wholly unrelated to the quality and extent of care being offered. The Board believes it is not in the public interest to be shown clinical photographs of deformities or diseases or "before and after" pictures, or to be distracted by musical jingles or cartoons when selecting the services of a health-care provider. The current wording of the rule, as well as the statute upon which it is based, N.J.S.A. 45:9-16(gg), already permits provision of all truthful pertinent information to potential patients.

Economic Impact

No adverse economic impact is expected upon either licensees or patients from the adoption of the proposed amendment. On the contrary, the prohibition of animations, dramatizations, music, etc. is likely to save licensees considerable expense in advertising costs which the Board believes would be inappropriately expended in any event.

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

13:35-6.10

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

(m) [Reserved] **All advertisements shall be presented in a dignified manner without the use of drawings, animations, clinical photographs, dramatizations, music or lyrics.**

(n) (No change.)

(a)

BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Professional Engineers and Land Surveyors Release of Project Records

Proposed New Rule: N.J.A.C. 13:40-8

Authorized by: Edward A. Taratko, Jr., President, New Jersey Board of Professional Engineers and Land Surveyors.
Authority: N.J.S.A. 45:8-27 et seq.

Interested persons may submit in writing, data, views, or arguments relevant to the proposal on or before June 6, 1984. These submissions and any inquiries about submissions and responses should be addressed to:

Rita Fielder, Executive Secretary
State Board of Professional Engineers and Land Surveyors
1100 Raymond Boulevard, Room 319
Newark, New Jersey 07102

At the close of the period for comments, the Board of Professional Engineers and Land Surveyors may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-250.

The agency proposal follows:

Summary

The proposed rule would require a licensed professional engineer or land surveyors to release copies of items of work product generated for a project upon payment of such proportion of the licensee's fees as services performed and upon payment of reasonable compensation for the costs of reproduction of such copies. The rule also specifies that the originals of such records shall remain in the possession of the licensee unless otherwise provided by statute or contract.

The rule is intended to ensure that the project can be completed by another professional engineer or land surveyor, as the case may be, if the original professional's services are terminated or that the original project can be extended or modified, if necessary, at some future time.

Social Impact

The proposed rule will benefit the consumer by expressly enabling him or her to secure complete copies of records generated for an engineering or land surveying project. This rule would modify current practice which largely leaves the release of such records to the discretion of the professional.

The proposed rule is intended to remove from litigation the question of record ownership and to establish definitive guidelines for professional record keeping. Unless otherwise provided by statute or written agreement, the project records will be retained by the professional. Thus, if the project is later modified or expanded or subsequent survey work is performed, the consumer may be assured of access to the original records even if the first professional is not retained to perform the subsequent work.

Economic Impact

The proposed rule should have little or no adverse economic impact, since the only cost involved will be that for the preparation of copies of the complete records generated for the project. It is likely to result in savings to the consumer should records be necessary for additional work after completion of the project. Much useful information beyond the final work product may be found in project records, such as field notes or preliminary reports, retained by the professional. Access to such records would save time and professional fees when later work is undertaken. In such case, copies of the original records would be available even if the consumer chose to use the services of another professional.

Full text of the proposed new rule follows.

SUBCHAPTER 8. MAINTENANCE OF PROJECT RECORDS

13:40-8.1 Release of project records

(a) As used in this subchapter, the term "records" shall include, but not be limited to, any plans, reports, documents, field notes, or other items of work product generated for an engineering or land surveying project which would be reasonably necessary to the completion of the project for which the professional engineer or land surveyor was originally retained.

(b) Originals of records shall remain in the possession of the professional engineer or land surveyor unless otherwise provided by statute or written contractual agreement.

(c) The client of a professional engineer or land surveyor shall be entitled to complete copies of all records generated for the engineering and/or land surveying project upon payment of such proportion of fees as reflect the extent of services performed.

(d) The professional engineer or land surveyor shall be compensated for the reasonable costs of reproduction for copies of records released pursuant to this rule.

(a)

BOARD OF VETERINARY MEDICAL EXAMINERS

Licensure by Examination

Proposed Readoption with Repeal and New Rules: N.J.A.C. 13:44-1.1 and 1.2 Proposed Repeal: N.J.A.C. 13:44-1.3

Authorized By: David Eisenberg, D.V.M., President.
Authority: N.J.S.A. 45:16-1.1(c); 45:16-3; 45:16-4; and 45:16-7.

Interested persons may submit, in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Maurice W. McQuade
Executive Secretary
Board of Veterinary Medical Examiners
1100 Raymond Boulevard, Room 331
Newark, New Jersey 07102

The Board of Veterinary Medical Examiners thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted amendments become effective upon publication in the Register of a notice of adoption. Pursuant to Executive Order No. 66(1978) Subchapter 1 of the regulations of the Board of Veterinary Medical Examiners expired on March 4, 1984.

This proposal is known as PRN 1984-249.

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66 (P.L. 1978) Subchapter 1 of the regulations of the New Jersey State Board of Veterinary Medical Examiners expired on March 9, 1984. Upon review of these regulations the Board determined that the recent amendments to the Veterinary Practice Act (P.L. 1983, ch. 98) and changes in the Board's examination requirements such as its utilization of the National Board Examination in Veterinary Medicine as the theoretical part of its examination have made some of the provisions of the subchapter obsolete, unnecessary and/or impractical. The Board therefore proposes to readopt the subchapter with substantial revisions and to repeal one section.

Section 1.3 formerly permitted graduates of unapproved foreign schools to apply for examination after passing the qualifying examination conducted by the Educational Commission for Foreign Veterinary Graduates (E.C.F.V.G.). The Veterinary Practice Act as amended now specifically defines veterinarians who have qualified under the provisions of the American Veterinary Medical Association's Education Commission for the Foreign Veterinary Graduate as qualified to apply for licensure by the Board, thus making Section 1.3 unnecessary and obsolete. It is therefore proposed for repeal.

The proposed repeal and replacement of sections 1.1 and 1.2 is intended to consolidate and clarify the policies of the Board pertaining to its licensing examination, and to inform prospective candidates about which schools are approved by the Board. Thus the proposal changes N.J.A.C. 13:44-1.1 from dealing with examination application to specifying that the Board defines as approved the schools which are accredited by the American Veterinary Medical Association (A.V.M.A.).

Proposed N.J.A.C. 13:44-1.2 also completely revises the present regulation. Subsection (a) defines what constitutes the New Jersey Veterinary Licensing examination. Subsection (b) establishes the qualifications required to sit for the National Board Examination in New Jersey and requires that completed applications be submitted two months prior to the examination. Subsection (c) sets forth the prerequisites for the practical examination, including a passing National Board score within the previous three years. The passing grade requirement is liberalized in that an overall grade of 70 is now acceptable, whereas formerly a grade of 70 in all subjects was required.

New subsection (d) establishes the application procedure for the practical examination, setting a deadline of two months before the examination. Under subsection (e) a grade of 70 on the practical examination is necessary for licensure. Subsections (f) and (g) delineate the review and appeal proce-

dures, respectively, for unsuccessful practical examination candidates. The time for requesting a review is shortened from two months to 14 days, but the candidate is now permitted to file an appeal within 14 days of the review, and may be accorded a hearing on such an appeal at the Board's discretion.

This proposal supersedes a similar proposal in the July 18, 1983 New Jersey Register at 15 N.J.R. 1175(a).

Social Impact

The proposed changes will clarify application procedures. In addition the National Board Examination grade requirement is liberalized. Thus applicants for licensure should find it easier to meet the Board's requirements. The previous requirement that the examination must be repealed if less than 70 was attained in two or more subjects was found to be unnecessarily burdensome to candidates. The liberalized grade requirement does not lower Board standards since the total score is a better reflection of ability than any single section score. The change requiring applications to be sent in 60 days before the examination instead of 30 days will ease the administrative burden of processing applications, and should create no additional burden on candidates, especially since graduates of approved schools may take the National Board Examination without submitting a complete transcript so long as they produce a letter that they are in good standing and will graduate within the month.

Since only those schools which meet the standards for accreditation by the A.V.M.A. are approved by the Board, the quality of a candidate's education in veterinary medicine is assured. At the same time graduates of non-approved schools have the opportunity to demonstrate that they meet State standards by qualifying under the E.C.F.V.G. program. Thus the public will benefit in that only highly qualified candidates will be licensed as veterinarians in New Jersey.

The old rule permitting review requests to be made up to two months after the examination results were published was administratively burdensome because examinations are given twice a year. The revised rule expediting the review procedure will benefit both the Board and failing candidates by ensuring that the review and appeal process will be completed before the next examination application deadline.

Economic Impact

The proposals are expected to have no appreciable economic impact on the public, the Board or prospective licensees, except in the case where candidates must take an additional National Board Examination to meet the three-year requirement. This requirement is expected to affect very few applicants since veterinarians who have been examined and licensed and are practicing in other states may now apply under the new provisions of the amended practice act for licensure by endorsement instead of by examination. The decision to approve only the A.V.M.A. accredited schools relieves and will continue to relieve the Board of the economic burdens involved in conducting independent investigations of veterinary schools.

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

13:44-1.1 [Application for examination] **Approved colleges**

Delete the current text at N.J.A.C. 13:44-1.1 and replace with new text as follows:

A veterinary college or university approved by the board is a veterinary college or university accredited by the American Veterinary Medical Association (A.V.M.A.).

13:44-1.2 [Examination Grades] **Examinations**

Delete the current text at N.J.A.C. 13:44-1.2 and replace with new text as follows:

(a) The licensure examination shall consist of at least two parts:

1. The National Board Examination; and

2. The New Jersey practical examination.

(b) To be eligible for the National Board Examination, an applicant must be eligible for examination by the Board and must submit to the Board at least two months prior to the examination a certified copy of his or her transcript including a verified English translation if the transcript is in a language other than English, an application, such other credentials as the Board may require and the requisite fee. An applicant who will graduate from an approved school during the month that the National Board Examination will be given may sit for that examination upon submission of the aforesaid items and a letter of the dean of the school indicating that the applicant is a student in good standing and will graduate during that month.

(c) As a prerequisite to taking the New Jersey practical examination, an applicant shall have attained a grade of 70 on the National Board Examination, calculated according to New Jersey criteria, within three years preceding application for the New Jersey practical examination.

(d) Applications for the New Jersey practical examination, accompanied by the required fees and credentials, shall be filed with the Board's executive secretary at least two months prior to the examination.

(e) Applicants shall be required to attain a grade of 70 on the New Jersey practical examination as a prerequisite to licensure.

(f) An unsuccessful candidate may apply to the Board for a review of his or her practical examination papers. Such application must be submitted to the Board secretary in writing within 14 days following notification of examination results, and the secretary shall subsequently arrange a date for the candidate to review his or her examination papers and grades in the Board office.

(g) An unsuccessful candidate may file in writing with the Board's executive secretary an appeal of his or her practical examination grade within 14 days following the review of his or her examination papers. Such notice of appeal must include any documentation, including references, which the candidate claims supports his or her appeal. The Board shall consider such appeal within 30 days of filing and may invite the candidate to appear for a hearing on the appeal.

13:44-1.3 [Graduates of foreign schools] **(Reserved)**

[(a) Graduates of foreign schools who have passed the qualifying examinations conducted by the Educational Commission for Foreign Veterinarian Graduates may apply for examinations in this State, provided that such applicants also fulfill all other requirements of eligibility for licensure.

(b) Such applicants shall furnish the board with a certificate of authenticity of credentials, including a diploma for the American Veterinary Medical Association Council on Education or its counterpart.]

(a)

OFFICE OF THE STATE ATHLETIC COMMISSIONER

Exclusivity and Reservation of Dates

Proposed Amendments: N.J.A.C. 13:46-18.15

Authorized By: Irwin I. Kimmelman, Attorney General.
Authority: N.J.S.A. 5:2-5.

Interested persons may present in writing, data, views or arguments relevant to the proposed rule on or before June 6, 1984. These submissions should be addressed to:

Robert Lee
State Atlantic Commission
Richard J. Hughes Justice Complex
CN 151
Trenton, N.J. 08625

This proposal is known as PRN 1983-248.

The agency proposal follows:

Summary

New rules regarding exclusivity and reservation of dates were adopted in 1982. At that time the Commission was given the discretion to permit multiple programs on the same date so long as it was satisfied that the programs were not unduly competing with each other for the same audience. The present proposal amends the rule to provide criteria for the Commission to consider in determining whether programs would unduly compete. The Commission will consider the location of each program, the identity, number and ranking of the participants and whether the program will be televised.

The proposed amendments also allow the Commission to reserve a date based upon a submission by the promoter of evidence of a commitment to televise a boxing program. Promoters may be able to arrange the televising of a program for a specified date before they are able to obtain signed contracts for all of the participants. However to obtain the television coverage it is necessary for the promoter to reserve a date. The existence of a television commitment provides sufficient evidence that a program will occur to justify the reservation of a date.

The proposed amendments also limit the period of time in which a promoter can reserve the same day of the week. In the past, dates have been reserved far in advance thus precluding other promoters from utilizing a date in a specific area and subsequently some of the dates reserved have not been used.

Social Impact

By listing the criteria the Commission will consider in determining unduly competing programs, boxing promoters will be better able to determine when multiple programs will be permissible. The proposed amendments will allow for televised programs to be reserved prior to when all of the participants can be arranged thus allowing promoters to reach agreements to televise a program on a specified date. One promoter will not be allowed to reserve the same date in the same municipality for a long period of time. This will allow other promoters the opportunity to arrange their programs more equitably.

Economic Impact

The proposed amendments will facilitate the holding of a boxing program in the State, both televised and non-televised, and since the State of New Jersey derives a percentage of both the live gate receipts and the television revenue as taxable income, the State will generate greater revenues if the number of boxing programs conducted in the State increases.

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

13:46-18.15 Exclusivity and reservation of dates

(a) The Commission shall permit no more than one boxing program on any day within a 20-mile radius of the site of that program. Nevertheless, the Commissioner may permit more than one such program within the specified geographical area during a particular day under circumstances indicating to his satisfaction that the programs will not unduly compete with each other for the same audience. **In determining whether the programs will not unduly compete with each other the Commission shall consider the location of each program, the identity, number and ranking of the participants and whether either of the programs will be televised.**

(b) A licensed promoter may reserve a date for a boxing program as follows:

1. He may tentatively reserve a date by submitting to the Commission in writing form (letter, telegram, telex, and so forth) the names of the fighters for the main event contest, the date and time of the contest and the city where the contest is to occur.

2. Within five business days of forwarding to the Commissioner the written communication tentatively reserving the date, the promoter shall confirm with the Commission the site of the bout and shall submit to the Commission signed contracts of the boxers for the main event or telegraphic acceptance of the contract by the boxers of their respective managers. **The promoter may also submit evidence of a commitment to televise a boxing program which the Commission in its discretion may accept in lieu of signed contracts or telegraphic acceptance as the basis for a final reservation of the date provided the signed contracts of the boxers are submitted within a two week period prior to holding of the program.**

3. Upon the promoter's complying with the foregoing requirements, the Commission shall finally reserve the date, time and site location by issuing a permit to the promoter.

4. With respect to programs scheduled for Saturdays and Sundays, a promoter may tentatively and finally reserve not more than three days within a three-month period, unless special application is made to the Commissioner. The Commissioner in his discretion may permit reservation of more than three such dates upon condition that a forfeiture fee of not more than $10,000 for each bout in excess of three is posted with the Commission within 45 days of each of those scheduled bouts. In the event that any date is not utilized by the promoter and a forfeiture fee has been posted, such fee shall be refunded to the promoter if the date was relinquished by the promoter at least 31 days before the main event.

5. [There shall be no limit on the number of dates which may be reserved by a promoter on days other than Saturday or Sunday.] **A promoter may not reserve the same day of the**

week in the same municipality for a period greater than three months.

(a)

DIVISION OF CONSUMER AFFAIRS OFFICE OF WEIGHTS AND MEASURES

General Commodities

Proposed Readoption with Amendments: N.J.A.C. 13:47C

Authorized By: Thomas W. Kelly, State Superintendent, Office of Weights and Measures.
Authority: N.J.S.A. 51:1-61, and 51:4-31.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Thomas W. Kelly, State Superintendent
New Jersey Office of Weights and Measures
187 West Hanover Street
Trenton, New Jersey 08625

The Office of Weights and Measures may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on June 19, 1984, September 17, 1984 and April 5, 1987. The readoption becomes effective upon acceptance for filing of the notice of readoption by the Office of Administrative Law. The amendments become effective upon publication in the Register of a notice of adoption.

The proposal is known as PRN 1984-234.

The agency proposal follows.

Summary

In accordance with the provisions of Executive Order No. 66(1978), the State Superintendent of the Office of Weights and Measures, pursuant to the authority of N.J.S.A. 51:1-61 and 51:4-31, proposes to readopt and amend the rules governing the sale of and/or exposure for sale of general commodities. A synopsis of the sections follows:

13:47C-1.1 defines words and phrases.

13:47C-2.1 provides rules for the sale of meat and poultry by net weight.

13:47C-2.3 provides rules for the sale of dried or smoked fish.

13:47C-2.4 provides rules for the sale of divided units of food.

13:47C-2.5 provides rules for the sale of shellfish.

13:47C-2.6 provides rules for the sale of fresh meat roasts.

13:47C-2.7 provides rules for the methods of sale, packaging and labeling of primal cuts of meat.

13:47C-3.1 provides rules for the sale, distribution and delivery of firewood.

13:47C-3.2 provides rules for the sale of holiday decorating materials.

13:47C-3.3 provides rules for the sale by net weight of wiping materials.

13:47C-3.4 provides rules for the method of advertisement of building materials and paneling.

13:47C-3.5 provides penalties for non-compliance with these rules.

13:47C-4 sets forth the industry standard for New Jersey Atlantic White Cedar. and,

13:47C-6 sets forth the security bond requirements for transit buyers of precious metals.

The Office of Weights and Measures has reviewed these rules internally and has found them to be adequate in scope to furnish the legal requirements for the sale of general commodities such as foodstuffs and nonfoodstuffs. The Office has determined that the rules are reasonable in the degree of regulation set forth above to protect both the consuming public and the merchant. The Office also believes that the rules continue to be necessary to maintain equity in the marketplace.

Social Impact

In order that both the buyers and sellers of general retail commodities such as food, firewood, building materials and precious metals are protected during commercial transactions, reasonable rules and regulations must be set forth in a formal fashion, in order that both parties, during such transactions, know their rights and responsibilities and are thus able to govern themselves accordingly. N.J.A.C. 13:47C has accomplished this goal by providing the necessary uniform standards by which commercial transactions are regulated. The Social Impact has been a positive one for both consumers and merchants in that consumers are protected from unscrupulous commercial dealings and merchants are properly and uniformly advised of their responsibilities in the marketplace.

It has been, historically, a function of government to stand as the third person between buyer and seller to insure an orderly climate for the exchange of goods. N.J.A.C. 13:47C has provided that necessary order for society in general and specifically to consumers and merchants. The proposed readoption will continue that mandate. If the rules were not readopted chaos in the transaction of commercial goods would certainly be commonplace where competing interests would falter without a standard to govern them.

Economic Impact

There should be no additional cost to the regulatory agencies above that which they now bear in terms of their day-today operations which include an inspector force of approximately 150 State, county and municipal weights and measures officers who now inspect and regulate these commodities. Because the rules are basically unchanged in scope, the merchant will face no additional costs.

The consuming public will continue to be protected in its multi-billion dollar purchases of foodstuffs, fuels, clothing, construction materials and precious metals.

The costs on the Office of Weights and Measures which must oversee compliance with these rules and the costs to the merchants who must comply with the rules is not easily quantifiable. The benefits to the consuming public, however, in savings from the prevention of overcharges and the maintenance of a uniform system of buying and selling outweigh the burden of costs which these rules may impose.

Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:47C.

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

13:47C-1.1 Words and phrases defined

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

...

"Cordwood", "firewood", "fireplace" and "stove wood" mean any [kindling,] logs, boards, timbers or other wood, split or not split, advertised, offered for sale, or sold as fuel.

...

"Persons" means and includes corporations, companies, associations, societies, firms, partnerships [and] joint stock companies **and governmental entities** as well as individuals.

...

"Stuffed clams" means a product in which the natural meat of clams is either mixed with or covered by a mixture of breading, spices, and/or bacon.

"Stuffed pork chops" means a pork chop with a pocket cut into it in which a non-meat "stuffing" product is inserted.

"Stuffed poultry" means a poultry product into which a non-poultry stuffing is cored or inserted.

"Stuffed veal" is any veal product into which a non-veal stuffing is cored or inserted.

"Whole logs" means any single piece of wood, greater in length than eight feet, unsplit and in the natural state. The trimming or [looping] **lopping** of limbs from such logs is permitted and shall not be deemed to change the natural state of such logs.

...

13:47C-2.1 Meat and poultry sold by [avoirdupois] net weight

(a) All meat and/or poultry offered for sale or sold in the State of New Jersey shall be offered for sale or sold on the basis of [avoirdupois] net weight only, and every person, firm, co-partnership or corporation selling or offering for sale any meat and; or poultry shall at the time of sale or delivery thereof weigh [by avoirdupois weight] the quantity of meat and; or poultry sold or delivered and for such purpose shall use a scale tested and sealed by the State [Division] **Office** of Weights and Measures or by any county or municipal superintendent or assistant superintendent of weights and measures.

(b) The method of sale for stuffed porks chops is as follows:

1. Prepackaged stuffed pork chops are an item of food and not a combination package, and shall be sold as a unit(s).

i. All other normal labeling information as set forth in N.J.A.C. 13:47D-4 will be required.

2. Exposed for sale (non-packaged) stuffed pork chops shall be sold as a unit(s) by net weight. The purchaser of stuffed pork chops shall, by the use of a sign, label, or other suitable means, be informed that the pork chop(s) is stuffed with a non-meat filling and the percentage of non-meat filling and the percentage of non-meat stuffing contained therein.

(c) The method of sale for stuffed poultry is as follows:

1. Prepackaged stuffed poultry is an item of food and not a combination package and shall be sold as a unit(s) in full compliance with N.J.A.C. 13:47D-7 which states: "labels on stuffed poultry shall bear the net weight and price of the entire net contents of the package."

2. Exposed for sale (non-packaged) stuffed poultry shall be sold as a unit(s) by net weight; and the purchaser of stuffed poultry shall, by the use of a sign, label, or other suitable means, be informed that the poultry is stuffed and the percentage of filling contained therein.

(d) The method of sale for stuffed veal is as follows:

1. Prepackaged stuffed veal is an item of food and not a combination package and shall be sold as a unit(s).

i. All other normal labeling information as set forth in N.J.A.C. 13:47D-4, will be required.

2. Exposed for sale (non-packaged) stuffed veal shall be sold as a unit(s) by net weight. The purchaser of stuffed veal shall, by the use of a sign, label, or other suitable means, be informed that the veal is stuffed with a non-meat filling and the percentage of non-meat stuffing contained therein.

13:47C-2.5 Shellfish

(a) All fish crustaceans, shellfish and mollusks, and products of which the basic ingredients are comprised of fish, crustaceans, shellfish or mollusks not in package form when offered for sale or sold at retail shall be so offered for sale or sold by a [avoirdupois] net weight only.

(b) The following items of fish, crustaceans, shellfish and mollusks are exempt from the requirements of (a) above; provided they are offered for sale or sold as directed:

1. When all such fish crustaceans, shellfish or mollusks are offered for sale or sold for immediate consumption on the premises of the seller;

2. Fresh oysters when shucked shall be offered for sale or sold by liquid measure or count;

3. Fresh clams when shucked shall be sold by count or liquid measure. Clams when unshucked shall be sold by count;

4. Live crabs shall be sold by count;

5. The method of sale for stuffed clams is as follows:

i. Prepackaged stuffed clams are an item of food not a combination package and shall be sold as a unit(s). All other normal labeling information as set forth in N.J.A.C. 13:47D-4 will be required.

ii. Exposed for sale (non-packaged) stuffed clams shall be sold as a unit(s) by net weight. The purchaser of stuffed clams shall, by the use of a sign, label, or other suitable means, be informed that the clams are stuffed with a non-meat filling and the percentage of non-clam stuffing contained therein.

iii. In addition to the above requirements, the natural shell of the clam(s) is to be considered as tare.

(c) When any single-service container is used for the purpose of determining the liquid measure at the time of sale, it shall be one that has received approval by the State Superintendent of Weights and Measures for commercial purposes. When liquid measuring devices are used, they must not only have received approval from the State Superintendent of Weights and Measures as to type and construction; but they must also have been individually tested and sealed by a [duly authorized] weights and measures officer.

13:47C-3.1 Cordwood and firewood

(a) For the purpose of this chapter, this section shall apply to the sale of all wood, natural and processed, for use as fuel, at retail.

(b) Representation: A "representation" means any advertisement, offering, invoice, or the like that pertains to the sale of fireplace or stove wood.

(c) Identity: A representation may include a declaration of identity that indicates the species group (Example: 50 percent miscellaneous softwood). Such a representation shall indicate, within 10 percent accuracy, the percentages of each group.

(d) Quantity: Wood, of any type, for use as fuel shall be advertised, offered for sale and sold only by measures, using the term "cord" and fractional parts of a cord; except that:

1. Wood, natural or processed, offered for sale in package form shall display the quantity in terms of cubic feet, to include fractions of cubic feet.

2. Whole logs [shall] **may** be sold by net weight.

3. Cordwood firewood, fireplace or stove wood may be sold or offered for sale in package form by net weight plus count when each such individual package contains less than four cubic feet (32 cord).

(e) Prohibition of terms: The terms "face cord," "rack," "pile," "truckload," or terms of similar import shall not be used when advertising, offering for sale, or selling wood for sale, or selling wood for use as fuel.

(f) Delivery ticket or sale invoice: A serialized delivery ticket or invoice shall accompany all shipments of non-packaged cordwood, firewood, fireplace, stove wood or whole logs when in transit between seller and buyer. **The delivery ticket or sales invoice shall be issued by the seller to the purchaser at time of delivery.** All such delivery tickets and sales invoices shall be subject to inspection by any weights and measures officer while in transit.

1. The delivery ticket or sales invoice shall contain at least the following information:

i. The legal name and address of the vendor;

ii. The name and address of the purchaser;

iii. The date delivered;

iv. The quantity delivered and the quantity upon which the price is based, if this differs from the delivery quantity;

v. The price of the amount delivered;

vi. The identity of the most descriptive terms commercially practicable, including any quality representation made in connection with the sale;

vii. The serial number of the delivery ticket or invoice.

2. Any person issuing or directing the issuance of, or possessing a delivery ticket or sales invoice showing a different species, quantity or quality other than the species, quantity or quality of the cordwood, firewood, fireplace, stove wood or whole logs being delivered shall be subject to a penalty for a violation of this chapter.

3. A copy of all delivery tickets and sale invoices shall be retained by the seller, or vendor for a period of at least six months and shall be subject to inspection, at the seller or vendor's place of business, during normal business hours, by any weights and measures officer.

(g) Reweighing or remeasuring; all cordwood, firewood, fireplace, stove wood, whole logs, as defined by this chapter, will be subject to inspection, when in transit, at the time of delivery or at any reasonable time following delivery, by any weights and measures officer pursuant to N.J.S.A. 51:1-88.

TRANSPORTATION

(a)

LOCAL AID

Rural Secondary

Proposed Amendment: N.J.A.C. 16:13

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:8-1 to 27:8-9.

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

At the close of the period for comments, the Department of Transportation may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-242.

The agency proposal follows:

Summary

The proposed amendment will update and align operations within the Bureau of Local Aid in accordance with present organizational and procedures changes.

The rule outlines the general provisions regarding the utilization of Federal Aid funds. The funds are apportioned by the Federal government and allocated annually to the State for right-of-way, preliminary engineering, construction and reconstruction of municipal, county and state highways on the Federal Aid Rural Secondary Road System. These funds are committed by the New Jersey Department of Transportation and matched by funds provided by the State, county or municipality sponsoring the project.

The entire Chapter specifies the overall process required in completing projects under the Federal Aid Rural Secondary Road System.

The rule has been reviewed by Departmental Staff and found necessary, adequate and required for the purpose they were promulgated. Therefore, the Department proposes to amend N.J.A.C. 16:13 to comply with recent organizational and procedural changes.

Social Impact

This rule will impact on the State, county and municipality, who are required to comply with standards specified by the federal government, and provides the close coordination of state and local government in the completion of projects undertaken. Additionally, it includes safeguards to ensure that final payment is not made until the project has been accepted by all parties, thus, establishing confidence in the ability of government to safeguard the public's interest.

Economic Impact

The Department (representing the State), county and municipality will incur direct and indirect costs for its personnel involved in the contracting process. Additionally, the county or municipality will provide its share of the project costs.

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

CHAPTER 13
[FEDERAL AID] **RURAL** SECONDARY

SUBCHAPTER 1. GENERAL PROVISIONS

16:13-1.1 Appropriations and allocations of funds

[Federal] **Rural** Secondary funds are [appropriated] **apportioned** by the Federal Government and allocated annually to the State for right-of-way, preliminary engineering, construction and reconstruction of municipal, county and State highways on the Federal Aid **Rural** Secondary Road System. These funds are committed by the N.J. Department of Transportation and matched by funds provided by the State, county or municipality sponsoring the project.

16:13-1.2 Compliance

All [Federal] **Rural** Secondary projects shall comply with Federal Aid Highway Acts, regulations, policies and procedures under the [1954] Secondary Road Plan.

16:13-1.3 Applications

The counties or municipalities shall submit an application to the Bureau of Local [Federal] Aid. [Program.] The Chief, Bureau of Local [Federal] Aid [Programs] shall ascertain if funds are available and obtain necessary Departmental approvals to include the project in a program.

16:13-1.4 Program **and Authorization**

The Bureau of Local [Federal] Aid [Programs] shall [submit] **initiate** a program **and subsequent authorization requests** consisting of descriptions, justifications and maps **for submission** to the Federal Highway Administration for approval. On approval by the Federal Highway Administration, the Bureau of Local [Federal] Aid [Programs] shall notify the county or municipality to proceed with the completion of the plans and specifications.

16:13-1.5 State-county agreements
(No change.)

16:13-1.6 Plans and specifications
(No change.)

16:13-1.7 Public hearings

[In accordance with PPM-200-8, two] [p]**P**ublic hearings [are] **will be** held, or the opportunity for such hearings, to afford the public the opportunity for effective public participation in the consideration of highway location and design and to enable them to present their views on the social, economic and environmental effects of their views on the social, economic and environmental effects of the improvement and to resolve any controversial issues that may arise. [The State Department of Transportation shall publish notice of the action taken by the Commissioner of Transportation on each request of the county for approval of a highway location and/or design hearing.]

16:13-1.8 Bids and contracts

Receipt of bids and award of contract shall be made by the State. After receipt of bids, the county or municipality shall [by resolution,] recommend to the Commissioner of Transportation that he award the contract to the lowest responsible bidder and also shall deliver a check in the amount requested (by invoice) to cover its share of the project costs.

16:13-1.9 Surveillance
(No change.)

16:13-1.10 Change in contract
(No change.)

16:13-1.11 Payment
(No change.)

16:13-1.12 Inspection and acceptance

Upon completion of the project, [the Chief, Bureau of Local Federal Aid Programs] **the Department** shall make a detailed inspection. The Chief, Bureau of Local [Federal] Aid [Programs] shall then notify the Federal Highway Administration so that a final inspection shall be made. The county or municipality shall, by resolution, recommend acceptance of the project.

16:13-1.13 Final payment

After completion of the project [the county or municipality shall present as-built plans and calculations to the Bureau of Local Federal Aid Programs. The Bureau of Local Federal Aid Programs shall check as-built plans with calculations to determine the final quantities.] [T]**t**he State, [together with the county or municipality,] shall [then] review quantities with the contractor and, if all parties agree, the State shall prepare a final estimate and invoice for final payment to the contractor.

(a)

TRANSPORTATION OPERATIONS

Speed Limits for State Highways Routes 109 and 12

Proposed Amendments: N.J.A.C. 16:28-1.22 and 1.129

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

At the close of the period for comments, the Department of Transportation may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-241.

The agency proposal follows:

Summary

The proposed amendments will establish maximum speed limits along Route 109 in Lower Township, Cape May County and Route 12 in Frenchtown and Flemington Boroughs, Kingwood, Franklin, Delaware and Raritan Townships, Hunterdon County for the safe and efficient flow of traffic.

Based upon requests from local officials, the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The traffic investigations proved that the imposition of speed limits was warranted.

The Department therefore proposes to amend N.J.A.C. 16:28-1.22 and 16:28-1.129 in compliance with the requests from the local officials of Cape May and Hunterdon Counties and the traffic investigations. Appropriate signs will be erected to advise the motoring public.

Social Impact

These amendments will institute maximum speed limits along Routes 109 and 12 in Cape May and Hunterdon Counties respectively, for the safe and efficient flow of traffic and the enhancement of the safety and well-being of the populace.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements. The Department will bear the cost for the installation of signs. Motorists in violation of the regulations will be assessed the appropriate fine.

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

16:28-1.22 Route 109

(a) The rate of speed designated for State highway Route 109 described in this section shall be established **and adopted** as the maximum rate of speed thereat:

1. For both directions of traffic in Lower Township, Cape May County:

i. **Zone 1:** [Forty] **Thirty-five** miles per hour between the Cape Island Creek Bridge and [the intersection of Route US 9 and Route 109.] **Third Avenue.**

ii. Zone 2: Forty-five miles per hour between Third Avenue and the intersection of Route U.S. 9 and Route 109.

16:28-1.129 Route 12

(a) The rate of speed designated for [the certain part of] State highway [r]Route [number] 12 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 [.] **in Hunterdon County:**

[i. 40 miles per hour from the Routes 12, 69 and US 202 traffic circle to a point 180 feet west of the P.R.R. (Flemington Branch) Railroad crossing in Flemington Borough; thence

ii. 45 miles per hour to a point 100 feet west of the center of Old Croton Road, in Raritan Township; thence

iii. 50 miles per hour to and through Delaware, Franklin and Kingwood Townships to a point 100 feet east of the end of the concrete pavement; thence

iv. 40 miles per hour to a point 323 feet west of the easterly corporate line of the Borough of Frenchtown;

v. The legal speed limits through school zones shall be subject to the provisions of Title 39:4-98(a) of the Revised Statutes.]

i. Frenchtown Borough:

(1) Zone 1: Fifty miles per hour between the start of New Jersey Department of Transportation jurisdiction (in the vicinity of Horseshoe Bend Road) and the easterly Frenchtown Borough - westerly Kingwood Township Line. (milepost .95 - 1.0)

ii. Kingwood Township:

(1) Fifty miles per hour within corporate limits. (milepost 1.0 - 6.15)

iii. Franklin Township:

(1) Fifty miles per hour within corporate limits. (milepost 6.15 - 6.55)

iv. Delaware Township:

(1) Fifty miles per hour within corporate limits. (milepost 6.55 - 7.5)

v. Raritan Township:

(1) Fifty miles per hour between the easterly Delaware Township - westerly Raritan Township line and 100 feet west of Old Croton Road. (milepost 7.5 - 10.55)

(2) Zone 2: Forty-five miles per hour between 100 feet west of Old Croton Road and the easterly Raritan Township - westerly Flemington Borough line. (milepost 10.55 - 11.0)

vi. Flemington Borough:

(1) Forty-five miles per hour between the easterly Raritan Township - westerly Flemington Borough line and 1050 feet west of Brown Street. (milepost 11.0 - 11.2)

(2) Zone 3: Forty miles per hour between 1050 feet west of Brown Street and the Routes 12, 31, and U.S. 202 Traffic Circle. (milepost 11.2 - 11.7)

(a)

TRANSPORTATION OPERATIONS

Speed Limits for State Highways Route 41

Proposed Amendment: N.J.A.C. 16:28-1.33

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

At the close of the period for comments the Department of Transportation thereafter may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of this rule, a notice of the adoption shall be published in the Register.

The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-237.

The agency proposal follows:

Summary

The proposed amendment will revise the speed limit along Route 41, zone 5, in Cherry Hill Township, Camden County from 35 miles per hour to 45 miles per hour for the efficient flow of traffic.

The Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation which proved that the revision of the speed limit was warranted.

As a result, the Department proposes to amend N.J.A.C. 16:28-1.33.

Social Impact

The proposed amendment will revise the speed limit along Route 41, zone 5, in Cherry Hill Township, Camden County for the efficient flow of traffic. The appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements. The Department will bear the cost for the installation of signs. Motorists in violation of the regulations will be assessed the appropriate fine.

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

16:28-1.33 Route 41

(a) The rate of speed designated for State highway Route 41 described [herein below] **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.-iv. (No change.)

v. Zone 5: [35 mph from] **45 miles per hour between** Routes 41 and 70 Traffic Circle (milepost 10.6) [to] and Knollwood Drive, [Cherry Hill Township (mileposts 10.6 to 11.95)] **(milepost 11.95), Cherry Hill Township, Camden County**; thence

vi. (No change.)

(b)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Routes 34 and U.S. 322

Proposed Amendments: N.J.A.C. 16:28A-1.24 and 1.93

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-139 and 39:4-199.

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before June 6,1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

At the close of the period for comments, the Department of Transportation may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-228.

The agency proposal follows:

Summary

The proposed amendments will establish "no stopping or standing" and "no parking bus stops" zones along Routes 34 in Old Bridge Township, Middlesex County and U.S. 322 in Folsom Borough, Atlantic County respectively, for the safe and efficient flow of traffic, the enhancement of public safety and the safe off/on loading of passengers at established bus stops.

Based upon request from local officials the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The traffic investigations proved that the establishment of "no stopping or standing" and "no parking bus stops" zones were warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.24 and 1.93 in compliance with the requests from local officials and the traffic investigations.

Social Impact

The proposed amendments will restrict parking along Routes 34 in Old Bridge Township, Middlesex County and U.S. 322 in Folsom Borough, Atlantic County respectively, for the safe and efficient flow of traffic, the enhancement of public safety and the safe on/off loading of passengers at established bus stops.

Appropriate signs will be installed to advise the motoring public.

Economic Impact

The Department and local officials will incur direct and indirect costs for their workforce for mileage, personnel, equipment requirements and the costs for the installation of signs. Motorists who violate the regulations will be assessed the appropriate fine.

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

16:28A-1.24 Route 34

(a) (No change.)

1.-6. (No change.)

(b) The certain parts of State highway Route 34 described in this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops:

1. Along the easterly (northbound) side in Old Bridge Township, Middlesex County:

i. Near side bus stop.

(1) Canyon Woods Entrance Drive-Beginning at the southerly curb line of the entrance to Canyon Woods Entrance Drive and extending 105 feet southerly therefrom.

16:28A-1.93 Route U.S. 322

(a) The certain parts of State highway Route U.S. 322 described in [(a) of] this section [are] **shall be** 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 Folsom Borough, Atlantic County.

i. Along the south side:

(1) From the easterly curb line of 8th Street, east to the westerly curb line of Lake Drive.

(2) Beginning at the easterly curb line of Cains Mill Road and extending 1000 feet easterly therefrom.

ii. Along the north side:

(1) Beginning at the easterly curb line of Cains Mill Road and extending 1000 feet easterly therefrom.

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route 79

Proposed Amendment: N.J.A.C. 16:28A-1.42

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-199

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

At the close of the period for comments, the Department of Transportation may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-238.

The agency proposal follows:

Summary

The proposed amendment will establish a "no parking" zone along Route 79 in Marlboro Township, Monmouth County for the safe and efficient flow of traffic and the safe on/off loading of passengers at the established bus stop.

Based upon requests from local officials the Departments' Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation proved that the establishment of a "no parking bus stop" zone was warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.42 in compliance with the request from local officials and the traffic investigation.

Social Impact

The proposed amendment will restrict parking along Route 79 in Marlboro Township, Monmouth County at the established bus stop for the safe and efficient flow of traffic and the safe on/off loading of passengers. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local officials will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements. The local officials will bear the cost for the installation of signs. Motorists who violate the regulations will be assessed the appropriate fine.

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

16:28A-1.42 Route 79

(a) The certain parts of State highway Route 79 described in [(a) of] this section are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-4. (No change.)

(b) The certain parts of State highway Route 79 described in this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stop:

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

i. Near side bus stop:

(1) Beginning at the prolongation of the southerly curb line of Girard Street (northerly intersection) and extending 105 feet southerly therefrom.

(a)

TRANSPORTATION OPERATIONS

No Passing Zones
Route 49

Proposed Amendment: N.J.A.C. 16:29-1.10

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:1A-44, 39:4-6 and 39:4-201.1.

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

At the close of the period for comments, the Department of Transportation may adopt this proposal with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-229

The agency proposal follows:

Summary

The proposed amendment will establish "No Passing" zones along Route 49 in Pennsville and Quinton Townships and the City of Salem in Salem County for the safe and efficient flow of traffic and the enhancement of public safety.

Based upon request from local officials, the Deparment's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations in the designated areas. The results of the investigations proved that the establishment of "no passing" zones were warranted.

As a result, the Department proposes to amend N.J.A.C. 16:29-1.10 in compliance with the request from local officials and the traffic investigations.

The appropriate markings designating the "No Passing" zones will be accomplished by the Department's workforce.

Copies of the drawing referred to in these rules are filed as part of this proposal and are on file in the Department's Bureau of Traffic Engineering, 25 Scotch Road, Trenton, New Jersey 08625.

Social Impact

The proposed amendment will restrict passing along Route 49 in the areas designated by the establishment of "No Passing" zones for the safe and efficient flow of traffic and the enhancement of public safety. The appropriate markings will be accomplished to advise the motoring public.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements for the installation of appropriate markings along the highway system. Motorists who violate the regulations will be assessed fines.

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

16:29-1.10 Route 49

(a) The certain parts of State highway Route 49 shall be designated and established as "No Passing" zones:

1.-3. (No change.)

4. Within Pennsville and Quinton Townships, and the City of Salem, Salem County and described in drawing number HNPZ-041 dated March 21, 1983.

(b)

TRANSPORTATION OPERATIONS

No Passing Zones
Routes 87, 147, 152, 157 and 284

Proposed Amendment: N.J.A.C. 16:29-1.17
Proposed New Rules: N.J.A.C. 16:29-1.35, 1.36, 1.37 and 1.38

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:1A-44, 39:4-6 and 39:4-201.1.

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

At the close of the period for comments, the Department of Transportation thereafter may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-243.

The agency proposal follows:

Summary

The proposed amendment and new rules will establish "No Passing" Zones in the Townships, Boroughs and Cities in the Counties indicated for the safe and efficient flow of traffic and the enhancement of traffic safety in the areas indicated.

Based upon requests from local officials, the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations.

The investigations proved that the establishment of "no passing" zones were warranted.

As a result, the Department proposes to amend N.J.A.C. 16:29-1.17 and establish new rules N.J.A.C. 16:29-1.35 through 16:29-1.38. Copies of the drawings referred to in these rules are filed as part of this proposal and are on file in the Department's Bureau of Traffic Engineering and Safety Programs, 25 Scotch Road, Trenton, New Jersey 08625.

The appropriate markings designating the "no passing" zones will be installed by the Department's workforce.

The proposed amendment and new rules are summarized as follows:

N.J.A.C. 16:29-1.17 revises "no passing" zones along Route 152 in Somers Point City and Egg Harbor Township, Atlantic County.

N.J.A.C. 16:29-1.35 establishes "no passing" zones along Route 87 in Atlantic City, Atlantic County.

N.J.A.C. 16:29-1.36 establishes "no passing" zones along Route 147 in North Wildwood City and Middle Township, Cape May County.

N.J.A.C. 16:29-1.37 establishes "no passing" zones along Route 157 in Absecon City, Atlantic County.

N.J.A.C. 16:29-1.38 establishes "no passing" zones along Route 284 in Sussex Borough and Wantage Township, Sussex County.

Social Impact

The proposed amendment and new rule will establish "no passing" zones along various State highways in Atlantic, Cape May and Sussex Counties for the safe and efficient flow of traffic and the enhancement of public safety. The appropriate marking will be posted to advise the motoring public.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements for the installation of appropriate markings along the highway system. Motorists who violate the rules will be assessed fines.

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

16:29-1.17 Route 152

[The certain parts of State highway Route 152 within the City of Somers Point and Egg Harbor Township in Atlantic County and described in drawing number HNPZ-023 dated January 9, 1978 shall be and hereby are designated and established as "No Passing" zones.]

(a) The following certain parts of State highway Route 152 shall be designated and established as "No Passing" zones:

1. That part within the City of Somers Point and Egg Harbor Township in Atlantic County and described in drawing number HNPZ-069 dated March 30, 1983.

Full text of the proposed new rules follows.

16:29-1.35 Route 87

(a) The following certain parts of State highway Route 87 shall be designated and established as "No Passing" zones:

1. That part within Atlantic City, Atlantic County and described in drawing number HNPZ-066 dated March 30, 1983.

16:29-1.36 Route 147

(a) The following certain parts of State highway Route 147 shall be designated and established as "No Passing" zones:

1. That part within the City of North Wildwood and Middle Township, Cape May County and described in drawing number HNPZ-068 dated April 6, 1983.

16:29-1.37 Route 157

(a) The following certain parts of State highway Route 157 shall be designated and established as "No Passing" zones.

(1) That part within the City of Absecon, Atlantic County and described in drawing number HNPZ-070 dated March 30, 1983.

16:29-1.38 Route 284

(a) The following certain parts of State highway Route 284 shall be designated and established as "No Passing" zones.

(1) That part within Sussex Borough and Wantage Township, Sussex County and described in drawing number HNPZ-071 dated April 5, 1983.

(a)

DIVISION OF PUBLIC TRANSPORTATION

Zone of Rate Freedom

Proposed New Rule: 16:53D

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, and 48:2-21.

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

At the close of the period for comments, the Department of Transportation may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-254.

The agency proposal follows:

Summary

This rulemaking is advanced to implement the Legislature's recent enactment of legislation supplementing Chapter 2 of Title 48 which directs the Commissioner of the Department of Transportation to establish a "zone of rate freedom" for the regular route bus carriers operating within the State. The "zone of rate freedom" constititues a limited percentage range to be set annually by the Commissioner in which regular route carriers are to be permitted to adjust their rates, fares or charges without petitioning the Department for approval. Provided the carrier remains within the designated percentage range, all that is required is notice to the Department and the riding public of the rate, fare or charge adjustment. If, however, the regular route carriers seeks a percentage adjustment greater than that provided for/in the "zone of rate freedom", it will be required to follow the standard petitioning procedures specified in N.J.S.A. 48:2-21.

After extensive review of the existing fare structure in the State's regular route bus industry, the Department proposes to adopt the following rules in order to implement the "zone of rate freedom." The percentage limitations contained in this rulemaking are scaled in consideration of the varying fares currently charged by intrastate regular route operators.

The percentages set forth below do not apply to charter and special bus services operating within the State. Under the Act, the Commissioner is authorized to exempt charter and special bus operations from the purview of rate adjustment regulation. In accordance with this authority, the Commissioner herein proposes to extend this exemption to charter and special carriers operating within the State.

Social Impact

The proposed charts of percentage limitations to fare adjustments will promote the continued vitality of non-subsidized intrastate autobus operations by providing meaningful fare flexibility. Under this proposal, regular route bus carriers shall be able to adjust their rates, fares or charges within what the Department views as reasonable limits without enduring the costly and time consuming petitioning procedures of the past. The past procedures have often hindered the ability of regular route carriers to respond to changes in economic and competitive climates at times when public interest concerns regarding the fare adjustment were, at best, minimal. The zone of rate freedom provided by this chart of percentage limitations will allow carriers to respond to economic changes thereby engendering stable, responsive and reliable bus service.

Simultaneously, the zone created in this proposal will ensure that the public is protected from unreasonable and unwarranted fare increases. In drafting the chart, the Department has considered all relevant factors including increases and decreases of the cost of bus operations, the interests of the consumers or users of bus services, and rates, fares or charges prevailing in the bus industry, as well as in other related transportation services, such as rail services. The percentage limitations to adjustments which apply to the various groupings of regular route carriers will not, in the Department's opinion, result in overly burdensome fare increases.

In proposing to exempt charter and special bus operations from rate regulation, the Department is recognizing that competitive forces tend to keep fares at reasonable levels without that need for government intervention. At the present time, the riding public would derive little, if any, benefit from charter and special operations being subject to fare regulation.

Economic Impact

The existing rate setting procedures are expensive, burdensome and time consuming for both carriers and the Department. These procedures have not only hindered intrastate regular route bus operations from exercising rate flexibility, but have also caused for the Department a morass of paperwork and redtape. The proposed charts of percentage limitations to fare adjustments will substantially reduce the instances in which bus carriers will be required to submit lengthy petitions to the Department.

While rate, fare or charge increases by regular route bus service are anticipated as a result of the creation of the zone of rate freedom, the proposed chart of percentage limitations to adjustment, developed by the Department, will minimize the adverse impact on the public. Only reasonable rate, fare or charge increases are allowed.

Once again, in the Department's view, the public would not benefit from rate regulation of charter and special bus operations. Because the competitive nature of this market already controls fares, the Department anticipates no adverse economic impact as a result of the exemption.

Full text of the proposed new rule follows.

CHAPTER 53D

ZONE OF RATE FREEDOM

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CHAPTER 53D

ZONE OF RATE FREEDOM

SUBCHAPTER 1. GENERAL PROVISIONS

16:53D-1.1 General provisions

(a) Any regular route bus carrier operating within the State which seek to revise its rates, fares or charges in effect as of the time of promulgation of this regulation shall not be required to conform with N.J.A.C 14:1-6.15 (Tariff filings which do not propose increases in charges to consumers) or N.J.A.C. 14:1-6.16 (Tariff filings or petitions which propose increases in charges to customers) provided the increase or decrease in the rate, fare or charge, or the aggregate of increases and decreases in any single rate, fare or charge is not more than the maximum percentage increase or decrease as promulgated below upgraded to the nearest $.05.

(1) The following charts sets forth the percentage maximum for increases to particular rates, fares or charges and the resultant amount as upgraded to the nearest $.05.

PRESENT FARE	% OF INCREASE	INCREASE UPGRADED TO NEAREST $.05
$.30	50%	$.15
$.40	25%	$.10
$.45-.55	15%	$.10
$.60-.70	9%	$.10
$.75-upward	7%	$.10 +

(2) The following chart sets forth the percentage maximum for decrease to particular rates, fares or charges and the resultant amount as upgraded to the nearest $.05:

PRESENT FARE	% OF DECREASE	INCREASE UPGRADED TO NEAREST $.05
$.30	20%	$.10
$.55-.75	20%	$.15
$.80-upward	20%	$.20 +

16:53D-1.2 Requirements

(a) A regular route carrier seeking a fare adjustment which falls within this regulation shall be required to:

1. Notify the Department by filing a complete schedule of all fares to be adjusted at least 30 days prior to the effective date of the revision.

2. Post public notice in all autobuses providing service on the routes affected by the adjusted fares and in all bus terminals served by those autobuses on the routes at least 10 days prior to effective date of the revision. The carrier must verify to the Department through an affidavit that it has posted such public notice prior to the institution of the new fares.

16:53D-1.3 Exemptions

The Commissioner hereby exempts charter and special bus operations from the rate regulation set forth in the aforementioned section and in any other section of Title 48. Notwithstanding the exemption, charter and special bus operations shall continue to file with the Department current schedules of their rates, fares or charges.

TREASURY-GENERAL

(a)

STATE INVESTMENT COUNCIL

State of New Jersey Cash Management Fund

Proposed Readoption: N.J.A.C. 17:16-31

Authorized By: State Investment Council, Roland M. Machold, Director, Division of Investment.
Authority: N.J.S.A. 52:18A-91.

Interested persons may submit in writing, data, views or arguments relevant to the proposed readoption on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roland M. Machold, Director
Division of Investment
349 West State Street
Trenton, New Jersey 08625

The State Investment Council thereafter may adopt this proposed readoption without further notice (see: N.J.A.C. 1:30-3.5) pursuant to Executive Order No. 66(1978) these rules expired March 8, 1984. The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposed readoption is known as PRN 1984-246.

Summary

The purpose of this proposal is to readopt N.J.A.C. 17:16-31, State of New Jersey Cash Management Fund rules of the State Investment Council. The subchapter sets fiduciary procedures and standards for the Cash Management Fund which holds over $2 billion of State assets and over $100 million of State agency and municipal assets.

The subchapter is comprised of the following sections:

17:16-31.1 which defines and explains the fund;

17:16-31.2 sets forth standards for participation in the fund;

17:16-31.3 explains how income of the fund is distributed;

17:16-31.4 specifies that participation of any fund is subject to the approval of the State Treasurer;

17:16-31.5 specifies that the Director of the Division of Investment may invest the assets of the fund in different types of securities;

17:16-31.6 states that each unit of participation in the fund shall represent an equal beneficial interest;

17:16-31.7 sets the net asset value per unit of participation at $1.00;

17:16-31.8 states that the date of evaluation shall be determined at the beginning of each business day;
17:16-31.9 specifies how the daily income per participating unit is calculated.
17:16-31.10 sets guidelines for evaluation of securities;
17:16-31.11 states that the daily income per participating unit owned by each participant will be reinvested automatically;
17:16-31.12 sets standards for admission and withdrawal of participating units;
17:16-31.13 sets that the regulations may be amended by the State Investment Council;
17:16-31.14 sets the guidelines for liquidation of the fund;
17:16-31.15 states how errors in the statement of daily income to participating members of the fund will be corrected.

Social Impact

N.J.A.C. 17:16-31 impacts on the Division of Investment, the Division of Pensions, the Division of Budget and Accounting, and participating counties, municipalities and school districts and the agencies or authorities created by those entities.

The Division of Investment, through its director, manages the fund. The Division of Pensions is affected through administration of the fund. The Division of Budget and Accounting records participation representing net capital contributions to the fund and the income generated. The participating entities are affected since they contribute into and receive distribution of principal and interest from the fund.

The rules have an important social impact because they establish standards for the fiduciary relationship which exists between the Division of Investment and the participating entities. Given that the fund holds over $2 billion of State assets and over $100 million of agency and municipal assets, it is necessary to have clearly established procedures which govern the administration of the fund. The rules have been found to be adequate, reasonable and necessary for their intended purpose and are readopted without change.

Economic Impact

The substance of the rules themselves have no independent economic impact and the readoption of the rules will not impose any impact upon the State or any member of the public. No costs past, present or future, are involved in the implementation of the rule. The rules are intended to maximize efficient management of the funds which are under the jurisdiction of the Division of Investment and conform to prudent standards established by Council rules and State law.

From an economic standpoint, the rules provide the necessary criteria to manage and administer over $2 billion of State assets and over $100 million of agency and municipal assets. Without the rules, chaos in the administration of the fund would result with perhaps a loss of possible monetary interest of the fund and increased administrative costs.

Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 17:16-31.

(a)

STATE INVESTMENT COUNCIL

Repurchase Agreements

Proposed Readoption: N.J.A.C. 17:16-37

Authorized By: State Investment Council, Roland M. Machold, Director, Division of Investment.
Authority: N.J.S.A. 52:18A-91.

Interested persons may submit in writing, data, views or arguments relevant to the proposed readoption on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roland M. Machold, Director
Division of Investment
349 West State Street
Trenton, New Jersey 08625

The State Investment Council thereafter may adopt this proposed readoption without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules expired March 8, 1984. The adoption becomes effective upon publication in the register of a notice of adoption.

This proposed readoption is known as PRN 1984-247.

Summary

The purpose of this proposal is to readopt N.J.A.C. 17:16-37, Repurchase Agreement rules of the State Investment Council. The subchapter sets fiduciary standards for the use of repurchase agreements by the Division of Investment. Such standards are essential in view of the unclear status of repurchase agreements in court actions related to the Lombard Wall bankruptcy. The regulations define maturity and quality standards for issues of repurchase agreements and quality, maturity and delivery standards for securities issued under repurchase agreements.

The subchapter is comprised of the following sections:
17:16-37.1 lists the permissible investments in which repurchase agreements can be made as long as certain criteria is followed. Investments in banks is made on a wide basis as long as the bank meets the listed requirements.
17:16-37.2 sets the limitations imposed on repurchase agreements. The rule limits purchases to maturities not exceeding 15 days and requires the market value of the collateral to be 102 percent of the par value of the repurchase agreement thus providing creditworthy instruments.

Social Impact

The proposed readoption will have no direct affect upon the public at large. The rule directly affects only the Division of Investment which is subject to the rule's requirements. An ancillary impact of the rule is to increase protection for the invested funds and therefore serves to reduce the potential for any loss on the use of repurchase agreements. The rule also implements the efficient and prudent management of State assets which has a broader impact by benefitting the members of the various pension systems through secure investing.

The rule has been found to be adequate in its permissibility of investments and necessary because of the flexibility it provides in choosing repurchase agreements as an investment. The rule should be continued to provide such additional permissibility and flexibility for future investments.

Economic Impact

The actual dollar amount invested in repurchase agreements is not readily quantifiable because of constant fluctuations. Readoption of the rule will have no increased or decreased economic impact upon the Division of Investment or the participating members. The readoption will, however, maintain efficient and prudent management of State assets through investment in repurchase agreements and is intended to minimize potential losses that might occur in the absence of such fiduciary standards. Therefore, the rule's economic impact is twofold: one is to allow repurchase agreements as permissible investments to maximize efficient management of funds, and two is to prevent possible losses of invested capital.

Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 17:16-37.

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Corporation Business Tax Interest on Underpayment of Installment Payments

Proposed Amendment: N.J.A.C. 18:7-3.15

Authorized By: John R. Baldwin, Director, Division of Taxation.
Authority: N.J.S.A. 54:10A-27.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
50 Barrack Street,
CN 269
Trenton, NJ 08646

At the close of the period for comments, the Division of Taxation may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-232.

The agency proposal follows:

Summary

This proposal is intended to clarify the method for computing interest on underpayment of installment payments required by N.J.S.A. 54:10A-15.4. The final tax liability and not the tentative tax liability shown on the tentative return, CBT-200T is to be used in determining the underpayment. We are deleting N.J.A.C. 18:7-3.15(e)1v. because it is no longer applicable. The present rule completes the transition from the old method of 60 percent prepayment to four equal installment payments which must total 90 percent of the final tax liability.

Social Impact

The proposal will make it easier and clearer for taxpayers, their accountants and other preparers of corporation business tax returns to determine how to compute an underpayment of an installment payment of corporation business tax and interest thereon.

Economic Impact

There is no discernable economic impact except that there will be a saving of time in preparing returns for taxpayers and auditing returns by the Division's personnel.

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

18:7-3.15 Interest on underpayment of installment payments

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

(c) The rate to be used in (b) above is a per annum rate of five percent above the average predominant prime rate, as determined by the Board of Governors of the Federal Reserve System, quoted by commercial banks to large businesses as of the first business day of the calendar quarter within which the payment was due. Such amount shall be computed on a per diem basis.

1. For example, assume the average predominant prime rate for [July 1, 1981] **January 1, 1985** was [20] **12** percent. Therefore, the applicable interest on underpayment pursuant to this subsection was [20] **12** percent plus five percent or [25] **17** percent on the amount of any underpayment of estimated tax due on or after [July 1, 1981] **January 1, 1985** but before [October 1, 1981] **April 1, 1985.** The method prescribed for computing the addition to the tax may be illustrated by the following example:

Example: A corporation reporting on a calendar year basis estimated on its Statement of Estimated Tax for 1985, estimated tax in the amount of $50,000.00. It made payments of $12,500.00 each on April 15, 1985, June 15, 1985, September 15, 1985 and December 15, 1985. On April 15, 1986, it filed its [tentative or final] tax return, **CBT-100,** showing a total tax of $200,000.00. Since the amount of each of the four installments paid by the last date prescribed for payment thereof was less than 90 percent of the tax shown on the return, the addition to the tax under this rule is applicable and is computed as follows, assuming that no exception applies:

Item (1)	Tax on return for 1985	$200,000
Item (2)	Ninety percent of item (1)	180,000

Item (3)	Amount of estimated tax required to be paid on each installment date (25 percent of $180,000)	45,000
Item (4)	Deduct amount paid on each installment date	12,500
Item (5)	Amount of underpayment for each installment date (item (3) minus item (4))	$ 32,500

First installment: **Interest** [P]period April 15, 1985 to April 15, 1986.
Second installment: **Interest** [P]period June 15, 1985 to April 15, 1986
Third installment: **Interest** [P]period September 15, 1985 to April 15, 1986
Fourth installment: **Interest** [P]period December 15, 1985 to April 15, 1986

2. Each such underpayment shall bear interest at the rate prescribed at (c) of this section.

(d) If there has been an underpayment of estimated tax as of the installment date prescribed for its payment and the taxpayer believes that one or more of the exceptions described in (e) below precludes the imposition of the addition to the tax, it should attach to its [tentative or final] tax return, **CBT-100,** for the taxable year a [rider] **Form CBT-160** showing the applicability of any exception upon which the taxpayer relied.

(e) Exceptions to imposition of interest on underpayment of an installment payment. The addition to the tax under this rule will not be imposed for any underpayment of any installment of estimated tax if, on or before the date prescribed for payment of the installment, the total amount of all payments of estimated tax made equalled or exceeded the amount which would have been required to be paid on or before such date if the estimated tax were the least of the following amounts:

1. (No change.)

2. An amount equal to 90 percent of the tax determined by placing on an annual basis the taxable income and taxable net worth for:

i–ii (No change.)

iii. Either the first six months or the first eight months of the taxable year (whichever results in no addition being imposed), in the case of the installment required to be paid in the ninth month; **and**

iv. Either the first nine months or the first eleven months of the taxable year (whichever results in no addition being imposed), in the case of the installment required to be paid in the twelfth month[; and].

[v. For the last three months of the preceding taxable year, in the case of the installment payment required to be paid in the first month of the current fiscal or calendar accounting year.]

3. (No change.)

OTHER AGENCIES

(a)

ELECTION LAW ENFORCEMENT COMMISSION

Campaign Contributions and Expenditures Reporting Act Rules

Proposed Amendments: N.J.A.C. 19:25-1 through 13

Proposed New Rules: N.J.A.C. 19:25-4.3–4.6, 5.3, 5.4, 5.5, 6.1, 6.3, 8.1, 8.2, 9.2, 9.3, 9.5, 9.6, 9.8, 10.3–10.7, 11.4, 11.8, 12.1–12.4, 12.6

Proposed Repeals: N.J.A.C. 19:25-1.9, 4.8, 7.8, 18.1, 18.2

Proposed Recodification: N.J.A.C. 19:25-8 as 19:25-20 and 19:25-20.1 as 19:25-21.1

Authorized By: Election Law Enforcement Commission, at its Public Meeting of March 16, 1984, Scott A. Weiner, Executive Director.
Authority: N.J.S.A. 19:44A-6.

A **public hearing** concerning this proposal will be held on June 12, 1984 at 9:30 A.M. at:

State Assembly Chambers
State House
West State Street
Trenton, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before June 6, 1984, and may request an appearance at the public hearing by making a written request containing the name, address and phone number of the person wishing to testify and the approximate amount of time desired. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gregory E. Nagy, Esq.
Staff Counsel
Election Law Enforcement Commission
28 West State Street
Trenton, New Jersey 08608

The Election Law Enforcement Commission may thereafter 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 1984-256.

The agency proposal follows:

Summary

The New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq., (hereafter, the Act) was substantially amended by Chapter 579, of the Laws of 1983, enacted on January 17, 1984. The proposed regulations implement the changes enacted by those amendments.

The definition section, N.J.A.C. 19:25-1.7, has been expanded to include a definition for the term "continuing political committee," a new filing entity. That term includes State, county and municipal political party committees and certain political clubs with a permanent or continuing existence or carrying on in fact some or all of the continuing functions of a political party committee. Also, it includes any group, corporation, partnership, association, political club, political action committee, civic association or other organization which in any calendar year contributes, or expects to contributes, at least $2,500.00 to aid or promote a candidate for elective public office or the passage or defeat of a public question, and which may be expected to make contributions in subsequent elections. Under the pre-existing statute, such continuing political committees were required to file pre- and post-election reports for every election in which they were active and in many cases were further required to file annual reports of their organizational activity. Under the amendments and the new rule, such entities will be required to file cumulative quarterly reports (that is, four times a year). The new rule requires continuing political committees to file organizational statements with the commission. Depending on the percent of total expenditures directed to election-related activity, continuing political committees that are not political party committees will be classified into one of three categories: Major purpose continuing political committees, multi-purpose continuing political committees and peripheral purpose continuing political committees. Political party committees and major purpose continuing political committees will be required to disclose all contributions and expenditures. Multi-purpose continuing political committees will be required to disclose contributions over $100.00 after application of a prorata factor based on the percentage of election-related expenditures compared to total expenditures in a calendar year. Peripheral purpose continuing political committees will not be required to report unless they conduct fund raising specifically for election-related purposes, or if their total expenditures exceed $10,000.00 in a calendar year.

Other significant changes in the Act resulting from the amendments which have been incorporated in the new rule are as follows:

The dates for the filing of campaign finance reports have been changed to the 29th and 11th days prior to the election and the 20th day following the election. Under the prior provisions, reports were due on the 25th and 7th day prior to the election and 15 days after the election.

The dates on which campaign reports are due for filing are two days following the close of the period covered by the report. The prior law provided that the report be filed the day after the close of the reporting period.

Campaign reports must be cumulative, that is, they must contain the totals of contributions and expenditures received during prior reporting periods.

A candidate who will not spend or have spent on behalf of his or her candidacy more than $2,000.00 in an election is relieved of filing detailed campaign reports (Form R-1) if the candidate files a certified statement (Form A-1) that the total expenditures are under the threshold amount. Under the prior statute, the threshold was $1,000.00. A political committee receiving contributions or making expenditures on behalf of two or more joint candidates in an election is relieved of filing detailed campaign reports (Form R-1) if it files a certified statement (Form A-2) that its total expenditures on behalf of the candidates will not exceed $4,000.00.

A candidate whose campaign finance activity is conducted exclusively through a reporting committee is permitted to designate that committee as the candidate's reporting vehicle (Form SR-1), thereby relieving the candidate of further reporting.

Post-election campaign reports by a candidate or political committee may be terminated if the outstanding obligations of the political committee do not exceed 10 percent of the total expenditures of the campaign, or $1,000, whichever is less, or if the outstanding obligations are likely to be discharged or forgiven.

A political committee or a continuing political committee, with the exception of political party committees for a primary election, may assume for purposes of reporting the outstanding obligations of a candidate and, upon notice to the commission of that assumption, the candidate is not required to report further.

Candidates or political committees receiving a contribution of more than $250.00 from one source after the closing of the reporting period for the 11-day report but prior to the date of the election must file with the commission within 48 hours a written notice of the receipt setting forth the name and address of the contributor and the amount and date of the contribution. A similar requirement exists for a continuing political committee receiving a contribution of more than $250.00 after the close of its last quarterly report and the date of an election in which the committee had made contributions to or expenditures on behalf of one or more candidates.

Currency contributions are generally prohibited, except when made in response to public solicitations of on-the-spot cash donations. The upper limit of public solicitations has been raised from $10.00 to $20.00. Currency contributions of up to $100.00 are permitted if the contributor submits with the contribution a signed form giving the name and address of the contributor and the amount of the contribution.

A group or organization is defined as a "political committee" for reporting purposes if it raises or spends a total of $1,000.00 to aid a candidacy or to further the passage or defeat of a public question.

For political party committees, the appointment and designation deadline of a campaign treasurer and depository has been moved from January 31 to July 1 in each year.

For candidates, political committees and continuing political committees other than party committees, the treasurer and depository must be chosen not later than the date on which the first contribution or expenditure occurs. All reporting entities must report treasurers and depositories to the commission within 10 days of the commencement of the campaign finance activity.

Political committees and continuing political committees must provide written notice to each candidate of all expenditures made or authorized on behalf of the candidate.

Candidates for political party positions (State committee, county committee and delegates to national party conventions) are not required to file reports, except that they must give written notice, to candidates or committees, of expenditures they make on behalf of another candidate or committee.

A treasurer of a political committee or a continuing political committee must file the name and address of deputy treasurers and additional depositories with the commission not later than the fifth day after their appointment or designation. In the event of a death, resignation or removal of a treasurer, the commission must be notified within three days after that occurrence.

Organizational or campaign treasurers are required to make a written record of all funds received as contributions, including the name and address of the contributor and the amount and date of receipt of the contribution, and must retain that record for a period of not less than four years. Candidates and chairpersons of political committees and continuing political committees are required to take necessary steps to insure compliance.

Candidates not receiving any contributions or making any expenditures for their campaign must file a certified statement (Form A-1) with the commission.

Candidates seeking election for school board who do not spend or have spent on behalf of their candidacies more than $2,000.00 are only obligated to file information pertaining to contributions of more than $100.00. Under the prior law, the threshold for school board candidates was $1,000.00.

The new rule clarifies the definition of "expenditure," so that the cost incurred in carrying a news story would be reportable only if the news facility was owned or controlled by a candidate, political committee or continuing political committee and then only under circumstances that indicated it was not a bona fide news account.

The new regulation establishes a new fee schedule for duplicating campaign reports.

Other editorial changes have also been made.

Social Impact

The proposed amendments seek to implement the public policy underlying the statutory amendments that the public have access to information that is more detailed and timely while the burden of compliance is reduced where possible.

The proposed rules promote the public interest in achieving more frequent and timely disclosure of the sources and expenditure of funds by "continuing political committees" which are defined to include:

(1) State, county and municipal political party committees; (2) certain political clubs deemed to be political party committees; and (3) any organization (for example, a political action committee) or group of individuals contributing or expecting to contribute a least $2,500 to aid candidates or promote the passage of public questions. Continuing political committees will now report receipts and expenditures quarterly in lieu of reporting both annually and, in many cases, on a pre- and post-election cycle. In addition, such committees will have to disclose contributions in excess of $250.00 received between the last quarterly reporting date and the date of an election for which the committee has contributed funds to or make expenditures on behalf of one or more candidates or public questions. Thus, the public interest will be served by more frequent and generally more timely disclosure of receipts and expenditures by such committees while the committees themselves will be relieved, in most cases, of the burden of submitting election disclosure reports. Reporting by groups of individuals, when they exceed the $2,500 threshold, will serve the public interest by their disclosing the candidates and campaign committees to whom or on whose behalf expenditures are made.

A significant proposed change serving the public interest is that contributions of currency in excess of $100.00, in the aggregate, from any one source are not prohibited and all currency contributions of $100.00 or less must be documented with evidence on file of the signature of the contributor.

In addition, candidates receiving contributions in amounts exceeding $250.00 on or after the 13th day before the election until the date of the election must be disclosed in writing, to the commission, within 48 hours of receipt.

The public interest will be served by candidates and committees supporting candidates revealing the names of contributors of more than $250.00 when those contributions are received right before an election.

The proposed amendments will reduce the reporting burden for those candidates whose total expenditures are between $1,000 and $2,000 because such candidates will no longer have to file detailed reports but only a one page statement that they do not intend to expend more than $2,000. This change will, however, result in a decrease in the amount of campaign finance information disclosed to the public.

Economic Impact

The proposed rules should not result in measurable increased costs to political party committees, certain political clubs and certain organizations which have, in the past, had to submit annual reports and election cycle reports. Most such committees will now only prepare and submit quarterly reports; some may be absolved of detailed reporting altogether. Requirements for record keeping have not been increased except that committees and candidates must secure and maintain evidence of the signatures of contributors of currency of $100.00 or less.

The proposed amendments will result in a modest cost to certain organizations and groups of individuals which, in the past, had no filing requirement, because the proposed rules require record keeping and filing of disclosure reports by such organizations and groups of individuals when they exceed a threshold of at least $2,500 in expenditures to aid candidates or promote the passage or defeat of a public question.

The proposed amendments concerning disclosure by candidates and committees supporting candidates of pre-election contributions of more than $250.00 will result in a modest cost to such committees for postage or use of messenger services or expedited mail, depending on the number of such contributions received between the 13th day before an election and the date of the election.

The commission anticipates a very limited or no measurable increase in its costs associated with administration of the requirements pertaining to continuing political committees. As a result of quarterly reporting, the commission will have to process, review and file a new category of reports. However, the commission will no longer, in most cases, have to process, review and file annual or campaign reports from the same committees. Thus, the commission anticipates that the increased costs associated with administering the quarterly reports will be offset by a decrease in the number of campaign reports filed. Furthermore, the increase in the reporting threshold for candidates, from $1,000 to $2,000, should also reduce the number of detailed reports filed by candidates thus helping the commission contain processing and filing costs.

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

9:25-1.5 Amendment of regulations

The commission may at any time and from time to time, rescind, alter or amend the provisions of this chapter in the manner prescribed by law as may be necessary to carry out the purposes of the act. Any new regulation resulting from such action shall be filed with the New Jersey [Secretary of State.] **Office of Administrative Law.**

19:25-1.7 Definitions

The following words and terms, when used in this chapter and in the interpretation of the act, shall have the following meanings unless a different meaning clearly appears from the context.

"The act" means The New Jersey Campaign Contributions and Expenditures Reporting Act, L.1973, c.83, as amended, N.J.S.A. 19:44A-1 and following.

["Allied campaign organization" means any political party, any State, county or municipal committee of a political party, or any campaign organization of a candidate which is in support or furtherance of the same candidate or any one or more of the same group of allied candidates or the same public question as any other such committee or organization.]

["Allied candidates" means candidates in any election who are:

1. Seeking nomination or election:

i. To an office or offices in the same county, municipality or school district; or

ii. To the Legislature representing in whole or in part the same constituency; or

iii. As members of the State committee of the same political party from the same county; or

iv. As delegates or organizations in national convention of the same political party.

2. And who are:

i. Nominees of the same political party; or

ii. Publicly declared in any manner, including the seeking or obtaining of any ballot position or common ballot slogan, to be aligned or mutually supportive.]

"Candidate" means an individual seeking **or having sought** election to a public office of this State or of a county, municipality or school district at **any** [a primary, general, municipal, school or special] election. It does not include an individual seeking [nomination for election, or reelection, to the office of President of the United States, Vice President of the United States, United States Senator or Representative. It does not include an individual seeking election to any office of a county, State or national committee of a political party nor any individual seeking election to the office of county committeeman or committeewoman of a political party. It does include an individual seeking election to the State committee of a political party or as delegate or alternate to the national convention of a political party.] **Federal elective office, or State, county or municipal political party office.**

"Commission" means the New Jersey Election Law Enforcement Commission.

"Continuing political committee" includes the State committee or any county or municipal committee of a political party. It also includes any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least $2,500.00 to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a public question or public questions, and which may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association or other organization has been determined by the commission to be a continuing political committee in accordance with N.J.A.C. 19:25-4.

"Contribution" includes every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property [of] **or** personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to **or on behalf of** any candidate, political committee, [political party committee, political club or political information organization,] **or continuing political committee** and any pledge or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the act, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed. As set forth in N.J.A.C. 19:25-3.1, funds **or other benefits** received [and payments made] solely for the purpose of determining whether an individual should become a candidate are not contributions.

"District" means the State, legislative district, county, municipality or part thereof, school district or other district in which a candidate is seeking election to public office.

"Election" includes [any primary election for delegate to or alternate to the national convention of a political party; any election in which a public question is to be voted upon by the voters of the State or any political subdivision thereof; any primary, general, special, school or municipal election for any public office of the State or any political subdivision thereof. It does not include any election for President or Vice President of the United States or United States Senator or Representative. It does not include election to any office of a county, State or national committee of a political party nor election to the office of county committeeman or county committeewoman of a political party. It does include election to the State committee of a political party or election as delegate or alternate to a national committee of a political party.] **any election in which a public question is to be voted upon by the voters of the State or any political subdivision thereof; and any election for any public office of the State or any political subdivision thereof. It does not include Federal elective office, or State, county or municipal political party office.**

"Election-related activity" means election activity related to a candidate or public question as set forth in the act and all campaign efforts during any election[, or the provision by any means of political information on any candidate or public question in the State of New Jersey].

"Expenditure"[, except as otherwise set forth in N.J.A.C. 19:25-12.1] includes every transfer of money or other thing of value, including any item of real or personal property, tangible or intangible [(but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization)], made by any candidate, political committee, [political party committee, political club or political information organization], **or continuing political committee,** and any pledge or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the act, any such commitment or assumption shall be deemed to have been an expenditure upon the date when such commitment is made or liability assumed. As set forth in N.J.A.C. 19:25-3.1, [funds received and] payments **or commitments** made solely for the purpose of determining whether an individual should become a candidate are not expenditures.

1. Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication is not an expenditure, unless the facility is owned or controlled by any continuing political committee, political committee or candidate, in which case the cost for a news story i. which represents a bona fide news account communicated in a publication of general circulation or on a licensed broadcasting facility, and ii. which is part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening areas, is not an expenditure.

["Legislation" includes all bills, resolutions, amendments, nominations and appointments pending or proposed in either house of the Legislature, and all bills and resolutions which, having passed both houses, are pending approval by the Governor.]

"Paid personal services" means personal, clerical, administrative or professional services of every kind and nature, including, without limitation, public relations, research, legal, canvassing, telephone, speech writing or other such services performed other than on a voluntary basis, the salary, cost or consideration of which is paid, borne or provided other than by the committee, candidate or organization for whom such services are rendered.

"Political club" [means any organization (other than a political party committee) having a recognized ongoing relationship to a political party. See N.J.A.C. 19:25-4.6.] **(see "Political committee" and "Political party committee").**

"Political committee" means any **group of** two or more persons acting jointly, or any corporation, partnership or any other incorporated or unincorporated association which is organized to or does aid or promote the nomination, election or defeat of any candidate or candidates for public office, or which is organized to, or does aid or promote the passage or defeat of a public question in any election. **A club organized to promote the candidacy of one or more candidates or aid or defeat the passage of a public question, without a term of existence substantially longer then the campaign, is a political committee.** Political committee [includes any political club which is not a permanent political club as described in N.J.A.C. 19:25-4.6:] **does not include:**

1. A "continuing political committee," as defined above.

2. A contributor not involved in fund raising or other election-related activity does not become a political committee solely by virtue of having made a contribution with respect to a candidate or public question, unless the aggregate amount of contributions during any calendar year exceeds $10,000.00.

[1.] **3.** A municipal or county charter study commission or the members thereof shall not be deemed to be a political committee with respect to the subject matter of such charter study commission at any time prior to the filing of its report. Thereafter such commission or any two or more members, not otherwise excluded by these regulations, may [contitute] **constitute** a political committee for such public question.

[2.] **4.** [No] **Except as set forth in paragraph 5 below of this definition, no** person or persons holding elected public office in this State or any political subdivision thereof shall be deemed to be a political committee with respect to any public question by virtue of communication with their constituents or with public officials of the Federal government or of this or any other state or political subdivision thereof, or with the general public[.] **reasonably related to the duties of his or her public office.**

[3.] **5.** [Boards] **Elected public officials, boards** and commissions, and the members thereof, may become political committees with respect to a public question by virtue of [communications respecting such public question, except when such communications are required pursuant to their legislated duties.] **fund raising or other election-related activities respecting such public questions.**

["Political information" means any statement, including but not limited to press releases, pamphlets, newsletters, advertisements, flyers, form letters, radio or television programs or advertisements which reflect the opinion of the members of the organization on any candidate or candidates for public office, on any public question, or on any legislation, or which contain facts on any such candidate, public question or legislation whether or not such facts are within the personal knowledge of members of the organization.]

"Political party committee" includes every State, county or municipal committee of a political party[, and includes any permanent political club described in N.J.A.C. 19:25-4.6]. **A political club having a permanent or continuing existence unrelated to the candidacy of particular candidates, or which receives contributions or makes expenditures from time to time unrelated to the promotion or opposition of the candidacy of a particular candidate or candidates, and which carries on in fact some or all of the continuing functions of a political party committee, is determined to be a political party committee. Political party committees are continuing political committees for the purpose of the quarterly reporting requirements of the act.**

"Public office" means any elective office of this State or any political subdivision thereof, except that it does not include [county committeemen or county committeewomen.] **State, county or municipal political party office.**

"Public question" means any question, proposition or referendum (for example, a constitutional amendment or bond issue) required by the legislative or governing body of this State or any of its political subdivisions to be submitted **by referendum procedure** to the voters of the State or political subdivision for decision at elections.

"Public solicitation" means a solicitation as described in N.J.A.C. [19:25-11.5(b)2.] **19:25-11.6(b)2.**

"Testimonial affair" means an affair of any kind or nature including, without limitation, cocktail parties, breakfasts, luncheons, dinners, dances, picnics or similar affairs [(such as coffees)] directly or indirectly intended to raise campaign funds [in] **on** behalf of a person who holds, or who is or was a candidate for nomination or election to public office in this State, or is directly or indirectly intended to raise funds [in] **on** behalf of any [State, county or municipal committee of a political party, political club] **continuing political committee** or a political committee[, or directly or indirectly intended to raise funds for any political information organization].

19:25-1.9 [Information available to the public] **(Reserved)**

[The public may obtain information or make submission or requests concerning any Commission matter by contacting the office of the Commission at Suite 1114, National State Bank Building, 28 West State Street, Trenton, New Jersey 08625, telephone (609)292-8700.]

SUBCHAPTER 2. ADMINISTRATIVE

19:25-2.1 Office

The office of the Election Law Enforcement Commission is located at Suite [1114] **1215**, National State Bank Building, 28 West State Street, Trenton, New Jersey, [08625] **08608**, telephone (609)292-8700.

19:25-2.2 Hours of operation

The office of the commission is open for the filing of documents and for other commission business (except for public inspection of documents) from 9:00 A.M. to 5:00 P.M., Monday through Friday, holidays excepted. The office of the commission is open for public inspection of documents from [10:00] **9:15** A.M. to [4:00] **4:45** P.M., Monday through Friday, holidays excepted. **The public may obtain information or make submissions or requests concerning any commission matter at the commission offices, or by telephone.**

19:25-2.3 Access to documents

(a) Every document accepted for filing by the commission, including all reports, [affidavits] **certified statements,** requests for advisory opinions and replies to requests for advisory opinions, complaints or pleadings relating to a complaint, all final orders, decisions and opinions shall be maintained with the date of filing noted thereon by the commission.

(b) Any person shall, upon request, be afforded opportunity to examine a document, or a photocopy of any document so maintained.

19:25-2.4 Copies of documents; fees

(a) Any person shall, upon request, be provided copies of [any of] the documents referred to in [section 3 of this subchapter at a cost of $0.10 per page. Such copies will be certified to be true copies upon payment of an additional fee of $1.00 per document.] **N.J.A.C. 19:25-2.3 at the following rates:**

1. **$0.15 per page up to the first 50 pages of photocopying, and $0.10 per page thereafter;**
2. **$0.40 per page for records produced from microfilm; and**
3. **At cost to the commission for production of information in computer printout or tape format.**

19:25-2.5 Release of documents

No original filed document referred to in [section 3 of this subchapter] **N.J.A.C. 19:25-2.3** shall be released from the custody of the commission except upon express written direction of the executive director or upon court order.

SUBCHAPTER 3. PRE-CANDIDATE ACTIVITY; "TESTING THE WATERS"

19:25-3.1 Exemption for activities conducted solely for the purpose of determining whether an individual will become a candidate; "Testing the Waters"

(a) Funds **or other benefits** received and payments made solely for the purpose of determining whether an individual should become a candidate are not contributions or expenditures. Activities contemplated under this exemption include, but are not limited to expenses incurred for: conducting a poll, telephone calls and travel, to determine whether an individual should become a candidate. The individual shall keep records of all such funds received and payments made.

(b) If the individual subsequently becomes a candidate, the funds received and payments made are contributions and expenditures subject to the limitations, prohibitions and requirements of the [Act.] **act.** Such contributions and expenditures must be reported with the first report filed by the candidate or the campaign committee of the candidate, regardless of the date the funds were received or the payments made. This exemption does not apply to funds received or payments made for general public political advertising; nor does this exemption apply to funds received or payments made for activities designed to amass campaign funds that would [be] be spent after the individual becomes a candidate.

SUBCHAPTER 4. REPORTING REQUIREMENTS; **GENERALLY**

19:25-4.1 General provisions

Candidates, [allied campaign organizations,] political committees, [political party committees, political clubs, political information organizations] **continuing political committees** and campaign depositories may be subject to some or all of the reporting requirements of the act.

19:25-4.2 Candidates

(a) A candidate must [appoint a campaign treasurer and designate a campaign depository before receiving any contribution or [expanding] **expending** any money in furtherance or aid of his candidacy, and must] comply with the preelection and postelection reporting requirements of the act.

(b) Where all of the contributions and expenditures **on behalf of one or more candidates** are [handled] **received or expended** by a political committee, political party committee or [allied campaign organization on behalf of one or more candidates, each of such candidates must appoint a campaign treasurer and campaign depository and must comply with the preelection and post-election reporting requirements of the act. In such circumstances, the candidate need not open an account in the designated campaign depository:] **continuing political committee, which committee is required to file financial reports under section 8 of the act, the candidate or candidates may authorize that committee or campaign organization to be his, her or their agent with respect to reporting those contributions and expenditures by filing with the commission a certification of that authorization on a form prescribed by the commission (Form SR-1) pursuant to N.J.A.C. 19:25-9.2.**

[1. Example 1.: "A" is a candidate for the New Jersey State Assembly and anticipates that approximately $20,000 will be expended in his campaign. The "Committee for A" has been organized to conduct his campaign and all contributions and expenditures are to be made through the committee for A. The committee must appoint a campaign treasurer and designate a campaign depository and must file preelection and post-election reports. In addition, candidate A must appoint a campaign treasurer and designate a campaign depository and must file preelection and post-election reports. Candidate A is not required to open an account with his designated campaign depository on these facts, since all of the contributions and expenditures will be handled through the account entitled "Campaign Fund for Committee for A" in the campaign depository designated by the committee. Candidate A may report the details of contributions and expenditures in his preelection and post-election report by reference to the reports of the committee for A.]

19:25-4.3 Political committees

[Except as otherwise set forth in N.J.A.C. 19:25-12.1, a political committee must appoint a campaign treasurer and designate a campaign depository before receiving any contribution or expending any money in furtherance or aid of the election or defeat of any candidate or to aid the passage or defeat of any public question, and is subject to the preelection and post-election reporting requirements of the Act.]

(a) Political committees are subject to the preelection and post-election reporting requirements of the act.

(b) A committee which qualifies as a political committee during any election and which expects to contribute at least $1,000 to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a public question or public questions during a subsequent election shall have the option to qualify as a continuing political committee and comply with the quarterly reporting requiremnts under the act by requesting from the commission prior approval to so report. The option to file quarterly reports shall not be available to those political committees which serve as the campaign committee for any candidate or candidates.

19:25-4.4 **Continuing political committees:** [P]**political** party committees

[A political party committee must appoint a campaign treasurer and campaign depository on or before January 31 of each year. A political party committee is required to file an annual report not later than March 1 of each year of all contributions and expenditures for the preceding calendar year, and except as provided in N.J.A.C. 19:25-12.1(b), is subject to the preelection and post-election reporting requirements of the Act.]

(a) A political party committee is a continuing political committee for the purposes of the quarterly reporting requirements of the act.

(b) A political party committee, and a political club which carries on in fact some or all of the continuing functions of a political party committee is a continuing political committee for the purposes of the quarterly reporting requirements of the act regardless of the amount expended on election-related activity in any one or subsequent years.

[19:25-4.5 Allied campaign organizations

An allied campaign organization is a political committee for purposes of preelection and post-election reporting requirements under the Act. As such, the allied campaign organization must, before receiving any contributions or expending any money in furtherance or aid of the election or defeat of any candidate or candidates, or aiding the passage or defeat of any public question, appoint a campaign treasurer and designate a campaign depository and promptly notify the commission in writing of such appointment.]

19:25-4.5 Continuing political committees: others

(a) A group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or may be expected to contribute $2,500 or more to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a public question or public questions, and which expects to make contributions toward such aid or promotion, or toward such passage or defeat during a subsequent election, shall certify that fact to the commission and the commission, upon receiving that certification and on the basis of any information as it may require of the group, corporation, partnership, association or other organization, shall determine whether the group is a continuing political committee for the purposes of the act. If the commission determines that the group is a continuing political committee, it shall so notify that continuing political committee as to that fact, as well as the classification, as set forth in (c) below, for which it deems such organization to qualify.

(b) The requirements set forth in (a) above that an organization make "contributions toward such aid or promotion, or toward such passage or defeat during a subsequent election" shall be satisfied if the organization expects to expend $2,500 or more for election-related activity during the subsequent calendar year. The failure of an organization to qualify as a continuing political committee shall not exempt such organization from the preelection and post-election reporting requirements of the act where applicable.

(c) For purposes of reporting under the act, continuing political committees shall be classified as follows:

1. A continuing political committee is a major purpose continuing political committee for any calendar year in which it makes election-related expenditures which total more than 75 percent of its total expenditures.

2. A continuing political committee is a multi-purpose continuing political committee for any calendar year in which it makes election-related expenditures which total more than 20 percent of its total expenditures, but not more than 75 percent of its total expenditures.

3. A continuing political committee is a peripheral purpose continuing political committee for any calendar year in which it makes election-related expenditures which total not more than 20 percent of its total expenditures.

[19:25-4.6 Political clubs

(a) A political club will be deemed to be, for the purposes of the regulations, either a political party committee or a political committee. A club organized to promote the candidacy of one or more candidates, without a term of existence substantially longer than the campaign of such candidates, is a political committee.

(b) A political club having a permanent or continuing existence unrelated to the candidacy of particular candidates, or which receives contributions or makes expenditures from time-to-time unrelated to the promotion of the candidacy of a particular candidate or candidates, or carries on in fact some or all of the continuing functions of a political party committee, is deemed to be a political party committee for purposes of the preelection and post-election reporting requirements and the annual reporting requirements of the Act, and must appoint a campaign treasurer and campaign depository on or before January 31 of each year.]

19:25-4.6 Statement of organization: continuing political committee

(a) A continuing political committee, other than a political party committee as defined in N.J.A.C. 19:25-1.7, shall comply with the certification process required by N.J.A.C. 19:25-4.5(a) by filing a statement of organization (Form CPC-1) with the commission.

(b) The statement of organization must be filed no later than the date on which the continuing political committee first receives any contribution or makes or incurs any expenditure for election-related activity.

(c) Upon receiving the statement of organization, the commission shall review the information provided by the continuing political committee for the purposes of determining the

classification of the committee in accordance with N.J.A.C. 19:25-4.6. The commission shall thereafter notify the committee of its classification and filing obligation, if any.

19:25-4.8 [Political action committees] **(Reserved)**

[(a) The term "political action committee" means the following:

1. Any political action committee described in Section 441(b) of the Federal Election Campaign Act Amendments of 1976, P.L. 94-283, as a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock which becomes subject to the New Jersey Act by virtue of activities related to a New Jersey election; and

2. Any other similar committee organized to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative or corporation without capital stock which is principally organized, or the principal business of which is to aid or promote the nomination, election or defeat of any candidate or candidates for political office, or to aid or promote the passage or defeat of a public question in any New Jersey election subject to the New Jersey Act.

(b) Except as otherwise provided in N.J.A.C. 19:25-15.38 and 19:25-15.39, relating to elections funded in part with public funds, a political action committee whose activity in Any New Jersey election subject to the Act, consists solely of contributions to or on behalf of one or more candidates for public office, or of contributions in excess of 750.00 with respect to any public question, shall file preelection and post-election reports as to such election as follows:

1. Every political action committee subject to the filing requirements of the Federal Election Campaign Act Amendments of 1976 P.L. 94-283, which makes contributions to or on behalf of one or more candidates for public office or contributions in excess of $750.00 with respect to any public question in a New Jersey election subject to the Act, shall file with the Commission:

i. A 25 day preelection report which shall consist of a copy of all reports filed or required to be filed by such political action committee with the Federal Election Commission for the 12 month period immediately preceding the date for filing 25 day preelection reports under the New Jersey Act; and

ii. A seven day preelection report which shall cover the period subsequent to that covered by the Federal Election Commission reports and the period specified under the Act to be covered by seven day preelection reports, consisting of the name and address of contributor and the date and amount of each contribution to such political action committee from each contributor who is a New Jersey resident and whose contributions in the aggregate exceed $100.00, and the total amount of all contributions to such political action committee from New Jersey residents, and all contributions made by such political action committee to candidates or with respect to public questions in the New Jersey election.

iii. A 15 day post-election report which shall cover the period specified under the Act to be covered by 15 day post-election reports, consisting of the name and address of contributor and the date and amount of each contribution from each contributor who is a New Jersey resident and whose contributions in the aggregate exceed $100.00, and the total amount of all contributions to such political action committee from New Jersey residents, and all contributions made by such political action committee to candidates or with respect to public questions in the New Jersey election.

iv. The 15 day post-election report shall state whether all business of the political action committee has been wound up as to the New Jersey election. If all business of the political action committee has not been wound up as to the New Jersey election then the political action committee will file 60 day reports in accordance with the provisions of N.J.S.A. 19:44A-16, which reports shall consist of the name and address of contributor and the date and amount of each contribution from each contributor who is a New Jersey resident and whose contributions in the aggregate exceed $100.00, and the total amount of all contributions to such political action committee from New Jersey residents, and all contributions made by such political action committee to candidates or with respect to public questions in the New Jersey election. The obligation to file such 60 day reports shall continue until all of the business of the political action committee has been wound up as to the New Jersey election.

2. Every political action committee, other than one subject to the filing requirements of the Federal Election Campaign Act of 1976, P.L. 94-283, which makes contributions to or on behalf of one or more candidates for public office or makes contributions in excess of $750.00 with respect to any public question in an election subject to the Act, shall file preelection and post-election reports with the Commission on the dates and for the periods specified in the Act. The 25 day preelection reports shall include the name and address of contributor and the date and amount of each contribution from a contributor whose contribution in the aggregate exceeds $100.00, and the amount of contributions to the political action committee, and all contributions by the political action committee to New Jersey candidates and expenditures since the date of the last previous report; or, if there has been no previous report, for the 12 month period immediately preceding the date for filing 25 day preelection reports. The seven day preelection and 15 day post-election reports shall include the information specified in this paragraph for the periods covered by those reports. The 15 day post-election report filed by any political action committee shall state whether all of the business of that political action committee has been wound up as to the New Jersey election. If all of the business of the political action committee has not been wound up as to the New Jersey election, then such political action committee shall file 60 day reports in compliance with N.J.S.A. 19:44A-16.

3. For purposes of this section, the term "contribution to political action committee" shall not include:

i. Communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject;

ii. Non-partisan registration and get out the vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and

iii. The establishment, administration and solicitation of contributions to the political action committee.

(c) Every political action committee which becomes subject to the Act because of activity in New Jersey shall designate a treasurer or deputy treasurer who shall be a resident of the State of New Jersey; or shall, in the alternative, file with the Commission a consent to service of process and submission to jurisdiction in form satisfactory to the Commission; and, in addition, every political action committee, other than one subject to the filing requirements of the Federal Election Campaign Act of 1976, P.L. 94-283, shall designate as depository a bank authorized by law to transact business in the State of New Jersey.

(d) Nothing in this section shall limit the applicability of the Act and of the regulations of the Commission regarding political committees to any political action committee by virtue of activities of such political action committee (other than by contributions) with respect to candidates or public questions in any election.

1. Example 1: A national manufacturing corporation organizes a political action committee, which solicits contributions and makes contributions to candidates in Federal and state elections throughout the country. The PAC reports regularly to the Federal Election Commission in accordance with the requirements of the Federal Election Commission. In the course of an election campaign in New Jersey, the PAC becomes actively involved on behalf of a candidate in the campaign of that candidate for election to the New Jersey State Assembly, and assists the candidate in the preparation of speech materials, and prepares materials for and arranges for the placement of ads on billboards throughout the district in which the candidate is running. In that circumstance the PAC has become a political committee with respect to the candidate and must file preelection and post-election reports in accordance with the provisions of N.J.S.A. 19:44A-16 setting forth all contributions and all expenditures as required by the Act and this section, without reference to whether reporting is made by the PAC during the same time period to the Federal Election Commission.

(e) Nothing contained in this section shall limit the obligation of a candidate or a political committee receiving contributions from a political action committee to report the name, address, date and amount of contribution of every contributor, including the political action committee, whose contribution in the aggregate exceeds $100.00.]

SUBCHAPTER 5. APPOINTMENT OF TREASURERS AND DEPOSITORIES

19:25-5.1 General provisions

(a) Any person 18 years of age or over may serve as campaign treasurer for any candidate[,] **or** committee [or as treasurer for any political information organization]. A candidate may serve as his own campaign treasurer.

(b) The same person may serve as treasurer or campaign treasurer for any number of candidates[,] **or** committees [or organizations].

(c) Any bank authorized by law to transact business in the State of New Jersey may be designated as [a] **an organizational** depository or campaign depository. The same bank may serve as **organizational** depository or campaign depository for any number of candidates[,] **or** committees [or organizations]. **A bank located outside of the territory of the State of New Jersey may be designated as an organizational depository, but not as a campaign depository, if such out-of-state designation is made for a legitimate business purpose and, for auditing and enforcement purposes, the treasurer consents to accept service of process or a subpoena at an address within this State or by regular mail at an address outside of the territory of this State.**

19:25-5.2 Appointment **by candidates**

[(a)] Each candidate **receiving contributions or making expenditures** in an election [must] **shall** appoint a campaign treasurer and shall designate a campaign depository [before any contribution is received by him or in his behalf or any money is expended by him or in his behalf in furtherance or aid of his candidacy]. **Notification of the designation of the campaign treasurer and the campaign depository shall be made by the candidate filing notice of the name and address of such campaign treasurer and such depository with the commission no later than the 10th day after the candidate, or any political committee or continuing political committee which the candidate had authorized to act on the candidate's behalf, receives any contributions on behalf of the candidacy, or incurs an expenditure on behalf of the candidacy, whichever occurs first.**

[(b) Every political committee must appoint a campaign treasurer and designate a campaign depository before receiving any contribution or expending any money in furtherance or aid of the election or defeat of any candidate, or to aid the passage or defeat of any public question.

(c) A political party committee must designate a campaign treasurer and a campaign depository on or before January 31 of each year.

(d) A permanent political club as described in N.J.A.C. 19:25-4.6 must designate a campaign treasurer and campaign depository on or before January 31 of each year. Any other political club must appoint a campaign treasurer and designate a campaign depository before receiving any contribution or expending any money in furtherance or aid of the election or defeat of any candidate or to aid the passage or defeat of any public question.]

19:25-5.3 Appointment by a political committee

Each political committee must appoint a campaign treasurer and designate a campaign depository not later than the date on which it first receives any contribution or makes or incurs any expenditure in furtherance or aid of the election or defeat of any candidate, or to aid the passage or defeat of any public question. Not later than the 10th day after the initial designation of the campaign depository, the committee shall file notice of the name and address of the depository and campaign treasurer with the commission.

19:25-5.4 Appointment by a political party

Each political party committee must designate an organizational treasurer and an organizational depository on or before July 1 of each year. Not later than the 10th day after the designation of an organizational depository, the committee shall notify the commission by filing the name and address of that depository and treasurer with the commission.

19:25-5.5 Appointment by continuing political committee

Each continuing political committee must appoint an organizational treasurer and designate an organizational depository not later than the date on which it first receives any contribution or makes or incurs any expenditure in furtherance or aid of the election or defeat of any candidate, or to aid the passage or defeat of any public question. Not later than the 10th day after the initial designation of an organizational treasurer and depository, the committee shall file notice of the name and address of the organizational depository and treasurer with the commission.

[19:25-5.3] **19:25-5.6** Filing **of notification** with the commission

Each candidate or committee shall [promptly] file the name and address of the treasurer, [or] campaign treasurer **or organizational treasurer** and [depository or] campaign depository **or organizational depository** with the commission, on a form designated by the commission. [and made available through the State and county committees of the major political parties, the county clerk of each county, the municipal clerk of each municipality, the county superintendent of schools (as to school board elections only), and directly from the office of the commission.]

[19:25-5.4]**19:25-5.7** [Deputies] **Deputy treasurers and additional depositories**

(a) A campaign treasurer of a candidate may appoint deputy campaign treasurers [as required] and may designate additional campaign depositories **as may be required.** [in each county in which the campaign is conducted.] The candidate shall [promptly] file the names and addresses of deputy campaign treasurers and additional campaign depositories with the commission **not later than the fifth day after their appointment.**

(b) An [campaign] **organizational** treasurer of a political party committee or **other continuing political committee and a campaign treasurer of** a political committee may appoint deputy **organizational or** campaign treasurers [as may be required] and may designate additional **organizational or** campaign depositories **as may be required.** Such committees shall [promptly] file the names and addresses of deputy treasurers or campaign treasurers and additional depositories or campaign depositories with the commission **not later than the fifth day after their appointment or designation, respectively.**

[19:25-5.5] **19:25-5.8** Removal or resignation of treasurers

In the case of the death, resignation or removal of a **campaign** treasurer or [campaign] **organizational** treasurer, the candidate or committee shall **notify the commission of such event within five days of its occurrence. The candidate or committee shall** appoint a successor as soon as practicable and shall **notify the commission of the appointment of the successor and** file his **or her** name and address with the commission within three days of such appointment.

SUBCHAPTER 6. DEPOSIT OF FUNDS

19:25-6.1 Deposit of funds by candidates or committees

[(a) All funds received by a campaign treasurer or deputy campaign treasurer of a candidate, a political party committee or a political committee shall be deposited by the campaign treasurer or deputy campaign treasurer in a campaign depository of the candidate or committee, in an account designated "Campaign Fund of ________ (Name of candidate or committee)" no later than the 10th calendar day following receipt of such funds; except that any such treasurer or deputy treasurer may, when authorized by the candidate or committee of which he is the campaign treasurer or deputy campaign treasurer, transfer any such funds to the duly designated campaign treasurer or deputy campaign treasurer of another candidate or committee for inclusion in his or its campaign fund without first so depositing them; provided however, that a record of nondeposited funds so transferred shall be attached to the statement required to be delivered to the depository, identifying them as to the source and the amount in the same manner as deposited funds.

(b) A political party committee or political committee may include other funds in such account, but must retain sufficient records to account for the separate funds.]

(a) An organizational or campaign treasurer or deputy organizational or campaign treasurer of a candidate, political committee or continuing political committee shall make a written record of all funds which he receives as contributions to the candidate, political committee or continuing political committee, including in that record the name and address of the contributor and the amount and date of the contribution, and shall retain that record for a period of not less than four years.

(b) All funds received by a treasurer or deputy treasurer of a candidate, a political committee, or a continuing political committee serving as the campaign committee of a candidate shall be deposited by the treasurer or deputy treasurer in a depository of the candidate or committee, in an account clearly designated as such a campaign account, no later than the 10th calendar day following receipt of such funds; except that any such treasurer or deputy treasurer may, when authorized by the candidate or committee of which he is the treasurer or deputy treasurer, transmit any such funds to the duly designated or deputy treasurer of another candidate or committee for inclusion in his or her or its campaign fund without first so depositing them; provided, however, that a record of non-deposited funds so transmitted shall be maintained and included in the pre and post-election reports of the original recipient, identifying them as to the source and amount in the same manner as deposited funds.

(c) A continuing political committee not included in (b) above may include other funds in such accounts, but must retain sufficient records to account for the separate funds.

(d) A political committee or a continuing political committee which receives funds earmarked for election-related activity must deposit such funds no later than the 10th calendar day following receipt of such funds in its campaign account or other account where permitted under these regulations.

19:25-6.2 Deposit of [transferred] **transmitted** funds

All funds [transferred] **transmitted** before deposit in accordance with N.J.A.C. 19:25-6.1 shall be deposited not later than the 10th calendar day following the initial receipt of funds by the treasurer or deputy treasurer of the candidate or committee making such [transfer.] **transmittal.**

19:25-6.3 [(Reserved)] **Date of receipt of contributions**

A contribution is received on the date it is transmitted from a contributor to the treasurer, deputy treasurer or any other person authorized to accept campaign contributions on behalf of a candidate, political committee or continuing political committee. The date of deposit of any contribution shall not be used for determining the date of receipt of a contribution, and shall not be used for determining the reporting period (that is, 29-day preelection; 11-day preelection; 20-day post-election or quarterly report) in which the contribution was received.

SUBCHAPTER 7. USE OR [TRANSFER] **TRANSMITTAL** OF DEPOSITED FUNDS

19:25-7.1 Expenditures through campaign treasurer

(a) No expenditure of money or other thing of value, nor obligation therefor, including **but not limited to** expenditures, loans or obligations of a candidate himself or of his family, shall be made or incurred, directly or indirectly, to support or defeat a candidate in any election, or to aid the passage or defeat of any public question, except through:

1. The duly appointed campaign treasurer or deputy campaign treasurers of the candidate;

2. The duly appointed [campaign] **organizational** treasurer or deputy [campaign] organizational treasurers of a political party committee[;] **or other continuing political committee;**

3. The duly appointed campaign treasurer or deputy campaign treasurers of a political committee.

19:25-7.2 Use of funds; general

Funds so deposited may be used in accordance with the provisions of the [Act] **act** and of these regulations for any lawful purpose. Such funds shall not be used to defray private expenses of any candidate or any other person.

19:25-7.3 [Transfer] **Transmittal** of deposited funds to another candidate, political committee, [political party committee or political club] **or continuing political committee**

(a) The [Act] **act** does not [prevent] **prohibit** the [transfer] **transmittal** of funds by a candidate or committee to another candidate, political committee, political party committee or [political club] **other continuing political committee** for the lawful purposes of such other candidate[,] **or** committee [or club.]. [The transfer of such funds must be reported as an expenditure by the transferring candidate or committee but need not be included as an expense authorized or incurred in furtherance or in aid of the candidacy of the transferring candidate in computing the amount of expenditures for purposes of N.J.A.C. 19:25-3.1, except to the extent that such transferred funds are thereafter used in furtherance or aid of the candidacy of the transferring candidate. In the event of any such transfer, the record and record-retention procedures used by the transferring candidate or committee and by the candidate, committee or club to which the transfer is made must be adequate to permit a later demonstration, if required, that a proper allocation has been made to the transferring candidate or to any other candidate of any of such transferred funds which were extended in furtherance or in aid of the candidacy of the transferring candidate or such other candidate.

1. Example 1: "Candidate A" receives a contribution of $50.00 which is deposited in the account designated "Campaign Fund of A". He later determines that this money is not needed for his campaign and he transfers the $50.00 to the county committee of his political party. The transfer must be shown as an expenditure on his preelection and post-election reports, if such reports are required to be filed. It need not be included in calculating the expenditures in aid of the candidacy of A, except as to any portion of such transferred funds which are thereafter used in aid of the candidacy of A.]

19:25-7.4 [Transfer] **Transmittal** of deposited funds to political party committee for general purposes

The [Act] **act** does not [prevent] **prohibit** the [transfer] **transmittal** of excess or unused funds to a political party committee for the general uses of such political party committee, provided that there is no express or implied limitation by the original contributors against such [transfer] **transmittal** at the time of the contribution or thereafter.

19:25-7.5 [Transfer] **Transmittal** of deposited funds by political party committee to candidate

The [Act] **act** does not prohibit contributions to a candidate of funds contributed to a political party committee which were solicited for the general purposes of the political party committee, provided there is no express or implied limitation by the original contributors against the contribution of such funds to the candidate. Such contributions must be reported by the candidate as contributions and must be reported by the political party committee as expenditures.

19:25-7.7 Limitation on [transfer] or expenditure financial activity by political party committee

[A political party committee] **A State, county or municipal committee of a political party** may[, after a primary election but not prior thereto, receive or expend funds in furtherance and in aid of the candidacy of all candidates of such party or of any one or more of such candidates, in accordance with provisions of [the Act and this subchapter.] **not receive or expend funds in violation of N.J.S.A. 19:34-33 and N.J.S.A. 19:44A-12.**

19:25-7.8 [Use of funds by political committee; special account] **(Reserved)**

[(a) A political party committee or a political committee shall designate a separate, segregated campaign account of such political party committee or political committee to be used in aid or furtherance of the candidacy of one or more candidates. The establishment of such an account does not relieve any individual candidate from the obligation to appoint a campaign treasurer and designate a campaign depository and to file the preelection and post-election reports or affidavit required under the Act. In the event such campaign account is used, there must be sufficient identification of contributions and expenditures and a sufficient record of methods of allocation of contributions and expenditures as to permit a later demonstration, if required, that a report or affidavit of a candidate is complete and accurate and is based upon accurate records, and that the total spending limits as to any such candidate have not been exceeded.

1. Example 1: A county political party committee proposes to take an active role in the general election on behalf of three candidates for the office of freeholder. The committee must open a "Campaign account for county political party committee-1975", and must handle all contributions and expenditures in respect of that election through that separate, segregated campaign account. At the close of the campaign, the account must be closed and a final report with respect to the activities respecting that election forwarded to the commission. If the final report with respect to the account cannot be completed as part of the 15-day post-election report, then that political party committee will have the obligation to file 60-day reports until such time as a final report has been filed.]

[SUBCHAPTER 8.]
SUBCHAPTER 20. FINANCIAL DISCLOSURE BY LOBBYISTS AND LEGISLATIVE AGENTS

19:25-8.1 through 19:25-8.15 recodified as **19:25-20.1** through **19:25-20.15.**

SUBCHAPTER 8. RECORD KEEPING

19:25-8.1 Record keeping requirements

(a) An organizational or campaign treasurer or deputy organizational or campaign treasurer of a candidate, of a political committee, or of a continuing political committee shall make a written record of all funds which he or she receives as contributions to the candidate, political committee or continuing political committee, including in that record the name and address of the contributor and the amount and date of the contribution.

(b) An organizational or campaign treasurer or deputy organizational or campaign treasurer of a candidate, of a political committee, or of a continuing political committee shall make a written record of all funds which he or she expends on behalf of the candidate, political committee or continuing political committee, including in that record the name and

address of the recipient, the amount and date of the expenditure, and the purpose of the expenditure.

(c) A candidate, or the chairman of a political committee or continuing political committee shall take such steps as are necessary and appropriate to insure that a campaign treasurer, or organizational treasurer, appointed by the candidate, political committee or continuing political committee, complies with the record keeping requirements of this section and this chapter.

19:25-8.2 Period of retention

(a) All records required to be made by N.J.A.C. 19:25-8.1 shall be maintained for a period of not less than four years after the date of the election to which they are relevant, or a period of not less than four years after the transaction to which they relate occurred, whichever is longer.

(b) A candidate, or the chairman of a political committee, or continuing political committee shall take such steps as are necessary and appropriate to insure that a campaign treasurer, or organizational treasurer, appointed by the candidate, political committee or continuing political committee, complies with the record retention requirements of this section and this chapter.

SUBCHAPTER 9. PREELECTION AND POST-ELECTION REPORTS

19:25-9.1 Report [(form R-1)] **Form R-1 and Form R-2**

(a) Form R-1 is to be used for preelection and post-election **cumulative** reports by all candidates (except those filing [an affidavit] **a certified statement** in accordance with N.J.A.C. [19:25-9.5] **19:25-9.9**) [and by all committees which receive contributions to make expenditures respecting a candidate or public question in any election and are required to file].

(b) Form R-2 is to be used for preelection and post-election cumulative reports by all political committees and continuing political committees serving as candidate committees which receive contributions or make expenditures respecting a candidate or public question in any election (except those committees filing a certified statement in accordance with N.J.A.C. 19:25-9.9).

[19:25-9.2 Form of report

(a) The report shall be in the form designated by the commission and made available through the State committees and county committees of the major political parties, the county clerk of each county, the municipal clerk of each municipality, the county superintendent of schools (as to school board elections only), and directly from the office of the commission.

(b) Form R-1, revised as of June, 1974, is set forth below: Editor's Note: Form R-1 is not reproduced herein. Further information regarding this form may be obtained by contacting the Election Law Enforcement Commission, Suite 1114, 28 West State Street, Trenton, New Jersey 08625.

(c) Form R-1 shall be issued with appropriate instructions setting forth the general competions so as to facilitate filing.]

19:25-9.2 Designation of joint campaign fund (Form SR-1)

(a) Where all of the contributions and expenditures on behalf of a candidate are received or expended by a political committee, which committee is required to file financial reports under N.J.S.A. 19:44A-8, the candidate may authorize that committee to be his or her agent with respect to reporting those contributions and expenditures by filing with the commission a certification of that authorization on a form prescribed by the commission (Form SR-1).

(b) A certification filed under this section shall provide for designation by the candidate of the treasurer of the political committee as the campaign treasurer of the candidate, and shall be signed by the candidate and the treasurer of the designated political committee.

(c) Upon the filing of the certification under this section, and until the authorization is revoked in writing, and filed, with the commission by the candidate, the political committee shall file the reports which the campaign treasurer of the candidate would otherwise be required to file.

(d) A candidate filing a certification under this section shall be liable, in addition to any other penalty provided by law, to the civil penalties provided by the act if the committee fails, neglects or omits to file any report or document at the time and in the manner prescribed by the act, or omits or incorrectly states any of the information required by the act in such report or document.

19:25-9.3 Assumption of candidate's debt obligations

(a) A political committee or a continuing political committee, with the exception of political party committees for candidates in a primary election, may assume remaining debt obligations of a candidate and thereby relieve the candidate and his or her treasurer of any further reporting obligation.

(b) Any assumption of debt made pursuant to (a) above, must be preceeded by written notice to the commission of the debt assumption, which notice must be signed by the candidate and his or her treasurer and by the treasurer of the committee assuming the remaining debt obligation.

[19:25-9.3 Period covered] **19:25-9.4 Reporting dates and periods covered**

(a) During the period between the appointment of the campaign treasurer and the election, with respect to any contributions accepted or expenditures made by him or her, the **candidate and campaign treasurer in the case of the Form R-1, or the campaign treasurer in the case of the Form R-2,** [campaign treasurer] shall file his or her cumulative report:

1. On the [25th] **29th** day preceding the election; [and]
2. On the [seventh] **11th** day preceding the election; and
3. On the [15th] **20th** day following [such] **the** election.

[(b) The report shall cover the period ending with the day preceding the date of the report and beginning with the date when the most recent such report was filed, except that the first report shall cover the period beginning on the date of the appointment of the campaign treasurer, or the first receipt or expenditure by or on behalf of the candidate, or the date of filing of the petition, or the date of public declaration of candidacy whichever first occurred, and shall include all receipts and expenditures relating to pre-candidacy activity described in N.J.A.C. 19:25-3.1.]

(b) If the candidate and treasurer have not certified in the report filed on the 20th day following an election that the business of the campaign has been wound up, on the 80th day following the election, and every 60 days thereafter, the candidate and campaign treasurer in the case of the Form R-1, or the campaign treasurer in the case of the Form R-2, shall file cumulative reports until the business of the campaign has been wound up.

(c) The 29-day preelection report shall cover the period ending with midnight on the 31st day preceding the election, and beginning on the date which the first contribution was received or the first expenditure made, whichever occurred

first. The first report shall include all receipts and expenditures relating to pre-candidacy activity described in N.J.A.C. 19:25-3.1.

(d) The 11-day preelection report shall cover the period beginning from midnight on the 31st day preceding the election and ending at midnight on the 13th day preceding the election.

(e) The 20-day post-election report shall cover the period beginning with midnight on the 13th day preceding the election and ending with midnight on the 18th day following the election.

19:25-9.5 Candidate not receiving contributions or making expenditures

A candidate not receiving any contributions or making any expenditures on behalf of his or her candidacy shall file the certified statement (Form A-1) filed pursuant to N.J.A.C. 19:25-9.9.

19:25-9.6 Expenditures on behalf of a candidate

(a) When a political committee, or an individual seeking party office, makes or authorizes an expenditure on behalf of a candidate, the committee or individual shall provide written notice to the candidate containing the name and address of the committee or individual, the amount of the expenditure, the date the expenditure was made or authorized and the nature and purpose of the expenditure.

(b) The written notice described in (a) above shall be delivered to the candidate on whose behalf the expenditure was made or authorized no later than three days prior to the close of any reporting period described in N.J.A.C. 19:25-9.4. In the event that the expenditure is made three days prior to the close of a reporting period or any time thereafter until the close of a reporting period, written notice of the expenditure shall be provided to the receiving candidate and a copy forwarded directly to the commission.

(c) Absent notice to the contrary from the receiving candidate, the commission shall include the notice described in (a) above as part of the public file of the receiving candidate.

[19:25-9.4] **19:25-9.7** Time and place of filing

(a) The original and one copy of the report must be received by the commission at its office by 5:00 P.M. on the filing day. A report postmarked on the filing day but received by the [Commission] **commission** at any time subsequent to 5:00 P.M. on the filing day will not be deemed timely filed. [The report may be filed with the appropriate county clerk for transmittal to the Commission, provided that such file is made by 12:00 noon on the filing day. An additional copy of the report must be filed with the county clerk of the county in which the candidate seeks office or the county where the candidate resides, if his district includes more than one county.]

(b) As to primary and general elections only, the preelection reports and the 20-day post-election report may be filed with the appropriate county clerk for transmittal to the commission, provided that such filing is made no later than 12:00 noon on the filing day. Any report filed after 12:00 noon on a filing day will not be deemed timely filed until actually received by the commission.

(c) An additional copy of a candidate report must be filed with the county clerk of the county in which the candidate seeks office, or the county where the candidate resides if his district includes more than one county.

19:25-9.8 Contributions made immediately before election

Each campaign treasurer of a candidate or a political committee shall file a written notice with the commission of a contribution in excess of $250.00 received during the period between midnight on the 13th day prior to the election and the date of the election. The notice shall be filed in writing or by telegram with the commission within 48 hours of the receipt of the contribution, and the notice shall set forth the amount and the date of the contribution and the name and address of the contributor.

[19:25-9.5 Affidavit] **19:25-9.9 Certified statements (Form A-1 or A-2)**

(a) There is no obligation to file the report [(form R-1)] **(Form R-1)** referred to in N.J.A.C. 19:25-9.1 on behalf of a candidate if such candidate files with the commission [a sworn] **no later than the 29th day before the election a certified** statement **(Form A-1)** to the effect that the total amount expended or to be expended in behalf of his **or her** candidacy by the candidate, [by any State, county or municipal committee of a political party,] or by any [political committee, or by any] **other** person, **political committee or continuing political committee** shall not in the aggregate exceed [$1,000.] **$2,000.00.**

(b) There is no obligation to file the report (Form R-2) referred to in N.J.A.C.19:25-9.1on behalf of a political committee acting as a multi-candidate committee if the committee files with the commission a certified statement (Form A-2) to the effect that the total amount to be expended on behalf of the candidacies of two or more joint candidates by the reporting committee or by any other person, political committee or continuing political committee shall not exceed $4,000.00.

(c) If a candidate or committee which has filed such a certified statement receives contributions from any one source aggregating more than $100.00, during any reporting period, he, she or it shall further report that fact, including the identity of the source and the aggregate total of contributions therefrom to the commission on the appropriate reporting date.

[19:25-9.6] **19:25-9.10** Form of [affidavit] **certified statement**

[(a) The affidavit] **Certified statements** shall be in the form designated by the commission. [and made available through the State committees of the major political parties, the county clerk of each county, the municipal clerk of each municipality, the county superintendent of schools (as to school board elections only) and directly from the office of the Commission.

(b) The form of affidavit, revised as of June 1974, is set forth below:

Editor's Note: The form of affidavit is not reproduced herein. Further information concerning this form may be obtained from the Election Law Enforcement Commission, Suite 1114, 28 West State Street, Trenton, New Jersey 08625.

(c) The affidavit shall be issued with appropriate instructions setting forth the general filing requirements and instructions for completion so as to facilitate filing.]

[19:25-9.7] **19:25-9.11** [Time of filing; period covered] **Period covered by certified statements**

(a) [The affidavit] **Certified statements** shall be filed on or before the [25th] **29th** day preceding the election to which such [affidavit] **certified statement** relates.

(b) [The affidavit] **Certified statements** shall cover the time period beginning on the date of the appointment of the campaign treasurer, or the first receipt or expenditure by or on behalf of the candidate, or the date of filing the petition, or the date of public declaration of candidacy, whichever first occurs, and shall include all receipts and expenditures relating to pre-candidacy activity described in N.J.A.C. 19:25-3.1 and ending on the date when all of the business regarding the election to which it relates has been wound up.

[19:25-9.8 Place of filing] **19:25-9.12** Time and place of filing

(a) The original and one copy of the [affidavit] **certified statement** must be received by the [Commission] **commission** at its office by 5:00 P.M. on the filing day. [An affidavit] **A certified statement** postmarked on the filing day but received by the [Commission] **commission** at any time subsequent to 5:00 P.M. on the filing day will not be deemed timely filed. [The affidavit may be filed with the appropriate county clerk for transmittal to the Commission, provided that such filing is made by 12:00 noon on the filing day. An additional copy of the report must be filed with the county clerk of the county in which the candidate seeks office, or the county where the candidate resides[,] if his district includes more than one county.]

(b) As to primary and general elections only, the certified statement may be filed with the appropriate county clerk for transmittal to the commission, provided that such filing is made no later than 12:00 noon on the filing day. Any certified statement filed after 12:00 noon on a filing day will not be deemed timely filed until actually received by the commission.

[19:25-9.9] **19:25-9.13** Sixty-day interval report

(a) Form R-1 **or Form R-2** shall be used for the report whenever a candidate or committee shall be required to file one or more 60-day interval reports because all business in connection with a past election has not yet been wound up, or because [it] **the candidate or committee** has received contributions or made expenditures with respect to such election after the date of the [final report subsequent to such election,] **period covered by the last-filed report respecting such election,** or has conducted a testimonial affair or public solicitation for the purpose of raising funds to cover any part of the expenses relating to such election. Such reports shall cover the time period beginning **on midnight on the second day prior to the reporting date (that is, the 18th day after the election) and ending on midnight on the second day preceding the reporting date (i.e., the 78th day after the election).** [with the day succeeding the last day covered by the most recent previous report and ending with the day preceding the date on which the report is due.] Such report shall be filed with the office of the [Commission] **commission by 5:00 P.M. on the filing day.**

(b) A candidate or political committee which would be required to file 60-day interval reports due solely to the fact that it has funds remaining in its campaign depository or has unpaid obligations, and has no other business remaining with regard to the past election, may, upon application to and prior approval from the commission, be permitted to file reports each time there is a change in the status of the remaining funds or debt, but no less frequently than every six months, in lieu of the 60-day interval reports required hereunder.

[19:25-9.10] **19:25-9.14** Final report

(a) A candidate, [(or] a **political** committee **or a continuing political committee serving as a candidate committee** [formed for a particular election)] must certify in the final report that the business of the election for which it was formed has been wound up and the fund dissolved.

(b) A political committee **or a continuing political committee serving as a candidate committee** [, political party committee or political club] which continues its activities beyond the election must certify in the final report that all business regarding the election has been wound up and shall state the final disposition of any balance of funds on hand or the arrangements which have been made for the discharge of any unpaid obligations.

(c) The commission may waive the above requirements to file post-election reports if the candidate or committee certifies that the outstanding campaign obligations do not exceed 10 per cent of the expenditures from the campaign fund with respect to the election, or $1,000, whichever is less, or are likely to be discharged or forgiven. Requests for such waivers must be in writing and must set forth the facts and circumstances upon which the application is based.

SUBCHAPTER 10. [ANNUAL] **QUARTERLY** REPORTS

19:25-10.1 Report [(form R-2)] **Form R-3**

Form [R-2] **R-3** is used for the [annual report by all political party committees (including permanent political clubs)] **cumulative quarterly report by continuing political committees** which are required to file.

19:25-10.2 Form of report

[(a)] The report shall be in the form designated by the commission [and made available through the State committees of the major political parties, the county clerk of each county and directly from the office of the commission].

[(b) Form R-2 is set forth below.

Editor's Note: Form R-2 is not reproduced herein. Further information concerning this form may be obtained from the Election Law Enforcement Commission, Suite 1114, 28 West State Street, Trenton, New Jersey 08625.

(c) Form R-2 shall be issued with appropriate instructions setting forth the general filing requirements and instructions as to completion so as to facilitate filing.]

19:25-10.3 [Time of filing; period covered] **Period covered**

[The annual report shall be filed with the commission not later than March 1 of each year and shall include all contributions as defined in N.J.A.C. 19:25-11.1 and all expenditures as defined in N.J.A.C. 19:25-12.1, for the preceding calendar year.]

(a) The quarterly report shall be filed with the commission not later than April 15, July 15, October 15 and January 15 of each calendar year. The cumulative quarterly report shall include all contributions received by the committee during the period ending on the 15th day preceding that date and commencing on January 1 of that calendar year or, in the case of the cumulative quarterly report to be filed not later than January 15, of the previous calendar year, and all expenditures made, incurred or authorized by it during the period.

(b) If a continuing political committee assumes the reporting obligations of a candidate in a particular election, such committee is determined to be a political committee for purposes of the preelection and post-election reporting requirements of the act.

[19:25-10.4 Place of filing
The annual report shall be filed in the office of the commission.]

19:25-10.4 Expenditures on behalf of candidates
(a) When a continuing political committee makes or authorizes an expenditure on behalf of a candidate or political committee, the continuing political committee shall provide written notice to the candidate containing the name and address of the committee, the amount of the expenditure, the date the expenditure was made or authorized and the nature and purpose of the expenditure.
(b) The written notice described in (a) above shall be delivered to the candidate on whose behalf the expenditure was made or authorized no later than three days prior to the close of any reporting period described in N.J.A.C. 19:25-9.4. In the event that the expenditure is made three days prior to the close of a reporting period or any time thereafter until the close of a reporting period, written notice of the expenditure shall be provided to the receiving candidate and a copy forwarded directly to the commission.
(c) Absent notice to the contrary from the receiving candidate, the commission shall include the notice described in (a) above as part of the public file of the receiving candidate.

19:25-10.5 Time and place of filing
The original and one copy of the report must be received by the commission at its office by 5:00 P.M. on the following day. A report postmarked on the filing day but received by the commission at any time subsequent to 5:00 P.M. on the filing day will not be deemed timely filed.

19:25-10.6 Contributions made immediately before election
(a) Each organizational treasurer of a continuing political committee shall file a written notice with the commission of a contribution in excess of $250.00 received after the final day of the quarterly report and on or before the date of an election as to which it has made or intends to make a contribution, or otherwise intends to or does participate or intends to participate in. The notice shall be filed in writing or by telegram with the commission within 48 hours of the receipt of the contribution, and the notice shall set forth the amount and the date of the contribution and the name and address of the contributor.
(b) Whether a contribution received by a continuing political committee qualifies for reporting hereunder shall be determined according to the calculation set forth in N.J.A.C. 19:25-11.4, except that the base for any pro-ration shall be $250.00 for the purposes of this regulation.

19:25-10.7 Final report
A continuing political committee which at any point expects to cease making contributions to aid or promote the candidacy of an individual, or candidacies of individuals, or the passage or defeat of a public question or public questions in this State, shall certify that fact in writing to the commission. That certification shall be accompanied by a final accounting of any funds relating to such aiding or promoting, including the final disposition of any balance in such fund at the time of dissolution. Until that certification has been filed, the committee shall continue to file the quarterly report as provided hereunder.

SUBCHAPTER 11. CONTRIBUTIONS; REPORTING OF

19:25-11.1 General provisions
Except as otherwise **specifically** provided in [N.J.A.C. 19:25-12.1,] **these regulations,** every contribution to aid or promote the nomination, election or defeat of any candidate or candidates for public office, or to aid or promote the passage or defeat of a public question in any election must be reported.

19:25-11.2 Contributions for election-related activity
(a) Every contribution to a candidate, political committee, political party committee or [a political club shall be deemed] **other major purpose continuing political committee is determined** to be a contribution for election-related activity as described in N.J.A.C. 19:25-11.1. [, unless it shall clearly appear that such contribution is not for political purposes:]
1. Example 1: "Candidate A" has announced his intention to run for the State Assembly and has filed with the [Commission] **commission** the name and address of his campaign treasurer and campaign depository, but has not yet filed his petition. Company X mails to candidate A a check in the amount of $200.00 payable to candidate A to aid [in] his campaign, although no statement as to this purpose is included with the check. Company X has made a reportable contribution to candidate A in the amount of $200.00.
2. Example 2: "Candidate B" has been elected to the office of freeholder in a county in New Jersey. All the preelection and post-election reports relating to his campaign have been filed and the business respecting the campaign has been wound up and all expenses in connection with the campaign have been paid. A group of friends, including a number of prominent local politicians, arrange a dinner in his honor to commemorate his years of faithful service to the party. Cash and other gifts of total value of $200.00 are given to him in the course of the dinner. There is no intention that these gifts be used for political purposes and they are not so used. The dinner and the gifts are not contributions to candidate B for political purposes and are not required to be reported.

19:25-11.3 Computation of contributions: **political committees and candidates**
[(a)] **Candidates** [(or committees formed for a particular election)] **and political committees** must report as contributions the total amount of contributions and the name, address and amount of contributions made by any contributor who contributed in the aggregate more than $100.00.
[(b) Political party committees, permanent political clubs and political committees of a continuous nature must report as contributions the total amount of contributions and the name, address and amount of contribution made by any contributor who contributed in the aggregate more than $100.00, and must include the total of all other income, including dues, rental, investment or other income.
(c) Except as otherwise provided in (f) below, non-profit corporations, organizations and associations must report as contributions the total amount of contributions for election-related activity as described in N.J.A.C. 19:25-1.7, and the name, address and amount of contribution made by any contributor who contributed more than $100.00 in the aggregate for election-related activity:
1. Examples: American Civil Liberties Union, League of Women Voters.
(d) Except as otherwise provided in (f) below, trade associations, business associations, unions and other organizations

and associations (other than non-profit) must report as contributions the total amount of contributions, dues and assessments for election-related activity as described in N.J.A.C. 19:25-1.7, and the name, address and amount of such contribution made by any contributor whose contribution, dues or assessment for political activity exceeded $100.00 in the aggregate:

1. Examples: Chamber of commerce, AFL/CIO, COPE.

(e) Except as otherwise provided in (f) below, corporations, partnerships and other business or professional associations must report as contributions the total amount of money initially budgeted or initially allocated for election-related activity and deposited in a political committee or political action committee fund, together with any additional sums later so budgeted or allocated or deposited; plus the allocated value of other expenses reasonably attributable to election-related activity, where payment for such expenses has not been made through a political committee or political action committee fund (for example, payments from payroll account, or rental or office supply payments through normal business accounts); plus all amounts contributed to candidates or committees or election-related activity; plus any contribution or money utilized for election-related activity not otherwise described above:

1. Examples: General Motors Corporation, Ford Motor Company, (business organizations generally.

(f) Contributions, loans, membership fees or dues to persons or organizations described in (c) or (d) or (e) above shall not be deemed to be contributions to aid or promote the passage or defeat of a public question in any election, unless made for the express purpose of promoting the passage or defeat of such public question, or made to a person or organization whose major purpose is to engage in promoting the passage or defeat of a public question. For purposes of this subsection any person or organization shall be deemed to engage in promoting the passage or defeat of a public question as its major purpose for any calendar year in which expenditures for such activity constitute more than 50 percent of its total expenditures. Such contributions, loans, membership fees or dues (other than those made for the express purpose of passage or defeat of a public question) shall be reportable in the same proportion as the activities of the organization, association or union are for such purpose; such contributions, loans, membership fees and dues made for the express purpose of promoting the passage or defeat of a public question shall be reported in full. Contributions, fees or dues required to be reported pursuant to this subsection shall be reported in the aggregate, along with the name and address of the contributor and the date and amount of contributions, fees or dues contributed by any contributor or member, who contributed in the aggregate more than $100.00 to promote the passage or defeat of a public question during the calendar year.]

19:25-11.4 Computation of contributions: continuing political committees

(a) The computation of contributions to a continuing political committee shall include, without limitation, contributions, loans, rental, investment or other income or membership fees, assessments or dues made to the committee which relate to election activity as described in N.J.A.C. 19:25-1.7 and may be reportable depending on the nature of the continuing political committee to which the contribution is made.

(b) If the committee is a political party committee, the contributions are reportable in full, along with the name and address of contributors whose contributions aggregate more than $100.00 during the calendar year.

(c) If the committee is a major purpose continuing political committee, the contributions are reportable in full, along with the name and address of contributors whose contributions aggregate more than $100.00 during the calendar year.

(d) If the committee is a multi-purpose continuing political committee, the contributions are reportable in the same proportion as the activities of the committee are related to election activity, along with the name and address of contributors whose contributions allocated as outlined above aggregate more than $100.00 during the calendar year.

(e) If the committee is a peripheral continuing political committee, contributions are not reportable, unless earmarked for election activity, in which case they are reportable in full.

[19:25-11.4] **19:25-11.5** Contribution of goods or services

(a) Where contribution of goods is made for election-related purposes, the value of the contribution shall be the fair market value of the goods to the candidate or committee receiving them.

(b) The value of contributions made in the form of personal services shall be the actual amount of compensation paid by the contributor to the individuals actually performing said services for the performance of said services. The person contributing such services shall furnish to the campaign treasurer through whom such contribution is made a statement setting forth the actual amount of compensation paid by the contributor to the individual actually performing such services. If any such individual also performed for the contributor other services during the same period, and the manner of payment was such that payment for the services contributed cannot readily be segregated from contemporary payment for the other services, the contributor shall in his statement to the campaign treasurer so state and shall either:

1. Set forth his best estimate of the dollar amount of payment to each such individual which is attributable to the contribution of his paid personal services, and shall certify the substantial accuracy of the same; or

2. If unable to determine such amount with sufficient accuracy, set forth the total compensation paid by him to each such individual for the period of time during which the services contributed by him were performed.

(c) Voluntary personal services as described in [N.J.A.C. 19:25-1.7(i)] **N.J.S.A. 19:44A-3(f)** are not a contribution under the [Act:] **act:**

1. Example 1: "E" is a certified public accountant, who, in aid of the candidacy of candidate A has undertaken to set up the necessary books and records to reflect the financial operations of the campaign of candidate A. E employs in his office several accountants, bookkeepers and clerical personnel who perform some of the work required to maintain the financial records for the campaign of candidate A. The services of E do not constitute a contribution to candidate A since they are voluntary personal services. The value of the services of the accountants and other employees of E, estimated as described in (b) above, are a contribution to candidate A. The value of the use of special or extraordinary office equipment, such as photocopying equipment or computers, by E or his employees in connection with the campaign is also a contribution to candidate A.

[19:25-11.5] **19:25-11.6** Anonymous contributions

(a) Except as otherwise provided in (b) below, no contribution or expenditure shall be made anonymously, or in a fictitious name, or by one person or group in the name of another for an election-related purpose, and no person shall contribute or purport to contribute to any candidate or committee funds or property not actually belonging to him and in his full custody and control, or which have been given or furnished to him by any other person or groups for the purpose of making a contribution thereof.

(b) The following are not deemed to be anonymous contributions within the meaning of the act or of these regulations:

1. Group contributions by persons who are members of the contributing group;

2. Proceeds of a public solicitation, which means any activity by or on behalf of any candidate, [State, county or municipal party committee,] political committee or [political information organization] **continuing political committee** whereby either members of the general public are personally solicited for cash contributions not exceeding [$10.00] **$20.00** from each person so solicited and which are contributed on the spot by the person so solicited to the person so soliciting or through a receptacle provided for the purpose of depositing contributions, or members of the general public are generally solicited for the purchase of items having some tangible value as merchandise, at a price not exceeding [$10.00] **$20.00** per item, which price is paid on the spot in cash by the person so solicited to the person so soliciting, when the net proceeds of such solicitation are to be used by or on behalf of such candidate, [party committee,] political committee or [political information organization.] **continuing political committee.**

3. An anonymous contribution to a person or organization which engages in election-related activity shall not be deemed to be a contribution to aid the passage or defeat of a public question within the meaning of the prohibition on anonymous contributions contained in [section] **sections** 14 or 20 of the Act (N.J.S.A. 19:44A-14,20) unless the contribution is made for the express purpose of election-related activity, or is made to a person or organization whose [major] **primary** purpose is to engage in election-related activity. Any person or organization which engages in election-related activity and receives anonymous contributions must report the aggregate amount of all anonymous contribution(s) for purposes of its **reports filed pursuant to the act.** [annual report pursuant to N.J.A.C. 19:25-8.6] For purposes of this section, any person or organization shall be deemed to engage in election-related activity as its [major] **primary** purpose for any calendar year in which expenditures for such activity constitute more than 50 percent of its total expenditures.

[19:25-11.6] **19:25-11.7** Contributions for pre-candidacy activity

When an individual becomes a candidate, all funds received or payments made in connection with his or her testing the waters activity prior to becoming a candidate shall be considered contributions or expenditures under the [Act] **act** and shall be reported in accordance with the applicable reporting requirements in the first report filed by such candidate's campaign committee. The individual shall keep records of the name of each contributor, the date of receipt and amount of all contributions received and all expenditures made in connection with the individual's testing the waters activity prior to becoming a candidate. Contributions received by an individual prior to becoming a candidate for nomination for or election to the Office of Governor, which contributions are not in compliance with the [Act,] **act,** shall be returned to the contributor within 10 days after the individual becomes a candidate. The individual shall keep records of all refunds made.

19:25-11.8 Currency contributions

(a) Except as provided in (b) below, no contributions of money shall be made in currency, except contributions in response to a public solicitation.

(b) Cumulative currency contributions of up to $100.00 may be made to a candidate, political committee or continuing political committee if the contributor submits, with his contribution, a written record containing the name and address of the contributor, the date and amount of the contribution and the signature of the contributor.

SUBCHAPTER 12. REPORTING OF EXPENDITURES; [TESTIMONIAL AFFAIRS] **INDEPENDENT EXPENDITURES**

[19:25-12.1 Reporting of expenditures

(a) Candidates shall maintain records with respect to all expenditures in aid or furtherance of aid of their candidacy and (except for a candidate filing an affidavit under N.J.A.C. 19:25-9.5) shall report such expenditures in accordance with the provisions of N.J.A.C. 19:25-9 (preelection and postelection report). Payment by cash for expenditures is not unlawful; in case of such payments, receipts must be obtained from the ultimate payees and accurate records must be maintained by the campaign treasurer and included in the report for such candidate to reflect the identity of each payee, the date and amount of payment and a brief statement of the purposes of such expenditure. Expenditures incurred by lawful payment to workers on election day are expenditures on behalf of candidates. Victory parties or other similar celebrations held after the close of the polls and not held for the purpose of raising funds are not expenditures for purposes of N.J.A.C. 19:25-3.1 but must nonetheless be reported.

(b) For purposes of this regulation the term "street money" includes all payments to workers involved in get-out-the-vote drives on or close to election day or payments to challengers or poll watchers, or other payments related to election day efforts on behalf of candidates, political committees for candidates or for public questions, or for political party committees. The term includes payments made to party organization or campaign workers or others either by check payable to such named persons or by delivery of cash to such persons, and includes payments intended for further transfer to election day workers or other ultimate payees. "Street money" expenditures must be reported in accordance with the provisions of the act and of these regulations, and must be properly and reasonably allocated among the candidates and public questions for whose benefit they are made or incurred. In addition to the other reporting requirements imposed by the provisions of the act and of these regulations, the reports to the Commission shall include the name, address and amount of payment for each person who receives $25.00 or more of street money, as either an initial, intermediate or ultimate payee.

1. Example 1: County Political Party Committee draws a check in the amount of $100.00 which is delivered to Municipal Political Party Committee for disbursement to challengers and poll watchers on election day. County Political Party Committees must include in the preelection and post-election reports filed by it with respect to the election, the number of the check, the date, the name and address of the payee and the amount of the check in accordance with the provisions of the act and of these regulations. In addition, County Political Party Committee would have the obligation to require retention of records sufficient to identify initial, intermediary and

ultimate payees of such street money and the amounts of each payment, and to include in the reports of County Political Party Committee to the Commission, the name and address of each worker or other payee who received $25.00 or more, and the amount of such payment.

2. Example 2: County Political Party Committee draws a check to "Cash" for $1,000.00 and delivers $1,000.00 in cash to Municipal Political Party Committee for use as street money. In this instance, County Political Party Committee must include in its report filed with the Commission, the names, addresses and amounts of payment of each intermediary and ultimate recipient who receives $25.00 or more.

(c) A political committee acting on behalf of a candidate shall be subject to the same requirements as candidates with respect to reporting expenditures, except that no political committee or political party committee shall be required to file preelection or post-election reports as to any candidate who is not required to file such reports by virtue of his having filed an affidavit pursuant to N.J.A.C. 19:25-9.5. A political party committee may become a political committee with respect to a candidate if it is organized to or aids or promotes the nomination, election or defeat of such candidate:

1. A political committee for one or more public questions shall record and report expenditures in the same manner as described for candidates. A political party committee whose political activity in any election is solely to aid or promote the passage or defeat of a public question in such election is a political committee within the meaning of this paragraph for such public question.

(d) A political party committee shall include in its annual report all expenditures made, incurred or authorized by it during the calendar year. A political party committee which has reported expenditures with respect to an election in preelection and post-election reports may report such expenditures by reference to the filed preelection and post-election reports. General categories may be utilized to show routine and repetitive expenditures such as rent, payroll and the like, except as these are related to the candidacy of specific candidate in which case they must be specified.]

19:25-12.1 General provisions

Except as otherwise provided, every expenditure to aid or promote the nomination, election or defeat of any candidate or candidates for public office, or to aid or promote the passage or defeat of a public question in any election must be reported.

[19:25-12.2 Testimonial affairs

(a) In reporting a testimonial affair as described in N.J.A.C. 19:25-1.7(u) (or any similar affair whether or not directly or indirectly intended to raise funds or campaign funds) the total amount of receipts from ticket sales or other receipts shall

(b) For the limited purpose of computation of expenditure limits with respect to candidates, the amount of the expenditure in aid of furtherance of the candidacy of a candidate may, at the option of the candidate, be computed by using the smaller of:

1. The total amount of such expenditure as shown on the report; or

2. The total amount of such expenditure less the reasonable value of food and beverages to the persons who attended such affair and for whom a contribution in excess of the reasonable value of such food and beverages is reported.]

19:25-12.2 Expenditures for election-related activity

(a) Candidates and political committees shall maintain records with respect to all expenditures in aid or furtherance of election-related activity and shall report such expenditures in accordance with the provisions of N.J.A.C. 19:25-9 (preelection and post-election reports).

(b) When a candidate, political committee, an individual seeking party office or a continuing political committee makes or authorizes an expenditure on behalf of a candidate, the committee or individual shall provide written notification to the candidate pursuant to N.J.A.C.19:25-9.6 or 19:25-10.4.

(c) Payment by cash for expenditures is not unlawful; in case of such payments, receipts must be obtained from the ultimate payees and accurate records must be maintained by the campaign treasurer and included in the report for such candidate to reflect the identity of each payee, the date and amount of payment and a brief statement of the purposes of such expenditure. Expenditures incurred by lawful payment to workers on election day are expenditures on behalf of candidates.

19:25-12.3 Computation of expenditures; political committees and candidates

Every expenditure by a political committee or a candidate is determined to be an expenditure for election-related activity as described in N.J.A.C.19:25-12.1.

19:25-12.4 Computation of expenditures by continuing political committees

(a) The calculation of expenditures by a continuing political committee shall include all expenditures as defined in the act and this chapter, and shall include all contributions including in-kind contributions made for election purposes.

(b) Expenditures shall be reported as follows:

1. If the committee is a political party committee as defined in this chapter, every expenditure is determined to be an expenditure for election related-activity as described in N.J.A.C. 19:25-12.1 and is reportable in full;

2. If the committee is a major purpose continuing political committee as defined in this chapter, every expenditure is determined to be an expenditure for election-related activity as described in N.J.A.C. 19:25-12.1 and is reportable in full;

3. If the committee is a multi-purpose continuing political committee as defined in this chapter, the following expenditures shall be reported:

i. All contributions, including in-kind contributions, made with respect to a candidate or public question; and

ii. All expenditures which are reasonably related to election activity for:

(1) Fund raising and solicitation expenses incurred in whole or in part for election-related activities; and,

(2) A prorated portion of general organizational and administration expenses incurred for election-related activity.

(4) If the committee is a peripheral continuing political committee, no reporting shall be required with respect to expenditures, including contributions and in-kind contributions, unless:

i. The committee is engaged in fund raising and solicitation expenses with respect to election-related activity; or,

ii. The amount of contributions by such committee for any calendar year exceeds $10,000. In such cases, the activity is reportable in full.

(5) Nothing in 4. above shall be construed so as to permit the nonreporting of earmarked contributions, as described in

N.J.A.C. 19:25-7.6, received or made by a continuing political committee.

(6) Any group of two or more persons which is not required to file quarterly reports as a continuing political committee by virtue of the operation of the act or of this chapter may nevertheless have preelection and post-election reporting obligation as a political committee with respect to any election as to which it becomes:

i. An independent political committee contributing more than $1,000. or

ii. Is a political committee which is not independent contributing any amount, by virtue of election-related activity including fund raising, with respect to a candidate or public question.

[19:25-12.3] **19:25-12.5** Public question reporting threshold

A political committee which is a political committee solely as to one or more public questions with respect to any election shall not be subject to the reporting or other requirements of the Act if the total amount of its expenditures for such election does not exceed $2,500.

19:25-12.6 "Street money" expenditures

(a) For purposes of this section the term "street money" includes all payments to workers involved in get-out-the-vote drives on or close to election day or payments to challengers or poll watchers, or other payments related to election day efforts on behalf of candidates, political committees for candidates or for public questions, or for political party committees. The term includes payments made to campaign workers, party organizations or other committees either by check payable to such named persons or organizations, or by delivery of cash to such persons or organizations, and includes payments intended for further transfer to election day workers or other ultimate payees.

(b) "Street money" expenditure must be reported in accordance with the provisions of the act and of this chapter, and must be properly and reasonably allocated among the candidates and public questions for whose benefit they are made or incurred. In addition to the other reporting requirements imposed by the provisions of the act and of this chapter, the reports to the commission shall include the name, address and amount of payment for each person who receives $25.00 or more of street money, as either an initial, intermediate or ultimate payee.

[19:25-12.4] **19:25-12.7** Independent expenditures

(a) Independent expenditures [shall not be deemed to be expenditures within the meaning of section 7 of the Act, but such expenditures] shall be subject to all of the reporting and disclosure requirements of the [Act,] **act.** [subject to the provisions of N.J.A.C. 19:25-12.5.] Every person or political committee making an independent expenditure and required to report under the [Act] **act** shall include in the reports required under the [Act] **act** a sworn statement on a form provided by the commission that such independent expenditure was not made with the cooperation or prior consent of, or in consultation with or at the request or suggestion of, the candidate or any person or committee acting on behalf of the candidate.

(b) Any advertisement which is an independent expenditure shall include a clear and conspicuous statement that the advertisement is not authorized by any candidate and shall state the name and address of the person or organization making the expenditure.

[19:25-12.5] **19:25-12.8** Reporting of independent expenditures

[(a) Any political committee, not acting in concert with a candidate or any other political committee in support or defeat of a candidate or public question, which expends more than $1,000 to support or defeat such candidate or more than $2,500 to aid the passage or defeat of such public question shall be required to report all such expenditures in accordance with (c) below.]

[(b)] **(a)** Any person, not acting in concert with any other person or committee, who expends personally from his own funds without being reimbursed more than $1,000 to support or defeat a candidate or more than $2,500 to aid the passage or defeat of a public question shall be required to report all such expenditures in accordance with [(c)] **(b)** below.

[(c)] **(b)** Expenditures required to be reported pursuant to (a) [and (b)] above shall be reported either:

1. To the campaign treasurer of the candidate[, political party committee] or political committee, **or organizational treasurer for a continuing political committee,** on whose behalf such expenditure or contribution was made, or to his **or her** deputy, who shall cause the same to be included in his **or her** report to the [Election Law Enforcement Commission] commission subject to the provisions of sections 8 and 16 of the [Act;] **act**; or

2. Directly to the [Election Law Enforcement Commission] **commission** at the same time and in the same manner as a political committee subject to the provisions of section 8 of the [Act.] **act.**

[19:25-12-6] **19:25-12.9** Expenditures for pre-candidacy activity

When an individual becomes a candidate, all funds received or payments made in connection with his or her testing the waters activity prior to becoming a candidate shall be considered contributions or expenditures under the [Act] **act** and shall be reported in accordance with the applicable reporting requirements in the first report filed by such candidate's campaign committee. The individual shall keep records of the name of each contributor, the date of receipt and amount of all contributions received and all expenditures made in connection with the individual's testing the waters activity prior to becoming a candidate.

SUBCHAPTER 13. ALLOCATION OF EXPENDITURES

19:25-13.1 Allocation

(a) Where an expenditure is made on behalf of two or more candidates, the expenditure must be allocated between such candidates in a reasonable manner so as to fairly reflect the relative value to each of the candidates of such expenditure. The initial allocation should be made by the committee or candidates on a reasonable basis, and in advance of the expenditure where possible. All documents and financial records relating to the allocation and the expenditure should be retained:

1. Example: "Committee for A and B" is conducting a political campaign on behalf of candidate A and candidate B. The committee proposes to expend $100.00 for the purchase of a quantity of bumper stickers containing the slogan "Vote for A and B". The committee determines that the stickers are

of equal value to each of the candidates. Thus $50.00 of the expenditure should be allocated to candidate A and $50.00 should be allocated to Candidate B. Financial records [should be retained relating to the expenditure and should be included, with the allocation, in the appropriate preelection or post-election report if the committee is required to file such reports. A] and a record of the facts on which the allocation is based must be retained.

SUBCHAPTER 18. [POLITICAL ACTION COMMITTEES] **RESERVED**

[19:25-18.1 Political committees and political action committees; generally

(a) Any two or more persons acting jointly, or any corporation, partnership or any other incorporated or unincorporated association (including any "political action committee" described in 441b(b) of the Federal Election Campaign Act Amendments of 1976, P.L. 94-283 as a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock), which is principally organized, or the principal business of which is, to engage in political activity as defined in N.J.A.C. 19:25-1.7, is deemed to be a political committee with respect to any election in which it makes a contribution to or on behalf of one or more candidates for public office or with respect to any public question.

(b) Any two or more persons acting jointly, or any corporation, partnership or other incorporated or unincorporated association, other than the one described in (a) above, is not deemed to be a political committee with respect to any election in which its political activity is limited solely to endorsement of candidates and to cash or in-kind contributions to or on behalf of one or more candidates in such election or with respect to any public question.

(c) Any two or more persons acting jointly, or any corporation, partnership or other incorporated or unincorporated association whether of the kind described in (a) or (b) above which makes any expenditure or otherwise aids or promotes the nomination, election or defeat of any candidate or candidates for public office or acts with respect to any public question in a manner other than described in (b) above, is deemed to be a political committee with respect to such election.

(d) The term "in-kind contribution" as used in this regulation means a contribution of goods or services other than voluntary personal services. Whether a transaction is an in-kind contribution on the one hand or an expenditure on behalf of the candidate on the other hand (for any purpose, including the determination of whether the contributor is a political committee by virtue of such expenditure) is a question of fact and depends in part upon the nature and extent of participation in the candidacy of the candidate, whether funds involved in the expenditure are funds of the contributor or of other persons, and other similar considerations.

(e) This section shall not apply to any national, state, county or municipal committee of a political party nor to any political club or political committee affiliated with any such political party committee. The activities of such political party committees shall be governed by provisions of the act and the other sections of these regulations which are applicable to political party committees.]

[19:25-18.2 Reporting by political committees and political action committees

(a) Every political committee, as described in N.J.A.C. 19:25-15.38(a) and (c), shall be subject to the filing and other requirements of the act, and the preelection and post-election reports filed by a political committee shall include the name, address and amount of contribution of all contributors whose contributions in the aggregate exceed $100.00 in accordance with the act and the regulations of the commission, and shall include all contributions made to or on behalf of, or expenditures made on behalf of, any candidate or public question by such political committee.

(b) A political committee which is not organized or located in the State of New Jersey and is not based in the State of New Jersey and whose sources of contributors, solicitation procedures, and interest in elections are not more closely related to the State of New Jersey than to any other state or jurisdiction, shall not be required to file the preelection and post-election reports called for by this section if:

1. The non-Federal New Jersey election activity of such political committee is limited solely to cash or in-kind contributions to or on behalf of candidates or in respect [of] public questions; and

2. Such political committee is required to file reports of contributions and expenditures with the Federal Election Commission or a similar commission of another state; and

3. Such political committee files copies of such Federal or other reports covering the time periods and in accordance with the filing schedule set forth in (c) 2 and 3 below.

(c) In the case of a political committee which has been organized by any other political committee or by any corporation, partnership or other incorporated or unincorporated association (a "parent organization"), the following additional requirements will be applicable in the reporting of contributions and expenditures:

1. Identifying contributors to parent organization: The political committee shall report the total amount of the contributions received from the parent organization, but is not required to provide identification of contributors to the parent organization, unless:

i. The parent organization is principally organized to, or the principal business of the parent organization is to, engage in political activity; and

ii. The parent organization is not required to file reports of contributions and expenditures with the Federal Election Commission or a similar commission of another state, or, if so required, has failed to make proper and timely filing of such reports, in which event the report of the political committee must include the name, address and amount of contribution of every contributor to the parent organization whose contributions to the parent organization in the aggregate exceed $100.00.

2. Filing of Federal or other reports: If the political committee is not required to provide identification of contributors to the parent organization (by virtue of the provisions of (c)1 above), then the political committee must, in addition to the information called for under (a) above, include with its reports to the commission, photocopies of all reports of the parent organization of contributions and expenditures covering the period of one year prior to the date of the New Jersey election, and filed by the parent organization with the Federal Election Commission, or with a similar commission in any State in which it is required to file reports if no reports are required to be filed by the parent organization with the Federal Election Commission.

3. Time of filing of Federal or other reports: Copies of such reports of the parent organization shall be filed by the political committee with its first preelection report except that

copies of any reports of the parent organizaton which are required by Federal or other State law to be filed later than the date of such first preelection report, but which cover a period prior to the date of the New Jersey election, shall be filed by the political committee with the commission not later than five days after the date when they are required to be filed by the parent organization.

4. Expenditures by parent organization as contributions to political committees: A political committee which is organized or administered by a parent organization must include in its reports to the commission all contributions or expenditures of money or goods or services (including the use of office space or of the time or services of officers or employees) by the parent organization, as contributions by the parent organization to the political committee; but nothing herein contained shall be deemed to be an expression of opinion by the commission as to whether such activity shall be deemed a "contribution" by the parent organization for purposes of any Federal law or State law, other than the act (N.J.S.A. 19:44A-1 and following).

5. Nothing in these regulations shall be construed to relieve any parent organization as defined in this regulation from the requirements, including the preelection and post-election reporting requirements, of the act in circumstances where such parent organization has itself become a political committee by virtue of its own activity with respect to a candidate or a public question in a New Jersey election.

(d) All expenditures directly relating to the campaign of the candidate or candidates or to a public question in a New Jersey election, as well as all cash or in-kind contributions, must be allocated by the political committee to the candidate or candidates being supported by that committee or to the public question to which they relate, and reported in accordance with the requirements of the act and of these regulations.]

19:25-8.1 through 19:25-8.15 recodified as **19:25-20.1** through **19:25-20.15**.

[SUBCHAPTER 20.] **SUBCHAPTER 21.** SEVERABILITY CLAUSE

[19:25-20.1] **19:25-21.1** Severability clause

(a)

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

Targeting of Authority Assistance

Proposed Readoption with Amendment N.J.A.C. 19:30-4

Authorized By: James J. Hughes, Jr., Executive Director, New Jersey Economic Development Authority.
Authority: N.J.S.A. 34:1B-1 et seq., specifically 34:1B-5k and 1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and inquiries about submissions and responses, should be addressed to:

Gary Nadler, Manager of Administration
New Jersey Economic Development Authority
CN 990
Trenton, New Jersey 08625

The New Jersey Economic Development Authority thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66 (1978), this rule is to expire on August 24, 1984. The readoption of this rule becomes effective upon acceptance for filing of the notice of its readoption by the Office of Administrative Law. The amendments become effective upon publication in the Register of the notice of readoption.

This proposal is known as PRN 1984-266.

The agency proposal follows:

Summary

The New Jersey Economic Development Authority ("Authority") is proposing to readopt its targeting regulation which has been in effect since July 1, 1979 and is due to expire August 24, 1984.

The primary purposes of the Authority's programs are to retain or expand job opportunities and enlarge the tax base of the State and its local governments. The targeting regulation sets forth the requirements of eligibility for the Authority's financial assistance, and it consists of 3 parts - locational eligibility, economic sector eligibility, and special eligibility. The locational eligibility provides for assistance to those projects located in economically distressed municipalities. The qualifying municipalities are either N.J. urban aid municipalities as defined by the N.J. Department of Community Affairs and/or Authority targeted municipalities as defined by unemployment, income, and ratables (UIR Index). The economic sector eligibility identifies certain types of businesses that are more vital to New Jersey's overall economy, and regardless of where they are located within the State, they may receive financial assistance. Special eligibility relates to those projects which will have a beneficial impact on those municipalities threatened with or suffering from a substantial natural or economic disaster, or projects located in a designated blighted area, or projects that will employ a significant number of disadvantaged persons as determined by a State or local manpower program or hotel and motel projects which will provide significant benefits to the expansion of business or trourism.

The Authority continues to recognize that targeting is an important program and has had a positive impact on the Authority's overall performance. Some minor changes in the existing regulations have been made to reflect the shift in the State's economy, e.g., certain segments of business have been added because of their relationship to high technology, health care and services. Furthermore, the Authority has included as eligible projects those in construction and transportation industries.

The Central Administrative Office requirements have been deleted as they have been found to be cumbersome and an impediment to many promising projects. The 40% pre-leasing requirement for speculative industrial and office building has been deleted; however, office buildings in non-targeted municipalities must still contain a minimum of 20,000 s.f. leased to a single user.

Social Impact

The impact of the Authority's targeting regulations is of an economic nature. However, the Authority's assisting business expansion and creating jobs in those most distressed communities of New Jersey will certainly enhance the social environment of those affected.

Economic Impact

The Authority's targeting regulations have a significant beneficial economic impact on the individuals and businesses in the State. Targeting gives preferential treatment to businesses locating or located in certain municipalities. These targeted municipalities are 1) lagging economically, 2) suffer fiscal stress, or 3) have a large number of poor persons residing therein.

These targeted municipalities are able to utilize financial assistance throughout the full range of economic activity, while the non-targeted municipalities cannot. Presently, 145 municipalities in New Jersey are targeted for financial assistance. They include all of the State's 51 urban aid municipalities, plus 94 other municipalities which have high unemployment, low income and low ratables per capita.

The targeting regulation also provides financial assistance on a structural basis. The result is that businesses of certain characteristics, which are more vital to New Jersey's overall economy than others, may receive financial assistance on the grounds that the economic contribution to the strength of the State overrides location. Significant considerations relating to these businesses include 1) whether they constitute primary or industrial activity; 2) whether of a high-technology character; and/or 3) nature of goods and services provided. These certain businesses may receive financial assistance regardless of their location within the State.

The regulations also provide financial assistance to any project located anywhere in the State that offers employment to a significant number of disadvantaged persons, suffers an actual or threatened natural or economic disaster, is located in an area designated as a blighted area by the municipality, or for hotel and motel projects which will provide significant benefits to the expansion of business or tourism.

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

SUBCHAPTER 4. TARGETING OF AUTHORITY ASSISTANCE

19:30-4.1 Assistance to be provided for projects in economically distressed localities

New Jersey Economic Development Authority financial assistance for projects as defined in N.J.S.A. 34:1B-3 shall be available only to projects located in economically distressed municipalities.

19:30-4.2 Executive Director to establish list of economically distressed municipalities

(a) The Executive Director shall from time to time, but at least once each year, establish a list of economically distressed municipalities where Authority financial assistance will be available. In establishing such a list, the Executive Director shall include municipalities which meet the following criteria:

1. Municipalities qualified for State aid under the provisions of L.1978, c.14;

2. Municipalities which meet three of the four following standards:

i. Unemployment rate above the State average;

ii. Per capita income lower than the State average;

iii. Ratables per capita less than the State average;

iv. A total number of unemployed persons of 1,000 or more.

(b) A municipality shall remain on the list of economically distressed municipalities for a period of one year after the municipality ceases to meet the above criteria.

19:30-4.3 Projects to be considered under special circumstances

Notwithstanding the provisions of N.J.A.C. 19:30-4.1, the Authority will review applications for assistance and will consider providing financial assistance for projects which will have a beneficial impact on municipalities threatened with or suffering from a substantial natural or economic disaster; or projects located in a designated [urban renewal] **blighted** area; or projects which will employ a significant number of disadvantaged persons, as determined by a contract with a [CETA prime sponsor or equivalent local manpower program.] **State or local manpower program, or hotel and motel projects which will provide significant benefits to the expansion of business or tourism.**

19:30-4.4 Projects exempted

(a) Notwithstanding the provisions of N.J.A.C. 19:30-4.1:

1. The following projects shall be eligible for Authority financial assistance, regardless of location:

[i. Commercial fishing projects;

ii. Motion picture production and allied services;

iii. Research and development laboratories;

iv. Facilities described in Section 103(c) (4) and (5) of the Internal Revenue Code (6 U.S.C. 103(c) (4) and (5)), which include:

(1) Airports, docks, wharves, mass commuting facilities, parking facilities, storage or training facilities directly related to any of the foregoing available to the general public;

(2) Convention or trade show facilities; and

(3) Industrial pollution control projects.

v. Proprietary nursing homes and other licensed health care facilities.

2. The following projects shall be eligible for Authority financial assistance regardless of location, provided that an applicant is not acquiring, constructing or equipping the project for speculative purposes:

i. Manufacturing and industrial projects;

ii. Wholesale trade projects;

iii. Motor freight transportation and warehousing;

iv. An office building in which a single user occupies a minimum of 20,000 square feet of net usable space as a central administrative office.]

i. Agriculture, forestry and fishing;

ii. Construction industry;

iii. Manufacturing;

iv. Transportation, communication, electric, gas and sanitary sewers;

v. Wholesale trade;

vi. Motion picture production, distribution and allied services;

vii. Research, development, medical and commercial testing laboratories;

viii. Proprietary hospitals, nursing homes and outpatient care facilities;

ix. Data processing, business, secretarial and vocational schools, except vocational high schools;

x. Computer and data processing services;

xi. Facilities described in Section 103(c) (4) and (5) of the Internal Revenue Code (6 U.S.C. 103(c) (4) and (5)), which include:

(1) Airports, docks, wharves, mass commuting facilities, parking facilities, storage or training facilities directly related to any of the foregoing available to the general public;

(2) Convention or trade show facilities; and

(3) Industrial pollution control projects.

xii. An office building in which a single user occupies a minimum of 20,000 square feet of total rental square feet.

[(b) A project will be deemed to be acquired, constructed or equipped for speculative purposes, if the applicant does not have written commitments, satisfactory to the Authority, for the purpose of rental of a minimum of 40 per cent of the net usable space prior to official action by the Authority.]

[(c)]**(b)** Projects eligible for financial assistance under this section must also meet other applicable standards and policies.

19:30-4.5 Effective date

The provisions of this subchapter shall apply to all projects for which financial assistance initially has been authorized by a resolution of the members of the Authority on or after July 1, 1979.

(a)

CASINO CONTROL COMMISSION

Applications
Fees

Proposed Amendments: N.J.A.C. 19:41-9.4, 9.5, 9.6, 9.8, 9.9, 9.9A, 9.11 and 9.12

Authorized By: Theron G. Schmidt, Executive Secretary, Casino Control Commission.

Authority: N.J.S.A. 5:12-63(c)(d), -69, -70(e), -141 and -142.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

William H. Delaney, Director
Division of Financial
Evaluation & Control
Casino Control Commission
3131 Princeton Pike Office Park
Building No. 5, CN-208
Trenton, New Jersey 08625

At the close of the period for comments, the Casino Control Commission may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-236.

The agency proposal follows:

Summary

The proposed amendments to the Casino Control Commission fee schedule will eliminate or substantially eliminate deficits in the Casino Control Fund. Thus, the Casino Control Commission and Division of Gaming Enforcement will be self sufficient.

These proposed amendments were developed to reflect a realistic billing rate (a rate directly associated with the increased Casino Control Commission and Division of Gaming Enforcement budgets). Consequently, those applicants and licensees which require a greater level of effort will be charged at an appropriate rate for such efforts.

Social Impact

It is anticipated that these proposed amendments will foster competition among casino service industries in the Atlantic City gaming industry. These proposals eliminate the unlimited liability for licensing fees currently faced by gaming related casino service industry applicants and licensees. In addition, these proposals lower the licensing fees for non-gaming related casino service industry applicants and licensees which should encourage more companies to file.

Economic Impact

These proposed amendments have no significant economic impact. Primarily, these amendments change the methodology by which fees are assessed.

Currently, if the Casino Control Fund's fiscal year end fund balance is a deficit, such deficit is assessed to operating casinos. These amendments should eliminate or substantially eliminate such deficits via the charging of a higher hourly billing rate throughout the year.

The proportion of the revenues collected from casino licensees and applicants versus all other sources will remain substantially the same.

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

19:41-9.4 Casino license fees

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

(e) As a component of its initial license fee or renewal fee and as a condition of casino licensure, each applicant or licensee shall be required:

1. Except as otherwise provided herein, to pay at the rate of [$30.00] **$40.00** per hour for efforts of professional staff members of the Commission and the Division on matters directly related to the applicant or licensee[;]**, and all other professional staff as required by N.J.S.A. 5:12-63(f) of the Act, who are required to be present at all times during the operation of any casino; and**

2. To reimburse any unusual costs or out of pocket expenses incurred by the Commission or the Division in regard to such matters [; and]**.**

[3. To pay at the rate of $20.00 per hour for the efforts of the Division's enforcement unit of casino inspectors who are required by section 63(f) of the Act to be present at all times in operating casinos.]

(f) (No change.)

19:41-9.5 Work permits

In accordance with Sections 106 and 142 of the Act, a casino licensee shall obtain work permits for all persons appointed or employed by such licensee. [and shall pay an issuance fee and annual renewal fee for such permits. The issuance fee for a work permit shall be $50.00 and the annual renewal fee shall be $30.00.] **Each casino licensee shall pay an annual fee of $50.00 per person per work permit.**

19:41-9.6 Slot machine fees

(a) (No change.)

(b) In accordance with Section 100(h) of the Act, no slot machine shall be used to conduct gaming unless it is identical to a model thereof which has been specifically tested by the Division and licensed for use by the Commission. Any person seeking to have a prototype slot machine so tested and licensed shall pay an initial minimum amount of $500.00, which shall be applied to the total fee. Such person shall be required to pay at the rate of [$30.00] **$40.00** per hour for the efforts of professional employees or agents of the Commission and Division engaged in the examination, testing and consideration of the prototype slot machine.

(c) (No change.)

19:41-9.8 Casino service industry license fees; gaming related

(a) (No change.)

(b) In order to recover the cost of the thorough investigation and consideration of license applications by those sensitive industries, [the following application and issuance fee schedule is adopted:] **the initial application and issuance fee for these industries is $3,000 per year.**

[1. A minimum application charge of $2,500 which shall be credited to the total fee; and

2. Payment for the efforts of professional agents and employees of the Commission and the Division at the rate of $30.00 per hour in matters directly related to the applicant; and

3. Payment for all unusual or out of pocket expenses incurred by the Commission or the Division in investigating and considering the application.]

(c) In order to recover costs for monitoring compliance with the Act and the regulations and for assuring the continued fitness of these sensitive service industries, [the following renewal fee schedule is adopted:] **the renewal application and issuance fee for these industries is $3,000 per year.**

[1. A minimum renewal application charge of $2,000, which shall be credited to the total fee; and

2. Payment for the efforts of professional agents and employees of the Commission and the Division at the rate of $30.00 per hour spent on matters directly related to the applicant or licensee; and

3. Payment for all unusual or out of pocket expenses incurred by the Commission or the Division in matters directly related to the applicant or licensee.]

[(d) Notwithstanding the foregoing, the Division shall promptly notify the Commission, as soon as it appears to the Division that it will incur expenses in excess of $10,000 in connection with the issuance or renewal of a gaming related casino service industry license. At such time, the Division shall also provide an estimate of the total expenses which it will incur in that matter.]

19:41-9.9 Casino service industry license fees; non-gaming related

(a) (No change.)

(b) The issuance fee for a three year non-gaming related casino service industry license shall be [as follows:] **$1,500.**

[1. A minimum application charge of $1,000, which shall be credited to the total fee; and

2. Payment for the efforts of professional agents and employees of the Commission and the Division at the rate of $30.00 per hour spent on matters directly related to the applicant; and

3. Payment for all unusual or out of pocket expenses incurred by the Commission or the Division in investigating and considering the application; provided, however, that the amount of the issuance fee shall not exceed $3,000 unless the Division notifies the applicant and the Commission within 75 days of receipt of the application that the Division's expenses shall exceed $3,000 and unless the Commission approves the charging of more than the $3,000 maximum to the applicant.]

(c) The renewal fee for a three year non-gaming related casino service industry license shall be [as follows:] **$1,500.**

[1. A minimum application charge of $750.00, which shall be credited to the total fee; and

2. Payment for the efforts of professional agents and employees of the Commission and the Division at the rate of $30.00 per hour spent on matters directly related to the licensee; and

3. Payment for all unusual or out of pocket expenses incurred by the Commission or the Division in matters directly related to the licensee; provided, however, that the amount of the renewal fee shall not exceed $3,000 unless the Division notifies the licensee and the Commission as soon as it appears that the Division's expenses will exceed $3,000 and unless the Commission approves the charging of more than the $3,000 maximum to the licensee.]

19:41-9.9A Junket enterprise license fees

(a) (No change.)

(b) The issuance fee for a three year junket enterprise license shall be [as follows;] **$1,500.**

[1. A minimum application charge of $1,000, which shall be credited to the total fee; and

2. Payment for the efforts of professional agents and employees of the Commission and the Division at the rate of $30.00 per hour spent on matters directly related to the applicant; and

3. Payment for all unusual or out of pocket expenses incurred by the Commission or the Division in investigating and considering the application; provided, however, that the amount of the issuance fee shall not exceed $3,000 unless the Division notifies the applicant and the Commission within 75 days of receipt of the application that the Division's expenses shall exceed $3,000 and unless the Commission approves the charging of more than the $3,000 maximum to the applicant.]

(c) The renewal fee for a three year junket enterprise license shall be [as follows:] **$1,500.**

[1. A minimum application charge of $750.00, which shall be credited to the total fee; and

2. Payment for the efforts of professional agents and employees of the Commission and the Division at the rate of $30.00 per hour spent on matters directly related to the licensee; and

3. Payment for all unusual or out of pocket expenses incurred by the Commission or the Division in matters directly related to the licensee; provided, however, that the amount of the renewal fee shall not exceed $3,000 unless the Division notifies the licensee and the Commission as soon as it appears that the Division's expenses will exceed $3,000 and unless the

Commission approves the charging of more than the $3,000 maximum to the licensee.]

19:41-9.11 Casino key employee license fees

(a) (No change.)

(b) The fee for the issuance or renewal of a casino key employee license shall be as follows:

1. (No change.)

2. Payment for the efforts of professional agents and employees of the Commission and Division at the rate of [$30.00] **$40.00** per hour spent on matters directly related to the applicant or licensee; and

3. Payment for all unusual or out of pocket expenses incurred by the Commission and the Division on matters directly related to the applicant or licensee; provided, however, that the amount of the issuance or renewal fee shall not exceed $3,000. [unless the Division notifies the Commission and the applicant or licensee within 75 days of the receipt of an application for initial licensure or as soon as possible in renewal cases that the Division's expenses will exceed $3,000 and unless the Commission approves the charging of more than $3,000 maximum to the applicant or licensee.]

19:41-9.12 Gaming school resident director license fees

(a) (No change.)

(b) The issuance fee or renewal fee for a three-year resident director license shall be as follows:

1. (No change.)

2. Payment for the efforts of professional agents and employees of the Commission and the Division at the rate of [$30.00] **$40.00** per hour spent on matters directly related to the applicant or licensee; **and**

3. Payment of any unusual or out of pocket expenses incurred by the Commission or the Division on matters directly related to the application; provided, however, that the amount of the issuance fee or renewal fee shall not exceed $3,000. [unless the Division notifies the Commission and the applicant within 75 days of the receipt of the application for the initial license or as soon as it appears to the Division in renewal cases that the Division's expenses will exceed $3,000 and unless the Commission approves charging more than the $3,000 to the applicant or licensee.]

RULE ADOPTIONS

AGRICULTURE

(a)

DIVISION OF MARKETS

New Jersey Sire Stakes Program
New Jersey Sire Stakes Rules

Adopted Amendments: N.J.A.C. 2:32-2.32 and 2.36
Adopted Repeal and New Rule: N.J.A.C. 2:32-2.17

Proposed: February 21, 1984 at 16 N.J.R. 297(a).
Adopted: April 12, 1984 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
Filed: April 17, 1984 as R.1984 d.161, **without change.**

Authority: N.J.S.A. 5:5-91.

Effective Date: May 7, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): March 21, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

2:32-2.17 Qualifying conditions

(a) All starters in the New Jersey Sire Stakes Pari-mutuel Division must meet the qualifying conditions in this section for the 1984 racing season.

(b) The 1984 New Jersey Sire Stakes Qualifying Times at the Pari-mutuel tracks will be as follows:

	1 Mile Track	5/8 Mile Track	1/2 Mile Track
Two-Year-Old Trot	210	211	212
Three-Year-Old Trot	205	206	207
Four-Year-Old Trot	203	204	205
Two-Year-Old Pace	205	206	207
Three-Year-Old Pace	203	204	205
Four-Year-Old Pace	202	203	204

(c) If a horse initially makes qualifying time but then fails to meet qualifying time in a subsequent event, it must then requalify to meet the standards of the raceway at which the race is to be contested.

(d) Official workouts are not acceptable as a substitute for a qualifying racing line.

(e) All other qualifying standards in effect at the track where the race is being conducted must be adhered to.

(f) All starters in the New Jersey Sire Stakes Fair Division must meet the following condition for the 1983 racing season:

1. All horses, two-, three-, and four-year-olds, must have at least one satisfactory racing line in 2:15 or better within 30 days of declaration. A satisfactory racing line is defined as a qualifying or racing line, charted in 2:15 or better, and without any breaks.

2:32-2.32 Baby Races

All Baby Races shall consist of no more than eight starters per heat at Freehold and Showplace Farms, and 10 starters per heat at the Meadowlands. There must be at least four horses entered in a division in order to conduct a heat solely for that division. If less than four horses are entered in a division, the remaining horses shall be seeded into other divisions. The New Jersey Sire Stakes representative shall be permitted to seed horses in Baby Races according to owners, trainers, money earned, sex.

2:32-2.36 Establishment of "Final" Race

(a) There will be a two- and three-year-old "Final" race in each division with a minimum purse of $50,000 as well as a "Final" race in the four-year-old divisions with a minimum purse of $25,000 at both Freehold and the Meadowlands raceways. There will be a $20,000 Fair "Final" race in each division. There will be no entry fees for these events and each is open to the top 10 New Jersey Sire Stakes point winners at the Meadowlands and the top eight New Jersey Sire Stakes point winners at Freehold in each division. This applies to yearlings nominated in 1982. The two-, three-, and four-year-old Finals at Freehold in 1982 will consist of 10 starters, the three- and four-year-old Finals in 1983 will consist of 10 starters, and the four-year-old Finals in 1984 will consist of 10 starters. In the event that one or more of the top 10 point earners cannot start, the ninth, 10th, 11th, and 12th, etc., horse(s) will move up. In addition, two "Also Eligibles" will be carries in each division. Two-year-old "Baby Race" points will not be considered as points toward the "finals" in either the Fair or Pari-mutuel Divisions.

(b) Beginning in 1984, all horses competing in both the Pari-mutuel and Fair "Finals" at all tracks will be determined on a point basis. The point value will be awarded as follows:

1. 50 points for winning a heat;
2. 25 points for placing second in a heat;
3. 12 points for placing third in a heat;
4. 8 points for placing fourth in a heat;
5. 5 points for placing fifth in a heat.

CIVIL SERVICE

(a)

CIVIL SERVICE COMMISSION

Examinations and Applications
Promotions of Employees in County Welfare Boards

Adopted Repeal: N.J.A.C. 4:3-8.2

Proposed: November 7, 1983, at 15 N.J.R. 1788(b).
Adopted: April 3, 1984 by the Civil Service Commission, Eugene J. McCaffrey, Sr., President.
Filed: April 9, 1984 as R.1984, d.152, **without change**.

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

Effective Date: May 7, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): None.

Summary of Public Comments and Agency Responses:

Public Comments

Mr. Anthony Staltari of the America of Federation of State, County and Municipal Employees (AFSCME) submitted comments in behalf of the members of Local 2306, Hudson County Division of Welfare. He requested that N.J.A.C. 4:3-8.2 not be repealed but be amended to add a Child Support Paternity Series. Mr. Staltari asserts that repealing the rule would restrict promotions and transfers thereby narrowing career ladder possibilities for affected employees.

Agency Response

The Civil Service Commission carefully reviewed the comments submitted by AFCSME Local 2306 and it was determined that by repealing N.J.A.C. 4:3-8.2 the employees would actually be provided with additional career ladder possibilities since the rules of general applicability for promotions are less restrictive than those currently applied to the social work series or those proposed by Mr. Staltari.

Pursuant to the rule of general applicability that governs promotions, N.J.A.C. 4:1-8.4, permanent employees must have one year of permanent service in the specified titles rather than meeting the open competitive requirements in order to be eligible for promotion. There is no requirement that this time in service must be served immediately before the announced closing date for filing an application. Additionally, N.J.A.C. 4:1-8.4, the rule which will supercede N.J.A.C. 4:3-8.2, allows a broader scope of eligibility to all qualified permanent employees than N.J.A.C. 4:3-8.2. The Civil Service commission has therefore determined that the proposed repeal should be adopted for the overall benefit and general good of Civil Service employees in the social work or social-work related series.

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Rooming and Boarding Houses State-contracted Facilities; Licenses; Exceptions

Adopted Amendments: N.J.A.C. 5:27-1.6 and 1.9

Proposed: February 6, 1984 at 16 N.J.R. 181(a).
Adopted: March 30, 1984 by John P. Renna, Commissioner, Department of Community Affairs.
Filed: April 11, 1984 as R.1984, d.154, **without change**.

Authority: N.J.S.A. 55:13B-4.

Effective Date: May 7, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): July 1, 1985.

Summary of Public Comments and Agency Responses:

Comments were received from representatives of the Division of Mental Health and Hospitals, various mental health agencies and an attorney writing as a concerned member of the public.

The Division of Mental Health and Hospitals, as well as most of the agencies, generally supported the proposed amendments but thought that they did not go far enough. The Division of Mental Health and Hospitals wanted the Class D regulations to cover facilities operated under "affiliation agreements" with a State agency. The Department's response to this point is that an "affiliation agreement" is a type of contract and the requisite contractual relationship with a State agency therefore exists. The Division of Mental Health and Hospitals and some of the agencies also wanted provisions included to exempt Class D facilities from the requirements with regard to operators. The Department's reply is that this requirement is statutory and therefore cannot be changed by regulation.

The comment submitted by the attorney was in opposition to the proposed amendment to N.J.S.A. 5:27-1.9 providing for waiver of regulations in subchapters six through eleven upon request of a contracting State agency unless the Bureau finds that harm to residents would thereby result. The attorney's point was that State-contracted facilities should be held to the same standards as every other facility. In contrast, a comment submitted by one of the agencies protested that certain rules in subchapter 3 (Rights of Residents) should also be covered by this waiver provision. The Department's response is that the qualification that the Bureau not grant a waiver if it finds that harm to residents would result provides protection against abuse by State agencies and their contractors, but that it is not prepared to extend this expedited waiver procedure into the area of residents' rights. Waivers can still be given in particular cases when a right is involved that is not also statutory.

Finally, a comment was received from the New Jersey Association of Mental Health agencies expressing the fear that the proposed amendments would impose new standards upon existing facilities, would increase license fees for them, and would impair the ability of new facilities to avail themselves of the exemption from zoning controls for community residences for the developmentally disabled established by P.L. 1978, c.159 (N.J.S.A. 40:55D-66.1 et seq.). The Department's response is that the proposed amendments would impose no new burdens, inasmuch as all Class D facilities are already subject to licensure as Class C facilities, and that fears concerning limitations on P.L. 1978, c.159 are without any legal foundation because, if the Rooming and Boarding House Act of 1979 (P.L. 1979, c.496; N.J.S.A. 55:13B-1 et seq.) did not repeal or limit P.L. 1978, c.159, and the Department is satisfied that it did not, then certainly no regulations adopted under that Act can have such an effect. If a facility is a "community residence for the developmentally disabled" for purposes of P.L. 1978, c.159, it remains such for those purposes even if it is also a "boarding house" for purposes of P.L. 1979, c.496.

Full text of the adoption follows.

5:27-1.6 Licenses
(a) (No change.)
(b) There shall be four classes of licenses, which shall be as follows:
1.-3. (No change.)
4. Class D license: Valid only for facilities operated under contract with an agency of the State of New Jersey.
(c) The annual fees for licenses shall be as follows:
1.-2. (No change.)
3. Class C or Class D license: $100.00 plus the amount determined in accordance with (c)5 below;
4.-5. (No change.)
(d)-(i) (No change.)
(j) A Class D license shall specify the type of facility for which it is issued. Except as otherwise provided in this chapter, any service which may be provided under a Class C license may be provided under a Class D license and any facility operated under a Class D license shall conform to all standards that would be applicable to the facility were it operated under a Class C license.

5:27-1.9 Exceptions
(a)-(c) (No change.)
(d) Upon the request of a State agency which has a contractual relationship with the owner of a facility operated under a Class D license, the Bureau shall waive application of any regulation contained in subchapters six through eleven of this chapter, unless the Bureau finds that harm to residents or the public generally would thereby result.

(a)

OFFICE OF THE OMBUDSMAN FOR THE INSTITUTIONALIZED ELDERLY

Ombudsman Practice and Procedure and Public Notice Requirements

Adopted Repeal: N.J.A.C. 5:100-1
Adopted New Rule: N.J.A.C. 5:100-1

Proposed: March 19, 1984 at 16 N.J.R. 476(a).
Adopted: April 23, 1984 by John J. Fay, Jr., Ombudsman.
Filed: April 23, 1984 as R.1984 d.168, **without change**.

Authority: N.J.S.A. 52:27G-1 et seq., specifically 52:27G-5d.

Effective Date: May 7, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1989.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

SUBCHAPTER 1. GENERAL PROVISIONS

5:100-1.1 Purpose of the Office of the Ombudsman
(a) The Office of the Ombudsman will advocate for the health, safety and welfare, and the civil and human rights of the institutionalized elderly, age 60 or over; and will take necessary actions to secure the same.
(b) The Office of the Ombudsman will receive, investigate, and resolve complaints concerning facilities offering health related services for the institutionalized elderly, age 60 or over.

5:100-1.2 Contact with the Office
(a) Any person may contact the Office to lodge a complaint or to report any information concerning the health, safety and welfare, and the civil and human rights of institutionalized elderly persons.
(b) The Office may be contacted by calling a toll-free telephone number: 800-792-8820; or by writing to: The Office of the Ombudsman for the Institutionalized Elderly, CN 808, Trenton, New Jersey 08625.
(c) The Office can and will maintain confidentiality with respect to information received from a complainant, if so requested.

5:100-1.3 Investigations
(a) The Office will respond to complaints and other information received.
(b) Prior to the initiation of an investigation, a jurisdictional determination will be made:
1. If the Office lacks jurisdiction, the complaint or information received will be referred to the appropriate agency.
2. If the Office has jurisdiction, it will initiate a prompt and thorough investigation.
(c) At the completion of the investigation, the Office will notify the complainant of its findings.
(d) The Office may take the following action on substantiated complaints:
1. Attempt to resolve the matter through negotiations;
2. Refer the results of the investigation to an appropriate government agency, prosecuting agency or professional licensing board;
3. Initiate appropriate legal and/or equitable actions;
4. Make its findings known through the media;
5. Recommend the adoption of regulations or the introduction of legislation;
6. Conduct private and public hearings; and
7. Take any other appropriate action.

5:100-1.4 Hearings
(a) The Office may hold private or public hearings pursuant to N.J.S.A. 52:27G-8(d)(2).
(b) In holding a hearing, the Office will use the following procedure:
1. Any individuals and/or agencies who may bear a relation to the subject of the inquiry or investigation will be given at least 20 days notice prior to the convening of the hearing. Such notice will indicate the nature and scope of hearing.
2. The hearing will be held at a time and place to be determined by the Office.
3. The chairperson will conduct the hearing and will act as final arbiter on all questions, disagreements and/or rulings made throughout the hearing. The chairperson shall be designated by the Ombudsman.
4. An oath will be administered by a person authorized by law to any individual giving testimony.
4. An oath will be administered by a person authorized by law to any individual giving testimony.
5. Every individual who testifies may be accompanied by counsel who shall be permitted to advise the individual of his rights, subject to reasonable limitations to prevent obstruction of or interference with the orderly conduct of the hearing.
6. Prior to any testimony being taken, but after an oath is administered, any individual shall be allowed to give an opening statement to the chairperson.
7. The rules of evidence shall be relaxed for the purpose of obtaining as much information as possible. Any objections shall be noted in the record, but will not necessarily work to exclude relevant testimony.
8. During the course of the hearing, all questions and/or requests for information shall be directed to the chairperson. Similarly, written sworn statements may be directed to the chairperson upon request.
9. At all hearings, a record will be kept either by an electronic recording device or by transcription. Upon completion of the hearing, any individual and/or agency may request, at its own expense, a transcript of the proceedings.
10. At the completion of the hearing, the chairperson will prepare written findings, based on the facts presented and the conclusions drawn during the hearing.

5:100-1.5 Community Service
The Office will make itself available for the purpose of informing and educating interested individuals and groups about general issues of concern affecting the civil and human rights of the institutionalized elderly.

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF COASTAL RESOURCES

Coastal Permit Program Regulations

Adopted Repeals: N.J.A.C. 7:7-2, 7:7A-1, 7:7D-1 and 7:7D-2
Adopted New Rules: N.J.A.C. 7:7

Proposed: December 19, 1983 at 15 N.J.R. 2090(a).
Adopted: April 5, 1984 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: April 19, 1984 as R.1984 d.164, **with technical and substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1D-9, 13:19-17, 13:9A-3 and 12:5-3.

Effective Date: May 7, 1984.
Operative Date: June 1, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1989.
Docket No. 069-83-11.

Summary of Public Comments and Agency Responses:

The Division of Coastal Resources is responsible for the implementation of three different coastal construction permit laws: the Coastal Area Facility Review Act (CAFRA), the Wetlands Act and the Waterfront Development Law. In 1980, the substantive policies which are used to evaluate permit applications under these laws were consolidated into Chapter 7E of the New Jersey Administrative Code. However, the procedural regulations which govern the permit review process were not similarly consolidated.

The purpose of this adoption is to bring together, in one place, a uniform set of procedures for making decisions on CAFRA, Wetland and Waterfront Development permits. This represents the first comprehensive review of these rules since the first Wetlands Order was promulgated in 1972 and the adoption of the CAFRA procedural rules in 1976. It involves the consolidation of three chapters of the Administrative Code (Chapter 7, 7A and 7D) into one, together with some changes and refinements.

Public hearings on this proposal were held in Trenton, Toms River and Ocean City on January 11 and 12, 1984. Oral comments were received from approximately 42 people at those hearings. Written comments were received from public interest groups, trade groups and individuals.

Most of the comments concerned the proposed rules at N.J.A.C. 7:7-2.1(a)(4) and 7:7-2.3(c) to treat floating homes as "dwelling units" for the purposes of CAFRA (which requires a permit for the construction of 25 or more dwelling units or the equivalent thereof) and as "development" requiring a permit for the purposes of the Waterfront Development Law. The commentors were almost uniformly opposed to the proposal. Specific criticisms were that the definition of a floating home was too vague, that it was impossible to enforce, and that it unfairly discriminated against floating homes since it does not apply to conventional vessels which are used as liveaboards.

RESPONSE: The proposed regulation (N.J.A.C. 7:7-2.1(a)) defines a floating home as a "waterborne structure designed and intended primarily as a permanent or seasonal dwelling, not for use as a recreational vessel, and which will remain stationary for more than 30 consecutive days" (emphasis added). The Division believes that the term "designed and intended primarily as a permanent or seasonal dwelling" provides adequate guidance in distinguishing a floating home from a more traditional vessel.

The corollary criticism of the proposed rule was that it is based entirely on the structure's appearance. The Department disagrees, believing that appearance and design characteristics reflect the use for which the structure was designed and intended. There is no question that a traditional vessel can be used as a permanent or seasonal dwelling. However, the physical characteristics which make it a traditional vessel (such as a propulsion system, an auxiliary power system, and a steering system) and the cost associated with building in those characteristics, indicate that it was not designed primarily as a dwelling, but as a vessel capable of open water navigation, which may be used as a dwelling.

Conversely, a vessel which has all the attributes of a dwelling unit, but none of the characteristics of a vessel intended for use as a means of navigation. (that is, no engines, no steering system, and no auxiliary power system) is clearly designed and intended as a dwelling, and, in the view of the Department, should be regulated under CAFRA and the Waterfront Development Law. The fact that it is capable of being moved (by virtue of the fact that it floats) does not change the fact that it was designed and intended for use as a residence.

The Department recognizes that the localized impact of a floating home and a traditional vessel due to overboard discharges may be the same. In cases where there is no overboard discharge of septic wastes (as is the case with many floating homes), or of gasoline or grease, the impact of a floating home is even less. The reasons for the distinction, however, go beyond localized impacts. CAFRA and the Waterfront Development Law require the Department to examine both the impacts and the appropriateness of a wide range of activities. The Department presumes that structures which are designed and intended primarily as residential dwelling units will be used as such, and should be treated as such for State regulatory purposes. As to the regulation of individual floating homes, the Department sees no difference between a permanently moored floating home and a floating dock, pier or other floating structure, all of which are already regulated under the Waterfront Development Law.

A number of comments concerning more detailed elements of the proposal were submitted by the Natural Resources Defense Council, the American Littoral Society, the New Jersey Builders Association, Public Service Electric & Gas Co. and Jersey Central Power & Light Co. Some changes in the original proposal were made in response to these comments, and appear in this adoption. They are not substantial however, and do not enlarge or curtail the scope of the proposal.

All public comments and agency responses are described in a document which is on file with the Office of Administrative Law, and copies of which has been sent to persons who commented on the proposal.

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

DIVISION OF COASTAL RESOURCES: COASTAL PERMIT PROGRAM RULES

SUBCHAPTER 1. GENERAL

7:7-1.1 Purpose and scope:

(a) This chapter establishes the procedures by which the Department of Environmental Protection will review permit applications and appeals from permit decisions (including appeals to the Coastal Area Review Board) under the Coastal Area Facility Review Act (CAFRA, N.J.S.A. 13:19-1 et seq.), the Wetlands Act (N.J.S.A. 13:9A-1 et seq.) and the Waterfront Development Law (N.J.S.A. 12:5-3).

(b) The following types of activities are regulated under each of these laws:

1. CAFRA: The construction of any facility listed in Section 3 of the Act (N.J.S.A. 13:19-3) or in N.J.A.C. 7:7-2.1, within the coastal area described in Section 4 of the Act (N.J.S.A. 13:19-4).

2. Wetlands Act: The draining, dredging, excavation, or deposition of material, and the erection of structures, driving of pilings or placing of obstructions in any coastal wetlands which have been mapped or delineated pursuant to the Wetlands Act. A list of these maps and a full list of regulated activities appears in N.J.A.C. 7:7-2.2.

3. Waterfront Development Law: The filling or dredging of, or placement or construction of structures, pilings or other obstructions in any tidal waterway, or in certain upland areas adjacent to tidal waterways. These requirements are fully explained in N.J.A.C. 7:7-2.3.

7:7-1.2 Authority

The provisions of this chapter were adopted pursuant to N.J.S.A. 13:1D-9, N.J.S.A. 13:19-17, N.J.S.A. 13:9A-3, and N.J.S.A. 12:5-1 et seq.

7:7-1.3 Definitions

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

"CAFRA" means the Coastal Area Facility Review Act (N.J.S.A. 13:19-1 et seq.).

"Commissioner" means the Commissioner of the Department of Environmental Protection or designated representative.

"Department" means the Department of Environmental Protection.

"Coastal Permit" means a CAFRA, Wetlands or Waterfront Development Permit.

"Development" means any activity for which a coastal permit is required, including site preparation and clearing.

"Division" means the Division of Coastal Resources.

"Excavation" means the extraction of sand, gravel, earth or any other material.

"Filling" means the depositing of sand, gravel, earth or any other material.

"Permit" means any legal instrument constituting permission to undertake construction pursuant to CAFRA (N.J.S.A. 13:19-1 et seq.), the Wetlands Act (N.J.S.A. 13:9A-1 et seq.), or the Waterfront Development Law (N.J.S.A. 12:5-3).

"Person" means any corporation, company, association, society, firm, partnership, individual or government agency.

"Regulated activity" or "activity" means any activity for which a permit is required under CAFRA, the Wetlands Act or Waterfront Development Law, and shall also include the terms "project" and "facility".

"Regulated Wetland" means any wetland which has been mapped and the map promulgated pursuant to the Wetlands Act.

"Site" means the land or area upon which a proposed facility is to be constructed.

"Site preparation" means that substantial physical activity which is an integral part of a continuous process of land development or redevelopment for a particular facility which must occur before actual construction of that facility may commence. It does not include the taking of soil borings, performing percolation tests, driving test pilings, or construction of demonstration or model dwelling units.

"Structure" means any assembly of materials above, on or below the surface of the land or water, including but not limited to buildings, fences, dams, pilings, breakwaters, culverts, pipes, pipelines, piers, roads, railroads, bridges, and includes floating structures.

7:7-1.4 Policies for evaluating permit applications

All applications for coastal permits shall be *[reviewed]* ***approved, conditionally approved or denied*** pursuant to the Department's Rules on Coastal Resource and Development Policies, N.J.A.C. 7:7E.

7:7-1.5 Permits and permit conditions

(a) Legal authority to undertake a regulated coastal activity shall be embodied in a permit issued by the Division of Coastal Resources. Permits may be issued with conditions, including conditions that must be satisfied prior to commencement of construction, at the discretion of the Division.

(b) The following standard procedural conditions shall apply to all coastal permits:

1. A permittee shall notify the Division, in writing, at least three days prior to the beginning of construction on the site.

2. A permittee shall notify the Division in writing within seven days of the completion of construction at the site, and within seven days of commencement of operation of a CAFRA facility. At this time, the permittee shall also certify that all conditions of the permit that must be met prior to operation of the facility have been met.

3. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction, structure or structures. Neither the State nor the Department shall, in any way, be liable for any loss of life or property which may occur by virtue of the activity or development resulting from any permit.

4. A permittee shall allow the authorized representatives of the Department free access to the site at all times when construction activity is taking place, and at other times upon notice to the permittee. The permittee shall provide free of charge to the Department all of its equipment reasonably necessary for inspection of the site.

5. No substantial change in plans or specifications upon which a permit is issued shall be made except with the written permission of the Division, in accordance with N.J.A.C. 7:7-4.10.

6. A copy of the permit shall be posted prominently at the site and shall be exhibited upon request to any person.

7. The permittee shall inform the Division of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Division may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit, pursuant to N.J.A.C. 7:7-4.11.

8. Plans and specifications in the application and conditions imposed by a permit shall remain in full force and effect so long as the proposed facility or any portion thereof is in existence, unless modified pursuant to N.J.A.C. 7:7-4.10.

9. If any condition of a permit is determined to be legally unenforcable, modifications and additional conditions may be substituted as necessary to protect the public interest.

10. A permit is subject to suspension or revocation for violations of its terms and conditions. A permittee shall, upon receipt of a notice of suspension or revocation, comply with the terms of such notice and shall, if required, cease such construction.

11. The Division may issue a revised permit for good cause when circumstances warrant minor changes in the original permit which will not result ion additional adverse environmental impacts.

12. If a permit condition requires the dedication of land to a political subdivision for open space and/or recreational or other uses, the permittee shall, within 45 days of the political subdivision's decision whether or not to accept the land, furnish proof to the Division of the political subdivision's decision with respect to such dedication, or the permit may be revoked as provided in N.J.A.C. 7:7-4.11.

13. In the event of rental, lease, sale or other conveyance of the site by the permittee, the permit shall be continued in force and shall apply to the new tenant, lessee, owner or assignee so long as there is no change in the site, proposed construction or proposed use of the facility, as described in the original application.

14. If a permit contains a condition that must be satisfied prior to the commencement of construction, the permittee must comply with such condition(s) within six months of the effective date of the permit, or provide an explanation of why such condition(s) cannot be satisfied.

15. A copy of the permit shall be filed with the appropriate county clerk as notice to prospective purchasers.

(c) The following standard substantive conditions shall apply to all coastal permits, where appropriate:

1. A permittee shall employ appropriate measures to muffle noise where necessary during construction, as specified in N.J.S.A. 13:16-1 et seq. and N.J.A.C. 7:29 (Noise control).

2. Development which requires soil disturbance, the creation of drainage structures, or changes in natural contours shall conduct operations in accordance with "Standards for Soil Erosion Sediment Control in New Jersey", revised and adopted September 9, 1974, by the New Jersey State Soil Conservation Committee, except appendices C-1 and C-2, and shall also comply with N.J.S.A. 4:24-39 through 4:24-55. These standards are hereby incorporated by reference.

(d) A permitted activity shall be commenced and completed within five years from the date of permit issuance, unless the scope of the project is such that a longer time period is required. In such cases the Division may, upon request, extend the time period in which to complete the activity.

(e) The Division may, after public notice, issue a general permit for activities which are substantially similar in nature and cause only minimal individual and cumulative environmental impacts.

7:7-1.6 Provisional permits

(a) The Division may issue a provisional permit if it finds that the beginning of construction prior to the completion of the full permit review process is necessary either to meet the regulatory or funding requirements of a Federal or State agency, or to respond expeditiously to the harm and suffering caused by a catastrophe including, but not limited to, any storm, explosion, drought or other disaster.

(b) The issuance of a provisional permit shall not exempt the permittee from any of the requirements of this chapter. A permit application must be submitted before a provisional permit can be issued, and all permit review procedures shall be complied with following issuance of the provisional permit.

(c) The Division may waive or modify the requirements of this chapter in the event of an emergency as described in (a) above in order to facilitate the submission and issuance of provisional permits.

7:7-1.7 Procedure where more than one permit is required

(a) When a proposed facility or project requires more than one coastal permit, the Division will require only one application, but that application must comply with the requirements of each applicable permit program. This does not preclude an applicant from submitting separate applications if the timing or magnitude of a project requires it.

(b) The fee to be submitted for such an application shall be the highest of any of the required permit fees provided for in N.J.A.C. 7:1C-1.5.

7:7-1.8 Permit fees

Permit fees are established by the Department pursuant to the 90 Day Construction Permit Law and are published at N.J.A.C. 7:1C-1.5. The Division will maintain a printed fee schedule for public use.

7:7-1.9 Construction

This chapter shall be liberally construed to effectuate the purpose of the Acts under which it was adopted. The Division may, in its discretion, relax their application when necessary and in the public interest.

7:7-1.10 Severability

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

SUBCHAPTER 2. ACTIVITIES FOR WHICH A PERMIT IS REQUIRED

7:7-2.1 CAFRA

(a) A CAFRA "facility" includes any of the facilities designed or utilized for the purposes enumerated in N.J.S.A. 13:19-3(c), including "Public facilities and housing"; "Sanitary landfills"; "Waste treatment plants"; "Road, airport or highway construction"; "New housing developments of 25 or more dwelling units or equivalent"; and "Expansion of existing developments by the addition of 25 or more dwelling units or equivalent".

(b) The Department interprets the statutory term "facility" in its broadest sense so as to provide adequate environmental safeguards for the construction of any facility in the coastal area. On the other hand, the Department interprets the statutory intent as excluding relatively minor construction or reconstruction. To that end, the following statutory terms are interpreted as follows.

1. "Road, airport, or highway construction" means:

i. The widening of an existing road or highway, including jughandle construction, which increases the number of through lanes;

ii. New road construction of more than 1,200 feet in length or the extension of an existing road by more than 1,200 feet, including a cumulative total of 1,200 feet of road extension or construction in any one municipality at any one site in any one year;

iii. The impervious or pervious paving of an area of more than two acres for motor vehicle parking and related access thereto. Paving does not include mere grading or regrading.

2. "Public facilities" exclude elementary and secondary schools.

3. "Installation of above or underground pipelines designed to transport petroleum, natural gas, and sanitary sewage," means:

i. The construction or extension of a sewer line 1,200 feet or more in length with a design capacity of 9,600 gallons per day or greater, including a cumulative total of 1,200 feet or more of sewer line extensions in any one municipality at any one site in any one year;

ii. The replacement, restoration and repair of sewerage pipes, including substitutions of materials in these pipes, if an increase in design capacity will result;

iii. The repair, modification, or replacement of sanitary system components, including upgrading of systems from primary to secondary treatment, if an increase in design effluent flow will result;

iv. Sewer line extensions to service new housing developments of more than 25 dwelling units.

4. "New housing developments or expansion of existing developments by the addition of 25 or more dwelling units or equivalent" means:

i. The subdivision or resubdivision of a parcel of land which results in the creation of 25 or more building lots, where the owner of such parcel will not conduct actual construction;

ii. The construction of 25 or more dwelling units on contiguous parcels of property, regardless of present ownership, where there is a proposed sharing of infrastructure constructed to serve those parcels including, but not limited to, roads, utility lines, drainage systems, open spaces or septic drain fields;

iii. The construction of 25 or more dwelling units on contiguous parcels of property which were under common ownership on or after September 19, 1973 (the effective date of CAFRA), regardless of present ownership;

iv. The construction of 25 or more dwelling units on contiguous parcels of land where there is some shared pecuniary, possessory, or other substantial common interest by one or more individuals in the units;

v. The construction of 25 or more motel or hotel rooms, campsites (for tents and/or recreational vehicles), dwelling units in an institution, mobile home sites, or the construction of hospitals or nursing homes with a capacity of 75 or more beds;

vi. The mooring of 25 or more floating homes in a marina. For the purposes of this subparagraph, a floating home is defined as a waterborne structure designed and intended primarily as a permanent or seasonal dwelling, not for use as a recreational vessel, and which will remain stationary for more than 30 consecutive days;

vii. Any building lots or dwelling units in existence on or before September 19, 1973 or which have been determined to be exempt from the requirements of this subchapter due to on-site construction on or before September 19, 1973, will not be counted when determining if a new or expanded residential development exceeds 25 units. The total number of dwelling units in a new or expanded development need not be restricted to any single municipal tax block nor to any one period in time in order to require a permit.

5. This subchapter shall not apply to those facilities for which an exemption was obtained on the basis that on-site construction had taken place on or before September 19, 1973.

7:7-2.2 Wetlands

(Note: This section incorporates the requirements of the Wetlands Order issued by the Commissioner of Environmental Protection on April 13, 1972 pursuant to P.L. 1970, c.272.)

(a) Wetlands permits are required for almost all activities in coastal wetlands delineated and mapped pursuant to the Wetlands Act, and are divided into two categories.

1. Type "A" Wetland permits are required for:

i. The cultivation and harvesting of naturally occurring agricultural or horticultural products. This provision shall not apply to the continued production of commercial salt hay or other agricultural crops on lands utilized for these purposes on or before April 13, 1972;

ii. The excavation of an individual mooring slip;

iii. The maintenance or repair of bridges, roads, highways, railroad beds or the facilities of any utility or municipality. This provision shall not apply to emergency repairs necessitated by a natural disaster or a sudden and unexpected mechanical, electrical or structural failure. Written notification of such repairs shall be provided to the Division within seven days after their initiation;

iv. The construction of catwalks, piers, docks, landings, footbridges and observation decks.

2. Type "B" Wetland permits are required for:

i. The installation of utilities;

ii. Excavation of boat channels and mooring basins;

iii. The construction of impoundments;

iv. The construction of sea walls;

v. The diversion or appropriative use of water;

vi. The use of pesticides, except those applied to the skin or clothing for personal use;

vii. Driving or causing to pass over or upon wetlands, any mechanical conveyance which may alter or impair the natural contour of the wetlands or the natural vegetation.

(b) The following activities are prohibited on regulated wetlands:

1. Placing, depositing or dumping any solid waste, garbage, refuse, trash, rubbish or debris;

2. Dumping or discharging treated or untreated domestic sewage or industrial wastes, either solid or liquid;

3. Applying any pesticide on areas containing significant stands of high vigor Spartina alterniflora (Saltmarsh cordgrass), Zizania aquatica (Wildrice), Typha sp. (Cattail), and Scirpus americanus (common threesquare) as shown generally on wetlands maps;

4. The storage or disposal of pesticides;

5. The application of persistent pesticides.

(c) The Wetlands Order promulgated by the Commissioner of Environmental Protection in April 1972, any amendments thereto, and these rules shall be applicable only in those areas shown waterward of the upper wetland boundary on the following wetlands maps:

1. Middlesex County:

574-2082	588-2076	595-2070
574-2088	588-2082	595-2076
581-2082	588-2106	595-2082
581-2088	588-2112	595-2088
581-2100	588-2118	595-2094
581-2106		595-2106
581-2112		602-2064
581-2118		602-2076
		602-2082
		602-2088
		602-2094
		602-2100
		602-2106
		609-2094
		609-2100
		609-2106

2. Monmouth County:

455-2166	546-2178	574-2172
462-2160	546-2184	574-2178
462-2166	546-2190	574-2184
462-2172	553-2160	574-2190
469-2154	553-2166	581-2112
469-2160	553-2172	581-2118
476-2166	553-2178	581-2124
476-2172	553-2184	581-2130
476-2178	553-2190	581-2136
483-2172	560-2166	581-2142
490-2166	560-2172	581-2148
490-2172	560-2178	581-2154
490-2178	560-2184	581-2160
497-2172	560-2190	581-2166
532-2178	567-2172	581-2184
539-2154	567-2718	588-2118
539-2166	567-2184	588-2124
539-2172	567-2190	588-2130
539-2178	574-2118	588-2136
539-2184	574-2124	588-2142
539-2190	574-2154	588-2184
546-2154	574-2160	595-2178
546-2160	574-2166	595-2184
546-2172		

3. Ocean County:

245-2088	252-2106	259-2112
245-2094	259-2070	259-2118
245-2100	254-2076	266-2070
245-2106	259-2082	266-2076
252-2076	259-2088	266-2082
252-2088	259-2094	266-2088
252-2094	259-2100	
252-2100	259-2106	

266-2094	322-2148	406-2118
266-2100	329-2124	406-2124
266-2106	329-2130	406-2130
266-2112	329-2136	406-2148
266-2118	329-2142	406-2154
273-2076	329-2148	406-2160
273-2088	329-2154	413-2118
273-2094	336-2124	413-2148
273-2100	336-2130	413-2154
273-2112	336-2142	413-2160

273-2118	336-2148	420-2142
273-2124	336-2154	420-2148
280-2088	343-2130	420-2154
280-2094	343-2148	420-2160
280-2100	343-2154	427-2142
280-2106	343-2160	427-2148
280-2112	350-2130	427-2154
280-2118	350-2136	427-2160
280-2124	350-2148	434-2148
280-2130	350-2154	434-2154
287-2100	350-2160	434-2160
287-2106	357-2124	434-2166
287-2112	357-2130	441-2148
287-2124	357-2136	441-2154
287-2130	357-2142	441-2160
294-2106	357-2160	441-2166
294-2112	364-2130	441-2172
294-2118	364-2136	448-2148
294-2124	364-2142	448-2154
294-2130	364-2160	448-2160
294-2136	371-2136	448-2166
301-2112	371-2142	448-2172
301-2118	371-2148	455-2154
301-2124	371-2160	455-2166
301-2130	378-2142	462-2154
301-2136	378-2148	462-2172
308-2118	378-2160	469-2154
308-2124	385-2142	
308-2130	385-2148	
308-2136	385-2160	
308-2142	392-2136	
315-2124	392-2142	
315-2130	392-2148	
315-2136	392-2154	
315-2142	399-2130	
315-2148	399-2136	
322-2124	399-2142	
322-2130	399-2148	
322-2136	399-2154	
322-2142	399-2160	

4. Burlington County:

252-2064	273-2076	420-1938
259-2046	280-2004	420-1944
259-2052	280-2010	427-1926
259-2058	280-2016	427-1932
259-2064	280-2022	427-1938
259-2070	280-2028	434-1908
266-2034	280-2040	434-1914
266-2040	280-2046	434-1920
266-2046	280-2052	434-1926
266-2052	280-2058	434-1932
266-2058	287-2004	448-1944
266-2064	287-2010	448-1950
266-2070	287-2016	448-1956
273-2022	287-2040	462-1968
273-2028	287-2046	469-1974
273-2034	294-2040	476-1980
273-2040	413-1896	476-1986
273-2046	413-1902	483-1986
273-2052	420-1890	483-1992
273-2058	420-1896	490-1986
273-2064	420-1932	490-1992
273-2070		

5. Atlantic County:

161-1980	189-2052	224-2094
161-1986	189-2058	231-2058
161-1992	196-1974	231-2064
161-1988	196-1980	231-2070
161-2004	196-1986	231-2076
168-1956	196-2034	231-2082
168-1962	196-2040	231-2088
168-1968	196-2046	231-2094
168-1974	196-2052	231-2100
168-1980	196-2058	238-2058
168-1986	196-2064	238-2064
168-1992	196-2070	238-2070
168-1998	203-1980	238-2076
168-2004	203-1986	238-2082
168-2010	203-2040	238-2088
168-2016	203-2046	238-2094
168-2022	203-2052	245-2046
168-2028	203-2058	245-2052
168-2034	203-2064	245-2058
175-1974	203-2070	245-2064
175-1980	203-2076	245-2070
175-1986	210-1974	252-2046
175-1992	210-1980	252-2040
175-1998	210-1986	252-2052
175-2004	210-2040	252-2058
175-2010	210-2046	252-2064
175-2016	210-2052	252-2070
175-2022	210-2058	259-2034
175-2028	210-2064	259-2040
175-2034	210-2070	259-2046
175-2040	210-2076	259-2052
182-1980	210-2082	259-2058
182-1986	210-2088	259-2064
182-1992	217-1974	259-2070
182-1998	217-1980	266-2022
182-2004	217-1986	266-2028
182-2010	217-2040	266-2034
182-2016	217-2046	266-2040
182-2022	217-2052	273-2026
182-2028	217-2058	273-2022
182-2034	217-2064	273-2028
182-2040	217-2070	273-2034
182-2046	217-2076	280-2004
182-2052	217-2082	280-2010
189-1974	217-2088	280-2016
189-1980	217-2094	280-2022
189-1986	224-1980	287-1998
189-1992	224-2052	287-2004
189-1998	224-2058	287-2010
189-2022	224-2064	287-2040
189-2028	224-2070	
189-2034	224-2076	
189-2040	224-2082	
189-2046	224-2088	

6. Cape May County:

035-1914	084-1968	126-1950
035-1920	084-1974	126-1956
035-1926	091-1932	126-1980
035-1932	091-1938	126-1986
035-1938	091-1944	126-1992
042-1914	091-1956	126-1998
042-1920	091-1962	133-1926

042-1926	091-1968	133-1932
042-1932	091-1974	133-1986
042-1938	091-1980	133-1992
042-1944	098-1932	133-1998
049-1914	098-1938	133-2004
049-1926	098-1944	140-1926
049-1932	098-1950	140-1932
049-1938	098-1962	140-1974
049-1944	098-1968	140-1980
049-1950	098-1974	140-1992
056-1914	098-1980	140-1998
056-1920	098-1986	140-2004
056-1932	105-1932	140-2010
056-1938	105-1938	147-1980
056-1944	105-1944	147-1986
056-1950	105-1968	147-1992
056-1956	105-1974	147-1998
063-1938	105-1980	147-2004
063-1944	105-1986	147-2010
063-1950	112-1932	154-1980
063-1956	112-1938	154-1986
063-1962	112-1944	154-1992
070-1920	112-1950	154-1998
070-1926	112-1956	154-2004
070-1944	112-1968	154-2010
070-1950	112-1974	154-2016
070-1956	112-1980	161-1962
070-1962	112-1986	161-1968
070-1968	112-1992	161-1974
077-1920	119-1926	161-1980
077-1926	119-1932	161-1986
077-1932	119-1938	161-1992
077-1950	119-1944	161-1998
077-1956	119-1950	161-2004
077-1962	119-1974	161-2010
077-1968	119-1980	161-2016
084-1926	119-1986	161-2022
084-1932	119-1992	168-1956
084-1938	126-1926	168-1962
084-1950	126-1932	168-1968
084-1956	126-1938	168-1974
084-1962	126-1944	168-1980
		168-1986
		168-1992
		168-1998
		168-2016
		168-2022

7. Cumberland County:

119-1926	154-1902	189-1806
126-1860	154-1908	189-1812
126-1866	161-1818	189-1818
126-1896	161-1824	189-1824
126-1902	161-1830	189-1830
126-1908	161-1836	189-1890
126-1914	161-1842	189-1896
126-1920	161-1848	189-1902
126-1926	161-1854	196-1782
133-1854	161-1860	196-1788
133-1860	161-1866	196-1794
133-1866	161-1872	196-1836
133-1872	161-1878	196-1842
133-1878	161-1884	196-1890
133-1884	161-1896	196-1896
133-1890	161-1914	203-1782

133-1896	168-1812	203-1788
133-1902	168-1818	203-1794
133-1908	168-1824	203-1800
133-1914	168-1830	203-1806
133-1920	168-1836	203-1812
133-1926	168-1842	203-1818
140-1854	168-1848	203-1824
140-1860	168-1854	203-1836
140-1866	168-1902	203-1842
140-1972	168-1908	203-1890
140-1878	168-1914	210-1782
140-1884	175-1812	210-1788
140-1890	175-1818	210-1794
140-1896	175-1824	210-1800
140-1914	175-1830	210-1836
147-1860	175-1836	217-1782
147-1866	175-1842	217-1788
147-1872	175-1848	217-1794
147-1878	175-1896	217-1836
147-1884	175-1902	224-1788
147-1890	175-1908	224-1794
147-1986	175-1914	224-1800
147-1902	182-1800	
147-1908	182-1806	
154-1836	182-1812	
154-1842	182-1818	
154-1848	182-1824	
154-1854	182-1830	
154-1860	182-1836	
154-1866	182-1842	
154-1872	182-1896	
154-1878	182-1902	
154-1884	182-1908	
154-1896	182-1914	
	189-1794	
	189-1800	

8. Salem County:

196-1782	252-1770	287-1782
196-1788	252-1776	287-1788
203-1776	252-1782	294-1746
203-1782	252-1788	294-1752
203-1788	259-1752	294-1764
210-1776	259-1758	294-1770
210-1782	259-1764	294-1776
210-1788	259-1770	194-1782
217-1764	259-1776	294-1788
217-1770	259-1782	294-1794
217-1776	259-1788	301-1764
217-1782	259-1794	301-1770
217-1788	259-1800	301-1776
224-1752	266-1758	301-1782
224-1758	266-1764	301-1788
224-1764	266-1770	301-1794
224-1770	266-1776	308-1770
224-1776	266-1782	308-1776
224-1782	266-1788	308-1782
224-1788	266-1794	315-1764
224-1794	266-1800	315-1770
224-1800	273-1746	315-1776
231-1752	273-1752	315-1800
231-1758	273-1758	315-1806
231-1764	273-1764	322-1770
231-1770	273-1770	322-1788
231-1776	273-1776	322-1794

231-1782	273-1782	322-1800
231-1788	273-1788	329-1770
238-1752	273-1794	329-1776
238-1758	280-1746	329-1782
238-1764	280-1752	329-1788
238-1770	280-1758	329-1794
238-1776	280-1764	329-1800
238-1782	280-1770	336-1770
245-1752	280-1776	336-1776
245-1758	280-1782	336-1788
245-1764	280-1788	336-1794
245-1770	280-1794	343-1782
245-1776	287-1746	343-1788
245-1782	287-1752	343-1794
245-1752	287-1764	
252-1758	287-1770	
252-1764	287-1776	

9. Gloucester County:

315-1800	343-1800	357-1836
315-1806	343-1806	357-1842
322-1794	350-1794	357-1848
322-1800	350-1800	364-1806
329-1794	350-1806	364-1812
329-1800	350-1818	364-1818
329-1806	350-1824	364-1824
329-1818	350-1830	364-1830
329-1824	350-1842	364-1836
336-1788	350-1848	364-1842
336-1794	350-1854	364-1854
336-1800	357-1794	364-1860
336-1806	357-1800	364-1878
336-1812	357-1806	371-1848
336-1818	357-1812	371-1854
343-1782	357-1818	371-1872
343-1788	357-1824	371-1878
343-1794	357-1830	378-1866

10. Camden County:

364-1878	378-1872	420-1890
371-1872	413-1896	420-1896
371-1878	413-1902	
378-1866		

11. Mercer County:

476-1980	483-1986	490-1980
476-1986	483-1992	490-1986
483-1980	490-1974	

7:7-2.3 Waterfront development

(a) The waterfront area regulated under this subchapter is divided into two sections, and will vary in width in accordance with the following rules:

1. Within the "coastal area" defined by section 4 of CAFRA (N.J.S.A. 13:19-4) or within any part of the Hackensack Meadowlands Development District as delineated at N.J.S.A. 13:17-4.1, the area regulated by this section shall include any tidal waterway of this State and all lands lying thereunder, up to the mean high water line.

2. In all other areas of the State (*[for example,]* ***that is*** in those areas outside of the "coastal area" defined by CAFRA and outside of the Hackensack Meadowlands Development District), the regulated waterfront area shall consist of the area as described in (a)1 above, and an adjacent upland

area extending landward from the mean high water line to the first paved public road, railroad or surveyable property line existing on September 26, 1980 (the effective date of these rules) generally parallel to the waterway, provided that the landward boundary of the upland area shall be no less than 100 feet and no more than 500 feet from the mean high water line.

(b) This subchapter shall apply to all man-made waterways and lagoons subject to tidal influence.

(c) The following development activities will require a permit in that portion of the waterfront area at or below mean high tide:

1. The removal or deposition of sub-aqueous materials (for example, dredging or filling);

2. The construction or alteration of a dock, wharf, pier, bulkhead, breakwater, groin, jetty, seawall, bridge, piling, mooring dolphin, pipeline, cable, or other similar structure.

3. The mooring of a floating home ***not registered in New Jersey as of June 1, 1984*** for more than 30 days (see N.J.A.C. 7:7-2.1(b) for a definition of floating home).

4. Dredging, the installation of aids-to-navigation, or other similar activities directly related to navigation will not require a permit when conducted by an agency of the United States Government ***, nor will the installation of temporary aids to navigation by any person, provided that it is in place for no more than seven days***.

5. The repair, replacement or renovation of an existing dock, wharf, pier, floating dock or similar structure will not require a permit, provided that the repair ***, replacement or renovation*** does not increase the size or dimension of the structure, and that the structure is used solely for residential purposes, or for the docking or servicing of pleasure vessels. For the purposes of this section, "repair, replacement or renovation" means the replacement of any component of a structure intended to restore it to a sound state or to the condition in which it originally existed.

(d) A permit will be required in that portion of the waterfront area between the mean high water line and the landward boundary described in (a)2 above for the construction, expansion or enlargement of any structure, or for the excavation or filling of any area with the exceptions listed below:

1. The construction of an individual single family dwelling unit or addition to such unit, if constructed more than 100 feet inland from the mean high water line;

2. The reconstruction, conversion, alteration or enlargement of any existing structure located more than 100 feet inland from the mean high water line, provided that no change in land use results, and that enlargements do not exceed 5000 square feet;

3. Minor additions to or changes in existing structures or manufacturing operations, where such changes or additions do not result in a change in the present land use of the site.

(e) Any person preposing to undertake or cause to be undertaken any development or activity in or near the waterfront area may request in writing a determination that that proposal is not subject to the requirements of this subchapter on the basis that the proposed development site is located outside the waterfront area, or that the proposed facility does not require a permit under (d) above.

1. The requesting party shall provide the Division with two copies of a map depicting the project site in a scale of not less than 1:2,400 (one inch equals 200 feet) and a project description. When the applicability determination request is based on a proposed facility's location landward of the first surveyable property line more than 100 feet from the waterway, the map shall depict that property line as it is depicted on the official local tax map as of September 26, 1980, shall delineate the mean high water line, and shall graphically depict the proposed project.

2. The Division shall, within 30 days of receipt, return the map to the requesting party, indicating on the map the waterfront area boundary and its relationship to the project site.

(f) A permit is required for the filling of any lands formerly flowed by the tide, the filling of which took place after 1914 without the issuance of a tidelands grant, lease or license by the Department of Environmental Protection and Tidelands Resource Council or their predecessor agencies, even where such lands extend beyond the landward boundary of the upland area defined in (a)2 above.

1. A permit application submitted under this subsection must be submitted in conjunction with an application for a Tidelands grant, lease or license.

2. In addition, a permit is required for any development on lands formerly flowed by the tide where such a permit is required as a condition of the Tidelands grant, lease or license applicable to such lands. This requirement applies regardless of the land's location with respect to the upland area regulated under this subchapter.

(g) This subchapter shall not apply to any development or activity in the upland area and in man-made waterways and lagoons for which on-site construction, including site preparation, was in progress on or prior to September 26, 1980.

1. Any person who believes that a proposed facility is exempt from the requirements of this subchapter due to on-site construction may request in writing a determination of exemption from the Division.

2. Exemptions shall be applied for and considered upon submission of information sufficient for the Division to determine that physical work necessary to begin the construction of the proposed facility, was actually performed prior to September 26, 1980, the effective date of these rules.

i. Any interruption in the process of construction and completion of the facility in excess of one year may be cause for denial of an exemption request by the Division unless caused by financial, labor, legal or other factors beyond the developer's control, provided good faith efforts were made by the developer to overcome such delay or interruption. Interruptions caused by financial, labor, or legal factors must be documented in the exemption request.

ii. A finding that a proposed facility is exempt from the requirements of this Subchapter shall apply only to the facility as conceived and designed prior to September 26, 1980. Any modification which expands or substantially changes the exempted facility, and which would not be classified as a minor modification under N.J.A.C. 7:7-4.10, shall require a permit.

SUBCHAPTER 3. PRE-APPLICATION CONFERENCES

7:7-3.1 Purpose

A pre-application conference is an optional, but highly recommended, step. It allows the Division to inform potential applicants of the various procedures and policies applicable to a permit application. The Division will candidly discuss the apparent strengths and weaknesses of the proposed facility at this conference, but can in no way commit itself to approval or rejection of a proposed facility as a result of these discussions.

7:7-3.2 Request for a pre-application conference

(a) Potential applicants are encouraged to request a pre-application conference with the Division's Bureau of Coastal Project Review at the earliest opportunity. A request for a pre-application conference may be made by telephone or in writing.

(b) The Division shall, within five days of receipt of such request, schedule a pre-application conference. A pre-application conference will not be considered a declaration of intent to submit an application to the Division as defined in N.J.A.C. 7:1C-1.3 of the 90-Day Construction Permit rules.

7:7-3.3 Conceptual proposal

Prior to the pre-application conference, a potential applicant should present a conceptual proposal for the proposal facility to the Division. This document should include:

1. A written description of the site and the proposed facility;

2. The dimensions, number, and uses of proposed structures; and

3. Maps indicating the site's location and rough internal plan of development.

7:7-3.4 Discussion of information requirements

(a) The Division shall candidly discuss the level of detail and areas of emphasis which will be necessary to allow the Division to review the application if one is submitted.

(b) In cases where an Environmental Impact Statement (EIS) would be required, the Division shall determine which specific EIS requirements need not be included by the potential applicant.

1. The Division shall also make available to the potential applicant current information on nearby projects in the Division's library and files.

2. This information may be incorporated, by reference, in the applicant's EIS if agreed to by the Division.

7:7-3.5 Memorandum of record

(a) After the pre-application conference, the Division shall prepare a written memorandum of record summarizing the discussion of the apparent strengths and weaknesses of the proposed facility, the apparent sensitivity of the land and water features of its site, and the level of detail and areas of emphasis necessary in the information that the potential applicant may be required to submit as part of the application.

(b) The memorandum of record shall be mailed to the potential applicant within 10 days of the pre-application conference. If the potential applicant submits an application, a copy of the memorandum of record shall be included.

(c) The memorandum of record shall not be construed as a decision of the Department.

SUBCHAPTER 4. PERMIT REVIEW PROCEDURES

7:7-4.1 General

(a) The provision of CAFRA, the Wetlands Act, and the Waterfront Development Law are supplemental to other laws, including the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq., P.L. 1975, Chapter 291). Early consultation with the Division by a prospective applicant can avoid unnecessary duplication and delay in development review at the state and local levels for the same facility, if applications for proposed facilities are processed at the same time at the State and local levels.

(b) Applicants for projects which require the review or approval of a county-wide or area-wide planning agency or development, transportation or improvement authority shall consult with that agency on a regular basis to insure that the project and any changes to it are acceptable.

(c) The 90-Day Construction Permit Law (N.J.S.A. 13:1D-29 et seq.) and its implementing regulations (N.J.A.C. 7:1C) establish certain uniform permit review requirements for five types of construction permits issued by the Department, including CAFRA, Wetlands and Waterfront Development permits. This chapter incorporates and is consistent with those requirements.

7:7-4.2 Application contents

(a) Applications shall consist of a completed DEP Standard Construction Permit (CP-1) form *,* *[and]* a check or money order in the amount of the appropriate fee (see N.J.A.C. 7:1C-1.5) ***, and any additional information required below***.

(b) CAFRA permit applications shall also include 20 copies of an Environmental Impact Statement (EIS), prepared in accordance with N.J.A.C. 7:7-5.

(c) Wetland Type B applications shall also include five copies of an Environmental Impact Statement which describes and analyzes all possible direct and indirect effects of the proposed activity on the site itself as well as on adjacent and noncontiguous areas, with particular reference to the effect of the project on public safety, health and welfare, the protection of public and private property, the public trust in submerged lands and wildlife and marine fisheries, the protection, preservation and enhancement of the natural environment and the preservation of the ecological balance of the wetlands. It shall relate ecological and physical characteristics of the proposed activity site to local vegetation, birds, mammals, tidal circulation, hydrology, meteorology, geology, soils, land use, recreation and history and, in addition, it shall describe and analyze:

1. The reason that structures cannot be located on lands other than wetlands;

2. Temporary and permanent physical changes which would be caused by the proposed activity and impact of these changes on the activity area and immediate environs;

3. Alternatives to the proposed action which would reduce or avoid environmental damage;

4. All measures to be taken during and after the completion of the proposed activity to reduce detrimental on-site and off-site effects;

5. Adverse environmental impacts which cannot be avoided.

(d) Wetlands Type A and Waterfront Development permit applications shall, at the discretion of the Division, include such additional information as may be required to adequately assess the proposed project's impacts. Applicants will be advised of such additional requirements either at the pre-application conference (see N.J.A.C. 7:7-3) or at the initial review phase (see N.J.A.C. 7:7-4.4).

(e) An application for a Waterfront Development permit shall constitute an application for a Water Quality Certificate under Section 401 of the Federal Clean Water Act.

7:7-4.3 Availability of application for examination by the public

(a) Copies of all coastal permit applications will be available for public scrutiny by interested persons in the offices of the Division in Trenton during normal business hours. Local agencies to whom copies of coastal permit applications were submitted may also make a copy of the application available for public scrutiny by interested persons during normal work hours, upon request.

(b) The status of all permit applications shall be published in the DEP Bulletin pursuant to N.J.A.C. 7:1C-1.6, and shall constitute notice to all interested persons.

7:7-4.4 Initial review of applications

(a) Within a maximum of 20 working days of receipt of the application, the Division shall take one of the following actions:

1. Declare the application complete for filing, assign an agency project number, and proceed to review on the merits.

2. Assign an agency project number and accept the application, but request in writing that the applicant submit additional information within a specific period of time to assist in its review. In such cases, the application will not be considered complete for filing until all the additional information has been received and deemed acceptable for review.

3. Return the application explaining why it is unacceptable for filing, and return the filing fee upon notification that the applicant does not intend to reapply.

(b) Within 15 days of the receipt of any additional information submitted pursuant to (a)2 above, the Division shall notify the applicant of the completeness for filing of the application, or shall specify which deficiencies still remain. The application shall not be considered to be filed until it has been declared complete for filing by the Division.

1. Copies of information submitted in response to deficiency letters shall, at the discretion of the Division, be distributed to the same persons to whom copies of the initial application were distributed ***and to reviewing agencies who have requested such information or will require it in order to complete their review***.

(c) Applications for which a public hearing will be held shall go on to the public hearing phase of the permit review process. Wetland and Waterfront Development applications which do not require a public hearing and which are complete for filing shall begin the 90 day review period established pursuant to the 90 Day Construction Permit Law.

(d) If an application is not complete for filing within 90 days of a request for additional information, the Division may, 30 days after providing written notice by certified mail to the applicant, cancel and return the application, unless the applicant can demonstrate good cause for the delay in completing the application. In such cases, a 90 day extension in which to submit the information will be granted.

1. All fees submitted with a cancelled application shall be non-refundable.

2. A re-submission of a previously cancelled application shall be accompanied by the appropriate fee pursuant to N.J.A.C. 7:1C-1.5, unless re-submitted within one year of cancellation.

(e) Once an application for which a public hearing is required has been declared complete for filing, the Division shall prepare a preliminary analysis of the project, based upon the staff analysis and recommendations, as well as upon comments from other agencies to whom copies of the application were distributed and comments from interested persons.

1. To be incorporated in the preliminary analysis, such comments must be received within 20 days after the applicant has been notified of completeness for filing.

2. The Division will *[release]* ***mail copies of*** the preliminary analysis to the applicant*[, recipients of the application,]* and to any person requesting a copy. The preliminary analysis shall be made available three days prior to the public hearing.

7:7-4.5 Public hearings

(a) Public hearings shall be convened in accordance with the following:

1. The Division shall hold a non-adversarial public hearing for all CAFRA permit applications, to afford the applicant and interested persons the opportunity to present, orally and in writing, their position concerning the application, the preliminary analysis, and any data they may have developed in relation to the proposed facility.

2. The Division may, in its discretion, hold a non-adversarial public hearing for CAFRA permit modification applications and for Wetland and Waterfront Development permit applications when the public interest requires it.

(b) If a hearing is to take place, the Division shall, within 15 days of declaring the application complete for filing, set a date, place, and time for the public hearing and shall so notify the applicant.

1. The date for the hearing shall be not later than 60 days after the application has been declared complete for filing.

2. The hearing shall, if possible, be held in the municipality in which the facility is proposed.

(c) The Division shall publish a notice announcing the date, place, and time of the public hearing in the DEP Bulletin.

(d) The applicant shall give public notice of the public hearing, pursuant to Section 7.1 of the Municipal Land Use Law (N.J.S.A. 40:55D-12).

1. Such notice shall describe the proposed facility, identify its agency project number, announce the date, place, and time of the public hearing on the application, and indicate that comments on the application amy be made to the Bureau of Coastal Project Review, Division of Coastal Resources, New Jersey Department of Environmental Protection, CN 401, Trenton, New Jersey 08625 at or within 15 days after the public hearing, or until the application is declared complete for review (see N.J.A.C. 7:7-4.6), whichever occurs last.

2. If the facility is a linear facility greater than 2400 feet in length, such as a pineline or road, the applicant shall also give public notice by publication of a display advertisement of at least four column inches in a newspaper of general circulation in the municipality, to the owners of all real property abutting the facility, and to owners of all real property within 200 feet of an above surface structure related to a linear facility, such as a pumping station or treatment plant.

3. Proof of notice shall be submitted to the Division at least three days prior to the public hearing. ***In cases where proof of publication is unavailable three days prior to the hearing, the applicant may submit a notarized affidavit stating that notice of the hearing has been published, and specifying the date and newspaper in which such notice was published.***

(e) The Division shall maintain a copy of the hearing transcript for public inspection in its Trenton Office.

(f) The applicant shall bear the cost of the hearing, as required by N.J.A.C. 7:1C-1.5(e).

(g) The presiding official at the public hearing shall have broad discretion with respect to oral and written presentations by interested persons. This discretion shall be exercised to allow every person the opportunity to speak and insure the maintenance of an orderly forum. At the conclusion of statements by interested persons, the applicant shall be afforded the opportunity to speak to the statements offered by interested persons.

(h) Any interested person may submit information and comments, in writing, concerning the application and the preliminary analysis at or within 15 days after the hearing, or until the application is declared complete for review, whichever occurs last. Such information shall be forwarded to the permit applicant by the Division.

7:7-4.6 Final review of the application

(a) The Division shall, within 15 days after the public hearing, either declare the application complete for review or notify the applicant that additional information is required.

1. The Division may, at or within 15 days after the public hearing, and based on comments or questions raised at the hearing, require an applicant to submit additional information necessary for the complete review of the application. The request for additional information shall be made in writing, or if made at the hearing, confirmed in writing. If a public hearing was held and no additional information is required, the date of the public hearing shall be the date the application was considered complete for review.

(b) The Division shall, within 15 days of the receipt of any required additional information, either declare the application complete for review or notify the applicant that the application is still not complete for review.

7:7-4.7 Timetable for final decisions

(a) The Division shall act on CAFRA applications within 60 days of the public hearing, unless additional information was required at the hearing, in which case the Division shall act on the application within 90 days of the date it was declared complete for review.

(b) The Division shall act on all Wetland and Waterfront Development applications within 90 days after the application was declared complete for filing, unless a public hearing was held, in which case it shall act on the application within 90 days of the date it was declared complete for review.

(c) If the Division fails to act within the prescribed time period, the application shall be deemed to have been approved, subject to the standard conditions set forth in N.J.A.C. 7:7-1.5.

7:7-4.8 Publication of the final decision

(a) The Division shall notify the applicant of the decision by mail, shall public notice of the decision in the **DEP Bulletin, and** shall also notify all interested persons who specifically requested notice.

(b) The permittee may, if it so desires, publish notice of the final decision in a newspaper of *[statewide circulation and a newspaper of]* regional circulation which includes the municipality in which the project site is located, and by certified mail to any person who requested such notice, in writing, during the public comment period. The Division shall maintain a list of such newspapers.

1. Publication of notice by the permittee shall begin the 10 day appeal period (see N.J.A.C. 7:7-5) if publication takes place prior to publication of notice of the final decision in the DEP Bulletin.

2. Proof of such publication and of mailing shall be submitted to the Division.

(c) The permit application review process may be extended pursuant to the provisions of N.J.A.C. 7:1C-1.8(e) or by mutual agreement.

7:7-4.9 Withdrawal, resubmission and amendment of applications

(a) An applicant may withdraw an application at any time in the application review process. All fees submitted with such applications are non-returnable subsequent to the application being declared complete for filing, except that the fee may be credited for the same project within one year of the date of the notice of withdrawal.

(b) If an application is denied, the applicant may resubmit an application for a revised project on the same site within one year without additional fees. The resubmitted application will be treated as a new application, although references may be made to the previously submitted application. If an applicant wishes to appeal the denial, and at the same time revise the application, he may follow the procedures in N.J.A.C. 7:7-5.4.

(c) Permit applications may be amended at any time as part of the permit review process. Copies of amendments and amended information shall be distributed by the applicant to the same persons to whom copies of the initial application were distributed.

7:7-4.10 Requests for modifications

(a) A permittee may apply for a modification to an issued permit. Requests for modification must be in writing, must explain the need for modifying the project as approved, and must indicate whether the applicant considers the modification to be minor in nature.

(b) Modifications which are minor in nature, *[for example]* ***that is***, which do not result in a significant change in the scale, design, use or impact of the project as approved, shall generally be approved by the Division. The determination as to what constitutes a significant change is within the sole discretion of the Division.

(c) Requests for modifications shall be acted on by the Division within 30 days of receipt, unless additional information is required in order to process the request.

(d) If the Division determines that a requested modification is not minor in nature, it shall notify the permittee of that determination within 30 days of receiving the request.

1. Modifications which are not minor in nature shall require an amended permit application, including a new CP-1 form, and any additional information necessary to review the proposed modification.

2. A fee shall be required for any modification which increases total project costs in excess of 10 percent ***, and shall be based on the value of those modifications***.

3. The status of amended permit applications shall be published in the DEP Bulletin.

7:7-4.11 Suspension and revocation of permits

(a) A permit is suspendable for good cause, such as, but not limited to, violations of permit condition and significant changes in the plan for the facility which occur after a permit is issued which are not explicitly authorized in writing by the Division.

1. Prior to the suspension, the Division shall furnish written notice to the permittee by certified mail, providing 10 days within which to either remedy the violations, provide an explanation of why such violations cannot be remedied, or offer a plan to remedy these violations. This plan shall indicate the time necessary to implement the remedy.

2. If the above requirements have not been met, the permit shall be suspended. Construction shall then cease until the violations have been remedied.

3. A permittee may appeal suspension of a permit according to the provisions of N.J.A.C. 7:7-5 only if construction has ceased.

(b) A suspended permit is revocable for good cause.

1. Prior to revocation, the Division shall provide the permittee with written notice of intent to revoke the permit by certified mail and of the permittee's right to a hearing pursuant to the provisions of N.J.A.C. 7:7-5.

2. If such a hearing is not requested within 10 days of receipt of said notice, the permit shall automatically be revoked.

3. Should a permit be revoked, the permittee shall make all reasonable efforts to restore the site to its pre-construction condition.

7:7-4.12 Expedited application process

(a) The Division will, at the request of the applicant, and provided that adequate staff time is available, review coastal permit applications on an expedited basis if they meet the following requirements. The use of this procedure will eliminate the initial 20 working day review period. No extra fee will be charged for an expedited review.

(b) In order to qualify for the expedited application process, an application must meet the following requirements:

1. Applicants must have had at least one pre-application conference.

2. The project must have received an encouraged status as a result of the conference.

3. Applicants must notify the Division at least one week in advance of submission of an application with a request for an expedited review.

4. The application must be complete for filing when submitted. This will require detailed consultation between the Division and the applicant prior to its submission.

(c) The Division shall, by the end of the first working day after submission of an application with a request for expedited review, notify the applicant by telephone (and shall confirm by letter) that the application is or is not complete to qualify for an expedited review. A finding that it does not qualify may be appealed to the Director of the Division.

1. An application which qualifies for expedited review shall be declared complete for filing on the day it is submitted.

2. Copies of the application shall be distributed to other Divisions within the Department and to other agencies pursuant to the usual procedures. The applicant shall be advised by telephone of any deficiencies which arise as the result of that review process.

3. The applicant shall be responsible for supplying any such additional information prior to or at the public hearing.

4. The Division shall act on the permit application within the time periods specified in N.J.A.C. 7:7-4.7.

SUBCHAPTER 5. APPEALS

7:7-5.1 Request for review on appeal

(a) Any interested person who considers himself aggrieved by a final action of the Division may, within 10 days of publication of notice of the final decision in the DEP Bulletin or within 10 days of publication of notice by the permittee pursuant to N.J.A.C. 7:7-4.8(b), whichever occurs first, request a hearing by addressing a written request to the Commissioner, Department of Environmental Protection, CN 402, Trenton, New Jersey 08625.

1. The notice of request for a hearing on appeal shall include the appropriate agency project number and, where the appeal is taken by someone other than the applicant, evidence that a copy of the request has been mailed to the applicant.

[(b)] ***2.*** The appellant shall, within 14 days of *[submitting]* the ***date on which the*** initial hearing request ***was postmarked***, submit an additional statement describing, in detail, how that person is aggrieved by the decision, and which findings of fact and conclusions of how are being challenged.

[(c)] ***(b)*** Any person who considers himself aggrieved by a final action of the Division with respect to a CAFRA permit application may, in the alternative, request a hearing before the Coastal Area Review Board, by addressing a written request to the Secretary, Coastal Area Review Board, CN 401, Trenton, New Jersey 08625.

1. Appeals involving only policy questions may be appealed directly to the Board. Appeals involving contested facts will initially be referred to the Office of Administrative Law, and will ultimately be decided on by the Commissioner. They may thereafter be appealed to the Board.

[(d)] ***(c)*** Copies of an appeal request from a decision on a CAFRA permit application shall also be mailed to the clerk of the county and the municipality in which the project site is located, and evidence of such mailing shall be included with the appeal request.

[(e)] ***(d)*** A hearing request may include a request that the issuance of the permit be stayed.

7:7-5.2 Response to appeal request

(a) Any interested person may, within 10 days of receiving notice of a hearing request or appeal statement, submit a written response.

(b) If the responding party contends that the appeal request should be denied, the answer should fully explain the basis for that contention.

(c) Any person or entity having a significant interest in the outcome of a hearing request may, in addition to filing a response, request permission to participate in the appeal process. A request to participate must be *[made]* ***postmarked*** within 10 days of publication of notice of the original hearing request in the DEP Bulletin, and must specify the requesting party's interest in the matter being appealed.

(d) Where the request to participate is filed by someone other than the applicant, evidence that a copy of the request has been mailed to the applicant shall be submitted.

7:7-5.3 Action on appeal request

(a) The Division shall publish notice of all appeal requests in the DEP Bulletin.

(b) The Commissioner shall act on any appeal request which complies with the requirements of this subchapter within 21 days of its receipt.

(c) The Commissioner may, upon request and for good cause shown, stay the issuance of the permit pending a final decision on the appeal.

(d) Requests for which a hearing is granted shall be referred to the Office of Administrative Law for the holding of a fact-finding hearing pursuant to the Administrative Procedure Act (N.J.S.A. 15:14B-1 et seq.), after which the Commissioner will make a final decision.

7:7-5.4 Review of revised application to settle appeal

(a) Any applicant who has appealed a decision or has had a decision appealed by a third party pursuant to this subchapter may, at any time prior to the rendering of a decision by the Office of Administrative Law, submit a revised application for the purpose of negotiating a settlement of the appeal.

(b) Applicants will be required to submit information adequate to allow the Division to fully assess any proposed revisions to the project.

(c) Notice of a proposed settlement which is arrived at pursuant to this section shall be published in the DEP Bulletin, and shall be provided to any interested third party who commented on the project in writing or at the public hearing (if one was held).

(d) Any permit which is issued as a result of a settlement may be appealed in the manner provided for in this subchapter.

7:7-5.5 Coastal Area Review Board procedures

(a) A request for review on appeal submitted to the Coastal Area Review Board shall be in the form required by N.J.A.C. 7:7-5.1. An answer may be filed as provided by N.J.A.C. 7:7-5.2.

(b) The Commissioner of Environmental Protection, or his designee, shall be the Chairman of the Board.

(c) Argument before the Board shall be restricted to questions of policy and conclusions of law, not findings of fact. The record before the board shall consist solely of the permit application and file.

(d) The Board shall, within 21 days of receiving an appeal request:

1. Schedule a full hearing;
2. Decline to review the appeal for good cause;
3. Decide the appeal in a summary manner, pursuant to (e) below.

(e) The Board may, at any meeting, decide an appeal in a summary manner, based upon statements in the appeal request, and any informatin in the record. The Secretary of the board shall promptly notify the parties to the appeal of the Board's decision.

(f) Beginning with the day of notification of acceptance of a request for hearing, the appellant shall have 15 days to file a statement with the Secretary.

1. The Department and the applicant, as appropriate, shall have 10 days to file a response to the appellant's statement with the Secretary.
2. The appellant shall then have five days to file a rebuttal with the Secretary.

(g) All documents filed with the Secretary pursuant to this section shall be filed with sufficient copies for distribution by the Secretary to all parties to the appeal and to the members of the Board. The time period in this section may be modified in specific cases at the discretion of the Board*, **with the consent of the parties***.

(h) The Board may affirm, modify or reverse the decision of the Division.

SUBCHAPTER 6. ENVIRONMENTAL IMPACT STATEMENTS

7:7-6.1 *[Purpose]* ***When an EIS is required***

(a) Section 7 of CAFRA (N.J.S.A. 13:19-7) requires the preparation of an Environmental Impact Statement (EIS) for all CAFRA applications. The Division also requires an EIS for all major Wetlands and Waterfront Development permit applications (for example, those projects which meet the definition of a CAFRA project, but which are located outside the CAFRA area).

(b) The purpose of the EIS is to assist the applicant and the Division in assessing the probable effects of a proposal on the natural resources and human activities at the project site and surrounding region.

7:7-6.2 Distribution of EIS to other Agencies

(a) Applicants for CAFRA permits shall submit one copy of the EIS to each of the following agencies:

1. County planning board, division or agency;
2. County environmental commission, agency or council;
3. Municipal planning board;
4. Municipal environmental commission, if any;
5. Soil Conservation District (unless responsibility for enforcing soil conversation requirements has been delegated to the municipality);
6. Delaware Valley Regional Planning Commission (for facilities in Burlington, Camden, Gloucester and Mercer Counties);

(b) The applicant shall include the following statement in the transmittal letter accompanying an EIS distributed to local agencies:

"This environmental impact statement has been submitted to the New Jersey Department of Environmental Protection, Division of Coastal Resources as part of an application for a Coastal Area Facility Review Act permit for a project in (indicate municipality in which the facility is proposed).

This copy of the EIS is submitted to this agency for your information and comments, and to make the EIS available for review by interested citizens. The Department of Environmental Protection welcomes your comments on the project described and assessed in this EIS. Please submit your written comments within 21 days to:
Bureau of Coastal Project Review
Division of Coastal Resources
New Jersey Department of Environmental Protection
CN 401
Trenton, New Jersey 08625"

(c) An affidavit shall be sent by the applicant or his agent to the Division stating that the applicant has distributed copies of the EIS pursuant to (b) above. No application shall be declared complete for filing pursuant to N.J.A.C. 7:7-4.7 without submission of this affidavit.

7:7-6.3 Formats and contents

(a) The EIS will be prepared in the form and manner specified by the Division, which shall prepare detailed guidelines and instructions for preparation. Failure to comply with these guidelines may result in a determination that an application is not complete for filing or review, depending on its status (see N.J.A.C. 7:7-4.1 and 4.4).

(b) The EIS shall consist of the following:

1. Summary: A brief one or two page summary shall preface the EIS, and shall contain:

i. A description of the size, nature and location of the proposed facility;

ii. a description of the major environmental impacts associated with the proposed facility, including possible areas of controversy or significant issues to be solved;

iii. a list of any other municipal, state or federal approvals required or received, if any.

2. Project description: The project description consists of 11 elements which, when taken together, describe what the applicant proposes to do, where it will be done, how it will be constructed, and how it will be operated.

i. The descriptin shall consist of written and graphic material and maps.

ii. The 11 elements are: the development description, site plan, structure description, housing plan, transportation plan, construction plan, operation plan, utilities plan, energy conservation plan, public services plan, and outdoor recreation plan (as appropriate).

3. Environmental inventory and assessment:

i. Section 7(a) of CAFRA requires, as part of the EIS, the preparation of "an inventory of existing environmental conditions at the project site and in the surrounding region. . .''. Section 7 also requires an assessment of the probable impact of the project on the resources identified in the inventory, a list of unavoidable adverse impacts, mitigating measures, and alternatives to all or any part of the project, with reasons for the acceptability or non-acceptability of those alternatives.

ii. In order to comply with this requirement, the EIS shall contain an environmental inventory and assessment which describes and documents, in narrative form and maps, environmental conditions at the site and the surrounding region, and then assesses the probable impacts of the facility on the built and natural environment.

iii. The inventory and assessment is to be made with reference to the Rules on Coastal Resource and Development Policies, N.J.A.C. 7:7E.

(1) It should contain sufficient detail to assist in the evaluation of the facility, to provide a basis for the applicant's assessment of environmental impacts, and to enable the Division to make the necessary statutory findings for permit approval as specified in the relevant enabling legislation.

(2) Specific requirements will vary depending on the magnitude and complexity of the project, and on the sensitivity of the land and water features of the site.

7:7-6.4 Preparation

(a) The level of detail and areas of emphasis in an EIS will vary depending upon the nature and complexity of the facility and the nature of the site and its surrounding regions.

1. The EIS should be concise, and should contain the facts and analyses necessary to evaluate the application with reference to the Department's Rules on Coastal Resource and Development Policies, N.J.A.C. 7:7E.

2. The information should be presented in an analytic, rather than an encyclopedic format.

(b) If the applicant believes that specific elements of the EIS are not applicable to the proposed facility, and if agreed to by the applicant and the Division at the pre-application conference, the applicant may indiciate "not applicable" under the appropriate heading. The reason why the information is not required should be indicated.

(c) The EIS shall be bound or in loose-leaf form, on 8 1/2 by 11 inch paper. All maps, plans and aerial photographs shall specify a north point, graphic scale, date of preparation and source of information.

(d) The EIS should be prepared using an interdisciplinary approach, and the qualifications of the persons who prepared each element shall be identified in a separate section. References to information, reports or treatises not contained in the EIS shall be cited throughout the text as appropriate, and in a consistent manner.

(e) The Division recognizes that some or all of the EIS requirements set forth below in (f) may be addressed in an EIS prepared pursuant to state or Federal law. Such an EIS may be submitted under this subchapter, but must be supplemented in order to comply with (f) below.

(f) The EIS must discuss the applicability of the Department's rules on Coastal Resource and Development Policies, N.J.A.C. 7:7E, to the proposal. This information is to be submitted in both map form and as part of the environmental inventory and assessment.

(a)

DIVISION OF FISH, GAME AND WILDLIFE
BUREAU OF SHELLFISHERIES

Relay of Hard Clams

Adopted Repeal: N.J.A.C. 7:25-15.1
Adopted New Rule: N.J.A.C. 7:25-15.1

Proposed: February 6, 1984 at 16 N.J.R. 186(a).
Adopted: April 3, 1984 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: April 19, 1984 as R. 1984 d.165 **with substantive and technical changes** not requiring additional public notice and comment (see: N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 50:1-5.

Effective Date: May 7, 1984.
Expiration Date Pursuant to Executive Order No. 66 (1978): April 30, 1989.
DEP Docket No. 001-84-01

Summary of Public Comments and Agency Responses:

Comments by clammers and members of the public at the Public Hearing held Wednesday, February 29, 1984, in Toms River, New Jersey raised the following points:

1. The areas prohibited for hard clamming with rakes and tongs, to protect the soft clam resource, may be too extensive as mapped. Agency response was to arrange to meet with clammers to re-evaluate the map.

2. The requirement that clam bags be marked with tags was questioned, the suggestion being made that marking the bags themselves would be a more durable identification. The agency's response was to agree, and delete the tagging requirement.

3. The prohibition against carrying unmarked bags in relay vehicles was questioned. On the advice of the Enforcement Unit no change was made in the rule in response to this question.

4. The method of announcing areas open for harvest was questioned. The agency response was to revise the method of announcing open areas and to include alternate harvest areas to be used during extreme inclement weather.

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

7:25-15.1 Relay of hard clams

(a) This rule is intended to implement the hard clam relay program administered ***statewide*** by the Department of Environmental Protection *[(hereinafter "department")]* ***(department)***. This rule must be read together with the shellfish growing water classification rules and definitions which appear at N.J.A.C. 7:12 *[-1]* and are subject to amendment at anytime. N.J.S.A. 58:24-2 requires the department to condemn immediately shellfish beds subject to pollution.

(b) The general intent of this rule is to control the relay of hard clams. (Mercenaria mercenaria) from Special Restricted ***, Seasonal Special Restricted,*** or Condemned Waters within the Atlantic Coast Section. These designated Special Restricted, ***Seasonal Special Restricted,*** or Condemned Water will be charted by the department and such charts will be issued to participants and available to the public. Anyone who meets the requirements set forth below in this rule may participate in this program. If it becomes necessary to limit the number of participants, then applicants will be admitted in order of their application.

(c) The department will schedule areas for harvest and designate the landing site and so notify the participants. The department will designate certain specific areas as off limits to the use of clam rakes and tongs for the harvest of hard clams in such shallow water areas as it deems abundant with soft clams. Charts of the designated soft clam areas will be provided to all participants by the department. In these designated soft clam areas, the harvest of hard clams shall be permitted only by treading.

(d) Participants shall be furnished numbered receipt forms, with the date they are to be used, by the Division of Fish, Game and Wildlife *[(hereinafter "division")]* ***(division)***. These forms shall be completed in their entirety and signed by the harvester and *[, if sold at the landing site,]* ***also signed*** by the buyer ***if the shellfish are to be sold at the landing site***, for each date used. ***Completed and all unused*** receipt forms ***shall*** *[will]* be sent to the division's *[Marine Enforcement Unit (hereinafter "enforcement unit")]* ***Bureau of Shellfisheries' Nacote Creek Office*** no later than one week after the forms are completed.

(e) Any person who wishes to participate in this program must comply with the following conditions in order to be eligible for participation:

1. Possess a current, valid, commercial clamming license issued by the division (see N.J.S.A. 50:2 et seq.);

2. Possess one of the following special permits issued by the Division of Water Resources (N.J.S.A. 58:24-3 and N.J.A.C. 7:12-2) to harvest and/or buy and/or sell hard clams from condemned waters:

i. Permit 5a: SPECIAL PERMIT TO HARVEST, BUY, SELL AND RELAY HARD CLAMS FROM SPECIFIED SPECIAL RESTRICTED OR CONDEMNED WATERS IN CONJUNCTION WITH A STATE APPROVED SHELLFISH RELAY PROGRAM; or

ii. Permit 5b: SPECIAL PERMIT TO HARVEST HARD CLAMS FROM SPECIFIED SPECIAL RESTRICTED OR CONDEMNED WATERS FOR SALE PURPOSES ONLY IN CONJUNCTION WITH A STATE APPROVED SHELLFISH RELAY PROGRAM; and

3. The above permits will show on their face the specific conditions that are deemed necessary for the proper operation of the shellfish relay program. All permittees are also required to comply with all other applicable statutes and regulations. Included with every permit will be department charts of the harvest areas showing specific sections within the estuaries that may be harvested on any particular day, as determined by the department.

[(e)] ***(f)*** Any person applying for permit 5a must have acquired a special relay lease from the department for three one-half acre lots of shellfish cleansing grounds on which the relayed shellfish are to be planted by the means hereinafter set forth. No person shall hold more than one relay lease. Applications for leases must be made in person at the Nacote Creek Shellfish Office of the department. The lease shall be subject to the following additional conditions:

1. This special relay lease shall be issued for only one year and can be reapplied for annually;

2. The fee for this lease, to be paid at the time of application, shall be $50.00;

3. Once the lease lots have been marked by the division, the lessee shall be solely responsible for the placement and maintenance of the stakes marking same, or their necessary replacement;

4. This special relay lot shall be used for relay from the specified harvest areas only. No special relay lease will be renewed if the lessee did not actively participate in the previous year's program unless such inactivity was due to unusual hardship, as determined by the department, or was due to the department's failure to administrate or operate a hard clam relay program during the previous year.

i. Upon termination of the program by the department, special relay lessees, subject to *[(g)]* *(h)* below shall retain exclusive rights, for a period of 18 months, to the clams planted on their leased grounds before the termination date and may thereafter reapply to lease the grounds;

5. A lessee vacating a relay lot shall have exclusive right to hard clams planted before the date of vacation for a period of six months from that date;

6. Signs, having a white background with six-inch black lettering giving the participant's special relay permit number or code symbol and relay lot "Section A", "B", or "C", shall be placed and maintained on the participant's relay lot corners. Failure to mark lots as specified shall be deemed a violation of these rules;

7. The participant's harvest boat shall be marked on both sides, amidships, with six-inch black letters on a white background giving the participant's first initial, last name, and special relay permit number while he is engaged in any phase of the program; and

8. The designated enforcement unit shall have the authority to inspect any relay lot to ensure compliance with all relay program rules. Shellfish found on any relay lot contrary to these and other applicable statutes and rules shall be subject to seizure.

[(f)] ***(g)*** All clams harvested from the Special Restricted, ***Seasonal Special Restricted*** or Condemned Waters shall be landed at the site and at the time specified by the enforcement unit.

[(g)] ***(h)*** All clams harvested by the participant shall be bagged, three-quarter bushel to the bag, in bags approved by the department. All bags shall be marked "RELAY CLAMS," with two-inch letters stenciled on the side. No unstenciled bags will be allowed in the harvesters or buyers vehicle or boat at the harvest, landing, planting, off-loading, or transplant sites. Each bag shall *[have a tag attached,]* ***be*** marked with the harvesters and/or buyers name and permit number.

1. The bags will be counted by the relay harvester and listed on the numbered three-part relay receipt forms which shall be certified by the harvester. The forms must be filled out in their entirety before the clams are transported. Receipts for all clams must be in the transporting vehicle. In the *[case of clams harvested under Relay Permit 5b]* ***event that the clams are to be sold to the holder of a Permit 5a***, the form shall be *[certified]* ***signed*** by both the harvester and the buyer-planter ***at the landing site***. The department shall pro-

vide receipt forms and seals and designate procedures for their use.

2. The harvester shall retain one copy, forward one copy to the Bureau of Shellfisheries' Nacote Creek Office each Friday, and give the third copy to the buyer who shall carry it with the bagged clams directly to the relay lot. ***Unused,*** spoiled, or voided forms shall be returned to the Bureau of Shellfisheries' Nacote Creek Office with the completed forms each Friday.

3. Participants will place their counted bags in the truck, said vehicle provided by the participants and approved by the enforcement unit, for transportation to the planting area. The truck *[or trucks]* will be sealed by *[the enforcement unit]* ***department personnel or their designated agents*** at the harvest landing site and opened by *[the enforcement unit]* ***same*** at the planting off-loading site. The enforcement unit may specify the route to be taken from the harvest landing site to the planting off-loading site. Deviation from a specified route will not be tolerated except in an emergency. In the case of a mechanical failure or act of God interrupting this process, the transporter will notify the enforcement unit immediately in order to receive further instructions with which he shall comply.

4. Clams in bags shall be transported to the participant's leased lots and planted within the time frame specified by the enforcement unit. The bags of clams will be directly transported to the respective planting lots and immediately planted thereon. All clams shall be removed from the bags as they are planted on the relay lots.

5. Participants shall not harvest any shellfish on the same trip they plant clams from the day's relay. Persons harvesting clams from relay lots after *[''certification'', described in subsection (h) below,]* ***receipt of written permission from the Bureau of Shellfish Control*** shall not have any stenciled transport bags in their boats at the time they harvest.

6. The Bureau of Shellfisheries shall notify the participants of the dates the relay shall be conducted, the area to be harvested, the hours clams must be landed and planted, and the landing site to be used. ***Relay clams shall be planted on the sublot designated by the department.***

[(h)] ***(i)*** Clams ***shall be*** relayed to the leased lots ***on a schedule set by the department and*** shall remain upon said leased lots until written *[approval]* ***permission*** for *[their]* harvest *[i.e., certification]* has been granted by the *[department's]* Division of Water Resources, Bureau of Shellfish Control. ***Further, relay clams shall only be planted on the sublot designated by the department. Planting on sublots already in the cleansing period, or released for harvest, is a violation of these regulations and will jeopardize the entire program.***

[(i)] ***(j)*** Only the lessee or his designated substitute harvester shall remove clams from the leased lots. The designated substitute harvester must process a letter of permission ***, issued by the division's Bureau of Shellfisheries,*** from the lessee giving the dates for which he is allowed harvest privileges and the lessee's *[permit from the]* Division of Water Resources *[(]* Permit 5a *[)]* ***number*** at all times during harvest operations.

[(j)] ***(k)*** The department shall establish a schedule of dates and times for the relay and the areas of the Special Restricted ***, Seasonal Special Restricted,*** or Condemned Waters which shall be opened to participants in this program for the harvest of clams. ***The*** truck *[s]* will be sealed at the landing site and unsealed at the planting off-loading site at times established and announced to all participants by the enforcement unit. Any *[vehicle]* ***truck*** carrying relay clams not under seal, or with a broken seal shall be in violation of these regulations.

[(k)] ***(l)*** The department may terminate this program, or anyone's participation therein, at any time for just cause and upon notice to the affected participants. Just cause shall include, but not be limited to, peril to public health, excessive depletion or threat thereof to the shellfish stocks, lack of industry participation, and violation of the rules of the relay program deemed by the department detrimental to the program. Possession of any unmarked bag of clams, or loose clams, in a vessel which has left the relay lots after planting, or any misrepresentation on the receipt form by the harvester or buyer, shall be prima facie evidence of a violation of these rules.

[(l)] ***(m)*** Penalty: Any participant violating this rule or the terms of the special relay permit issued by the Division of Water Resources may cause the violator's permits to be revoked or suspended. This participant may also be subject to prosecution, including fine, imprisonment, and forefeiture of vessel, vehicle, and all equipment. Any lessee who is convicted of an offense which results in the revocation of a Shellfish Harvesting License or a Special Permit mentioned in (e) 2 above shall have his lease terminated by the department; provided, however, that upon ***lessee's giving*** notice to the division within *[a 10-day period]* ***10 days of departmental notice of termination of said lease,*** the lessee shall be given the opportunity to show why his lease should not be terminated. ***Upon issuance of a summons to a lessee, any transfer of lease will be stayed pending final disposition of said summons.*** If notice is given within the ***aforementioned*** 10-day period, termination of the lease will not be effective until the next regularly scheduled meeting of the Atlantic Coast *[Shellfisheries]* ***Shell Fisheries*** Council. The Atlantic Coast *[Shellfisheries]* ***Shell Fisheries*** Council shall have the authority to permanently suspend such termination for good cause shown. Nothing in this section shall allow the termination of a lease because of a violation of N.J.S.A. 50:2-1 or N.J.S.A. 50:2-5. A violation for this rule is a violation of 50:1-5 and is subject to a penalty under 23:2B-14a (first offense $100.00 to $3,000.00; subsequent offense $200.00 to $5,000.00).

(a)

DIVISION OF WASTE MANAGEMENT

Hazardous Waste Criteria, Identification and Listing
Discarded Commercial Products, Off-Specification Species, Containers, and Spill Residues Thereof
Hazardous Constituents

Adopted Amendments: N.J.A.C. 7:26-8.15 and 8.16

Proposed: November 7, 1983 at 15 N.J.R. 1817(a).

Adopted: April 13, 1984 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: April 19, 1984 as R.1984 d.166 **with technical changes** not requiring additional public notice and comment (see: N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1E-1 et seq.

Effective Date: May 7, 1984.
Expiration Date pursuant to Executive Order No. 66 (1978): August 6,1986

Summary of Public Comments and Agency Responses and Reasons for Changes:

The Department of Environmental Protection has received no comments on the proposed amendment within the prescribed time period.

In the proposed amendment, as published on November 7, 1983, at 15 N.J.R. 1817(a), there was an omission. The deletion of "Indomethacin" from N.J.A.C. 7:26-8.16(a) should have been included. The same population is affected by the deletion of "Indomethacin" from N.J.A.C. 7:26-8.15(f), as originally proposed and the deletion from N.J.A.C. 7:26-8.16(a). There were no objections to the deletion of "Indomethacin" (listed as 1-(p-chlorobenzoyl)-5-methoxy-2methylindole-3-acetic acid) from N.J.A.C. 7:26-8.15(f). The deletion of "Indomethacin" from N.J.A.C. 7:26-8.16(a) is not a substantive change from the original proposal and hence, does not require a new proposal.

The Department therefore delists "Indomethacin" (listed as 1-(p-chlorobenzoyl)-5-methoxy-2-methylindole-3-acetic acid) from N.J.A.C. 7:26-8.15 and 8.16.

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

7:26-8.15 Discarded commercial chemical products, off-specification species, containers, and spill residues thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded.

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

The following commercial chemical products or manufacturing chemical intermediates, referred to in (a), (b) and (d) above, are identified as toxic wastes (T) unless otherwise designated. These wastes and their corresponding EPA Hazardous Waste Numbers are:

Hazardous Waste Number	Substance
. . .	
[U245]	[1-(p-Chlorobenzoyl)-5-methoxy-2-methylindole-3-acetic acid]
. . .	

(g) (No change.)

7:26-8.16 Hazardous constituents

(a) The hazardous constituents criteria for listing hazardous wastes (see N.J.A.C. 7:26-8.4) are listed below. Test methods approved by the Department shall be used in determining whether the waste in question contains a given toxic constituent.

. . .

[1-(p-Chlorobenzoyl)-5-methoxy-2-methylindole-3-acetic acid]

. . .

EDITOR'S NOTE: N.J.A.C. 7:26-8.15 is incorrectly codified in Title 7 of the New Jersey Administrative Code. The codification in this notice is correct and conforms with that of an adoption at 15 N.J.R. 90(a). What appears as 7:26-8.15(a)6 in the Code is, in fact, 7:26-8.15(f) above. The codification discrepancies are technical and do not affect the substantive accuracy of the rule.

HEALTH

(a)

COMMUNITY HEALTH SERVICES

Interim Standards for Ethylene Dibromide (EDB) Residues in Food Products Subject to Recall

Adopted New Rule: N.J.A.C. 8:21-2.40

Proposed: March 5, 1984 at 16 N.J.R. 436(a).
Adopted: April 23, 1984 by Allen N. Koplin, M.D., Acting State Commissioner of Health.
Filed: April 23, 1984 as R.1984 d.171, **without change.**

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

Effective Date: April 23, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 23, 1989.

Summary of Public Comments and Agency Responses:

One written comment was received from National Starch and Chemical Corporation of Bridgewater, New Jersey. The company, a manufacturer of chemical speciality products, many of which are derived from corn, supports the adoption of the interim standards for ethylene dibromide (EDB) residues in food products as proposed.

Full text of the adopted new rule follows.

8:21-2.40 Maximum tolerance standards for ethylene dibromide (EDB) residues in food products subject to recall

(a) The Department of Health establishes maximum allowable levels of ethylene dibromide residues in the following types of food products:

1. For raw grain intended for human consumption (such as wheat, corn, oats, etc.), ethylene dibromide levels shall not exceed 900 parts per billion;

2. For intermediate level products such as flour, various mixes for preparing baked goods, soft cereals and other prod-

ucts that would normally require cooking before eating, ethylene dibromide levels shall not exceed 150 parts per billion; and,

3. For ready-to-eat products such as cold cereals, snack foods, bread, all baked goods, citrus fruits and vegetables, ethylene dibromide residues shall not exceed 30 parts per billion.

(b) The Commissioner of Health may order manufacturers, distributors, and importers to recall food products, and retailers to remove food products from sale and/or distribution when the Commissioner determines, based upon the test results of food samples analyzed by the Division of Public Health and Environmental Laboratories, that said products exceed the established maximum tolerance levels.

(c) The Department shall provide notice, which may be made initially by oral communication to a responsible representative of the manufacturing firm, distributor, importer or retail establishment. When oral notice is given to a manufacturer, distributor or importer to recall a food product, it shall be followed by written confirmation. Failure to receive written confirmation shall not relieve the manufacturer, distributor or importer of the obligation to recall the food product, after the Department has given oral notice. The written confirmation shall include: the identity of the product; the lot or code number or any other information which may be useful in identifying the specific product being recalled; the reason for the recall or removal of the product; and any further instructions as may be deemed necessary by the Department.

(d) The recalling manufacturer, distributor or importer shall take all necessary action to immediately notify their direct accounts and shall request, and shall follow through on, notification to all consignees of the direct accounts.

1. The recalling firm shall provide the Department no later than five days from receipt of written confirmation, a copy of the recall notification sent to all their direct accounts and, when requested by the Department, a listing of these direct accounts.

2. The list of direct accounts shall be considered confidential information and shall not be released to anyone other than authorized agents or representatives of the Department for purposes of conducting a recall effectiveness check.

(a)

DIVISION OF HEALTH PLANNING AND RESOURCES DEVELOPMENT

Certificate of Need: Nuclear Magnetic Resonance (NMR) Services

Adopted New Rule: N.J.A.C. 8:33J

Proposed: January 17, 1984 at 16 N.J.R. 102(a).

Adopted: April 17, 1984, J. Richard Goldstein, M.D., Commissioner, Department of Health (with approval of the Health Care Administration Board).

Filed: April 17, 1984 as R.1984 d.163, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5b.

Effective Date: May 7, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1989.

Summary of Public Comments and Department Responses:

Comments were received during the comment period from the following:

Regional Health Planning Council
Southern New Jersey Health Systems Agency, Inc.
Bergen-Passaic Hospital and Physician Council
Newark Beth Israel Medical Center
St. Joseph's Hospital and Medical Center
Picker International
National Electrical Manufacturers Association
Technicare Corporation
New Jersey Hospital Association
Radiological Society of New Jersey
Morristown Memorial Hospital

Comment: Eight of the commentors questioned the number of demonstration sites that are being proposed, characterizing them as either arbitrary or overly restrictive and inappropriate for a state the size of New Jersey. These commentors considered the number of proposed sites, together with the length of the demonstration period, to be an excessive limitation on public access to a new technology.

Response: The proposed new rule is intended as an interim policy that insures relative access to this technology to the residents of the state until such time as specific and supportable criteria and a need methodology can be developed to allow a case by case consideration of NMR applications. Utilization of the approved demonstration sites will be monitored by the NMR Advisory Panel and the Department with the understanding that the length of the demonstration period can be shortened by the Commissioner, upon the recommendation of the NMR Advisory Panel. This interim policy is necessitated by the extent of the unknowns surrounding the use of NMR, its anticipated costs and cost impact on the New Jersey health care system, the uncertainty regarding the range of appropriate clinical applications, and its actual new clinical gains in relation to the anticipated high costs to the system. A limited number of sites was proposed in order to gain clear and supportable answers to these public policy concerns before widespread investment in the technology was authorized.

Comment: Three of the commentors stated that the vast majority of states are planning to review NMR applications on a case by case basis and have not placed an overall limitation on the number of scanners that are to be approved.

Response: The Department's proposed rule is based on the fact that there is currently insufficient data to establish specific criteria and a need methodology for NMR services that would allow case by case consideration of applicants. To allow case by case consideration of NMR applicants in the absence of sound planning criteria would result in arbitrary and inappropriate decisions that would not be in the best interests of the public. The Department will examine NMR applications on a case by case basis once it has adopted specific criteria and a quantifiable needs methodology which will permit this type of review. The language of these rules have been changed by adding a new section at 8:33J-1.5 concerning case by case reviews.

Comment: Two commentors stated that the demonstration period concept will restrict NMR units to mostly teaching institutions.

Response: The criteria cited in the Department's proposed NMR rules, which reflects the recommendations of the Statewide Health Coordinating Council, allows the NMR Advisory Panel to give preference in the selection of NMR demonstration sites to major teaching hospitals as defined under N.J.A.C. 8:31B-3.22(b). These criteria are recommendations for the Panel's consideration and do not exclude non-teaching applicants in any way. The placement of the demonstration sites will be determined by evaluating each applicant's entire proposal, regardless of the applicant's teaching or non-teaching status.

Comment: Three commentors stated that new regulations were not needed and that NMR applicants should be treated as major equipment acquisitions under existing regulations and that review of these applications should be on a case by case basis.

Response: Existing regulations do not include sufficient criteria to assess NMR needs statewide nor do these proposed rules provide adequate guidance for purposes of case by case reviews. Therefore, case by case review of applications will be made when there is sufficient knowledge to promote and to support specific and sound planning and review criteria and a quantifiable needs methodology for this technology.

Comment: The New Jersey Hospital Association stated that reimbursement for NMR should be clearly stated by the Department.

Response: Since Medicare will not pay for the costs of the NMR in conducting investigational studies and since research is the only purpose for which manufacturers may sell the device prior to the issuance of marketing approvals, NMR is not currently eligible for reimbursement under New Jersey's reimbursement system. Until such time as Medicare reimburses for the costs of NMR services, they will not be reimbursed in New Jersey's rates, pursuant to Chapter 83, P.L. 1978. State reimbursement policies can not be made until the technology has been approved for marketing and until the federal government has adopted Medicare policies on reimbursement.

Comment: Two commentors stated that NMR imaging has already proven superior to other diagnostic modalities in a wide variety of applications.

Response: While this statement appears true for brain, brain stem and spine studies, there are a number of clinical applications for which the superiority of this technology over other diagnostic modalities has not been established. For example, there is debate regarding its real clinical value in oncologic studies. Further study is needed to support a wide range of clinical claims.

Comment: Additional criteria were suggested by two of the commentors, including:
1. accessibility of inner city populations
2. priority to hospital consortia
3. proven record in imaging services
4. geographic accessibility

Response: The proposed rule includes recommended factors that the Advisory Panel is urged to consider. These include "sizeable volumes of diagnostic procedures" (at N.J.A.C. 8:33J-1.4(a)1) and "balanced geographic distribution" (at N.J.A.C. 8:33J-1.4(a)3) that address the latter two recommendations offered by the commentors. These suggested general criteria as well as all of the comments received during the public comment period, have been shared with the Panel and may be considered by them.

Comment: Two commentors stated their concern that a highly restrictive approach to hospital acquisition of NMR scanners will result in competitive inequity, with physician entrepreneurs free to purchase NMR units without the necessity of Certification of Need approval.

Response: A resolution adopted by the Statewide Health Coordinating Council at its September 30, 1983 meeting states that because of the enormous cost implications of NMR and the means used for raising funds for its purchase, because of its use in providing services to (hospital) inpatients, and because of the regional nature of this technology, all NMRs require Certificates of Need. In addition, in order to achieve competitive parity among all sections of the health care economy, the Department will promote the recommendations of the Statewide Health Coordinating Council's Health Care Facilities Committee which has recommended a broadening of regulatory authority by amending existing legislation to require that all purchases of technology of this type be subject to certificate of need review.

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

CHAPTER 33J
NUCLEAR MAGNETIC RESONANCE
(NMR) SERVICES

8:33J-1.1 Introduction

(a) Nuclear magnetic resonance (NMR) is a new diagnostic modality which produces pictures that are based on the responses of atomic nuclei in a magnetic field. By depicting the concentration, chemical form, and spatial distribution of certain nuclei, NMR can serve to define body constituents and chemistry, directly and non-invasively. Its potential to offer new insights into the chemistry of physiology and for detecting and diagnosing disease states in clinical medicine appears significant.

(b) Given the limited use of NMRs in clinical settings to date, the need for further research to achieve a better understanding of the range of NMR's clinical applications, the diagnostic categories for which NMR is most suited, the type of NMR systems most appropriate for given clinical settings and applications, the costs and cost impacts, the extent to which costs can be expected to be outweighed by improvements in medical diagnoses and medical outcomes, an incremental and regionalized approach to the initiation of NMR services in the State is warranted.

(c) The Department of Health, recognizing the vast potential of NMR for both diagnosing human disease and evaluating the impact of therapeutic interventions, wants to take an active role in promoting selected demonstrations of NMR technology in the State, recognizing that more widespread investment in the device should follow from experience with the technology, an evaluation of the outcomes of investigational studies conducted both in New Jersey and elsewhere to supplement existing knowledge in such a manner as to permit the development of specific standards, criteria and a quantitative needs methodology for reviewing applications for NMR. This chapter identifies Department of Health policy to guide the initiation of planning and review activities for NMR services in New Jersey. ***The Commissioner will initiate case by case reviews of NMR applications up adoption of specific NMR criteria, standards, and a quantitive needs methodology.***

8:33J-1.2 Marketing approvals

The Department of health shall not process any applications for NMR services in the State until such time as the United States Food and Drug Administration issues marketing approvals ensuring the safety and effectiveness of the devices.

8:33J-1.3 Demonstrations

(a) Following the issuance of NMR marketing approvals by the United States Food and Drug Administration, the Commissioner of Health will establish an NMR demonstration period during which no more than *[four]* ***eight*** NMR demonstration applications will be approved Statewide ***(approximately one per million population)***.

(b) The Statewide demonstration period will begin with the date of operation of the first NMR approved demonstration and will continue for a period of two years. However, the demonstration period can be shortened by the Commissioner of Health, upon the recommendation of the NMR Advisory Panel (see N.J.A.C. 8:33J-1.4).

(c) Once the demonstration approvals, not to exceed a maximum of *[four]* ***eight*** Statewide, are issued, the Department of Health shall not process any other applications for NMRs until the conclusion of the demonstration period, not to exceed two years, beginning with the date of operation of the first NMR demonstration.

(d) The Commissioner of Health in issuing approvals for NMR demonstrations shall solicit the recommendations of the Statewide Health Coordinating Council (SHCC) and each of the State's five Health Systems Agencies (HSAs).

(e) The Commissioner of Health shall share the official recommendations of the NMR Advisory Panel with the Statewide Health Coordinating Council and each of the State's five Health Systems Agencies prior to their rendering recommendations to the Commissioner of Health pursuant to (d) above.

(f) Provide written certification of compliance with all Federal and State laws in regard to nondiscriminatory practices to the effect that the applicant shall not directly or indirectly refuse referrals on the basis of the patient's race, religion, sex, age or ability to pay.

8:33J-1.4 NMR Advisory Panel

[(a)] The Commissioner of Health will establish an NMR Advisory Panel to:

1. Recommend criteria for eligibility of applicants for demonstrations. In developing these criteria the Department will have the panel consider the following:

i. The need to insure that the applicant has historically had sizeable volumes of diagnostic procedures in the clinical categories for which NMR has demonstrated the clearest clinical applications;

ii. That preference in the placement of the NMR demonstration units be given to major teaching hospitals as defined under N.J.A.C 8:31B-3.22(b);

iii. That consideration be given to the regional nature of the device and the need to encourage a balanced geographic distribution of the approved installations;

iv. The ability of the applicant to finance the acquisition of the NMR with some significant equity contribution from its own resources; and

v. The need to establish research protocols to encourage a clearer understanding of:

(1) The range of appropriate clinical applications of NMR technology;

(2) The cost and cost impacts of the technology, most particularly its operational costs, impact on CT utilization and costs, and impact on hospital costs at the sites selected;

(3) The applicant must develop a protocol clearly identifying its proposed topics of study, staffing pattern, and proposed research budget.

vi. In making appointments to the NMR Advisory Panel, the Commissioner of Health shall include at least one consumer who is involved in the New Jersey health planning process.

2. Review the applications for demonstrations submitted to the Department and offer recommendations to the Commissioner of Health regarding them;

3. Monitor the research conducted at the approved demonstrations and study their findings.

[(b) Once the research finding become available (at the end of the demonstration period), the panel should consider those findings as well as new information and medical insights into NMR technology gained in the interim and offer recommendations to the Commissioner of Health concerning specific standards, criteria and an appropriate and quantitative need methodology for potential inclusion within Departmental rules for reviewing future applications for NMR acquisitions, which are expected at the conclusion of the demonstration period.]*

*[8:33J-1.5 Department review of existing rules

The Department of Health will review this chapter before the conclusion of the demonstration period.]*

8:33J-1.5 Case by case project review

These rules shall remain in effect until such time as the NMR Advisory Panel has recommended, and the Department has adopted, specific standards and criteria and a quantitive needs methodology to guide case by case examinations of certificate of need applications for NMR scanners. In making recommendations to the Health Care Administration Board, the Commissioner will consider the recommendations of the NMR Advisory Panel and will solicit the recommendations of the Statewide Health Coordinating Council.*

(a)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Adopted Amendments: N.J.A.C. 8:71

Proposed: February 6, 1984 at 16 N.J.R. 202(a).

Adopted: April 16, 1984 by the Drug Utilization Review Council, Leroy L. Schwarts, M.D., Chairman.
Filed: April 16, 1984 as R.1984 d.160, **with portions** of the proposal **not adopted** and **portions not adopted but still pending**.

Authority: N.J.S.A. 24:6E-6b.

Effective Date: May 7, 1984.
Operative Date: October 25, 1984, for Chlorpropamide tabs 250 mg, (Zenith) only.
Expiration date pursuant to Executive Order No. 66(1978): April 2, 1989.

Summary of Public Comments and Agency Responses:

Regarding chlorpropamide:

Pfizer, Inc. objected to the proposed addition to the generic formulary of Zenith's chlorpropamide because Pfizer maintains that they have a valid patent granting Pfizer exclusive rights to this product until October 24, 1984.

The Drug Utilization Review Council agrees with Pfizer on the validity of the patent, but points out that products may be added to the New Jersey generic formulary despite being patented. Nonetheless, the Council agrees to wait to add chlorpropamide to the generic formulary until October 25, 1984.

The following products and their respective manufacturer were **adopted**:

Acetaminophen 120/5; Codeine 12 mg/5 elixir	Roxane
Atropine Sulfate Ophth. Soln 1%	Optopics
Belladonna Alkaloids/Phenobarbital elixir	Naska
Betamethasone Valerate Lotion, cream, oint 0.1%	Fougera/BYK-Gulden
Betamethasone Valerate lotion, cream, oint. 0.1%	Pharmaderm/BYK-Gulden
Chlorpropamide tabs 250 mg	Zenith
Cyclandelate caps 200, 400 mg	Pioneer
Cyproheptadine HCL tabs 4 mg	Duramed
Dexamethasone Sol'n 0.5/5 ml	Bay, Roxane
Diphenoxylate/Atropine Solution	Roxane
Diphenhydramine elixir 12.5/5	Bay
Fluocinolone Acetonide cream 0.01%, 0.025%	NMC
Furosemide tabs 20, 40 mg	Zenith
Gentamicin Topical cream, oint 0.1%	NMC
Hydralazine HCL tabs 100 mg	Par
Hydroxyzine HCL tabs 10, 25, 50 mg	Danbury
Isoxsuprine HCL tabs 10, 20 mg	Roxane
Pilocarpine HCL Ophth. Soln. 1, 2, 3, 4%	Optopics
Potassium Chloride 0.25 g/15 ml with Potassium Gluconate 3.90 g/15 ml	Naska
Potassium Chloride Liquid 10%, 20%	Naska
Potassium Gluconate elixir 20 mEq/15 ml	Naska
Selenium Sulfide lotion 2.5%	Bay
Sulfacetamide Sodium Ophth. 10%, 30% Soln.	Optopics
Tetracaine HCL Ophth. Soln 1/2%	Optopics
Theophylline 150/15 with Guaifenesin 90/15 ml	Naska
Thioridazine HCL oral soln 30 mg/ml, 100 mg/ml	Bay
Tramcinolone Acetonide cream, oint, 0.025%, 0.1%, 0.5%	Bay
Trifluoperazine HCL Syrup 10 mg/ml	Bay

The following products and their respective manufacturers were **not adopted**:

Chlorzoxazone tabs 250 mg	Par
Triprolidine/Pseudoephedrine tabs, syrup	Roxane

The following products and their respective manufacturers remain **pending**:

Brompheniramine/Phenylephrine/Phenylpropanolamine Pioneer E.R. tabs	
Butalbital/Aspirin/caffeine caps, tabs	Cord
Butalbital/Aspirin/caffeine tabs	Boots Labs
Chlordiazepoxide/Clidinium Br. Caps	Par
Chlorpheniramine/Phenyltoloxamine/Phenylpropanolamine/Phenylephrine E.R. tabs	Par, Pioneer, Chelsea
Chlorzoxazone 250/Acetaminophen 300 tabs	Par, Pioneer, Duramed
Dexamethasone tabs 6 mg	Par
Dexchlorpheniramine Maleate E.R. tabs 4, 6 mg	Par
Dipyridamole tabs 25, 50, and 75 mg	Cord
Furosemide tabs 20, 40 mg	Roxane
Imipramine HCL tabs 10, 25, 50 mg	Par
Indomethacin caps 25, 50 mg	Zenith, Par
Multiple Vitamins/Fluoride 1 mg chewable	Par
Multivitamins with Fluoride (0.5 mg) chewable	Amide
Multivitamin Forte (Vicon Forte Formula) caps	Par
Nicotinyl alcohol tartrate tabs 150 mg	Par
Oxtriphylline tabs E.C 100 mg, 200 mg	Bolar
Papaverine HCL 150 mg E.R. cap	Pioneer, Duramed
Prednisone tabs 5, 10, 20 mg	Duramed
Prenatal vitamins (Materna 1.60 Formula)	Amide
Spironolactone 25/Hydrochlorothiazide 25 tabs	Zenith
Spironolactone tabs 25 mg	Zenith
Sulfamethoxazole/Trimethoprim Susp. 40/5, 200/5	NPC
Theophylline (Anhydrous) 200 mg E.R. tabs	Cord
Theophylline/Ephedrine/Hydroxyzine tabs	Par
Thioridazine HCL tabs 10, 15, 25, 50 mg	Cord, Bolar, Danbury
Thioridazine HCL tabs 100 mg	Bolar, Mylan
Trichlormethiazide tabs 2, 4 mg	Par
Triple vitamins/Fluoride 1 mg chewable	Par
Vitamin B complex tabs (Berocca Formula)	Par
Vitamin B complex/Folic Acid (Iberet Folic 500 Formula)	Par

(a)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Adopted Amendment: N.J.A.C. 8:71

Proposed: November 7, 1983 at 15 N.J.R. 1819(a).
Adopted: April 16, 1984 by the Drug Utilization Review Council, Leroy L. Schwartz, M.D., Chairman.
Filed: April 16, 1984 as R.1984 d.158, **with portions** of the proposal **not adopted** and **portions not adopted but still pending**.

Authority: N.J.S.A. 24:6E-6b.

Effective Date: May 7, 1984.
Expiration Date pursuant to Executive Order 66(1978): April 2, 1989.

Summary of Public Comments and Agency Responses:

The Mead Johnson Company objected to the proposed addition of potassium bicarbonate effervescent tablets (COPLEY, NOMAX) to the generic formulary because only one of ten drug wholesalers serving New Jersey stocks either of these products. Mead Johnson also noted that the generics are not available in the Lime flavor which comprises 20 percent of sales.

The Council responded that wholesalers could not be expected to stock such products **before** approval of their use in New Jersey, but the Council agrees that availability **after** approval will have to be monitored to assure that the generics will be stocked by wholesalers.

The following products and their respective manufacturers were **adopted**:

Butalbital 50/Aspirin 325/Caffeine 40 tabs	Purepac, Zenith
Furosemide tabs 20, 40 mg	Heather
Metronidazole tabs 500 mg	Par
Potassium Bicarb effervescent tabs 25 mEq	Copley, Nomax
Propoxyphene 65/Aspirin 389/Caffeine 32 caps	Zenith
Sulfamethoxazole/Trimethoprim tabs 400/80, 800/160	Danbury

The following products and their respective manufacturers were **not adopted**:

Dexamethasone tabs 0.25, 0.5, 0.75, 1.5, 4.0, mg	Par
Dexchlorpheniramine Maleate tabs 4, 6 mg	Amide
Iodoquinol tabs 650 mg	Duramed
Phenobarbital Elixir 20 mg/5 ml	NPC
Potassium Iodide Solution, Saturated (SSKI)	NPC
Triprolidine HCL 1.25/5 Syrup	NPC
Theophylline/Ephedrine/Hydroxyzine tabs	Amide

The following products are still **pending**:

Allopurinol tabs 100, 300 mg	Chelsea
Chlorothiazide tabs 500 mg	Chelsea
Chlorzoxazone/Acetaminophen tabs	Amide
Indomethacin caps 25, 50 mg	Chelsea
Thioridazine tabs 10, 15, 25, 50, 100 mg	Zenith

OFFICE OF ADMINISTRATIVE LAW NOTE: A related Notice of Adoption may be found at 16 N.J.R. 142(b).

(a)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Adopted Amendment: N.J.A.C. 8:71

Proposed: June 6, 1983 at 15 N.J.R. 846(a).
Adopted: April 16, 1984 by the Drug Utilization Review Council, Leroy L. Schwartz, M.D., Chairman.
Filed: April 16, 1984, as R.1984 d.159.

Authority: N.J.S.A. 24:6E-6b.

Effective Date: May 7, 1984.
Expiration date pursuant to Executive Order 66(1978): April 2, 1989.

Summary of Public Comments and Agency Responses:
No comments received.

The following product and its manufacturer were **adopted:**

Fuorsemide tabs 40 mg	Superpharm

OFFICE OF ADMINISTRATIVE LAW NOTE: A related Notice of Adoption may be found at 15 N.J.R. 1862(b) and 16 N.J.R. 142(a).

HIGHER EDUCATION

(b)

HIGHER EDUCATION ASSISTANCE AUTHORITY

Guaranteed Student Loan Program PLUS Program; Loan Limits

Adopted Amendments: N.J.A.C. 9:9-1.2 and 9.3

Proposed: February 6, 1984 at 16 N.J.R. 203(a).
Adopted: April 9, 1984 by New Jersey Higher Education Assistance Authority, Jerome Lieberman, Chairman.
Filed: April 10, 1984 as R.1984 d.153, **without change**.

Authority: N.J.S.A. 18A:72-10.

Effective Date: May 7, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): September 8, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

9:9-1.2 Loan amounts

(a) A student who requests to borrow a second time for the same stated year in school, as indicated on the previous loan application, may be permitted to do so if the reason is caused by other than academic failure, or a lighter than usual workload, and evidence is submitted from the educational institution.

(b) The minimum amount the Authority will guaranty is $200.00.

9:9-9.3 Loan amount

(a) The maximum amount a parent of a dependent undergraduate student or a graduate student may borrow for one academic year (grade level) shall not exceed $3,000 excluding Guaranteed Student Loan funds.

(b) The maximum amount a full-time independent undergraduate student may borrow for one academic year shall not exceed $2,500 including any amounts borrowed under the Guaranteed Student Loan Program for the same academic year.

(c) The total amount to any one student or parent shall not exceed $15,000 excluding Guaranteed Student Loan funds for the parent of a dependent undergraduate student or a graduate student, or $12,500 for an independent undergraduate student including any amounts borrowed under the Guaranteed Student Loan Program.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Trade Member Discrimination, Marketing and Advertising

Readoption: N.J.A.C. 13:2-24

Proposed: March 5, 1984, at 16 N.J.R. 412(a).
Adopted: April 11, 1984, by John F. Vassallo, Jr., Director, Division of Alcoholic Beverage Control.
Filed: April 12, 1984, as R.1984 d.155, **without change**.

Authority: N.J.S.A. 33:1-3, 1-10, 1-11, 1-12, 1-23, 1-39, 1-39.2, 1-43, 1-43.1, 1-79, 1-89, 1-90 and 1-93.

Effective Date: April 12, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 12, 1989.

Summary of Public Comments and Agency Responses: **No comments received.**

NOTE: When this subchapter was proposed for readoption without change, it was anticipated that a new section that had been previously proposed, N.J.A.C. 13:2-24.12, would have become effective prior to this readoption, and therefore was included in the readoption notice. The new section, however, did not become effective until publication in the April 16, 1984 issue of the New Jersey Register. Thus, the current readoption only covers the existing 11 sections of subchapter 24, although section 12 will have the April 12, 1989 sunset date of subchapter 24.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 13:2-24, as amended in the New Jersey Register.

(b)

DIVISION OF CIVIL RIGHTS

Multiple Dwelling Reporting

Readoption: N.J.A.C. 13:10

Proposed: March 5, 1984 at 16 N.J.R. 415(a).
Adopted: April 10, 1984 by Pamela S. Poff, Director, Division on Civil Rights.
Filed: April 23, 1984 as R.1984 d.169, **without change**.

Authority: N.J.S.A. 10:5-8(g).

Expiration Date pursuant to Executive Order No. 66(1978): April 23, 1989.

Summary of Public Comments and Agency Responses:

The Division on Civil Rights afforded all interested persons the opportunity to comment on the readoption of N.J.A.C. 13:10-1.1 et seq. by April 5, 1984. Announcement of this opportunity to respond before the Division was given in the New Jersey Register on March 5, 1984. An announcement was also distributed to all the major news organizations in New Jersey, Philadelphia and New York City. A full record of this opportunity to be heard can be inspected by contacting the Division on Civil Rights office at 1100 Raymond Boulevard, Room 400, Newark, New Jersey 07102.

The Division on Civil Rights received one comment on February 6, 1984, by Nancy R. Jones, Assistant Property Manager of Goodwin Enterprises in Mt. Laurel, New Jersey. Ms. Jones indicated that the Law Against Discrimination adequately provides relief to victims of housing discrimination and given the additional expenditure of time by apartment owners, the Multiple Dwelling Reporting Rule is unnecessary and burdensome. In response, Director Poff advised Ms. Jones that while protecting aggrieved individuals the rule enables the Division on Civil Rights to identify targets for investigation, to alert apartment owners to the composition of their tenants and to continue its efforts to prevent the emergence of segregated housing developments in New Jersey.

The Division on Civil Rights, while appreciative of Ms. Jones' comment and interest, did not find any basis therein on which to reject the readoption of the Multiple Dwelling Reporting Rule.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 13:10.

(c)

DIVISION OF MOTOR VEHICLES

Enforcement Service Identifying Marks

Adopted Amendment: N.J.A.C. 13:20-34.7

Proposed: February 21, 1984 at 16 N.J.R. 347(b).
Adopted: March 28, 1984 by Clifford W. Snedeker, Director of the Division of Motor Vehicles.
Filed: April 13, 1984 as R.1984 d.157, **without change**.

Authority: N.J.S.A. 39:3-33.3.

Effective Date: May 7, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1989.

Summary of Public Comments and Agency Responses: **No comments received**.

Full text of the adoption follows.

13:20-34.7 Reissue
In the event a registrant fails to renew the registration for a particular identifying mark for 60 days from the date of expiration or surrenders said mark and corresponding registration certificate to the division, said marks shall be available for reissuance to any applicant therefor.

PUBLIC UTILITIES

(a)

OFFICE OF CABLE TELEVISION

Rules of Practice and Procedure Petitions to Set Aside Zoning Variance Refusal

Adopted New Rule: N.J.A.C. 14:17-6.21

Proposed: January 17, 1984 at 16 N.J.R. 125(a).
Adopted: April 19, 1984 by John P. Cleary, Director, Office of Cable Television.
Filed: April 23, 1984 as R.1984 d.167, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 48:5A-10, and -17(e).

Effective Date: May 7, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1989.

Summary of Public Comments and Agency Responses:

The written comment period expired on February 17, 1984. Written comments were filed by the Cable Users Association of New Jersey (CUA) and the New Jersey Cable Television Association (NJCTA).

The CUA requested that a local hearing for public comment be required in all Section 17(e) proceedings. An optional hearing was initially proposed. The Office of Cable Television views this request as reasonable, and consistent with the Office's practice of holding a hearing in the affected community even in the absence of formal opposition, and so modify the proposal. Because proceedings under N.J.S.A. 48:5A-17(e) must necessarily focus on local impacts, the Board agrees that the community must be assured of hearing in a convenient forum.

The NJCTA felt several clarifications of language were necessary. It argues that the rules would establish a requirement that alternative sites be investigated, a requirement it contends is rejected by utility case law. Another NJCTA concern was the requirement that neighboring landowners within 200 feet be served in cases where it may be next to "impossible" to locate a particular owner. Some confusion regarding proof of service also appeared in the comments. The time for filing proof was deemed insufficient.

Although most of the points raised are grounded in overly technical or speculative readings of the proposal, the concerns can be addressed with minor clarifying amendments. The information required by the rule is not intended to be exhaustive. Nor is it intended to impose substantive requirements contrary to law. It is the agency's hope that such information will facilitate an expeditious framing of the issues, as well as early settlement discussions.

A petitioner is always free to present whatever information the Board may find helpful, or to seek specific relaxation of the rules for good cause when they become unreasonably burdensome. N.J.A.C. 14:17-1.2(b). For example, the inability to locate an adjoining property owner should not constitute a fatal defect in the petition, provided reasonable efforts were made to effectuate service. The Office, in an effort to formalize its policy requiring notice to potentially interested parties, considers the 200 foot notice requirement a reasonable means of advising potential interested parties of this type of proceeding, which is often unfamiliar to the affected community.

In light of the comments received, the Office has amended the proposal accordingly.

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

14:17-6.21 Petition to set aside refusal pursuant to N.J.S.A. 48:5A-17(e)

(a) Petitions for an order setting aside municipal refusal for zoning variance, or other act or necessary authorization pursuant to N.J.S.A. 48:5A-17(e), shall conform to N.J.A.C. 14:17-5 (Pleadings Generally), and N.J.A.C. 14:17-6.1 through 6.5 to the extent applicable, and shall include, but not be limited to the following:

1. A map or site plan for the proposed facility showing the locations of any other ***potential alternative*** sites or ***existing CATV*** facilities in relation to the one in question;
2. A listing of alternative sites, ***if any,*** investigated or considered;
3. A copy of the decision or order below denying the requested approval;
4. Proof of ***concurrent*** service of a copy of the petition [[to be filed within five days of service]* upon each of the following:

i. The municipal governing body;
ii. The agency, authority, board or other entity which denied the requested approval;
iii. Any adjoining property owners within 200 feet of the property for which approval is sought.

(b) The petition pursuant to this section must be filed with the Office within 60 days of written notice of the denial to the petitioner.

(c) The Board or administrative law judge *[may, in his or her discretion]* ***shall*** hold a hearing on the matter in the community affected.

ENERGY

(a)

THE COMMISSIONER

Energy Emergency Allocation Motor Gasoline

Readoption: N.J.A.C. 14A:2-3

Proposed: March 5, 1984 at 16 N.J.R. 419(a).
Adopted: April 10, 1984 by Leonard S. Coleman, Jr., Commissioner, Department of Energy.
Filed: April 17, 1984 as R.1984 d.162, **without change**.

Authority: N.J.S.A. 52:27F-16 and -17.

Effective Date: April 17, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 17, 1989.

Summary of Public Comments and Agency Responses:

One comment was received indicating that salespersons and owners of commercial vehicles whose livelihood depends on travel should be permitted to purchase gasoline at special hours rather than require them to wait in line. It was suggested that this approach would reduce the economic losses sustained by businesses during a gasoline shortage.

The Department recognizes that there are negative economic effects to waiting on line for gasoline. However, these effects are felt not only to business and drivers of commercial vehicles but by all persons who require the use of a vehicle for employment purposes. The regulations already make certain exceptions for commercial vehicles to obtain gasoline. Therefore, the Department cannot accept the suggestion that commercial vehicles should further have separate hours for access to gasoline.

In addition, the Department believes that the minimum purchase requirement will alleviate some of the lines because it will eliminate the opportunity for consumers to make frequent trips to gasoline stations simply to "top off" their tanks.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 14A:2-3.

TREASURY-TAXATION

(b)

DIVISION OF TAXATION

Alcoholic Beverage Tax Act State Licensees

Readoption: N.J.A.C. 18:3

Proposed: March 19, 1984 at 16 N.J.R. 513(b).
Adopted: April 23, 1984 by John R. Baldwin, Director, Division of Taxation.
Filed: April 23, 1984 as R.1984 d.170, **without change**.

Authority: N.J.S.A. 54:42-1 and 54:50-1.

Effective Date: April 23, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 23, 1989.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:3.

(c)

DIVISION OF TAXATION

Motor Fuels Retail Sales

Readoption: N.J.A.C. 18:19

Proposed: March 5, 1984 at 16 N.J.R. 420(a).
Adopted: April 6, 1984 by John R. Baldwin, Director, Division of Taxation.
Filed: April 6, 1984 as R.1984 d.151, **without change**.

Authority: N.J.S.A. 56:6-6.

Effective Date: April 6, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 6, 1989.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 18:19.

(a)

DIVISION OF TAXATION

Sales and Use Tax
Taxation of Manufactured and Mobile Homes

Adopted Repeal: N.J.A.C. 18:24-7.19
Adopted New Rule: N.J.A.C. 18:24-7.19

Proposed: February 21, 1984 at 16 N.J.R. 359(a).
Adopted: April 12, 1984 by John R. Baldwin, Director, Division of Taxation.
Filed: April 13, 1984 as R.1984 d.156, **without substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 54:32B-24 and P.L. 1983, c.400.

Effective Date: May 7, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): August 12, 1988.

Summary of Public Comments and Responses:

The letter the Division received commenting on the rule raised four matters; first, the treatment for sales tax purposes of the installation of a new or used manufactured home as a capital improvement to real property, whether the home is installed on private property. The Division responded that for sales tax purposes, such installation was not taxable.

Secondly, the letter indicated that the Division had not explained the incidence of sales tax on the rental or lease of a manufactured home situated in a mobile home park. The Division responded that it was answering this by adding N.J.A.C. 18:24-7.19(h), which treats this as a taxable transaction.

This was an inquiry as to whether manufactured home accessories or components sold and/or installed by a dealer are subject to sales tax upon purchase by the buyer, and the Division added N.J.A.C. 18:24-7.19(c)1, which indicates that these are taxable items.

Last, the letter inquired whether the rule could be changed to specify the tax base as 55 percent of the retail selling price and the Division answered that it was bound by the statute and had to use the manufacturer's invoice price.

Other minor changes from the proposed to the adopted rule include the use of the word "permanent" regarding installation and the use of the words "construction material" instead of building material, for clarification purposes; and in subsection (g) the words "or used" were added to clarify that the Division of Motor Vehicles would not issue a certificate of ownership unless the sales tax had been paid on a new or used mobile home.

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

18:24-7.19 Taxation of manufactured and mobile homes

(a) This section is intended to clarify the taxation of manufactured and mobile homes under the provisions of P.L. 1983, c.400, approved December 22, 1983.

1. For the purposes of this section, the following terms shall have the following meanings:

i. "Manufactured or mobile home" means a unit of housing which consists of one or more transportable sections which are substantially constructed off site and, if more than one section, are joined together on site; is built on a permanent chassis; is designed to be used, when connected to utilities, as a dwelling on a permanent or nonpermanent foundation; and is manufactured in accordance with the standards promulgated for a manufactured home pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," Pub. L. 93-383 (42 U.S.C. § 5401, et seq.) and the standards promulgated for a manufactured or mobile home pursuant to the "State Uniform Construction Code Act," P.L. 1975, c.217 (C. 54:27D-119, et seq.).

ii. "Trailer or housetrailer" means a recreational vehicle, travel trailer, camper or other transportable, temporary dwelling unit, with or without its own motor power, designed and constructed for travel and recreational purposes to be installed on a nonpermanent foundation if installation is required.

iii. "Manufacturer's invoice price" means the price charged by the manufacturer to a purchaser for a new manufactured or mobile home, including any amount for which credit is allowed by the manufacturer to the purchaser, the charge for the manufacturer-installed accessories, options, components or other taxable tangible personal property, without any deduction for expenses, early payment discounts or the value of a trade-in.

iv. "Dealer" means any person who sells manufactured and mobile homes, trailers or housetrailers and other tangible personal property in New Jersey in the regular course of business and who is registered as a vendor with the Division of Taxation, whether or not licensed as a motor vehicle dealer with the Division of Motor Vehicles.

v. "New manufactured or mobile home" means only a newly manufactured unit.

vi. "Used manufactured or mobile home" means a unit which has become what is commonly known as "second hand" within the ordinary meaning thereof.

vii. "First sale" means a retail sale as defined by the Sales and Use Tax Act.

(b) On and after December 22, 1983, the first sale of a new manufactured or mobile home is subject to sales tax based upon the manufacturer's invoice price.

1. The sale of a new manufactured or mobile home by the manufacturer or other vendor to a contractor, subcontractor, homeowner or other ultimate consumer is a retail sale and the tax must be collected from the purchaser at the time of sale and remitted to the Division of Taxation.

2. Where the manufacturer or other vendor sells a new manufactured home to a homeowner or other ultimate consumer and agrees to install the home for the purchaser, the manufacturer or other vendor is acting as a contractor and the tax is due directly from such person. Sales tax is not collected from the purchaser.

i. Where a new manufactured or mobile home is purchased from a manufacturer or other vendor who is not a registered vendor in New Jersey for sales tax purposes, the purchaser must pay the tax directly to the Division; provided, however, that where the manufacturer's invoice price cannot be ascertained, the tax is based on the purchase price.

3. The sale of a new manufactured or mobile home by the manufacturer to a dealer is a sale for resale and the tax applies to the manufacturer's invoice price as follows:

i. Where the dealer sells a new manufactured or mobile home to a contractor, subcontractor, homeowner or other ultimate consumer, the sales tax must be collected from the purchaser by the dealer and remitted to the Division of Taxation.

Example 1:

Dealer X sells a manufactured home to Y for $30,000.00. The manufacturer's invoice price, including a charge for certain home furnishings, was $19,500.00. The cost of freight into dealer X's place of business was $500.00. The taxable receipt is $20,000.00 and the sales tax is stated to and collected from the purchaser at the rate of six percent, or $1,200.00.

ii. Where the dealer sells a new manufactured or mobile home to a homeowner or other ultimate consumer and agrees to install the home for the purchaser, the dealer is acting as a contractor and the tax is due directly from the dealer. Sales tax is not collected from the purchaser.

Example 1:

Dealer X sells a new manufactured home to Y and agrees to install the unit in a mobile home park. The manufacturer's invoice price, including a charge for certain home furnishings, is $19,500.00. The cost of freight into dealer X's place of business is $500.00. The dealer is liable for the tax on $19,500.00, or $1,170.00. No tax on the manufactured home is stated to or collected from the purchaser.

iii. The sale of a new manufactured home by a dealer or other vendor to a dealer is a sale for resale and the acquiring dealer may issue a valid New Jersey Resale Certificate (Form ST-3); however, that sales tax is due at the time of retail sale on the price paid by the acquiring dealer whenever the manufacturer's invoice price cannot be ascertained.

(c) *[The sale of dealer-installed options or accessories for or components of a]* ***The sale of dealer-installed accessories, options, components or other taxable tangible personal property for either a new or used*** manufactured or mobile home is subject to sales tax based upon the ***retail*** sales price, whether or not the dealer also agrees to install the home for his customer; provided, however, that where the dealer does agree to install a home for his customer, the purchase of the *[building]* ***construction*** materials, supplies and equipment is subject to tax as provided by (e) below.

1. Dealer-installed accessories, options, components or other taxable tangible personal property are items such as furniture, fixtures, furnishings, appliances, attachments or similar tangible personal property which are not included with the home upon sale by the manufacturer or permanently incorporated as a part of the home at the time of manufacture. The latter can include items such as air conditioning units, sinks, cabinets, counter tops, exhaust hoods, water heaters, etc. A Certificate of Capital Improvement (Form ST-8) cannot be issued by the purchaser in connection with the purchase of dealer-installed options, accessories or components.

(d) On and after December 22, 1983, the sale of a used manufactured or mobile home by any person, including a dealer, is exempt from sales and use tax, whether or not the home is located in a mobile home park.

(e) On and after December 22, 1983, the ***permanent*** installation or a new or used manufactured or mobile home results in a capital improvement to real property, whether or not the home is installed in a mobile home park. ***(See N.J.A.C. 18:24-5.7)***

1. Services performed by a contractor, subcontractor, manufacturer or other vendor or dealer acting as a contractor or subcontractor and rendered in connection with the ***permanent*** installation of a new or used manufactured or mobile home for the purchaser are exempt from sales tax; provided, however, that a duly completed Certificate of Capital Improvement (Form ST-8) has been obtained from the purchaser and retained by the contractor or dealer for his permanent records.

2. Sales of ***construction*** materials and supplies, ***construction*** equipment or taxable services to a contractor or subcontractor, manufacturer or other vendor or a dealer acting as a contractor or subcontractor, for use in the installation of a new or used manufactured or mobile home are subject to sales tax or use tax as provided by *[18:24-5.3, et seq. of this chapter.]* ***N.J.A.C. 18:24-5.***

(f) The sale of a new or used trailer or housetrailer is subject to sales tax as provided for other motor vehicles in this subchapter.

(g) A certificate of ownership for a new ***or used*** manufactured or mobile home will not be issued by the Division of Motor Vehicles except upon proof, in a form approved by the Division of Taxation and the Division of Motor Vehicles, that any tax due on the sale or use of a new ***or used*** manufactured or mobile home has been paid or that no such tax is due.

(h) The rental or lease of a manufactured or mobile home permanently installed in a mobile home park is subject to sales tax as provided in N.J.A.C. 18:24-3.

EMERGENCY ADOPTION

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WASTE MANAGEMENT

Solid Waste Disposal Exemption from Registration

Adopted Emergency New Rule and Concurrent Proposal: N.J.A.C. 7:26-1.7

Emergency Rule Adopted: April 13, 1984 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Gubernatorial Approval (N.J.S.A. 52:14B-4(c)): April 25, 1984.
Emergency Rule Filed: April 25, 1984 as R.1984 d.174.

Authority: N.J.S.A. 13:1B-3, 13:1E-4 and 13:1E-6.

Emergency Rule Effective Date: April 25, 1984.
Emergency Adoption Expiration Date: June 24, 1984.
DEP Docket No. 027-84-04.

A **public hearing** concerning this proposal will be held on May 22, 1984 at 7:30 P.M. at:
The Hackensack Meadowlands Environmental Center
2 DeKorte Park Plaza
Lyndhurst, New Jersey 07071

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before June 6, 1984. These submissions, and any inquiries about submissions and responses should be addressed to:
Barbara M. Greer
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, NJ 08625

This rule was adopted on an emergency basis and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-4.4). Concurrently, the provisions of this emergency rule are being proposed for readoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

The concurrent proposal is known as PRN 1984-288.

The agency emergency adoption and concurrent proposal follows:

Summary

N.J.A.C. 7:26-1.7 permits the Department of Environmental Protection to allow, in certain limited circumstances, the operation of solid waste disposal facilities or operations which have not received final registration or engineering design approval as is required at N.J.A.C. 7:26-2. Both general and specific criteria for exemption must be met before a facility or operation will be granted either a temporary or permanent authority to operate. The Department intends to add additional classes which shall be exempt through future rulemaking. Pursuant to this rule a temporary authority to operate, based on authority provided at N.J.S.A. 13:1E-4(a), may be granted for operation of a class of sanitary landfill facilities for a period up to one year.

The emergency adoption is necessitated by an imminent crisis in the Hackensack Meadowlands District which requires the expeditious expansion of a previously closed landfill facility in order to accept waste which must, according to statute, be disposed of in that district and for which no other space is available. The department anticipates however, that given the increasing shortage of landfill space in the State and the difficulties associated with siting new facilities in a timely manner, other occasions will arise which will come within the purview of the proposed exemption.

In order for a sanitary landfill to qualify for a temporary authority to operate under N.J.A.C. 7:26-1.7, the proposed owner or operator must be deemed to be competent to operate the facility; the proposed facility must be deemed able to qualify for a final registration; all preparatory work necessary prior to operation must be completed; use of the facility prior to the time it would take to receive final registration must be essential in order to avoid disruption; a schedule for completion of registration must be established; and, the district in which the proposed facility is located must be judicially or statutorily required to accept the waste which otherwise would have to be redirected.

In cases where no judicial or statutory mandate exists, the Department has exercised its authority to redirect the flow of wastes to facilities in other districts. However, the actions of the legislative and/or judicial branches constrain this power, and in some cases, facilities must be implemented within a limited time. In general, absent such extradepartmental constraints, the statutory requirement that a facility receive registration and engineering design approval prior to operating, will be strictly applied.

Social Impact

The public will benefit from the continued availability of solid waste disposal facilities, as mandated by statute or judicial decree, that will be assured by this amendment. Any public health dangers associated with a lack of disposal capacity will be averted.

Economic Impact

Economic impacts of this amendment will be positive. By assuring, in those cases where statutory or judicial mandates exist regarding the disposal of wastes from specific areas, that facilities are available to receive those wastes, negative economic impacts associated with transport to more distant facilities may be avoided.

Environmental Impact

No significant environmental impact is expected from these amendments. These amendments permit the Department to allow, in certain limited circumstances, the operation of facilities which have not received final registration and engineering design approval. However, such approval is for limited duration, and may only be granted when, in the opinion of the Commissioner, the intent of the Solid Waste Management Act will be met. The negative environmental consequences of long distance transportation of wastes will be avoided.

Full text of the adopted emergency and concurrent proposal follows.

7:26-1.7 Exemption from registration

(a) Pursuant to N.J.S.A. 13:1E-4a., the commissioner shall exempt, from the requirement of registration as set forth in N.J.A.C. 7:26-2, and shall grant a permanent or temporary certificate of authority to operate, with or without conditions, to the class of solid waste collection or disposal facilities or operations which in the commissioner's opinion meets the general and applicable specific criteria set forth in (c) and (d) below.

(b) The owner or operator of any facility or operation of a class exempted pursuant to N.J.A.C. 7:26-1.7 shall comply with all conditions set forth in its certificate of authority to operate. Noncompliance with a certificate of authority to operate shall subject the holder to penalty pursuant to N.J.S.A. 13:1E-9 and/or suspension or revocation of authority to operate.

1. The owner or operator of a facility for which authority to operate has been revoked or suspended shall be afforded the opportunity of a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., subsequent to the revocation or suspension.

2. In no way shall the granting of a temporary certificate of authority to operate be interpreted as entitling the holder to final registration and engineering design approval.

(c) General criteria for all exemptions:

1. Any exemption granted to a class of facilities or operations pursuant to N.J.A.C. 7:26-1.7 shall ensure that the purpose and intent of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., is satisfied; and

2. No exemption shall be granted to permit an operation which will pose a threat to public health or the environment.

(d) Specific criteria for exempting sanitary landfills:

1. A temporary certificate of authority to operate which shall be for a fixed period of time, not to exceed one year, shall be granted to a sanitary landfill facility which, in the opinion of the commissioner, meets the following criteria for exemption:

i. The proposed owner or operator of the facility is determined by the commissioner, after a preliminary review of such information as the commissioner may require, to demonstrate sufficient integrity, expertise and competence to operate a sanitary landfill facility in compliance with the Solid Waste Management Act and the certificate of authority to operate;

ii. It would be possible for the facility to qualify for a registration pursuant to the Solid Waste Management Act;

iii. All preparatory work which must be completed in order to permit safe and environmentally sound operation, can be accomplished prior to the commencement of operations at the site;

iv. Use of the facility prior to the time that a registration can be issued pursuant to N.J.A.C. 7:26-2 is essential in order to avoid a major disruption in the operation of one or more solid waste management plans and in order to comply with a judicial decree or statutory requirement to provide disposal facilities in a particular district; and

v. A schedule has been established and incorporated into the certificate of authority to operate for compliance with all the requirements for registration under N.J.A.C. 7:26-2. The schedule may call for accomplishing one or more registration requirements after commencement of facility operation.

MISCELLANEOUS NOTICES

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING

Uniform Construction Code
Code Change Proposals

Public Hearing

Take notice that a public hearing will be held on May 17, 1984, at 10:00 A.M., at the main office of the Bureau of Construction Code Enforcement, Princeton Pike Office Park, 3131 Princeton Pike, Lawrenceville, New Jersey, for the purpose of receiving recommendations for changes in the national model codes which constitute the adopted subcodes of the State Uniform Construction Code.

In the past, New Jersey State-sponsored code change proposals have frequently been adopted by the code-writing organizations. Public participation in the code change procedure has proven to be an effective way of improving the codes by developing sound proposals for State sponsorship.

The public hearing is open both to interested individuals and to representatives of governmental bodies, companies and associations. Persons who wish to speak are requested to provide as much factual information as may be necessary for the Department and the Code Advisory Board to make an informed decision regarding the proposal.

Persons who wish to speak may arrange to be scheduled by calling Michael L. Ticktin, Esq., Administrative Practice Officer of the Division of Housing, at 609-292-7898. Written proposals may be sent to the Bureau of Construction Code Enforcement, CN 805, Trenton, New Jersey 08625 on or before May 10, 1984. A form for submitting proposals may be obtained from the Bureau at that address by calling 609-292-6364.

ENVIRONMENTAL PROTECTION

(b)

DIVISION OF WASTE MANAGEMENT

Hazardous Waste Criteria; Identification and Listing
Hazardous Waste from Specific Sources

Withdrawal of Proposal: N.J.A.C. 7:26-8.14

On November 7, 1983, by authority of Robert E. Hughey, Commissioner, Department of Environmental Protection, proposed amendments to N.J.A.C. 7:26-8.14 were published at 15 N.J.R. 1816(a). The amendments proposed the delisting of KO53 through KO59 and KO74, trivalent chromium-bearing wastes, from N.J.A.C. 7:26-8.14. These wastes have been delisted by the United States Environmental Protection Agency.

There was evidence supporting the conclusion that trivalent chromium was not a hazardous waste while hexavalent chromium was hazardous. It has come to the department's attention that serious new evidence has been submitted to U.S. EPA disputing the above conclusion. U.S. Environmental Protection Agency is reviewing the degree of hazard of trivalent and hexavalent chromium. Until this issue is settled, the department will continue to regulate these wastestreams in the interest of public safety.

This "Withdrawal of Proposal" serves to give notice of the removal of the proposed amendments from consideration. The wastestreams KO53 through KO59 and KO74 (leather tanning wastes and TiO_2 production wastes) will continue to be handled as hazardous wastes in the State of New Jersey.

(a)

DIVISION OF WASTE MANAGEMENT
DIVISION OF WATER RESOURCES

Hazardous Waste Management
Final RCRA Authorization Public Hearing

Take notice that the Department of Environmental Protection will hold a public hearing regarding the Department's draft application to the United States Environmental Protection Agency for Final Authorization to administer the hazardous waste management program in lieu of the Federal program under the Federal Resource Conservation and Recovery Act of 1976 ("RCRA").

A **public hearing** to receive testimony concerning this matter will be held on June 22, 1984 at 10:00 A.M. at the:

Richard B. Hughes Justice Complex
Warren and Market Streets
Room "C" of the Court Cube
Trenton, N.J.

Interested persons may submit, in writing, data, views or arguments relevant to this proposal on or before June 29, 1984. These submissions and any inquiries relevant to this matter, should be addressed to:

Susan Savoca
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, N.J. 08625
Telephone: (609)292-0330

Copies of the draft Final Authorization application are available for public inspection and copying during normal business hours at the following locations:

Office of the Director, Division of Waste Management
N.J. Department of Environmental Protection
32 East Hanover Street
Trenton, N.J. 08625
Telephone: (609)292-1250

New Jersey Department of Environmental Protection
Southern Field Office
R.D. #1 Route 70
Vincentown, N.J. 08088
Telephone: (609)859-2958

New Jersey Department of Environmental Protection
Northern Field Office
1259 Route 46
Parsippany, N.J. 07054
Telephone: (201)648-3669

New Jersey Department of Environmental Protection
Central Field Office
120 Route 156
Yardville, N.J. 08620
Telephone: (609)292-9592

The Federal Resource Conservation and Recovery Act of 1976 provides for a process by which states may obtain authorization to take over the hazardous waste management program from the Federal government. States may obtain authorization in incremental steps as states adopt regulations which are equivalent to and consistent with the Federal program. The first step—Phase I Interim Authorization—covered the identification and listing of hazardous wastes and the establishment of standards for generators, transporters, and treatment, storage and disposal facilities, as well as compliance and enforcement issues. New Jersey received Phase I Interim Authorization on February 2, 1983. Phase II Interim Authorization is divided into 3 Components—A, B and C. Component A covers permitting standards for facilities that store or treat hazardous waste in containers, tanks, surface impoundments and waste piles. Component B contains permitting standards for incinerators. Component C contains groundwater monitoring and response requirements and minimum design and operating criteria for surface impoundments, land treatment facilities and landfills. The Department submitted the application for Phase II, Components A and B Interim Authorization on December 15, 1983 and received Phase II, Components A and B Interim Authorization on April 6, 1984 (49 FR 13697). The Department is applying for Phase II, Component C Interim Authorization concurrently with the application for Final Authorization. The Department submitted a draft Final Authorization Application (containing Phase II, Component C) to the United States Environmental Protection Agency on February 6, 1984 and expects to submit the final application on July 26, 1984.

The Department's draft application for Final Authorization contains the following:

1. A letter from the Director of the Division of Waste Management of the Department of Environmental Protection requesting program approval.

2. A Program Description which explains the program the State proposes to administer together with the forms used to administer the program.

3. A statement from the State Attorney General that the laws of the State provide adequate authority to carry out the program in the State.

4. A Memorandum of Agreement which describes the arrangement or understanding between the Commissioner of the New Jersey Department of Environmental Protection and the Administrator of the United States Environmental Protection Agency, Region II regarding the administration and enforcement of the State regulatory program.

5. A legislative checklist which shows that the State has adequate legislative authority to manage the program.

6. A regulatory checklist showing that State regulations are equivalent to or more stringent than the federal RCRA regulations.

7. Copies of all applicable State regulations.

8. A Memorandum of Understanding, outlining the coordination of enforcement activities between the Department and the Office of the Attorney General.

(a)

DIVISION OF WATER RESOURCES

Amendment to the Northeast New Jersey Water Quality Management Plan

Public Notice is hereby given that:

Secaucus Municipal Utilities Authority (SMULA) has applied to the New Jersey Department of Environmental Protection (NJDEP) for amendments to the Northeast New Jersey Water Quality Management (WQM) Plan. The Northeast New Jersey WQM Plan currently states that the SMUA will divert all flows over 2.25 million gallons per day (MGD) to the Jersey City East Sewage Treatment Plant, and provide Level 1 treatment to the 2.25 MGD flow that will remain. The SMUA has requested that the allowed flow of its sewage treatment plant discharge be expanded from 2.25 MGD to 2.8 MGD. The NJDEP agrees to this flow expansion if the level of treatment specified in its modified New Jersey Pollutants Discharge Elimination System (NJDES) permit is met. This permit level is not to be less than the equivalent of Level 1. (Treatment level criteria are defined on page V-104 of the Northeast WQM Plan.) In addition, if the SMUA requests in the future, further flow expansions beyond 2.8 mgd, then NJDEP's determination will be dependent upon the outcome of the NJDEP approved facilities planning developed by the Hudson County Utilities Authority concerning the Jersey City East Sewage Treatment Plant. The long-term treatment requirement for discharges to the Hackensack River will be Level 3. However, this level of treatment may be achieved through incremental phases over the period of time specified in the modified NJPDES permit.

This notice is being given to inform the public that NJDEP has prepared amendments to the Northeast New Jersey WQM Plan. This plan was adopted pursuant to the "Water Quality Planning Act," (N.J.S.A. 58:11A-1 et seq.) and the Federal "Clean Water Act." These amendments change the amount the SMUA sewage treatment plant can discharge.

All information dealing with the aforesaid water quality plan and the "Water Quality Planning Act" is located at the office of NJDEP, Division of Water Resources, Bureau of Planning and Standards located at 25 Arctic Parkway in the Township of Ewing, Mercer County. It is available for inspection between 8:30 A.M. and 4:00 P.M., Monday through Friday.

Interested persons may submit written comments on the amendment to Mr. George Horzepa, Chief, Bureau of Planning and Standards, at NJDEP, Division of Water Resources, CN-029, Trenton, New Jersey 08625. All comments must be submitted within 30 days of the date of this public notice. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by NJDEP with respect to the amendment request.

Any **interested person** may request in writing that NJDEP hold a nonadversarial public hearing on the amendments. This request must state the nature of the issues to be raised at the proposed hearing and must be submitted within 30 days of the date of this public notice to Mr. Horzepa at the NJDEP address citied above. If a public hearing is held, the public comment period in this notice shall automatically be extended to the close of the public hearing. If a public hearing is necessary it will be held in conjunction with the draft NJPDES permit hearing, if one is required.

LAW AND PUBLIC SAFETY

(b)

DIVISION OF MOTOR VEHICLES

Bulk Commodities Application Public Notice

Take notice that Clifford W. Snedeker, Director, Division of Motor Vehicles pursuant to the authority of N.J.S.A. 39:5E.11, hereby lists the names and addresses of applicants who have filed an application for a common carrier's Certificate of Public Convenience and Necessity and/or a contract carrier permit to engage in the business of transporting bulk commodities in intrastate commerce.

CONTRACT CARRIER (NON-GRANDFATHER)
BEN PILLA HAULING INC.
1774 NORTH WEST AVENUE
VINELAND, NEW JERSEY 08360

COMMON CARRIER (NON-GRANDFATHER)
LIVINGSTON OIL SERVICE, INC.
78 W. 18th STREET
WEEHAWKEN, NEW JERSEY 07087

LIQUID TRANSPORTERS, INC.
1292 FERN VALLEY ROAD
LOUISVILLE, KENTUCKY 40219

Protests in writing and verified under oath may be presented by interested parties to the Director of Motor Vehicles within 20 days following the publication date of an application.

TREASURY-GENERAL

(a)

DIVISION OF BUILDING AND CONSTRUCTION

Architect/Engineer Selection Notice of Assignments

The following assignments have been made:

DBC No.	PROJECT	A/E	CCE
C238	Emergency Sprinkler & Heating Repairs Rahway State Prison Rahway, NJ	Jansen & Rogan, Engrs.	$ 93,000.00
C244	Ballfields— Yepsen Unit Juvenile Medium Security Facility Bordentown, NJ	Vaughn Organization	$ 34,800.00
C219	Engineering Geology Services Medium Security Prison Newark, NJ	Albert J. Depman	$ 2,500.00 Services
M546	Water Systems Improvements Woodbine Developmental Center Woodbine, NJ	Pennoni Associates	$ 70,000.00
C247	Roof Repair Stokes Forest Unit Rt. 23 Sussex, NJ	Vincent Paolicelli & Associates	$ 60,000.00
M551	Emergency— Generator Repairs Vineland Soldiers Home Vineland, NJ	H.V. Weeks, Inc.	$ 25,000.00
C903	Miscellaneous Survey Data Stream Line Correctional Facilities Clinton & Annandale, NJ	Robert W. Lee Assoc., Inc. Inc.	$ 1,500.00 Services
C248	Medical Annex Trenton State Prison Trenton, NJ	Grad Partnership	$500,000.00
H712	Masonry-Repointing- Rossey & Vodra Halls Paint Exterior Trim, Sills, Windows and Doors- Hepburn Hall Jersey City State College Jersey City, NJ	Leslie M. Dennis & Sons	$ 76,000.00
H719	Study—HVAC System Irwin Library Jersey City State College Jersey City, NJ	A.D. Jilajian	$ 2,000.00 Study
A461	New Entrance Arnold Constable Building Trenton, NJ	Eugene F. O'Connor, AIA	$ 35,000.00
H732	Asbestos Removal Bosshart Hall Glassboro State College Glassboro, NJ	Lammey & Giorgio, PA	$ 31,500.00
P435	Comfort Station Expansion & Dining Room "As-Builts" Waterloo Village Allamuchy Mountain State Park Hacketstown, NJ	Dennis A. Mylan, AIA	$185,000.00

Competitive Proposals

A/E	A/E Design	Lump/Sum Proposals	Program/Allowances	Total
Dennis A. Mylan, AIA	8.20%	$16,810.00	$11,000.00	$42,980.00
Nadasky & Kopelson	9.00%	$18,900.00	$11,000.00	$46,550.00
RBA Group	7.24%	$20,325.00	$11.000.00	$44,725.00

C235	Kitchen Renovations Youth Reception & Correctional Center, Yardville, NJ Youth Correctional Institute, Bordentown, NJ	Malloy & Duffe, AIA AIA	$120,000.00

Competitive Proposals

*Bruce Constant, AIA	7.95%
Malloy & Duffe, AIA	11.20%
Matthew L. Rue, AIA	11.88%

*Contract previously issued to Bruce Constant voided.

A313-02	New Chiller & Boiler and Addition to Boiler Plant DOT Fernwood Complex Trenton, NJ	Colm Engineering, PA	$618,000.00

Competitive Proposals

Colm Engineering, PA	4.98%
London, Kantor & Umland, Assoc.	5.78%
H.V. Weeks, Inc.	8.5%

H720	Sprinkler System Green Hall Trenton State College Trenton, NJ	Wagner Associates, Inc.	$110,000.00

Competitive Proposals

Wagner Associates, Inc.	9.75%
M. Benton & Associates	12.49%
Kallen & Lemelson	12.50%

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION

Petition for Rulemaking
Reinvestment Obligation under N.J.S.A. 5:12-144

Petitioner: GNAC, Corporation, t/a "Golden Nugget"

Authority: N.J.S.A. 5:12-69(c), N.J.A.C. 19:42-8.1, N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-3.6.

Take notice that on April 3, 1984, GNAC, Corporation petitioned the Casino Control Commission for an amendment to N.J.A.C. 19:54 concerning the investment obligation and investment alternative tax under N.J.S.A. 5:12-144.

Specifically, GNAC requests that the Commission promulgate a regulation to permit the investment obligation of the licensee under N.J.S.A. 5:12-144 to be adjusted to value. GNAC believes that this method will encourage accelerated investment.

After due notice, this matter will be scheduled for a hearing by the Casino Control Commission in accordance with N.J.S.A. 5:12-69(c).

HOW TO USE THE TABLE OF CITATIONS

Generally, the key to locating a particular adopted rule is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule your are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research.

The N.J.A.C. citation itself indicates the extent of the changes to a rule. Every citation includes, at a minimum, the numerical designation of the title and chapter (**1:30**), and may include subchapter and section designations (1:30-**1.1**). In general, the less specific the citation, the more extensive the rule change. For example, 1:30 means that much or all or chapter 30 of title 1 has been modified; 1:30-1 means that several sections of subchapter 1 of 1:30 have been revised; and 1:30-1.1 means that only section 1 of 1:30-1 has been changed.

An N.J.A.C. citation that includes several section numbers (1:30-1.1, 1.3, 1.4) or several different subchapter and section numbers (1:30-1.1, 2.1, 4.3) means that similar or related changes have been made to those provisions. Additionally, a citation may designate an entirely new rule rather than an amended one.

In general, each rule is listed separately and chronologically. However, where an adoption notice contained several related rule adoptions or amendments within a single chapter, all of those changes may be under a single entry. Therefore, to be certain that you have found all of the changes to a given rule, be sure to scan the citations above and below that rule to find any entries which might contain related rule adoptions, including the one you are researching.

INDEX OF ADOPTED RULES

The *Index of Adopted Rules* contains rules which have been promulgated subsequent to the most recent update of the New Jersey Administrative Code. **Rules which are being promulgated in this Register, and which appear in the Table of Rules in this issue, do not appear in this index. These rules will appear in next month's Index of Adopted Rules.**

The rules in this index are listed in order of their N.J.A.C. citations. Accompanying the N.J.A.C. citation for each rule is a brief description of the rule's content, the Register citation for its proposal notice, its Office of Administrative Law (OAL) document citation (which should be used if ordering a copy of the rule from OAL), and the Register citation for its adoption. At the bottom of the listing for each Title is the date of the most recent Code update for that Title.

The Index of Adopted Rules appears in the first Register of each month, complementing the *Index of Proposed Rules* which appears in the second Register of each month. Together, these indices make available to a Code and Register subscriber all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activities from the initial proposal through final promulgation.

For any rule not yet published in a Code update, the full text of the proposal notice as published in the Register, plus the full text of any changes published with the adoption notice in the Register, constitute an official copy of the promulgated rule. If the full text of either the proposed rule or any changes does not appear in the Register, it is available for a fee from:

Administrative Filings
CN 301
Trenton, New Jersey 08625

To be certain that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with December 6, 1979.

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW-TITLE 1				
1:1-2.2	Contested cases and OAL jurisdiction	14 N.J.R. 486(a)	R.1982 d.467	15 N.J.R. 23(a)
1:1-3.2	Placement of case on inactive list	15 N.J.R. 1399(a)	R.1983 d.515	15 N.J.R. 1939(a)
1:1-3.3	Pre-hearing conferences and tape-recording	14 N.J.R. 606(a)	R.1982 d.297	14 N.J.R. 975(a)
1:1-3.11	Succession of parties in contested cases	14 N.J.R. 606(b)	R.1982 d.295	14 N.J.R. 975(b)
1:1-9.1, 9.2, 9.6, 9.7	Interlocutory review and emergency relief	14 N.J.R. 1182(a)	R.1982 d.472	15 N.J.R. 25(a)
1:1-9.7	Interlocutory review	15 N.J.R. 1399(b)	R.1983 d.517	15 N.J.R. 1939(b)
1:1-10.1	Pre-hearing conferences by telephone	15 N.J.R. 582(a)	R.1983 d.268	15 N.J.R. 1093(a)
1:1-12.4	Notice of opportunity to intervene or participate	15 N.J.R. 1400(a)	R.1983 d.516	15 N.J.R. 1939(c)
1:1-13.2, 13.3, 14.5	Interlocutory review and emergency relief	14 N.J.R. 1182(a)	R.1982 d.472	15 N.J.R. 25(a)
1:1-14.1	Consolidation of cases	14 N.J.R. 674(b)	R.1982 d.296	14 N.J.R. 975(c)
1:1-16.5	Substantiation of final decisions	14 N.J.R. 608(a)	R.1982 d.292	14 N.J.R. 975(d)
1:16.5	Final decisions; orders of remand	15 N.J.R. 1400(b)	R.1983 d.550	15 N.J.R. 2032(a)
1:2-2	Conference hearings and Civil Service cases	15 N.J.R. 66(a)	R.1983 d.87	15 N.J.R. 435(a)
1:2-2	Readopted: Conference hearing rules	16 N.J.R. 94(a)	R.1984 d.117	16 N.J.R. 707(a)
1:2-3	"Hearings on the papers" and MV cases	15 N.J.R. 68(a)	R.1983 d.86	15 N.J.R. 436(a)
1:2-3	Readopted: Hearings on the papers	16 N.J.R. 95(a)	R. 1984 d.118	16 N.J.R. 707(b)
1:2-3.1	Correction: MV cases and "hearings on the papers"	15 N.J.R. 68(a)	R.1983 d.86	15 N.J.R. 1243(a)
1:6A	Special Education Program hearing rules	14 N.J.R. 930(a)	R.1982 d.462	15 N.J.R. 25(b)
1:6A-2.2, 4.2, 5.5	Special Education Program hearing rules	15 N.J.R. 2(a)	R.1983 d.88	15 N.J.R. 437(a)
1:6A-3.3, 4.4, 4.5	Special Education Program hearing rules	15 N.J.R. 451(a)	R.1983 d.253	15 N.J.R. 1015(a)
1:6A-5.2	Special Education hearings: record keeping	15 N.J.R. 1402(a)	R.1984 d.9	16 N.J.R. 238(a)
1:6A-5.3	Special Education Program: appeals of ALJ decisions	15 N.J.R. 978(a)	R.1983 d.358	15 N.J.R. 1467(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
1:20	Representation fee hearings before PERC Appeal Board	14 N.J.R. 862(a)	R.1983 d.305	15 N.J.R. 1243(a)
1:30	Agency rulemaking	14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 29(a)
1:30-2.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 543(a)
1:30-3.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 101(a)
1:31	Organization of OAL	Organizational	R.1982 d.291	14 N.J.R. 976(a)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R.1982 d.339	14 N.J.R. 1163(b)

(Title 1, Transmittal 2 dated June 21, 1982)

AGRICULTURE–TITLE 2

2:1-2	Readopted: Department organizational rules	15 N.J.R. 1538(a)	R.1983 d.528	15 N.J.R. 1939(a)
2:2-1	Animal Health: readopted Reportable Diseases	15 N.J.R. 1202(a)	R.1983 d.448	15 N.J.R. 1753(a)
2:2-2	Readopted: Brucellosis Control and Eradication	15 N.J.R. 1203(a)	R.1983 d.411	15 N.J.R. 1647(a)
2:2.1, 2.6, 2.10 2.13, 2.14, 2.15, 2.17, 2.18	Swine brucellosis control	14 N.J.R. 487(a)	R.1982 d.237	14 N.J.R. 833(a)
2:2-2.3	Calfhood brucellosis vaccination	14 N.J.R. 487(a)	R.1982 d.234	14 N.J.R. 833(b)
2:2-2.19	Brucellosis testing for intrastate movement	14 N.J.R. 865(a)	R.1982 d.360	14 N.J.R. 1154(a)
2:2-3	Animal Health: readopted Tuberculosis Control and Eradication	15 N.J.R. 1203(b)	R.1983 d.449	15 N.J.R. 1753(b)
2:2-4	Readopted: Swine Disease Control	15 N.J.R. 1204(a)	R.1983 d.450	15 N.J.R. 1753(c)
2:2-10	Repealed: Duplicate poultry and turkey rules	15 N.J.R. 1204(b)	R.1983 d.451	15 N.J.R. 1753(d)
2:3.1	Readopted: Livestock and Poultry Importations	15 N.J.R. 1205(a)	R.1983 d.452	15 N.J.R. 1754(a)
2:3-1.8	Livestock: prior import permits	15 N.J.R. 1290(a)	R.1983 d.455	15 N.J.R. 1754(b)
2:3-3.7	Swine brucellosis control	14 N.J.R. 487(b)	R.1982 d.237	14 N.J.R. 833(a)
2:3-4	Correction: Livestock for Immediate Slaughter	———	———	15 N.J.R. 1876(a)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R.1982 d.235	14 N.J.R. 833(c)
2:5-3	Poultry quarantine and embargoes	15 N.J.R. 2048(a)	R.1984 d.59	16 N.J.R. 518(a)
2:5-4	Area quarantine for avian influenza	Emergency	R.1983 d.585	15 N.J.R. 2176(a)
2:6	Readopted: Biological Products for Diagnostic and Therapeutic Purposes	15 N.J.R. 1205(b)	R.1983 d.453	15 N.J.R. 1754(c)
2:7	Readopted: Poultry and Turkey Improvement Plans	15 N.J.R. 1206(a)	R.1983 d.454	15 N.J.R. 1754(d)
2:23	Voluntary Gypsy-Moth Suppression Program	15 N.J.R. 370(a)	R.1983 d.267	15 N.J.R. 1093(b)
2:32-2	Sire Stakes Program	15 N.J.R. 69(a)	R.1983 d.84	15 N.J.R. 439(a)
2:50-1.1	Dairy farmers and relief from notice of intent	14 N.J.R. 489(b)	R.1982 d.238	14 N.J.R. 833(d)
2:68-1	Commercial feeding stuffs: Association standards	15 N.J.R. 583(a)	R.1983 d.325	15 N.J.R. 1372(a)
2:69	Readopted: Commercial Fertilizers and Soil Conditioners	15 N.J.R. 1206(b)	R.1983 d.412	15 N.J.R. 1647(b)
2:69-1.11	Commercial values of fertilizers	14 N.J.R. 402(a)	R.1982 d.236	14 N.J.R. 833(e)
2:71-1	Readopted: Quality of Individual Shell Eggs	15 N.J.R. 1050(a)	R.1983 d.394	15 N.J.R. 1574(a)
2:71-2	Readopted: Grades of Fruits and Vegetables	15 N.J.R. 1051(a)	R.1983 d.395	15 N.J.R. 1574(b)
2:71-2.28	Fruits and vegetables: rates for inspection services	15 N.J.R. 462(a)	R.1983 d.312	15 N.J.R. 1245(a)
2:72-1.1	Readopted: Bonding Requirement of Commission Merchants, Dealers, Brokers, Agents	15 N.J.R. 1051(b)	R.1983 d.369	15 N.J.R. 1574(c)
2:73-2	Readopted: State Seal of Quality for eggs	15 N.J.R. 584(a)	R.1983 d.313	15 N.J.R. 1245(b)
2:74-1	Readopted: Controlled Atmosphere Storage for Apples	15 N.J.R. 1052(a)	R.1983 d.397	15 N.J.R. 1574(d)
2:76-1	Agriculture retention and development	15 N.J.R. 2086(a)	R.1984 d.58	16 N.J.R. 518(b)
2:76-2	Agricultural management practices	16 N.J.R. 95(b)	R.1984 d.84	16 N.J.R. 707(c)
2:85-1	Repealed: Agricultural Preserve Demonstration Program	15 N.J.R. 371(a)	R.1983 d.169	15 N.J.R. 889(a)

(Title 2, Transmittal 19 dated June 21, 1982)

BANKING–TITLE 3

3:1-2.21	New Capital stock savings and loan associations	16 N.J.R. 174(a)	R.1984 d.119	16 N.J.R. 870(a)
3:1-2.22, 2.23	Criteria for branch approval	15 N.J.R. 1706(a)	R.1983 d.573	15 N.J.R. 2032(b)
3:1-9	Readopted: Home Mortgage Disclosure rules	15 N.J.R. 1146(a)	R.1983 d.379	15 N.J.R. 1575(a)
3:1-9.4–9.21	Home mortgage disclosure	15 N.J.R. 4(a)	R.1983 d.85	15 N.J.R. 439(b)
3:1-10	Readopted: Restrictions on Real Property Transactions	16 N.J.R. 2(a)	R.1984 d.63	16 N.J.R. 520(a)
3:1-10.1	Real property transactions: Executive officer defined	14 N.J.R. 490(a)	R.1982 d.242	14 N.J.R. 834(a)
3:1-11	"Executive officer" and affiliated persons	14 N.J.R. 490(b)	R.1982 d.243	14 N.J.R. 834(b)
3:1-13.1	Insurance tie-in prohibition	15 N.J.R. 820(a)	R.1983 d.566	15 N.J.R. 2033(a)
3:1-13.1	Insurance tie-in prohibition: hearing officer's report	15 N.J.R. 1207(a)	R.1983 d.566	15 N.J.R. 2049(a)
3:1-14	Revolving Credit Equity Loans	15 N.J.R. 1147(a)	R.1983 d.378	15 N.J.R. 1575(b)
3:2-2	Repealed: Plain language review of contracts	14 N.J.R. 454(a)	R.1982 d.213	14 N.J.R. 755(a)
3:6-2.1	Readopted: Approved Depositories for Security Funds Investments	15 N.J.R. 1974(a)	R.1984 d.14	16 N.J.R. 238(b)
3:6-3	Standardization of executive officer classification	14 N.J.R. 491(a)	R.1982 d.244	14 N.J.R. 834(c)
3:6-3.2, 3.3	Limitations on loans to bank executive officers	15 N.J.R. 1786(a)	R.1983 d.606	16 N.J.R. 45(a)
3:6-7.1–7.8	Mutual savings banks: Investment restatement accounting	14 N.J.R. 676(a)	R.1982 d.307	14 N.J.R. 988(a)
3:6-13	Automated teller machines	15 N.J.R. 190(a)	R.1983 d.286	15 N.J.R. 1179(a)
3:6-14	Foreign banks: Biennial certification fee	15 N.J.R. 6(a)	R.1983 d.42	15 N.J.R. 330(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
3:7-4	Readopted: Notice of Maturity on Long Term Time Deposits	15 N.J.R. 1053(a)	R.1983 d.363	15 N.J.R. 1467(b)
3:7-5, 5.1-5.5	Statement of interest: Officers defined	14 N.J.R. 492(a)	R.1982 d.245	14 N.J.R. 834(d)
3:11-1.1	Readopted: Approval of banks to exceed 10% limitation on investments	15 N.J.R. 658(b)	R.1983 d.264	15 N.J.R. 1094(a)
3:11-2.1	Commercial bank lending: Approved subsidiaries	15 N.J.R. 110(a)	R.1983 d.108	15 N.J.R. 622(a)
3:11-5	Bank investments and domestic operating subsidiaries	15 N.J.R. 1787(a)	R.1984 d.69	16 N.J.R. 520(b)
3:11-7.2, 7.8, 7.9	Expanded lending limitations	15 N.J.R. 192(a)	R.1983 d.133	15 N.J.R. 688(a)
3:11-7.7	Time deposit balances and 10 percent limitation	14 N.J.R. 608(b)	R.1982 d.263	14 N.J.R. 909(a)
3:11-8.1	Savings banks investment securities	15 N.J.R. 2087(a)	R.1984 d.38	16 N.J.R. 365(a)
3:17-7.1, 7.3	Small loan lenders and second mortgage purchases	15 N.J.R. 111(a)	R.1983 d.120	15 N.J.R. 622(b)
3:23-2.1	License fees for credit sales and loan businesses	15 N.J.R. 463(a)	R.1983 d.183	15 N.J.R. 889(b)
3:26-3.1	Readopted: Action upon Detection of Crime	15 N.J.R. 372(a)	R.1983 d.184	15 N.J.R. 889(c)
3:28-5.1-5.7	Mutual savings and loan: Investment restatement accounting	14 N.J.R. 678(a)	R.1982 d.306	14 N.J.R. 989(a)
3:30-1.3, 1.4	Maturity notice on fixed-term and variable savings accounts	15 N.J.R. 1207(b)	R.1983 d.459	15 N.J.R. 1754(e)
3:38-1	Licensing of mortgage bankers and brokers	14 N.J.R. 571(a)	R.1982 d.302	14 N.J.R. 977(a)
3:38-2, 3, 4, 5, 6	Mortgage bankers and brokers: Rules of operation	14 N.J.R. 493(a)	R.1982 d.303	14 N.J.R. 977(b)

(Title 3, Transmittal 18 dated June 21, 1982)

CIVIL SERVICE–TITLE 4

4:1-2.1	"Based salary" defined	14 N.J.R. 679(a)	R.1982 d.331	14 N.J.R. 1089(a)
4:1-5	Commission Review and Appeals: readopted Hearing Rules	15 N.J.R. 1148(a)	R.1983 d.421	15 N.J.R. 1647(c)
4:1-5.11	Hearings: Decision notification	15 N.J.R. 111(b)	R.1983 d.100	15 N.J.R. 543(b)
4:1-7.11	Hours of work and compensation	14 N.J.R. 938(a)	R.1983 d.159	15 N.J.R. 801(a)
4:1-8	Readopted: Examinations and Applications	15 N.J.R. 1292(a)	R.1983 d.444	15 N.J.R. 1755(a)
4:1-8.3	Notice of examinations	15 N.J.R. 726(a)	R.1983 d.307	15 N.J.R. 1245(c)
4:1-8.8B	Veterans' age reduction	14 N.J.R. 455(a)	R.1982 d.326	14 N.J.R. 1089(b)
4:1-10.1, 10.2, 10.3, 10.5	Noncompetitive and labor titles	14 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:1-12	Readopted: Certification and Appointment rules	15 N.J.R. 1403(a)	R.1983 d.513	15 N.J.R. 1857(a)
4:1-12.10	Notifying eligibles of certification	14 N.J.R. 940(a)	R.1983 d.17	15 N.J.R. 141(a)
4:1-13.4	Police and firefighters: Working test periods	14 N.J.R. 115(a)	R.1982 d.204	14 N.J.R. 709(a)
4:1-15.2	Lateral title change	14 N.J.R. 940(b)	R.1983 d.340	15 N.J.R. 1372(a)
4:1-16.13	Request for reemployment (local)	15 N.J.R. 272(b)	R.1983 d.222	15 N.J.R. 1015(b)
4:1-17.16	Advancing of sick leave (State)	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)
4:1-18.2, 18.6–18.8	Hours of work and compensation	14 N.J.R. 938(a)	R.1983 d.159	15 N.J.R. 801(a)
4:1-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
4:1-18.5	Inclement weather emergency policy (State)	15 N.J.R. 273(a)	R.1983 d.196	15 N.J.R. 889(d)
4:1-20.9	Tuition aid program (State)	15 N.J.R. 274(a)	R.1983 d.306	15 N.J.R. 1264(a)
4:1-25.1	Public inspection of records	14 N.J.R. 942(a)	R.1983 d.134	15 N.J.R. 689(a)
4:2-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R.1982 d.326	14 N.J.R. 1089(b)
4:2-5	Repealed (see 4:1-5)	15 N.J.R. 1148(a)	R.1983 d.421	15 N.J.R. 1647(c)
4:2-6.8	Repealed: (see 4:1-10)	15 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:2-7.1	Repealed (see 4:1-7.11, 18.8)	14 N.J.R. 938(a)	R.1983 d.159	15 N.J.R. 801(a)
4:2-7.1	Title reevaluation requests and appeals (State)	15 N.J.R. 1290(b)	R.1984 d.73	16 N.J.R. 521(a)
4:2-8.1, 8.9	Readopted: (see 4:1-8)	15 N.J.R. 1292(a)	R.1983 d.444	15 N.J.R. 1755(a)
4:2-10.1, 10.2	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:2-12.5, 12.7, 12.8	Readopted: (see 4:1-12)	15 N.J.R. 1403(a)	R.1983 d.513	15 N.J.R. 1857(a)
4:2-15.2	Repealed: (see 4:1-15.2)	14 N.J.R. 940(b)	R.1983 d.340	15 N.J.R. 1372(a)
4:2-17.14	Repealed: Sick leave advance	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)
4:2-18.1	Repealed (see 4:1-18.5)	15 N.J.R. 273(a)	R.1983 d.196	15 N.J.R. 889(d)
4:2-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
4:2-18.4, 18.5, 18.6	Flexitime, work hours, alternative workweek (State)	15 N.J.R. 373(a), 374(a)	R.1984 d.46	16 N.J.R. 422(a)
4:2-20.3	Granting of increments after denial	15 N.J.R. 112(a)	R.1983 d.164	15 N.J.R. 890(a)
4:2-20.9	Repealed (see 4:1-20.9)	15 N.J.R. 274(a)	R.1983 d.306	15 N.J.R. 1246(a)
4:2-20.12	Repealed (see 4:1-25.1)	14 N.J.R. 942(a)	R.1983 d.134	15 N.J.R. 689(a)
4:3-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R.1982 d.326	14 N.J.R. 1089(b)
4:3-5	Repealed (see 4:1-5)	15 N.J.R. 1148(a)	R.1983 d.421	15 N.J.R. 1647(c)
4:3-6.7	Repealed: Modification of sheriff's officer series	15 N.J.R. 820(b)	R.1983 d.419	15 N.J.R. 1650(a)
4:3-6.9	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R.1983 d.496	15 N.J.R. 83(a)
4:3-8.2, 8.3, 8.7, 8.8	Readopted: (see 4:1-8)	15 N.J.R. 1292(a)	R.1983 d.444	15 N.J.R. 1755(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
4:3-10.1	Notice of repeal	________	________	15 N.J.R. 1965(b)
4:3-12.7, 12.8	Readopted: (see: 4:1-12)	15 N.J.R. 1403(a)	R.1983 d.513	15 N.J.R. 1857(a)
4:3-13.1	Repealed: Formerly CSPM (Local) 13-4.101	14 N.J.R. 115(a)	R.1982 d.204	14 N.J.R. 709(a)
4:3-17.6	Repealed: Sick leave advance	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)
4:3-18.1	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
4:6	Overtime Committee Rules	14 N.J.R. 1126(a)	R.1983 d.158	15 N.J.R. 801(b)

(Title 4, Transmittal 16 dated June 21, 1982)

COMMUNITY AFFAIRS-TITLE 5

5:3-2.1	Rooming house licensure: nonpublic records	15 N.J.R. 1152(a)	R.1983 d.433	15 N.J.R. 1758(a)
5:3-2.1	Nonpublic records: rental assistance applications	15 N.J.R. 1910(a)	R.1983 d.643	16 N.J.R. 128(a)
5:10	Readopted: Hotel and Multiple Dwellings rules	15 N.J.R. 727(a)	R.1983 d.629	16 N.J.R. 128(b)
5:10-1.3	State-local cooperative housing inspection	15 N.J.R. 1054(a)	R.1983 d.389	15 N.J.R. 1575(c)
5:10-1.4	Row houses and multiple dwelling jurisdiction	15 N.J.R. 375(a)	R.1983 d.156	15 N.J.R. 803(a)
5:10-1.4, 1.6	Row house and retirement community fire safety	15 N.J.R. 1054(b)	R.1983 d.388	15 N.J.R. 1576(a)
5:10-1.17	Readopted: Hotel and multiple dwelling inspection fees	14 N.J.R. 909(b)	R.1982 d.334	14 N.J.R. 1089(c)
5:10-2.2, 25.3	Standards for hotels and multiple dwellings	14 N.J.R. 119(a)	R.1982 d.253	14 N.J.R. 910(a)
5:11	Readopted with amendements: Relocation Assistance and Eviction rules	16 N.J.R. 175(a)	R.1984 d.127	16 N.J.R. 870(b)
5:11-2.1	Emergency relocation benefits	15 N.J.R. 6(b)	R.1983 d.59	15 N.J.R. 330(b)
5:11-3.11	Emergency relocation benefits	15 N.J.R. 6(b)	R.1983 d.59	15 N.J.R. 330(b)
5:11-9.2	Parties to relocation assistance hearing	14 N.J.R. 1188(a)	R.1982 d.487	15 N.J.R. 83(b)
5:13-1.1, 1.5, 1.19, 1.20, 1.25, 1.27	Limited dividend and nonprofit housing corporations	15 N.J.R. 193(a)	R.1983 d.145	15 N.J.R. 803(b)
5:13-1.3, 1.21-1.24, 1.26	Repealed	15 N.J.R. 193(a)	R.1983 d.145	15 N.J.R. 803(b)
5:22-1.4	Residential tax exemptions: additions and improvements	15 N.J.R. 586(a)	R.1983 d.258	15 N.J.R. 1094(b)
5:23	Readopted: Uniform Construction Code	14 N.J.R. 1247(a)	R.1983 d.144	15 N.J.R. 803(c)
5:23-1.4, 2.23	UCC: Certificate of continued occupancy	16 N.J.R. 179(a)	R.1984 d.120	16 N.J.R. 873(a)
5:23-1.4, 4.5, 4.19	UCC: record keeping and standard forms	15 N.J.R. 1789(a)	R.1983 d.611	16 N.J.R. 45(b)
5:23-2.38	Licensing	14 N.J.R. 734(a)	R.1982 d.436	14 N.J.R. 1449(a)
5:23-3.8A	Products violating the Uniform Construction Code	15 N.J.R. 587(a)	R.1983 d.296	15 N.J.R. 1247(a)
5:23-3.14, 3.15	Building and plumbing subcode supplements	14 N.J.R. 1326(a)	R.1983 d.12	15 N.J.R. 141(c)
5:23-4.8	Interlocal Construction Code enforcement (recodified as 5:23-4.17(d))	14 N.J.R. 495(a)	R.1982 d.401	14 N.J.R. 1300(a)
5:23-4.8(c)	Now codified as 5:23-4.19	14 N.J.R. 456(a)	R.1982 d.220	14 N.J.R. 755(b)
5:23-4.10A	Recodified as 5:23-4.25A	14 N.J.R. 496(a)	R.1982 d.232	14 N.J.R. 834(e)
5:23-4.14	UCC: on-site inspection; fees	15 N.J.R. 1406(a)	R.1983 d.642	16 N.J.R. 129(a)
5:23-4.15, 4.26	Licensing	14 N.J.R. 734(a)	R.1982 d.436	14 N.J.R. 1449(a)
5:23-4.17, 4.20	UCC enforcing agency fees	14 N.J.R. 943(a)	R.1982 d.402	14 N.J.R. 1300(b)
5:23-4.19	Remitting of UCC training fees	14 N.J.R. 456(a)	R.1982 d.220	14 N.J.R. 755(b)
5:23-4.20	Uniform Construction Code: Periodic inspection fees	14 N.J.R. 1129(a)	R.1982 d.463	15 N.J.R. 32(a)
5:23-4.20	Correction: UCC periodic inspection fees	14 N.J.R. 1129(a)	R.1982 d.463	15 N.J.R. 84(a)
5:23-4.20, 5.5, 5.9	UCC: department fees; licensing	15 N.J.R. 1911(a)	R.1983 d.641	16 N.J.R. 129(b)
5:23-4.20, 5.12	Uniform Construction Code fees	15 N.J.R. 1406(a)	R.1983 d.548	15 N.J.R. 2033(b)
5:23-4.25A	Manufactured homes standards	14 N.J.R. 496(a)	R.1982 d.232	14 N.J.R. 834(e)
5:23-4.26	Construction boards of appeal	15 N.J.R. 2088(a)	R.1984 d.54	16 N.J.R. 424(a)
5:23-5.2, 5.9, 5.11	Licensing	14 N.J.R. 734(a)	R.1982 d.436	14 N.J.R. 1449(a)
5:23-6.1, 6.2	UCC: Technical standards for fire suppression systems	16 N.J.R. 180(a)	R.1984 d.121	16 N.J.R. 874(a)
5:23-6.2, 6.3, 6.5	UCC: solar facilities tax exemption	15 N.J.R. 1977(a)	R.1984 d.25	16 N.J.R. 238(c)
5:25-5.5	Warranty coverage claims	14 N.J.R. 944(a)	R.1982 d.386	14 N.J.R. 1210(a)
5:26-2.3, 3.1, 3.2, 3.4, 4.1-4.4, 5.2, 6.3, 9.1, 10.1, 10.2, 11.1	Planned real estate development full disclosure	15 N.J.R. 1055(a)	R.1983 d.446	15 N.J.R. 1758(b)
5:26-2.4	Registration fees for planned developments	14 N.J.R. 609(a)	R.1982 d.260	14 N.J.R. 912(a)
5:26-2.4	Planned real estate development registration fees	15 N.J.R. 1059(a)	R.1983 d.370	15 N.J.R. 1468(a)
5:26-8.7	Planned real estate developments: annual audits	15 N.J.R. 1408(a)	R.1983 d.576	15 N.J.R. 2154(a)
5:27-1.5	Certificate of occupancy for boarding house change of use	15 N.J.R. 821(a)	R.1983 d.342	15 N.J.R. 1468(b)
5:27-1.6	Rooming and boarding houses: License fees	15 N.J.R. 7(a)	R.1983 d.60	15 N.J.R. 330(c)
5:27-1.6, 2.1	Multi-building rooming and boarding houses	14 N.J.R. 1075(a)	R.1982 d.422	14 N.J.R. 1365(a)
5:27-2.1	Fire safety in boarding houses	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1210(b)
5:27-3.5	Boarding houses: Non-ambulatory residents	14 N.J.R. 499(a)	R.1982 d.379	14 N.J.R. 1211(a)
5:27-3.12	Limited tenure residents and boarding houses	15 N.J.R. 375(b)	R.1983 d.157	15 N.J.R. 804(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
5:27-4.8, 5.1, 5.3, 5.8, 5.9	Fire safety in boarding houses	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1210(b)
5:27-5.1	Fire drills in rooming houses	14 N.J.R. 1248(a)	R.1982 d.490	15 N.J.R. 84(b)
5:27-5.3	Correction: Fire safety in boarding houses	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1300(c)
5:27-10.6	Boarding houses: self-administration of medicine	14 N.J.R. 499(a)	R.1982 d.379	14 N.J.R. 1211(a)
5:27-11.7	Boarding house residents: home energy assistance payments	15 N.J.R. 1622(a)	R.1983 d.628	16 N.J.R. 130(a)
5:27-12	Safety improvement loans	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1210(b)
5:27-12.2	Boarding houses: rental assistance agreements	15 N.J.R. 587(b)	R.1983 d.251	15 N.J.R. 1015(c)
5:30	Readopted: Local Finance Board rules	15 N.J.R. 463(b)	R.1983 d.277	15 N.J.R. 1180(a)
5:30	Correction: Local Finance Board rules	15 N.J.R. 463(b)	R.1983 d.277	15 N.J.R. 1373(b)
5:36	Readopted: Grant rules for Handicapped Persons' Recreational Opportunities Act (recodified as 5:51)	15 N.J.R. 1305(a)	R.1983 d.443	15 N.J.R. 1759(a)
5:38	Federal Aid Project Notification rules	15 N.J.R. 1494(a)	R.1983 d.488	15 N.J.R. 1858(a)
5:42	Repealed (see 5:38)	15 N.J.R. 1494(a)	R.1983 d.488	15 N.J.R. 1858(a)
5:70	Congregate Housing Services Program	14 N.J.R. 609(b)	R.1982 d.272	14 N.J.R. 912(b)
5:70	Congregate Housing Services Program for aged	15 N.J.R. 179(a)	R.1983 d.607	16 N.J.R. 46(a)
5:70	Correction: effective date of Congregate Housing Services Program	15 N.J.R. 179(a)	R.1983 d.607	16 N.J.R. 434(a)
5:80-2	Private investment in HFA-financed housing	15 N.J.R. 1208(a)	R.1984 d.130	16 N.J.R. 875(a)
5:80-3.1	HFA housing projects: maximum family income	15 N.J.R. 1212(a)	R.1983 d.470	15 N.J.R. 1860(a)
5:80-5	Housing Finance Agency: transfer of ownership interests	15 N.J.R. 822(a)	R.1983 d.315	15 N.J.R. 1373(c)
5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R.1982 d.288	14 N.J.R. 983(a)
5:100-1.5, 1.6	Ombudsman for institutionalized elderly	15 N.J.R. 588(a)	R.1983 d.215	15 N.J.R. 1016(a)
5:100-2	Ombudsman for institutionalized elderly	15 N.J.R. 588(a)	R.1983 d.215	15 N.J.R. 1016(a)

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6:2-1.1, 1.2, 1.7-1.19	Filing appeals before State Board	14 N.J.R. 261(a)	R.1982 d.268	14 N.J.R. 913(a)
6:2-1.1-1.20	Appeals to State Board	15 N.J.R. 1977(b)	R.1984 d.122	16 N.J.R. 878(a)
6:3-1	School districts: general provisions	15 N.J.R. 376(a)	R.1983 d.248	15 N.J.R. 1016(b)
6:3-1.10	School districts: standards for determining seniority	15 N.J.R. 464(a)	R.1983 d.255	15 N.J.R. 1017(a)
6:3-1.10	Standards for determining seniority	15 N.J.R. 1409(a)	R.1983 d.563	15 N.J.R. 2034(a)
6:3-3	Readopted: Withdrawal from Limited Purpose Regional School Districts	15 N.J.R. 728(a)	R.1983 d.368	15 N.J.R. 1468(c)
6:8-1.1, 3.4, 3.8 4.2, 4.6	Statewide testing program	15 N.J.R. 979(b)	R.1983 d.458	15 N.J.R. 1759(b)
6:11-4	Readopted: Types of Teaching Certificates	15 N.J.R. 1154(a)	R.1983 d.492	15 N.J.R. 1860(b)
6:11-4	Teacher certification: correction			15 N.J.R. 2034(b)
6:11-3.3	Fees for certificates and transcript evaluation	14 N.J.R. 1188(b)	R.1983 d.40	15 N.J.R. 244(a)
6:11-3.12, 4.7	County substitute certification: School nurse, athletic coach	14 N.J.R. 1010(a)	R.1982 d.486	15 N.J.R. 84(c)
6:11-3.12, 4.7	Hiring coaches for interscholastic athletics	15 N.J.R. 1152(b)	R.1983 d.493	15 N.J.R. 1860(c)
6:11-4	Readopted: Types of Teaching Certificates	15 N.J.R. 1154(a)	R.1983 d.492	15 N.J.R. 1860(b)
6:11-4	Teacher certification: correction	________	________	15 N.J.R. 2034(b)
6:11-7	Repealed existing subchapter	14 N.J.R. 456(b)	R.1982 d.269	14 N.J.R. 914(a)
6:11-7.1	State Approval of Teacher Education	14 N.J.R. 456(b)	R.1982 d.269	14 N.J.R. 914(a)
6:20-2.10	Local districts: petty cash fund	15 N.J.R. 982(a)	R.1983 d.491	15 N.J.R. 1861(a)
6:20-3.1	Building use charge by receiving districts	14 N.J.R. 499(b)	R.1982 d.270	14 N.J.R. 914(b)
6:20-3.1	Correction: Operative date of building use charge	14 N.J.R. 499(b)	R.1982 d.270	14 N.J.R. 978(b)
6:20-4.1, 4.2	Tuition for private schools for handicapped	15 N.J.R. 730(a)	R.1983 d.369	15 N.J.R. 1469(a)
6:21-1.4	Useful life of school buses	15 N.J.R. 982(b)	R.1983 d.457	15 N.J.R. 1760(a)
6:21-5.1-5.12	Standards for school buses	15 N.J.R. 383(a)	R.1983 d.247	15 N.J.R. 1019(a)
6:21-6, 18, 19	Repealed: see 6:21-5.1-5.12	15 N.J.R. 383(a)	R.1983 d.247	15 N.J.R. 1019(a)
6:28	Readopted: Special Education rules	15 N.J.R. 732(a)	R.1983 d.348	15 N.J.R. 1470(a)
6:28-5.10, 5.11, 6.10, 6.11	Approval of auxiliary services for private school students	14 N.J.R. 617(a)	R.1982 d.316	14 N.J.R. 1054(a)
6:29-6.3	County substitute certification: Athletic coach	14 N.J.R. 1010(a)	R.1982 d.486	15 N.J.R. 84(c)
6:29-6.3	Hiring coaches for interscholastic athletics	15 N.J.R. 1152(b)	R.1983 d.493	15 N.J.R. 1860(c)
6:39-1.1-1.4	Statewide testing program	15 N.J.R. 979(b)	R.1983 d.458	15 N.J.R. 1759(b)
6:53	Vocational education safety standards	14 N.J.R. 619(a)	R.1982 d.368	14 N.J.R. 1154(b)
6:64-2.1-2.4	County library reorganization	15 N.J.R. 194(a)	R.1983 d.199	15 N.J.R. 890(b)
6:66	Archives and History and Records Management: transferred to Department of State by Governor's Reorganization Plan	________	________	15 N.J.R. 818(a)
6:66-2.15, 2.17, 2.20, 2.21, 3.12, 3.13	Records Management: microfilm systems and standards	15 N.J.R. 590(a)	R.1983 d.241	15 N.J.R. 1019(b)

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6:68-4.1-4.9	Library Construction Incentive Act rules	15 N.J.R. 196(a)	R.1983 d.198	15 N.J.R. 890(c)
6:69-1	Repealed: public library construction	15 N.J.R. 1410(a)	R.1983 d.564	15 N.J.R 2034(c)
6:72-77	State Museum: transferred to Department of State by Governor's Reorganization Plan	________	________	15 N.J.R. 270
6:79-1.9, 1.11	Child nutrition program changes	14 N.J.R. 1248(b)	R.1983 d.71	15 N.J.R. 440(a)
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ENVIRONMENTAL PROTECTION-TITLE 7				
7:1-3	Interim Environmental Cleanup Responsibility Rules	16 N.J.R. 151(a)	R.1984 d.81	16 N.J.R. 523(a)
7:1A-2.3, 2.4, 2.5, 2.8, 2.9, 2.12, 2.13, 2.14, 2.18, 2.20, 2.35	Water Supply bond Loan rules	15 N.J.R. 1307(a)	R.1983 d.534	15 N.J.R. 1940(a)
7:1A-2.4	Application period for Water Supply Rehabilitation Loans	________	________	16 N.J.R. 568(a)
7:1A-2.5, 2.12, 2.13	Water Supply Bond Act loans	14 N.J.R. 499(c)	R.1982 d.281	14 N.J.R. 915(a)
7:1A-3	Emergency interim repair of water systems	14 N.J.R. 1075(b)	R.1983 d.26	15 N.J.R. 141(d)
7:1D-1	Emergency water projects: allocation of costs	15 N.J.R. 117(a)	R.1983 d.639	16 N.J.R. 130(b)
7:1E-App. A	List of hazardous substances—Part V	Emergency	R.1984 d.8	16 N.J.R. 158(a)
7:1G	Loan procedures: water supply interconnections	14 N.J.R. 1012(a)	R.1983 d.425	15 N.J.R. 1650(b)
7:1G-2.4	Application period for Water Supply Interconnection Loans	________	________	16 N.J.R. 568(b)
7:1H-3.4	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R.1983 d.50	15 N.J.R. 330(d)
7:1I	Sanitary Landfill Facility Contingency Fund	15 N.J.R. 1213(a)	R.1983 d.571	15 N.J.R. 2034(d)
7:2	Readopted: State Park Service rules	15 N.J.R. 822(b)	R.1983 d.320	15 N.J.R. 1373(d)
7:2	State Park Service rules	15 N.J.R. 983(a)	R.1983 d.464	15 N.J.R. 1760(b)
7:6	Readopted: Boating Regulations	15 N.J.R. 1799(a)	R.1983 d.640	16 N.J.R. 131(a)
7:6-1.37	Water skiing events on private lakes	15 N.J.R. 765(a)	R.1983 d.280	15 N.J.R. 1180(b)
7:6-7.1, 7.2, 7.4, 7.6	Obtaining title to abandoned vessels	15 N.J.R. 1411(a)	R.1983 d.503	15 N.J.R. 1861(b)
7:7A-1.13	Correction to Code: Wetlands maps	________	________	14 N.J.R. 1403(a)
7:7A-1.13	Wetlands maps in Atlantic County	15 N.J.R. 119(a)	R.1983 d.335	15 N.J.R. 1374(a)
7:7A-1.13	Wetlands maps in Cumberland County	15 N.J.R. 119(a)	R.1983 d.401	15 N.J.R. 1576(b)
7:7A-1.13	Wetlands maps in Cape May County	14 N.J.R. 1330(a)	R.1983 d.402	15 N.J.R. 1576(c)
7:7A-1.13	Correction: Expiration date of wetlands maps	________	________	15 N.J.R. 1654(a)
7:7A-1.13	Wetlands maps in Middlesex County	15 N.J.R. 386(a)	R.1983 d.535	15 N.J.R. 1941(a)
7:7E	Coastal Management Program: "Routine implementation" determination	________	________	14 N.J.R. 1467(b)
7:7E-5.3, 5.6, 5.7	Coastal resource and development	14 N.J.R. 1129(b)	R.1983 d.27	15 N.J.R. 142(a)
7:7F	Shore Protection Program	14 N.J.R. 865(b)	R.1982 d.421	14 N.J.R. 1365(b)
7:8	Storm water management	14 N.J.R. 1022(a)	R.1983 d.24	15 N.J.R. 142(b)
7:9-2	Readopted: rules on individual subsurface disposal systems	15 N.J.R. 591(a)	R.1983 d.243	15 N.J.R. 1042(a)
7:9-10	Repealed: Duplicative review of Pinelands and coastal area sewarage installation	15 N.J.R. 1155(a)	R.1983 d.432	15 N.J.R. 1654(b)
7:9-10.2, 10.3, 10.9	Pinelands and coastal area sewarage approval	14 N.J.R. 504(a)	R.1982 d.298	14 N.J.R. 979(a)
7:9-10.4, 10.5, 10.6	One-year suspension of rules	14 N.J.R. 504(a)	R.1982 d.298	14 N.J.R. 979(a)
7:10	Readopted: Safe Drinking Water Act rules	15 N.J.R. 592(a)	R.1983 d.244	15 N.J.R. 1019(c)
7:11-2	Consolidated Rate Schedule: D&R Canal and Spruce Run-Round Valley	15 N.J.R. 122(a)	R.1983 d.191	15 N.J.R. 891(a)
7:11-2.10, 2.13	Sale of water from D/R Canal and Spruce Run/Round Valley	15 N.J.R. 1311(a)	R.1984 d.109	16 N.J.R. 708(a)
7:11-2, -4	Water rate schedule: D and R, Spruce Run-Round Valley	14 N.J.R. 681(a)	R.1982 d.455	14 N.J.R. 1449(b)
7:11-4	Repealed (see 7:11-2)	15 N.J.R. 122(a)	R.1983 d.191	15 N.J.R. 891(a)
7:12	Readopted: Shellfish-Growing Water Classification	15 N.J.R. 595(a)	R.1983 d.249	15 N.J.R. 1020(a)
7:12-1.2, 1.3 1.6	Shellfish-growing water condemnations	15 N.J.R. 2103(a)	R.1984 d.42	16 N.J.R. 365(b)
7:12-1.7	Closure of shellfish harvesting areas	Emergency	R.1984 d.134	16 N.J.R. 929(a)
7:12-2.7	Hard clam relay: Special Permits Program	Emergency	R.1984 d.66	16 N.J.R. 558(a)
7:12-2.9, 2.12	Correction: Shellfish transplant and processing programs	15 N.J.R. 595(a)	R.1983 d.249	15 N.J.R. 1761(a)
7:13-1.11(b)5	Delineated streams along Upper Mullica River	14 N.J.R. 367(b)	R.1982 d.209	14 N.J.R. 755(c)
7:13-1.11(b)31	Delineated streams in Somerset County	14 N.J.R. 367(a)	R.1982 d.392	14 N.J.R. 1211(b)
7:13-1.11(d)42	Floodway delineations in Union County	14 N.J.R. 870(a)	R.1982 d.428	14 N.J.R. 1365(c)
7:13-1.11(b)6	Floodway delineations along Cedar Creek, Lacey Twp.	14 N.J.R. 683(a)	R.1982 d.430	14 N.J.R. 1365(d)
7:13-1.11(c)2	Floodway delineations along Big Timber Creek	14 N.J.R. 505(a)	R.1982 d.431	14 N.J.R. 1366(a)
7:13-1.11(c)27	Floodway delineations along Pond Run, Mercer County	14 N.J.R. 506(a)	R.1982 d.432	14 N.J.R. 1366(b)
7:13-1.11(d)48	Floodway delineations in Morris County	14 N.J.R. 870(b)	R.1982 d.453	14 N.J.R. 1451(a)
7:13-1.11(d)48	Floodway delineations in Essex County	14 N.J.R. 1027(a)	R.1982 d.478	15 N.J.R. 32(b)
7:13-1.11(d)1	Floodway delineations in Hunterdon County	14 N.J.R. 1131(b)	R.1983 d.109	15 N.J.R. 622(c)
7:13-1.11(c)28	Floodway delineations in Burlington County	14 N.J.R. 1434(a)	R.1983 d.135	15 N.J.R. 689(b)
7:13-1.11(d)42	Floodway delineations in Somerset-Union counties	14 N.J.R. 1131(a)	R.1983 d.136	15 N.J.R. 690(a)

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7:13-1.11(c)29	Floodway delineations in Monmouth County	14 N.J.R. 1134(a)	R.1983 d.168	15 N.J.R. 893(a)
7:13-1.11(b)10	Floodway delineations in Ocean-Monmouth counties	14 N.J.R. 1189(a)	R.1983 d.197	15 N.J.R. 894(a)
7:13-1.11(d)47	Floodway delineations along Mill Brook in Montvale	15 N.J.R. 989(a)	R.1983 d.405	15 N.J.R. 1576(d)
7:13-1.11(c)	Floodway delineations in Mercer County	14 N.J.R. 1132(a)	R.1983 d.462	15 N.J.R. 1761(b)
7:13-1.11(d)45	Floodways along the Raritan River	15 N.J.R. 659(a)	R.1983 d.463	15 N.J.R. 1761(c)
7:13-1.11(b)	Flood hazard area delineations in Monmouth County	15 N.J.R. 198(a)	R.1983 d.569	15 N.J.R. 2039(a)
7:13-1.11(d)11, 12	Floodway delineation along Rockaway Creek, Hunterdon County	16 N.J.R. 5(a)	R.1984 d.108	16 N.J.R. 711(a)
7:13-1.11(d)50	Floodway delineation along Third River in Clifton	15 N.J.R. 1412(a)	R.1984 d.131	16 N.J.R. 881(a)
7:13-1.11	Readopted: Delineated Floodway rules	15 N.J.R. 839(a)	R.1983 d.321	15 N.J.R. 1374(b)
7:14-2	Construction of wastewater treatment facilities	14 N.J.R. 75(a)	R.1982 d.338	14 N.J.R. 1155(b)
7:14-2.12	Correction: Select trench backfill payment width	14 N.J.R. 75(a)	R.1982 d.338	15 N.J.R. 440(b)
7:14-4.4	NJPDES: local control over dischargers	15 N.J.R. 1059(b)	R.1984 d.133	16 N.J.R. 882(a)
7:14A	Readopted: NJPDES permit program rules	15 N.J.R. 606(a)	R.1983 d.260	15 N.J.R. 1094(c)
7:14A-1.2, 1.9	NJPDES: local control over dischargers	15 N.J.R. 1059(b)	R.1984 d.133	16 N.J.R. 882(a)
7:14A-1.8, 1.9, 2.1	Fee schedule for NJPDES permittees	14 N.J.R. 684(a)	R.1982 d.495	15 N.J.R. 85(a)
7:14A-1.9	Water quality: Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:14A-4.2, 4.3	Hazardous waste management	14 N.J.R. 1137(a)	R.1983 d.25	15 N.J.R. 146(a)
7:14A-4.3	"Wastewater treatment unit" defined	14 N.J.R. 506(b)	R.1982 d.310	14 N.J.R. 1054(b)
7:14A-4.5	Hazardous waste management: interim authorization	15 N.J.R. 1800(a)	R.1983 d.610	16 N.J.R. 47(b)
7:14A-4.5	NJPDES: local control over dischargers	15 N.J.R. 1059(b)	R.1984 d.133	16 N.J.R. 882(a)
7:14A-5.11, 5.13, 5.15, 5.16	Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:14A-10.1, 10.5	NJPDES: local control over dischargers	15 N.J.R. 1059(b)	R.1984 d.133	16 N.J.R. 882(a)
7:14A-13.1, 13.2, 13.5–13.9	NJPDES: local control over dischargers	15 N.J.R. 1059(b)	R.1984 d.133	16 N.J.R. 882(a)
7:15	Water quality management planning and implementation process	15 N.J.R. 765(b)	R.1984 d.110	16 N.J.R. 712(a)
7:19-3	Water diversion fees for non-growing use	14 N.J.R. 459(a)	R.1982 d.239	14 N.J.R. 834(f)
7:19-3.9	Annual review: fee schedule for water supply allocation	————	————	15 N.J.R. 950(a)
7:19-4	Diversion assessment and payment for public water supply	15 N.J.R. 276(a)	R.1983 d.400	15 N.J.R. 1577(a)
7:20A	Water diversion for agriculture and horticulture	14 N.J.R. 1249(a)	R.1983 d.562	15 N.J.R. 2154(b)
7:20A-1.3, 2.2, 2.7–2.11, 2.19, 2.21, 2.22	Water diversion for agriculture and horticulture	15 N.J.R. 2122(a)	R.1984 d.107	16 N.J.R. 719(a)
7:25-2	Use of Wildlife Management Areas	15 N.J.R. 840(a)	R.1983 d.336	15 N.J.R. 1374(c)
7:25-2.14	Field trials and horseback riding permits	15 N.J.R. 387(a)	R.1983 d.185	15 N.J.R. 894(b)
7:25-4	Readopted: Endangered, Nongame and Exotic Wildlife rules	16 N.J.R. 97(b)	R.1984 d.132	16 N.J.R. 889(a)
7:25-5	1982-83 Game Code	14 N.J.R. 402(b)	R.1982 d.212	14 N.J.R. 755(d)
7:25-5.13, 5.28, 5.29	1982-83 Game Code changes	14 N.J.R. 871(a)	R.1982 d.351	14 N.J.R. 1158(a)
7:25-5	1983-1984 Game Code	15 N.J.R. 771(a)	R.1983 d.302	14 N.J.R. 1247(b)
7:25-6	1983 Fish Code	14 N.J.R. 872(a)	R.1982 d.429	14 N.J.R. 1366(c)
7:25-6	1984-85 Fish Code	15 N.J.R. 1217(a)	R.1983 d.542	15 N.J.R. 1942(a)
7:25-7.10	Senior citizen's oyster license	14 N.J.R. 629(a)	R.1982 d.337	14 N.J.R. 1158(b)
7:25-7.13	Crab dredging in Atlan tic Coast section	15 N.J.R. 1413(a)	R.1983 d.541	15 N.J.R. 1943(a)
7:25-7.13	Vetoed amendment: crab dredging in Atlantic Coast section	15 N.J.R. 1413(a)	R.1983 d.541	16 N.J.R. 535(a)
7:25-9.1	Taking of hard clams: size tolerance control	14 N.J.R. 689(a)	R.1983 d.270	15 N.J.R. 1095(a)
7:25-9.2	Penalties for harvesting undersized clams	15 N.J.R. 1220(a)	R.1983 d.461	15 N.J.R. 1762(a)
7:25-11	Recodified under 7:25-4	16 N.J.R. 97(b)	R.1984 d.132	16 N.J.R. 889(a)
7:25-11.1, 20.2	Endangered species and status of nongame species	15 N.J.R. 1623(a)	R.1983 d.638	16 N.J.R. 131(b)
7:25-12.1	Sea clam harvest	14 N.J.R. 881(a)	R.1982 d.393	14 N.J.R. 1213(a)
7:25-12.1	Preservation of sea clams	15 N.J.R. 1414(a)	R.1983 d.567	15 N.J.R. 2039(b)
7:25-12.1	Correction: expiration date of sea clam rules	15 N.J.R. 1414(a)	R.1983 d.567	16 N.J.R. 47(a)
7:25-14	Crab pots	15 N.J.R. 388(b)	R.1983 d.291	15 N.J.R. 1181(a)
7:25-15.1	Readopted: Relay of hard clams	14 N.J.R. 1055(a)	R.1982 d.411	14 N.J.R. 1300(d)
7:25-15.1	Relay of hard clams	Emergency	R.1983 d.519	15 N.J.R. 1959(a)
7:25-15.1	Relay of hard clams	Emergency	R.1984 d.65	16 N.J.R. 560(a)
7:25-16.1	Upstream fishing lines	14 N.J.R. 882(a)	R.1982 d.454	14 N.J.R. 1451(b)
7:25-18A	Readopted: Fisheries closures and advisories	15 N.J.R. 39(a)	R.1983 d.102	15 N.J.R. 543(c)
7:25-20	Recodified under 7:25-4	16 N.J.R. 97(b)	R.1984 d.132	16 N.J.R. 889(a)
7:25-22.1	Marine finfish: Menhaden season	14 N.J.R. 945(a)	R.1983 d.137	15 N.J.R. 690(b)
7:25A-1.1, 1.2, 2.1, 2.3–2.5	Oyster dredging and management	15 N.J.R. 990(a)	R.1983 d.351	15 N.J.R. 1473(a)
7:25A-1.2	Sale of licensed oyster vessel	15 N.J.R. 1415(a)	R.1983 d.591	15 N.J.R. 2158(a)
7:25A-3.1	1983 oyster seed bed season	15 N.J.R. 200(a)	R.1983 d.161	15 N.J.R. 804(b)
7:25A-3.1	Oyster seed beds	15 N.J.R. 1415(b)	R.1983 d.568	15 N.J.R. 2040(a)
7:25A-3.1	Oyster seed bed rules: expiration date	15 N.J.R. 1415(b)	R.1983 d.568	16 N.J.R. 367(a)

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7:25A-4	Oyster cultch program	15 N.J.R. 1416(a)	R.1983 d.590	15 N.J.R. 2159(a)
7:26-1.1, 1.4	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-1.1, 1.4	Hazardous waste management: interim authorization	15 N.J.R. 1800(a)	R.1983 d.610	16 N.J.R. 47(b)
7:26-1.1, -1.4, 1.6, 1.8	Readopted: certain solid and hazardous waste rules	15 N.J.R. 2017(a)	R.1984 d.40	16 N.J.R. 367(b)
7:26-1.4	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-1.4	Correction: Hazardous waste management	14 N.J.R. 1137(a)	R.1983 d.25	15 N.J.R. 333(a)
7:26-1.4	Sanitary landfill closure and post-closure	14 N.J.R. 883(a)	R.1983 d.192	15 N.J.R. 894(c)
7:26-1.4	Hazardous waste: gas cylinder facility exemption	15 N.J.R. 390(a)	R.1983 d.350	15 N.J.R. 1474(a)
7:26-1.4	Solid waste classifications	15 N.J.R. 660(a)	R.1983 d.570	15 N.J.R. 2040(b)
7:26-1.4	Hazardous waste management: on-site recycling exemption	14 N.J.R. 1435(a)	R.1983 d.623	16 N.J.R. 132(a)
7:26-1.7	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-2.6, 2.11, 2.13, 3.5	Solid waste classifications	15 N.J.R. 660(a)	R.1983 d.570	15 N.J.R. 2040(b)
7:26-2.9, 2.13	Sanitary landfill closure and post-closure	14 N.J.R. 883(a)	R.1983 d.192	15 N.J.R. 894(c)
7:26-2.13	Sanitary landfills: transporter documentation	Emergency	R.1984 d.148	16 N.J.R. 930(a)
7:26-2.14	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-3.8	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-4	Readopted: solid waste fee schedules	15 N.J.R. 662(a)	R.1983 d.269	15 N.J.R. 1095(b)
7:26-4.7	Registration of hazardous waste collector/haulers	14 N.J.R. 368(a)	R.1982 d.289	14 N.J.R. 979(b)
7:26-4.10	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R.1983 d.50	15 N.J.R. 330(d)
7:26-5.5	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-6	Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R.1982 d.434	14 N.J.R. 1368(a)
7:26-6	Correction: Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R.1982 d.434	15 N.J.R. 900(a)
7:26-6.5	Interdistrict and intradistrict solid waste flow	15 N.J.R. 1914(a)	R.1984 d.4	16 N.J.R. 134(a)
7:26-6.5	Interdistrict and intradistrict solid waste flow	15 N.J.R. 1417(a)	R.1984 d.41	16 N.J.R. 367(c)
7:26-7.4	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-7.4, 7.5, 7.7	Waste oil management as hazardous material	14 N.J.R. 20(a)	R.1982 d.494	15 N.J.R. 88(a)
7:26-7.6	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-7.6	Interim authorization	15 N.J.R. 1800(a)	R.1983 d.610	16 N.J.R. 47(b)
7:26-8.13, 8.15	Waste oil management	14 N.J.R. 20(a)	R.1982 d.494	15 N.J.R. 88(a)
7:26-8.13, 8.16	Dioxin and dibenzofuran contamination	Emergency	R.1982 d.292	15 N.J.R. 1184(a)
7:26-8.13, 8.16	Dioxin and dibenzofuran contamination	15 N.J.R. 1184(a)	R.1983 d.502	15 N.J.R. 1861(c)
7:26-8.16	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-9.1, 9.5, 9.9	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-9.1-9.6, 9.8-9.14	Interim authorization	15 N.J.R. 1800(a)	R.1983 d.610	16 N.J.R. 47(b)
7:26-9.1, 9.2, 9.4, - 10, 11.2, 11.3, 11.5, 11.7, 12.1, 12.2	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-9.1, 12.1	Gas cylinder facility exemption	15 N.J.R. 390(a)	R.1983 d.350	15 N.J.R. 1474(a)
7:26-9.1, 12.1	On-site recycling exemption	14 N.J.R. 1435(a)	R.1983 d.623	16 N.J.R. 132(a)
7:26-12.2, 12.12	Interim authorization	15 N.J.R. 1800(a)	R.1983 d.610	16 N.J.R. 47(b)
7:26-12.3	Permits for existing hazardous waste facilities	15 N.J.R. 1063(a)	R.1983 d.403	15 N.J.R. 1578(a)
7:26-13	Siting of new hazardous waste facilities	15 N.J.R. 113(a)	R.1983 d.276	15 N.J.R. 1096(a)
7:26-13.7	Siting of commercial hazardous waste facilities	15 N.J.R. 1064(a)	R.1983 d.406	15 N.J.R. 1579(a)
7:26-15.5, 15.7	Recycling Grants and Loans	16 N.J.R. 6(a)	R.1984 d.75	16 N.J.R. 535(b)
7:26-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R.1983 d.119	15 N.J.R. 622(d)
7:27-9	Sulfur in fuels	13 N.J.R. 870(a)	R.1982 d.456	14 N.J.R. 1452(a)
7:27-15.1	Specifications for Exhaust Gas Analytical System	Emergency	R.1983 d.407	15 N.J.R. 1607(a)
7:27-15.1	Specifications for Exhaust Gas Analytical System	15 N.J.R. 1607(a)	R.1983 d.536	15 N.J.R. 1943(b)
7:28-1, 2	Radiation protection	15 N.J.R. 391(a)	R.1983 d.592	15 N.J.R. 2160(a)
7:28-24	Licensing of nuclear medicine technologists	14 N.J.R. 507(a)	R.1982 d.457	14 N.J.R. 1455(a)
7:30-1, -2, -4, -8	State Pesticide Control Code	14 N.J.R. 787(a)	R.1982 d.435	14 N.J.R. 1385(a)
7:30-3, -5, -6, -7	State Pesticide Control Code	14 N.J.R. 787(a)	R.1983 d.166	15 N.J.R. 915(a)
7:30-3.2, 4.2, 4.4	Pesticide Control Code: dealers and dealer businesses	15 N.J.R. 2017(b)	R.1984 d.39	16 N.J.R. 368(a)
7:30-10	State Pesticide Control Code: Pesticide use	14 N.J.R. 787(a)	R.1983 d.63	15 N.J.R. 333(b)
7:36-3.1	Green Acres reimbursement	14 N.J.R. 461(a)	R.1982 d.231	14 N.J.R. 835(a)

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8:13-2.1, 2.3, 2.4, 2.7-2.9, 2.11, 2.13-2.15	Soft-shell clam depuration	14 N.J.R. 415(a)	R.1982 d.241	14 N.J.R. 835(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
8:18-1	Repealed: Children's boarding home rules	14 N.J.R. 1436(b)	R.1983 d.101	15 N.J.R. 544(a)
8:21-1.32	Drug manufacturer's labeling requirements	16 N.J.R. 99(a)	R.1984 d.143	16 N.J.R. 891(a)
8:21-2.34	Repealed (see 8:21-12)	14 N.J.R. 1265(a)	R.1983 d.115	15 N.J.R. 623(a)
8:21-2.40	EDB levels in food and recall of products	Emergency	R.1984 d.60	16 N.J.R. 436(a)
8:21-3.24	Ingredients for human self-defense sprays	14 N.J.R. 1029(a)	R.1982 d.451	14 N.J.R. 1456(a)
8:21-3.25	Sale and possession of nitrous oxide	14 N.J.R. 1190(a)	R.1983 d.41	15 N.J.R. 244(b)
8:21-9	Readopted: Licensing rules for food and cosmetic plants	15 N.J.R. 609(a)	R.1983 d.345	15 N.J.R. 1475(a)
8:21-9.5	License fees for wholesale food and cosmetic plants	15 N.J.R. 1317(a)	R.1983 d.456	15 N.J.R. 1762(b)
8:21-12	Nonalcoholic beverages and bottled water	14 N.J.R. 1265(a)	R.1983 d.115	15 N.J.R. 623(a)
8:21-12.5	Correction: labeling of bottled water	15 N.J.R. 623(a)	________	15 N.J.R. 809(a)
8:23-1.4	Psittacosis testing of quarantined birds	15 N.J.R. 466(a)	R.1983 d.207	15 N.J.R. 918(a)
8:24	Retail food establishments; vending machines	14 N.J.R. 509(a)	R.1983 d.98	15 N.J.R. 544(b)
8:24	Correction: retail food establishments	________	R.1983 d.98	15 N.J.R. 809(b)
8:25	Readopted: Youth Camp Safety rules	15 N.J.R. 467(a)	R.1983 d.186	15 N.J.R. 918(b)
8:25-6.12	Youth camp certification fees	14 N.J.R. 1191(a)	R.1982 d.476	15 N.J.R. 33(a)
8:30	Long-term care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:30	Repealed (see 8:39)	15 N.J.R. 279(a)	R.1983 d.236	15 N.J.R. 1022(b)
8:30-1.4	Health care facilities licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:30-14	Recodified as 8:39-27	15 N.J.R. 279(a)	R.1983 d.236	15 N.J.R. 1022(b)
8:31-16.1	Hospital long-range strategic plans	16 N.J.R. 100(a)	R.1984 d.145	16 N.J.R. 891(b)
8:31-22.1	Doctors' offices in medical facilities	13 N.J.R. 807(a)	R.1982 d.273	14 N.J.R. 915(b)
8:31-23.1	Parking garage standards	13 N.J.R. 807(b)	R.1982 d.274	14 N.J.R. 916(a)
8:31-24.1	Hospital personnel housing	13 N.J.R. 808(a)	R.1982 d.275	14 N.J.R. 916(b)
8:31-25.1	Mobile intensive care paramedics: Approved	14 N.J.R. 1331(a)	R.1983 d.28	15 N.J.R. 147(b)
8:31-26.1	Health care facilities: ownership by convicted persons	15 N.J.R. 307(a)	R.1983 d.235	15 N.J.R. 1021(a)
8:31-26.3	All health care facilities: Employee physicals	14 N.J.R. 1274(a)	R.1983 d.69	15 N.J.R. 337(a)
8:31-26.3	Health care facilities: employee physical exams	15 N.J.R. 470(a)	R.1983 d.234	15 N.J.R. 1022(a)
8:31-26.5	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:31-28	Readopted Certification of Need and Designation of Regional Services	16 N.J.R. 101(a)	R.1984 d.146	16 N.J.R. 893(a)
8:31A-7	SHARE Manual: 1983 rate review guidelines	14 N.J.R. 887(a)	R.1982 d.452	14 N.J.R. 1456(b)
8:31A-7	SHARE Manual: relief from overspending challenge	15 N.J.R. 200(b)	R.1983 d.201	15 N.J.R. 918(c)
8:31A-7	Readopted: SHARE Rate Review Guidelines	15 N.J.R. 1542(a)	R.1984 d.24	16 N.J.R. 239(a)
8:31A-8.1	Hospital reporting: medical discharge abstract	15 N.J.R. 470(b)	R.1983 d.338	15 N.J.R. 1374(d)
8:31A-8.1	Hospital reporting: readopted medical discharge abstract rule	15 N.J.R. 1708(a)	R.1984 d.23	16 N.J.R. 239(b)
8:31B-2.4, 2.6	Uniform bill-patient summaries (inpatient)	15 N.J.R. 1325(a)	R.1983 d.598	15 N.J.R. 2162(a)
8:31B-3	Nursing Management Report: RIM Methodology	14 N.J.R. 737(a)	R.1982 d.427	15 N.J.R. 43(a)
8:31B-3	Hospital rate setting: RIM and other 1983 changes	14 N.J.R. 737(a)	R.1982 d.427	14 N.J.R. 1389(a)
8:31B-3	Hospital rate setting: 1984 procedure and methodology	15 N.J.R. 1326(a)	R.1983 d.597	15 N.J.R. 2163(a)
8:31B-3.19	Hospital rate setting: Patient care cost finding	14 N.J.R. 737(a)	R.1983 d.194	15 N.J.R. 919(a)
8:31B-3.26, 3.72	Hospital rate setting: economic factor; periodic adjustments	15 N.J.R. 471(a)	R.1983 d.206	15 N.J.R. 920(a)
8:31B-3.27, 3.73	Hospital rate setting: capital facilities; reconciliation	15 N.J.R. 201(a)	R.1983 d.200	15 N.J.R. 920(b)
8:31B-4.6, 4.25, 4.64, 4.66, 4.67, 4.131	1984 Hospital Financial Elements and Reporting	15 N.J.R. 1334(a)	R.1983 d.596	15 N.J.R. 2166(a)
8:31B-4.32	Waiver extension of Medicare/Medicaid reimbursement principles	Emergency	R.1984 d.26	16 N.J.R. 252(a)
8:31B-4.32	Waiver of Medicare/Medicaid reimbursement principles	16 N.J.R. 252(a)	R.1984 d.124	16 N.J.R. 893(b)
8:31B-4.44, 4.66	1983 Financial Elements and Reporting	14 N.J.R. 946(b)	R.1982 d.449	14 N.J.R. 1457(a)
8:31B-5.1, 5.2	Diagnosis related groups and outliers	15 N.J.R. 1336(a)	R.1983 d.595	15 N.J.R. 2167(a)
8:33	Readopted: Certificate of Need Application and Review Process	15 N.J.R. 1708(b)	R.1983 d.604	16 N.J.R. 48(a)
8:33-2.2	Batching cycle for long-term care facilities	15 N.J.R. 307(b)	R.1983 d.205	15 N.J.R. 920(c)
8:33F	Regional renal disease services: certification of need	15 N.J.R. 1221(a)	R.1983 d.431	15 N.J.R. 1654(c)
8:33G-1.2, 1.4	CT scanners: Need review	14 N.J.R. 1275(a)	R.1983 d.64	15 N.J.R. 337(b)
8:33H-3.3	Long-term care: expansion and new construction	15 N.J.R. 473(a)	R.1983 d.195	15 N.J.R. 921(a)
8:33H-3.10	Long-term care: bed need methodology	15 N.J.R. 1226(a)	R.1983 d.429	15 N.J.R. 1656(a)
8:33K	Certificate of Need: Residential Alcoholism Treatment Beds Standards	16 N.J.R. 104(a)	R.1984 d.144	16 N.J.R. 894(a)
8:34	Readopted: Licensing Nursing Home Administrators	15 N.J.R. 1624(a)	R.1983 d.565	15 N.J.R. 2042(a)
8:37	Intermediate care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:37	Repealed (see 8:39)	15 N.J.R. 279(a)	R.1983 d.236	15 N.J.R. 1022(b)
8:37-4.7	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:39	Licensure of long-term care facilities	15 N.J.R. 279(a)	R.1983 d.236	15 N.J.R. 1022(b)
8:39-Foreword	Long-term care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:39-1.4	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
8:39-1.33	LTC facilities: Construction standards	13 N.J.R. 809(a)	R.1982 d.276	14 N.J.R. 916(c)
8:39-1.34	LTC facilities: Additional standards	13 N.J.R. 809(b)	R.1982 d.277	14 N.J.R. 916(d)
8:39-1.35	Long-term care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:40	Repealed: interim rules for abortion facilities	15 N.J.R. 308(a)	R.1983 d.202	15 N.J.R. 922(a)
8:42-1.4, 2.4	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:42-2	Readopted: Inpatient drug treatment facilities	14 N.J.R. 812(a)	R.1982 d.391	14 N.J.R. 1214(a)
8:42-2	Repealed (see 8:42B)	15 N.J.R. 397(a)	R.1983 d.309	15 N.J.R. 1248(a)
8:42A-2.2	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:42B	Drug treatment facilities: licensure	15 N.J.R. 397(a)	R.1983 d.309	15 N.J.R. 1248(a)
8:43-1.4	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:43-2.6	Residential health care facilities	15 N.J.R. 8(a)	R.1983 d.90	15 N.J.R. 440(c)
8:43-3.22	Fire protection in residential health care	15 N.J.R. 991(a)	R.1983 d.462	15 N.J.R. 1657(a)
8:43-4.13	Residential care facilities: personal needs allowance	15 N.J.R. 309(a)	R.1983 d.204	15 N.J.R. 923(a)
8:43-4.14	Repealed (see 8:43-7)	15 N.J.R. 992(a)	R.1983 d.428	15 N.J.R. 1658(a)
8:43-6	Residential health care: Dietary Services	15 N.J.R. 1710(a)	R.1983 d.630	16 N.J.R. 139(a)
8:43-7	Resident rights in residential health care	15 N.J.R. 992(a)	R.1983 d.428	15 N.J.R. 1658(a)
8:43-7.1	Residential health care facilities	15 N.J.R. 8(a)	R.1983 d.90	15 N.J.R. 440(c)
8:43-7.2	Residential health care patients: home energy assistance payments	15 N.J.R. 1713(a)	R.1983 d.631	16 N.J.R. 140(a)
8:43-8	Residential health care: maintenance and monitoring services	15 N.J.R. 309(b)	R.1983 d.430	15 N.J.R. 1660(a)
8:43A	Readopted: rules on Ambulatory Care Facilities	15 N.J.R. 994(a)	R.1983 d.427	15 N.J.R. 1662(a)
8:43A-1.5	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:43A-2.1, 2.2	Ambulatory care facilities: Construction standards	13 N.J.R. 810(a)	R.1982 d.278	14 N.J.R. 916(e)
8:43A-8.1	Ambulatory care facilities: Surgical services	15 N.J.R. 9(a)	R.1983 d.92	15 N.J.R. 440(d)
8:43A-9.4, 9.7, 9.11	Drug abuse treatment centers	14 N.J.R. 529(a)	R.1982 d.390	14 N.J.R. 1214(b)
8:43A-9.9	Outpatient drug abuse counseling	15 N.J.R. 10(a)	R.1983 d.91	15 N.J.R. 441(a)
8:43B-1.8	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:43B-3.1, 3.1A	Hospital construction standards	13 N.J.R. 811(a)	R.1982 d.279	15 N.J.R. 916(f)
8:43B-6	Readopted: Hospital Medical Staff rules	15 N.J.R. 1065(a)	R.1983 d.469	15 N.J.R. 1762(c)
8:43B-8.3	Early detection of biochemical disorders in newborn infants	15 N.J.R. 311(a)	R.1983 d.203	15 N.J.R. 923(b)
8:43B-8.3, 8.6	Hospital facilities: Maternal and newborn services	14 N.J.R. 1276(a)	R.1983 d.68	15 N.J.R. 338(a)
8:43B-15.12, 15.12A	Renal dialysis services: Construction standards	13 N.J.R. 812(a)	R.1982 d.280	14 N.J.R. 917(a)
8:43B-17	Readopted: Cardiac Services rules	15 N.J.R. 1713(b)	R.1983 d.632	16 N.J.R. 141(a)
8:43B-17	Correction: effective date of Cardiac Services rules	15 N.J.R. 1713(b)	R.1983 d.632	16 N.J.R. 254(b)
8:43E-2	Adult open acute psychiatric beds: need certification	15 N.J.R. 1717(a)	R.1983 d.627	16 N.J.R. 135(a)
8:43E-3	Psychiatric inpatient screening beds: need certification	15 N.J.R. 1720(a)	R.1983 d.626	16 N.J.R. 138(a)
8:43E-4	Children's acute psychiatric beds: need certification	15 N.J.R. 1723(a)	R.1983 d.625	16 N.J.R. 138(b)
8:43F-2.3	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:43F-3.3	Health care facilities: ownership by convicted persons	15 N.J.R. 307(a)	R.1983 d.235	15 N.J.R. 1021(a)
8:43F-3.26	Medical day care in long-term facilities	15 N.J.R. 11(a)	R.1983 d.89	15 N.J.R. 441(b)
8:43F-4.3, 4.20	Medical day care: admission physical; social workers	15 N.J.R. 312(a)	R.1983 d.208	15 N.J.R. 923(c)
8:44	Readopted: Operation of Clinical Laboratories	15 N.J.R. 995(a)	R.1983 d.498	15 N.J.R. 1862(a)
8:57-1.1	Reportable diseases	14 N.J.R. 1277(a)	R.1983 d.67	15 N.J.R. 338(b)
8:57-4	Readopted: Immunization of Pupils in Schools	15 N.J.R. 781(a)	R.1983 d.311	15 N.J.R. 1253(a)
8:65	Administrative corrections	———	———	15 N.J.R. 164(b)
8:65-1.1	Controlled dangerous substances: Registration fees	14 N.J.R. 1191(b)	R.1983 d.29	15 N.J.R. 147(c)
8:65-7.5	Prescriptions for controlled substances: time limits	15 N.J.R. 125(a)	R.1983 d.193	15 N.J.R. 923(d)
8:65-10	Controlled dangerous substances: schedule changes	15 N.J.R. 844(a)	R.1983 d.339	15 N.J.R. 1375(a)
8:65-10.1, 10.2	Rescheduling of methaqualone	14 N.J.R. 1029(b)	R.1982 d.450	14 N.J.R. 1457(b)
8:65-10.2, 10.3	Controlled dangerous substances: schedule changes	15 N.J.R. 844(a)	R.1984 d.35	16 N.J.R. 369(a)
8:65-10.5	Loperamide removed from Controlled Substances	15 N.J.R. 126(a)	R.1983 d.171	15 N.J.R. 924(a)
8:70	Readopted: Drug Evaluation and Acceptance Criteria	15 N.J.R. 845(a)	R.1983 d.422	15 N.J.R. 1663(a)
8:70-1.4	Resubmission of rejected generic drug products	14 N.J.R. 1030(a)	R.1983 d.33	15 N.J.R. 147(d)
8:71	Additions to generic drug list	14 N.J.R. 369(a)	R.1982 d.240	14 N.J.R. 836(a)
8:71	Correction: Generic drug list	14 N.J.R. 369(a)	R.1982 d.240	14 N.J.R. 980(a)
8:71	Generic drug list changes	14 N.J.R. 22(a)	R.1982 d.371	14 N.J.R. 1159(a)
8:71	Generic drug list changes	13 N.J.R. 645(a)	R.1982 d.372	14 N.J.R. 1159(b)
8:71	Generic drug list changes	14 N.J.R. 369(a)	R.1982 d.373	14 N.J.R. 1160(a)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R.1982 d.374	14 N.J.R. 1160(b)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R.1982 d.426	14 N.J.R. 1392(a)
8:71	Correction: Generic drug list	14 N.J.R. 690(a)	R.1982 d.426	15 N.J.R. 33(b)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R.1982 d.488	15 N.J.R. 90(a)
8:71	Generic drug list additions	14 N.J.R. 690(a)	R.1982 d.489	15 N.J.R. 91(a)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R.1983 d.30	15 N.J.R. 147(e)
8:71	Additions to generic drug list	14 N.J.R. 1077(a)	R.1983 d.31	15 N.J.R. 148(a)
8:71	Steri-med 50 mg hydrochlorothiazide tabs	14 N.J.R. 887(b)	R.1983 d.32	15 N.J.R. 148(b)
8:71	Generic drug list deletions	14 N.J.R. 1030(b)	R.1983 d.34	15 N.J.R. 149(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R.1983 d.65	15 N.J.R. 339(a)
8:71	Generic drug list changes	14 N.J.R. 888(a)	R.1983 d.138	15 N.J.R. 690(c)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R.1983 d.139	15 N.J.R. 691(a)
8:71	Generic drug list changes	15 N.J.R. 127(a)	R.1983 d.140	15 N.J.R. 691(b)
8:71	Oxycodones; Schedule II policy	14 N.J.R. 1077(a)	________	15 N.J.R. 700(a)
8:71	Generic drug list changes	15 N.J.R. 127(a)	R.1983 d.272	15 N.J.R. 1100(a)
8:71	Generic drug list addition	14 N.J.R. 690(a)	R.1983 d.273	15 N.J.R. 1100(b)
8:71	Generic drug list changes	15 N.J.R. 126(b)	R.1983 d.274	15 N.J.R. 1100(c)
8:71	Additions to generic drug list	15 N.J.R. 846(a)	R.1983 d.499	15 N.J.R. 1862(b)
8:71	Generic drug list additions	15 N.J.R. 420(a)	R.1983 d.500	15 N.J.R. 1863(a)
8:71	Generic drug list additions	15 N.J.R. 127(a)	R.1983 d.633	16 N.J.R. 141(b)
8:71	Additions to generic drug list	15 N.J.R. 846(a)	R.1983 d.634	16 N.J.R. 142(a)
8:71	Generic drug list additions	15 N.J.R. 1819(a)	R.1983 d.635	16 N.J.R. 142(b)
8:71	Readopted: Generic drug product list	16 N.J.R. 116(a)	R.1984 d.106	16 N.J.R. 725(a)

(Title 8, Transmittal 15 dated June 21, 1982)

HIGHER EDUCATION—TITLE 9

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
9:1	Licensing and degree program approval	15 N.J.R. 1418(a)	R.1984 d.74	16 N.J.R. 536(a)
9:1-6.1, 6.4	Petitions from out-of-state institutions	14 N.J.R. 372(a)	R.1982 d.219	14 N.J.R. 756(a)
9:2-2.25	Mandatory retirement at State colleges	14 N.J.R. 947(a)	R.1982 d.444	14 N.J.R. 1458(a)
9:2-2.25	Correction: State college retirement	14 N.J.R. 947(a)	R.1982 d.444	15 N.J.R. 809(c)
9:2-13.1-13.12	State college auxiliary organizations	14 N.J.R. 1141(a)	R.1982 d.493	15 N.J.R. 91(b)
9:2-13.9	Auxiliary organizations at county colleges	15 N.J.R. 1626(a)	R.1983 d.575	15 N.J.R. 2168(a)
9:3-1.1	Approval of renovation projects	15 N.J.R. 1070(a)	R.1983 d.447	15 N.J.R. 1767(a)
9:4-1.5	County colleges: Chargebacks to sending counties	14 N.J.R. 690(b)	R.1982 d.335	14 N.J.R. 1099(a)
9:4-1.5	County college chargeback calculation	16 N.J.R. 117(a)	R.1984 d.78	16 N.J.R. 547(a)
9:4-1.6	County colleges: General education requirements	15 N.J.R. 203(a)	R.1983 d.147	15 N.J.R. 805(a)
9:4-3.1–3.10	County college annual audit	14 N.J.R. 318(a)	R.1982 d.218	14 N.J.R. 757(a)
9:4-3.4	Correction: Assets to be capitalized by county colleges	________	________	15 N.J.R. 700(b)
9:4-3.7, -8	County college contract rules	15 N.J.R. 1916(a)	R.1984 d.80	16 N.J.R. 548(a)
9:4-5	County colleges reduction in force rules	15 N.J.R. 128(a)	R.1983 d.146	15 N.J.R. 805(b)
9:4-5.7	Layoff notification at county colleges	15 N.J.R. 1070(b)	R.1984 d.77	16 N.J.R. 548(b)
9:5-1.5	State funding for senior citizens	15 N.J.R. 73(b)	R.1983 d.118	15 N.J.R. 625(a)
9:7	Readopted: Student Assistance Programs	15 N.J.R. 129(a)	R.1983 d.126	15 N.J.R. 692(a)
9:7-2.3	Foreign nationals and student assistance eligibility	15 N.J.R. 1071(a)	R.1983 d.468	15 N.J.R. 1768(a)
9:7-2.10	Student Assitance Programs: minimum academic progress	15 N.J.R. 205(a)	R.1983 d.261	15 N.J.R. 1101(a)
9:7-3.1	1983-84 Tuition Aid Grant Award Table	15 N.J.R. 206(a)	R.1983 d.250	15 N.J.R. 1032(a)
9:7-3.1	1983-84 Tuition Aid Grant Award Table	15 N.J.R. 1427(a)	R.1983 d.485	15 N.J.R. 1864(a)
9:7-3.1	Tuition Aid Grants: 1984-85 Award Table	16 N.J.R. 9(a)	R.1984 d.76	16 N.J.R. 548(c)
9:9	Readopted: Student Loan Program rules	15 N.J.R. 475(a)	R.1983 d.413	15 N.J.R. 1663(b)
9:9-1.9, 3.5	Student loans: disbursement procedures; accrued interest	15 N.J.R. 1820(a)	R.1983 d.605	16 N.J.R. 49(a)
9:9-10.1, 10.2	Student loan programs: reducing default rates	15 N.J.R. 1336(b)	R.1983 d.647	16 N.J.R. 143(a)
9:11-1	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R.1982 d.385	14 N.J.R. 1214(c)
9:11-1	Educational Opportunity Fund financial aid guidelines	15 N.J.R. 1428(a)	R.1983 d.646	16 N.J.R. 143(b)
9:11-1.5, 1.16	Educational Opportunity Fund financial aid rules	15 N.J.R. 206(b)	R.1983 d.170	15 N.J.R. 924(b)
9:12-1, -2	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R.1982 d.385	14 N.J.R. 1214(c)
9:12-1, 2	Academic year program support funds; summer program	15 N.J.R. 1428(a)	R.1983 d.646	16 N.J.R. 143(b)
9:14-1.3, 1.4	Aid to independent colleges and universities	16 N.J.R. 10(a)	R.1984 d.79	16 N.J.R. 549(a)
9:15	Readopted: Graduate Medical Education Program	15 N.J.R. 1429(a)	R.1983 d.518	15 N.J.R. 1864(b)

(Title 9, Transmittal 17 dated June 21, 1982)

HUMAN SERVICES-TITLE 10

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:6	Administrative hearings and reviews	15 N.J.R. 1725(a)	R.1984 d.27	16 N.J.R. 369(b)
10:49-1.3, 1.4	Personal care services: Administration manual	15 N.J.R. 1726(a)	R.1984 d.21	16 N.J.R. 239(c)
10:49-1.16	LTCF: loss of provider certification	16 N.J.R. 118(a)	R.1984 d.91	16 N.J.R. 727(a)
10:52-1	Readopted: Manual for Hospital Services (Coverage)	15 N.J.R. 2125(a)	R.1984 d.47	16 N.J.R. 424(b)
10:54-1	Readopted: Manual for Physicians (General Provisions)	15 N.J.R. 2129(a)	R.1984 d.34	16 N.J.R. 371(a)
10:54-3	Procedure Code Manual updating	15 N.J.R. 1730(a)	R.1983 d.614	16 N.J.R. 144(a)
10:60-1.1 -1.6, 2.1, 2.7	Personal care services: Home Health Services	15 N.J.R. 1726(a)	R.1984 d.21	16 N.J.R. 239(c)
10:62-1, 2	Vision Care Manual: readopted Eye Care and Optical Appliances rules	15 N.J.R. 1731(a)	R.1983 d.620	16 N.J.R. 144(b)
10:63-1	Long Term Care: readopted General Provisions	16 N.J.R. 204(a)	R.1984 d.123	16 N.J.R. 896(a)
10:63-1.15	LTCF: loss of provider certification	16 N.J.R. 118(a)	R.1984 d.91	16 N.J.R. 727(a)
10:65-1.2, 1.6, 1.7, 2.4	Medical day care: authorization periods; "center" defined	15 N.J.R. 1337(a)	R.1983 d.637	16 N.J.R. 144(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:66-1	Independent Clinic Services Manual: readopted General Provisions	15 N.J.R. 1732(a)	R.1983 d.615	16 N.J.R. 145(a)
10:66-1.2	"Medical day care center" defined	15 N.J.R. 1337(a)	R.1983 d.637	16 N.J.R. 144(c)
10:66-1.2, 1.5 1.6, 3.3	Personal care services: Independent Clinic Manual	15 N.J.R. 1726(a)	R.1984 d.21	16 N.J.R. 239(c)
10:81-9	Readopted: PAM Definitions	16 N.J.R. 206(a)	R.1984 d.92	16 N.J.R. 727(b)
10:81-11	PAM: Child Support and Paternity	16 N.J.R. 328(a)	R.1984 d.147	16 N.J.R. 898(a)
10:81-App. C	PAM: AFDC forms	________	________	16 N.J.R. 162(a)
10:81-App. D	Repealed (see 10:81-11)	16 N.J.R. 328(a)	R.1984 d.147	16 N.J.R. 898(a)
10:85-3.1	GAM: determination of household size	15 N.J.R. 1629(a)	R.1984 d.16	16 N.J.R. 245(a)
10:85-3.2	GAM: Initial work registration	15 N.J.R. 1630(a)	R.1983 d.622	16 N.J.R. 145(b)
10:85-3.3	GAM: residential health care allowance rate	16 N.J.R. 119(a)	R.1984 d.111	16 N.J.R. 729(a)
10:85-9	GAM: readopt rules on Legally Responsible Relatives	15 N.J.R. 2019(b)	R.1984 d.56	16 N.J.R. 427(a)
10:87	Readopted Food Stamp Program rules	15 N.J.R. 2134(b)	R.1984 d.68	16 N.J.R. 550(a)
10:87-2.10, 2.19, 2.21, 3.2, 3.8, 4.2	Food Stamp Program revisions	15 N.J.R. 1821(a)	R.1984 d.17	16 N.J.R. 246(a)
10:87-5.1, 5.4, 5.9	Food Stamp Program revisions	15 N.J.R. 1821(a)	R.1984 d.17	16 N.J.R. 246(a)
10:87-6.22, 7.6, 7.8, 9.2, 9.3, 9.8–9.14	Food Stamp Program revisions	15 N.J.R. 1821(a)	R.1984 d.17	16 N.J.R. 246(a)
10:87-12.5	Food Stamp allotment proration	15 N.J.R. 1918(a)	R.1984 d.20	16 N.J.R. 246(b)
10:97	Vending Facility Program for Blind	15 N.J.R. 2020(a)	R.1984 d.149	16 N.J.R. 909(a)
10:100-3	Readopted: Special Payments Handbook rules	15 N.J.R. 2025(a)	R.1984 d.37	16 N.J.R. 375(a)
10:112-1	Division of Veterans Programs and Special Services	Organizational	R.1984 d.57	16 N.J.R. 427(b)
10:121-4	Readopted: Release of Criminal History Record Information	16 N.J.R. 119(b)	R.1984 d.88	16 N.J.R. 730(a)
10:140	Division of Mental Retardation	Organizational	R.1984 d.93	16 N.J.R. 725(b)
10:141	Charity racing days for developmentally disabled	15 N.J.R. 1826(a)	R.1984 d.28	16 N.J.R. 375(b)

(Title 10, Transmittal 16 dated January 3, 1984)

CORRECTIONS—TITLE 10A

(Title 10A, Transmittal 7 dated June 21, 1982)

INSURANCE—TITLE 11

11:1-5.5	Notice of Cancellation and Nonrenewal: property and casualty insurance	________	________	15 N.J.R. 810(a)
11:1-9	Temporary licensing of life and health insurance agents	15 N.J.R. 1828(a)	R.1983 d.603	16 N.J.R. 49(c)
11:1-14	Licensees: Address change; process serving	14 N.J.R. 748(a)	R.1982 d.336	14 N.J.R. 1099(b)
11:2-17.7	Claims settlement practices	14 N.J.R. 966(a)	R.1982 d.400	14 N.J.R. 1307(b)
11:2-18	Readable policies	14 N.J.R. 967(a)	R.1982 d.410	14 N.J.R. 1307(c)
11:2-18.4	Correction: Readable policies	14 N.J.R. 1308	R.1982 d.410	14 N.J.R. 1398(b)
11:3-6	Readopted: Auto Insurance Identification Card rules	15 N.J.R. 1919(a)	R.1983 d.648	16 N.J.R. 145(c)
11:3-6	Correction: effective date of Auto Insurance ID Card rules	15 N.J.R. 1919(a)	R.1983 d.648	16 N.J.R. 254(c)
11:3-7.3, 7.7	Additional personal injury protection	14 N.J.R. 543(b)	R.1982 d.246	14 N.J.R. 917(d)
11:3-8	Nonrenewal of automobile policies	15 N.J.R. 231(a)	R.1983 d.190	15 N.J.R. 927(a)
11:3-12	Automobile rate filers: flat uniform premium tax and fees	15 N.J.R. 1170(a)	R.1983 d.424	15 N.J.R. 1666(a)
11:3-13	Auto insurance: collision and comprehensive deductibles	15 N.J.R. 1342(a)	R.1983 d.467	15 N.J.R. 1769(b)
11:3-13	Options for collision and comprehensive coverages	15 N.J.R. 1961(a)	R.1984 d.3	16 N.J.R. 246(c)
11:3-14	Auto insurance: personal injury protection options	15 N.J.R. 2139(a)	R.1984 d.116	16 N.J.R. 730(b)
11:3-15	Auto insurance policies: buyer's guide and written notice	15 N.J.R. 2142(a)	R.1984 d.114	16 N.J.R. 733(a)
11:5	Readopted: Real Estate Commission rules	15 N.J.R. 1343(a)	R.1983 d.471	15 N.J.R. 1865(c)
11:10-2	Employees' dental benefit plans: alternate coverage	15 N.J.R. 1350(a)	R.1984 d.115	16 N.J.R. 735(a)
11:13	Commercial insurance	14 N.J.R. 1045(a)	R.1982 d.423	14 N.J.R. 1398(c)

(Title 11, Transmittal 17 dated June 21, 1982)

LABOR—TITLE 12

12:15-1.3	1983 unemployment and disability benefits	14 N.J.R. 969(a)	R.1982 d.383	14 N.J.R. 1218(b)
12:15-1.3	Unemployment and disability: 1984 maximum weekly rates	15 N.J.R. 1434(a)	R.1983 d.521	15 N.J.R. 1944(c)
12:15-1.4	1983 wage base for unemployment contributions	14 N.J.R. 970(a)	R.1982 d.382	14 N.J.R. 1219(a)
12:15-1.4	Unemployment compensation: 1984 taxable wage base	15 N.J.R. 1435(a)	R.1983 d.522	15 N.J.R. 1944(d)
12:15-1.5	1983 contribution rates for government entities	14 N.J.R. 970(b)	R.1982 d.381	14 N.J.R. 1219(b)
12:15-1.5	1984 unemployment contribution rates: governmental entities	15 N.J.R. 1829(a)	R.1983 d.612	16 N.J.R. 50(a)
12:17-10.3, 10.4	Repayment of unemployment benefits	15 N.J.R. 74(a)	R.1983 d.83	15 N.J.R. 447(a)
12:17-11.3	Unemployment benefits: lump sum pension reduction	15 N.J.R. 1436(a)	R.1983 d.602	16 N.J.R. 51(a)
12:45	Vocational Rehabilitation Services: legal authority	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:46	Vocational Rehabilitation Services: Administration	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
12:47	Vocational Rehabilitation Services: advisory councils	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:48	Vocational Rehabilitation Services: potential, eligibility, economic need	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:49	Vocational Rehabilitation Services: appeals	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:50	Repealed: Disability Determination Service	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:51-2.1, 3.5, 4.1, 5.1, 6.1, 7.1, 8.2, 8.3, 8.4, 9.1, 10.1, 11.1, 13.1, 13.2, 17.1, 18.1	Vocational Rehabilitation Facilities	15 N.J.R. 1548(a)	R.1983 d.600	16 N.J.R. 51(b)
12:56-3.2	Correction to Code: Exemptions from minimum wage rates	________	________	15 N.J.R. 43(b)
12:56-7.2	Wage and hour: "Administrative" defined	14 N.J.R. 1145(a)	R.1982 d.468	15 N.J.R. 36(a)
12:175	Ski lift safety standards	15 N.J.R. 1553(a)	R.1983 d.613	16 N.J.R. 51(c)
12:190	Safety standards for explosives	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:191	Repealed	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:192	Repealed	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:193	Repealed	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:195	Readopted: rules on Carnival—Amusement Rides	15 N.J.R. 1002(a)	R.1983 d.364	15 N.J.R. 1477(b)
12:235-1.5	1983 workers' compensation benefits	14 N.J.R. 971(a)	R.1982 d.380	14 N.J.R. 1219(c)
12:235-1.5	1984 workers' compensation benefit rates	15 N.J.R. 1437(a)	R.1983 d.520	15 N.J.R. 1945(a)

(Title 12, Transmittal 15 dated June 21, 1982)

LAW AND PUBLIC SAFETY—TITLE 13

13:1	Readopted: Police Training Commission rules	15 N.J.R. 866(a)	R.1983 d.316	15 N.J.R. 1382(b)
13:2-2	ABC: readopted filing and notice rules for Municipal License Applications	16 N.J.R. 345(a)	R.1984 d.141	16 N.J.R. 916(a)
13:2-7.10, 24.4	ABC: wholesaler to retailer credit controls	15 N.J.R. 1557(a)	R.1983 d.545	15 N.J.R. 1945(b)
13:2-8.1	Correction to ABC rules: Definition of club member	________	________	15 N.J.R. 1876(b)
13:2-23	Readopted: ABC rules for licensee conduct	16 N.J.R. 29(a)	R.1984 d.51	16 N.J.R. 428(a)
13:2-23.16	ABC: exceptions to prohibited promotions	15 N.J.R. 1558(a)	R.1983 d.527	15 N.J.R. 1946(a)
13:2-24.11	ABC: manufacturers' rebates and coupons	15 N.J.R. 1003(a)	R.1983 d.361	15 N.J.R. 1478(a)
13:2-24.11	ABC: use of manufacturers' rebates and coupons	15 N.J.R. 1830(a)	R.1983 d.644	16 N.J.R. 146(a)
13:2-24.12	ABC: marketing and advertising	15 N.J.R. 1921(a)	R.1984 d.140	16 N.J.R. 916(b)
13:2-27.2	ABC: sale of out-of-state deposit containers	16 N.J.R. 31(a)	R.1984 d.50	16 N.J.R. 428(b)
13:3-1.2, 1.11 1.14, 1.16, 1.17	Amusement games control	15 N.J.R. 680(a)	R.1983 d.303	15 N.J.R. 1254(b)
13:3-1.10, 1.13, 1.15, 1.18, 2.1, 2.3, 3.1	ABC: amusement games licensing	16 N.J.R. 208(a)	R.1984 d.90	16 N.J.R. 737(a)
13:3-1.10, 1.14, 2.2, 3.9, 4.3	Amusement games licensing forms, fees	14 N.J.R. 1194(a)	R.1982 d.498	15 N.J.R. 93(a)
13:3-2.2, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.15, 4.3, 7.1, 7.2, 7.9	Amusement games control	15 N.J.R. 680(a)	R.1983 d.303	15 N.J.R. 1254(b)
13:3-8.1–8.7	Repealed	14 N.J.R. 1194(a)	R.1982 d.498	15 N.J.R. 93(a)
13:4-2.3	Fact-finding conferences on discrimination complaints	15 N.J.R. 500(a)	R.1983 d.385	15 N.J.R. 1604(a)
13:4-12.1	Discrimination complaints and hearings before OAL	15 N.J.R. 501(a)	R.1983 d.347	15 N.J.R. 1481(a)
13:4-12.1, 12.3	Readopted: certain rules on civil rights hearings	15 N.J.R. 1922(a)	R.1983 d.650	16 N.J.R. 146(b)
13:3-8.1–8.7	Repealed	14 N.J.R. 1194(a)	R.1982 d.498	15 N.J.R. 93(a)
13:18-10	Readopted: Unsatisfied claim and Judgment Fund rules on excess medical benefits	15 N.J.R. 872(a)	R.1983 d.387	15 N.J.R. 1604(b)
13:19-1.2–1.13	Motor vehicle license suspensions: prehearing conferences	15 N.J.R. 2143(a)	R.1984 d.129	16 N.J.R. 918(a)
13:19-2	Repealed: Probationary Driver Licenses	15 N.J.R. 501(b)	R.1983 d.242	15 N.J.R. 1035(b)
13:19-10	Point system; motorized bicycle offenses	15 N.J.R. 1004(a)	R.1983 d.360	15 N.J.R. 1481(b)
13:19-10	Readopted: Point System and Driving During Suspension rules	16 N.J.R. 347(a)	R.1984 d.128	16 N.J.R. 920(a)
13:19-11	Out-of-state conviction for drunk driving	15 N.J.R. 1009(a)	R.1983 d.352	15 N.J.R. 1481(c)
13:19-12	Motor vehicle insurance surcharge	15 N.J.R. 2027(a)	R.1984 d.18	16 N.J.R. 247(a)
13:19-13	Motor vehicle insurance surcharges	16 N.J.R. 124(a)	R.1984 d.61	16 N.J.R. 551(a)
13:20-7.3, 7.4	Readopted: Motor vehicle inspection	14 N.J.R. 918(a)	R.1982 d.364	14 N.J.R. 1162(e)
13:20-7.4	Motor vehicle inspection: odd-even system repealed	15 N.J.R. 1261(a)	R.1984 d.83	16 N.J.R. 738(a)
13:20-7.4	Motor vehicle inspection: repeal odd-even system	Emergency	R.1983 d.294	15 N.J.R. 1261(a)
13:20-17.3	Attendance fee for driver improvement school	14 N.J.R. 1145(b)	R.1982 d.485	15 N.J.R. 93(b)
13:20-31	Readopted: Motor Vehicles Alcohol Countermeasures rules	15 N.J.R. 1923(a)	R.1984 d.7	16 N.J.R. 247(b)
13:20-31.3	Fee for driver alcohol education program	14 N.J.R. 1195(a)	R.1983 d.19	15 N.J.R. 156(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
13:20-32.4, 32.14, 32.15	Motor vehicle reinspection centers: mechanic certification	Emergency	R.1983 d.404	15 N.J.R. 1608(a)
13:20-32.4, 32.14, 32.15	Motor vehicle reinspection centers: mechanic certification	15 N.J.R. 1608(a)	R.1983 d.525	15 N.J.R. 1946(b)
13:20-32.6, 32.9, 32.11	Motor vehicle reinspection centers: Fees	14 N.J.R. 1196(a)	R.1983 d.20	15 N.J.R. 156(c)
13:20-33.1, 33.2 33.50, 33.51	Licensed motor vehicle reinspection centers	15 N.J.R. 1963(a)	R.1984 d.10	16 N.J.R. 247(c)
13:21-4.5	Repealed: "Title only" motor vehicle certification	14 N.J.R. 632(a)	R.1982 d.370	14 N.J.R. 1163(a)
13:21-7	Special driver permits; test for hearing impaired	15 N.J.R. 1831(a)	R.1984 d.11	16 N.J.R. 247(d)
13:21-8	Driver license: law-knowledge tests; test for hearing impaired	15 N.J.R. 1437(b)	R.1983 d.609	16 N.J.R. 51(d)
13:21-8.24	Driver license suspension: failure to notify of address change	15 N.J.R. 2029(a)	R.1984 d.19	16 N.J.R. 248(a)
13:21-9.3	Restoration fee for motor vehicle license	14 N.J.R. 1146(a)	R.1982 d.484	15 N.J.R. 94(a)
13:21-19	Motor Vehicle Franchise Committee: procedural rules	15 N.J.R. 1232(a)	R.1983 d.621	16 N.J.R. 146(c)
13:25-6	Repeal (see 13:19-10)	15 N.J.R. 1004(a)	R.1983 d.360	15 N.J.R. 1481(b)
13:25-8	Motorized bicycles: readopted operation rules	15 N.J.R. 1440(a)	R.1983 d.608	16 N.J.R. 52(a)
13:25-8	Motorized bicycles: effective date of readopted rules	15 N.J.R. 1440(a)	R.1983 d.608	16 N.J.R. 248(b)
13:25-9	Approved helmets for motorized bicycle operators	15 N.J.R. 684(a)	R.1983 d.489	15 N.J.R. 1865(d)
13:26	Readopted: Transportation of Bulk Commodities rules	15 N.J.R. 1116(a)	R.1983 d.441	15 N.J.R. 1770(a)
13:27-3.13	Board of Architects examination fees	15 N.J.R. 502(a)	R.1983 d.271	15 N.J.R. 1102(b)
13:27-7	Pre-prepared plans for single family houses	15 N.J.R. 1010(a)	R.1983 d.466	15 N.J.R. 1770(b)
13:27A	Price posting in barber shops	14 N.J.R. 749(a)	R.1982 d.387	14 N.J.R. 1219(d)
13:28-2	Correction: Expiration date for N.J.A.C. 13:28-2	————	————	15 N.J.R. 347(a)
13:29-1.6	CPA qualifying requirements	14 N.J.R. 749(b)	R.1982 d.405	14 N.J.R. 1309(a)
13:29-1.7	Board of Accountancy: conditional credit	14 N.J.R. 1279(a)	R.1983 d.211	15 N.J.R. 1035(c)
13:29-3.1–3.9, 3.12–3.18	Board of Accountancy: Professional misconduct	14 N.J.R. 895(a)	R.1982 d.407	14 N.J.R. 1309(b)
13:32-1.5	Plumbing business and bona fide representative	15 N.J.R. 1171(a)	R.1983 d.580	15 N.J.R. 2171(c)
13:32-1.8	Pressure seal on plumbing permit applications	14 N.J.R. 750(a)	R.1982 d.388	14 N.J.R. 1219(e)
13:33	Ophthalmic Dispensers and Technicians Board: readopted administrative rules	16 N.J.R. 215(a)	R.1984 d.112	16 N.J.R. 738(b)
13:33-1.1–1.7, 1.9–1.13, 1.15–1.19, 1.25, 1.34, 1.39, 1.42	Licensure of ophthalmic dispensers and technicians	14 N.J.R. 545(a)	R.1983 d.15	15 N.J.R. 157(a)
13:33-1.3, 1.4, 1.29, 1.36	Ophthalmic dispensers and technicians	15 N.J.R. 1832(a)	R.1984 d.22	16 N.J.R. 248(c)
13:33-1.38	Minimum standards for eyeglass dispensing	14 N.J.R. 1085(a)	R.1983 d.81	15 N.J.R. 447(b)
13:34-1.1, 1.3–1.7, 2.1, 3.1–3.7, 4.1, 4.2	Marriage counselor practice	15 N.J.R. 1441(a)	R.1983 d.544	15 N.J.R. 1947(a)
13:35-1–6	Board of Medical Examiners: standards and rules	15 N.J.R. 503(a)	R.1983 d.314	15 N.J.R. 1255(a)
13:35-1A.4	Standards for out-of-state medical school	15 N.J.R. 1444(a)	R.1983 d.549	15 N.J.R. 2044(a)
13:35-2.13	Graduate physician pending licensure: privileges and conditions	16 N.J.R. 216(a)	R.1984 d.138	16 N.J.R. 920(b)
13:35-3.3, 6.13	Medical examiners board: chiropractic endorsement; fees	15 N.J.R. 784(a)	R.1983 d.510	15 N.J.R. 1865(e)
13:35-6.5	Responsibility for pronouncement of death	14 N.J.R. 90(a)	R.1982 d.214	14 N.J.R. 767(a)
13:35-6.5	Correction: Responsibililty for pronouncement of death	14 N.J.R. 767(a)	R.1982 d.214	14 N.J.R. 918(b)
13:35-6.7	Medical examiners board: prescribing amphetamines	15 N.J.R. 785(a)	R.1983 d.490	15 N.J.R. 1866(a)
13:35-6.8	Prescribing, administering or dispensing laetrile	15 N.J.R. 2029(b)	R.1984 d.67	16 N.J.R. 552(a)
13:35-6.10	Advertising by medical board licensees	16 N.J.R. 32(a)	R.1984 d.139	16 N.J.R. 921(a)
13:35-7, 9, 10	Repealed (see 13:35-1-6)	15 N.J.R. 503(a)	R.1983 d.314	15 N.J.R. 1255(a)
13:35-9	Certified Nurse-Midwife and lay midwife practice	14 N.J.R. 632(b)	R.1982 d.416	14 N.J.R. 1400(a)
13:35-11	In-State clinical training by foreign medical schools	15 N.J.R. 75(a)	R.1983 d.97	15 N.J.R. 550(b)
13:36-3.4	Mortuary science examination subjects	14 N.J.R. 897(a)	R.1982 d.409	14 N.J.R. 1309(c)
13:36-4.1	Mortuary science: License renewals	14 N.J.R. 751(a)	R.1982 d.333	14 N.J.R. 1110(a)
13:36-5.12	Mortuary advertising requirements	14 N.J.R. 898(a)	R.1982 d.404	14 N.J.R. 1309(d)
13:37-2–6, 9, 10,11	Board of Nursing: licensure by examination and endorsement; foreign nurses; nursing procedures	15 N.J.R. 1850(a)	R.1984 d.137	16 N.J.R. 922(a)
13:37-9.2	Practical nursing licensure by examination	14 N.J.R. 701(a)	R.1982 d.406	14 N.J.R. 1309(e)
13:37-12.1	Board of Nursing: Licensure fees	14 N.J.R. 635(a)	R.1982 d.408	14 N.J.R. 1310(a)
13:38-2.1	Optometric practice: minimum examination	15 N.J.R. 1234(a)	R.1983 d.511	15 N.J.R. 1866(b)
13:38-6.1	Optometric practices: readopted rule on patient records	15 N.J.R. 1011(a)	R.1983 d.359	15 N.J.R. 1481(d)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
13:39-5	Readopted: Rules for registration of pharmacists	15 N.J.R. 1172(a)	R.1983 d.440	15 N.J.R. 1770(c)
13:39-6	Recordkeeping in pharmacies: 30-day waiver of expiration date	16 N.J.R. 217(a)	________	16 N.J.R. 396(c)
13:39-6	Board of Pharmacy: readopted Prescriptions rules	16 N.J.R. 217(a)	R.1984 d.89	16 N.J.R. 739(a)
13:39-6.4, 6.5, 6.7, 6.8, 9.13	Computerized recordkeeping in pharmacies	14 N.J.R. 1343(a)	R.1983 d.22	15 N.J.R. 157(b)
13:39-8.14, 9.14	Pharmacist-in-Charge; in-store pharmacies	14 N.J.R. 898(b)	R.1983 d.341	15 N.J.R. 1482(a)
13:39-9.16	Board of Pharmacy examination fee	14 N.J.R. 1280(a)	R.1983 d.21	15 N.J.R. 157(c)
13:39-9.16	Board of Pharmacy fees	15 N.J.R. 78(a)	R.1983 d.95	15 N.J.R. 553(a)
13:40-1.1, 2.1	Engineers and surveyors: Sealing of documents	14 N.J.R. 1345(a)	R.1983 d.36	15 N.J.R. 157(d)
13:40-3.1	Engineers and land surveyors: Misconduct	14 N.J.R. 1196(b)	R.1983 d.16	15 N.J.R. 158(a)
13:40-6	Engineers and Land Surveyors: readopted licensing fee schedule	15 N.J.R. 1077(a)	R.1983 d.418	15 N.J.R. 1667(a)
13:40-6.1	Examination fees for engineers and surveyors	15 N.J.R. 78(b)	R.1983 d.148	15 N.J.R. 807(c)
13:41-3.2	Professional planning examination fees	15 N.J.R. 79(a)	R.1983 d.114	15 N.J.R. 626(a)
13:42	Readopted: Licensure of psychologists; misconduct	15 N.J.R. 1497(a)	R.1983 d.543	15 N.J.R. 1947(b)
13:43-3.3	Certified Shorthand Reporter disclosure	15 N.J.R. 80(a)	R.1983 d.122	15 N.J.R. 626(b)
13:43-4	Certified Shorthand Reporting: examination and licensure fees	15 N.J.R. 873(a)	R.1983 d.414	15 N.J.R. 1667(b)
13:44-2.9	Veterinary board: Temporary permits	15 N.J.R. 130(a)	R.1983 d.113	15 N.J.R. 626(c)
13:44-4.1	Veterinary Medical Examiners fee schedule	14 N.J.R. 1281(a)	R.1982 d.502	15 N.J.R. 94(b)
13:44-4.1	Veterinary Medical Examiners: registration fees	15 N.J.R. 612(a)	R.1983 d.252	15 N.J.R. 1035(d)
13:45A-18.1	Fee for consumer contract review	14 N.J.R. 464(a)	R.1982 d.221	14 N.J.R. 767(b)
13:45A-21	Sale of Kosher food	16 N.J.R. 220(a)	R.1984 d.113	16 N.J.R. 741(a)
13:46-1.1	Boxing and wrestling programs: Definitions	14 N.J.R. 751(b)	R.1982 d.389	14 N.J.R. 1220(a)
13:46-1.2–1.4	Weights and classes: Recodified as subchapter 1A	14 N.J.R. 751(b)	R.1982 d.389	14 N.J.R. 1220(a)
13:46-4	Boxing and wrestling programs: Licenses and permits	14 N.J.R. 751(b)	R.1982 d.389	14 N.J.R. 1220(a)
13:46-15.15–15.18	Complimentary tickets for boxing and wrestling events	14 N.J.R. 971(b)	R.1982 d.398	14 N.J.R. 1220(b)
13:46-18.12, 18.18	Repealed	14 N.J.R. 635(b)	R.1982 d.271	14 N.J.R. 919(a)
13:46-18.15	Same day boxing programs	14 N.J.R. 635(b)	R.1982 d.271	14 N.J.R. 919(a)
13:47A-3.1	Securities industry: Nonduplication of fingerprinting	14 N.J.R. 550(a)	R.1982 d.304	14 N.J.R. 981(c)
13:47A-5.2	Broker-dealer registration	14 N.J.R. 551(a)	R.1982 d.265	14 N.J.R. 919(b)
13:47A-9.13	Repealed exemption restriction for private offering to sophisticated investors	14 N.J.R. 552(a)	R.1982 d.266	14 N.J.R. 919(c)
13:47B	Readopted: rules on General Weighing and Measuring Devices	15 N.J.R. 1925(a)	R.1984 d.6	16 N.J.R. 249(a)
13:47B-1.1	Correction to Code: Liquid measuring devices	________	________	14 N.J.R. 1315(b)
13:47C-1.1, 3.6	Industry standards for treated lumber	15 N.J.R. 1835(a)	R.1984 d.5	16 N.J.R. 249(b)
13:49-1–8	State Medical Examiner: death investigations	15 N.J.R. 1351(a)	R.1983 d.589	15 N.J.R. 2172(d)
13:70-3, 14, 15, 29, 29	Readopted: Thoroughbred rules	15 N.J.R. 685(a)	R.1983 d.295	15 N.J.R. 1256(a)
13:70-3.5, 3.6	Thoroughbred rules: racing associations	15 N.J.R. 1928(a)	R.1984 d.43	16 N.J.R. 377(a)
13:70-3.47	Thoroughbred rules	14 N.J.R. 1146(b)	R.1983 d.14	15 N.J.R. 158(b)
13:70-4	Readopted certain Thoroughbred rules	16 N.J.R. 221(a)	R.1984 d.103	16 N.J.R. 742(a)
13:70-4.1	Thoroughbred racing: License fees	14 N.J.R. 1444(a)	R.1983 d.103	15 N.J.R. 553(b)
13:70-6.53	Thoroughbred rules: New Jersey stallions	15 N.J.R. 2147(a)	R.1984 d.45	16 N.J.R. 378(a)
13:70-6.55, 6.56, 18.6	Thoroughbred rules	14 N.J.R. 1146(b)	R.1983 d.14	15 N.J.R. 158(b)
13:70-9.18	Jockey fees	15 N.J.R. 518(a)	R.1983 d.512	15 N.J.R. 1866(c)
13:70-14.16	Thoroughbred rules: equine fatality report	16 N.J.R. 222(a)	R.1984 d.104	16 N.J.R. 743(a)
13:70-19.43	Repealed (see 13:70-3, 14, 15, 19, 29)	15 N.J.R. 685(a)	R.1983 d.295	15 N.J.R. 1256(a)
13:71-1.23	Harness racing: No smoking in barn areas	15 N.J.R. 873(b)	R.1983 d.337	15 N.J.R. 1383(a)
13:71-5, 9, 21, 23	Readopted: Harness rules	15 N.J.R. 685(a)	R.1983 d.295	15 N.J.R. 1256(a)
13:71-7, 8, 17	Readopted certain Harness rules	16 N.J.R. 221(a)	R.1984 d.103	16 N.J.R. 742(a)
13:71-6.24, 11.9	Harness racing: Vaccination; respiratory bleeding	14 N.J.R. 1147(a)	R.1983 d.13	15 N.J.R. 158(c)
13:71-6.25 -6.30	Harness racing: association rules	15 N.J.R. 1928(b)	R.1984 d.44	16 N.J.R. 378(b)
13:71-7.1	Harness racing: License fees	14 N.J.R. 1445(a)	R.1983 d.104	15 N.J.R. 554(a)
13:71-20.24	Harness rules: equine fatality report	16 N.J.R. 224(a)	R.1984 d.105	16 N.J.R. 743(b)
13:76	Arson investigators: training requirements	15 N.J.R. 1078(a)	R.1983 d.365	15 N.J.R. 1482(b)

(Title 13, Transmittal 18 dated June 21, 1982)

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14:1-3.3	Board proceedings and ex parte communications	14 N.J.R. 1148(a)	R.1983 d.415	15 N.J.R. 1667(c)
14:3-3.6	Diversion-of-service disputes	15 N.J.R. 787(a)	R.1983 d.526	15 N.J.R. 1949(a)
14:3-7.5	Customer accounts: deposits for service	16 N.J.R. 1355(a)	R.1984 d.87	16 N.J.R. 744(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
14:3-7.11A	Uniform budgeting plan for residential customers	15 N.J.R. 1235(a)	R.1984 d.651	16 N.J.R. 250(a)
14:3-7.16	Diversion-of-service disputes	15 N.J.R. 787(a)	R.1983 d.526	15 N.J.R. 949(a)
14:17-18	Cable television: common tariff rate-making	15 N.J.R. 1356(a)	R.1983 d.435	15 N.J.R. 1673(a)
14:18-11	Readopted: CATV application for municipal consent and certification rules	15 N.J.R. 874(a)	R.1983 d.346	15 N.J.R. 1483(a)

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ENERGY—TITLE 14A

14A:2-6	Suppliers of motor gasoline (recodified from 14A:11-1)	16 N.J.R. 224(b)	R.1984 d.86	16 N.J.R. 745(a)
14A:3	Correction: Expiration date of N.J.A.C. 14A:3, Energy Conservation	________	________	15 N.J.R. 701(a)
14A:3-1, 2, 3, 4, 6, 7 8, 9	Readopted: Energy Conservation rules	15 N.J.R. 789(a)	R.1983 d.298	15 N.J.R. 1256(b)
14A:3-11.3, 11.5	Designation of used oil collection sites	13 N.J.R. 681(a)	R.1982 d.262	14 N.J.R. 919(d)
14A:3-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R.1983 d.119	15 N.J.R. 622(d)
14A:4	Solar energy systems: readopted standards and qualifications for tax exemption	15 N.J.R. 1448(a)	R.1983 d.487	15 N.J.R. 1867(a)
14A:4-1.3, 2.1, 2.2, 2.3	Solar systems: qualifications for property tax deduction	16 N.J.R. 34(a)	R.1984 d.53	16 N.J.R. 429(a)
14A:5	Solar energy systems: readopted sales tax exemption rules	15 N.J.R. 1450(a)	R.1983 d.486	15 N.J.R. 1867(b)
14A:5-1.3, 2.1, 2.2, 2.3	Solar systems: qualifications for sales tax exemption	16 N.J.R. 37(a)	R.1984 d.52	16 N.J.R. 430(a)
14A:6-1.5, 1.7	Recycling Grants and Loans	16 N.J.R. 6(a)	R.1984 d.75	16 N.J.R. 535(b)
14A:11-1	Reporting of energy information: readopted Suppliers of Motor Gasoline rules	16 N.J.R. 224(b)	R.1984 d.86	16 N.J.R. 745(a)
14A:12-1	Computing cost savings in shared-savings contracts	14 N.J.R. 820(a)	R.1983 d.10	15 N.J.R. 158(d)
14A:14	Certificates of need for electric facilities	15 N.J.R. 1735(b)	R.1984 d.2	16 N.J.R. 250(b)

(Title 14A, Transmittal 8 dated June 21, 1982)

STATE—TITLE 15

15:2	Commercial recording: Expedited information services	15 N.J.R. 14(a)	R.1983 d.61	15 N.J.R. 340(d)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R.1982 d.339	14 N.J.R. 1163(b)

(Title 15, Transmittal 13 dated March 19, 1981)

PUBLIC ADVOCATE—TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978)

TRANSPORTATION—TITLE 16

16:2	Readopted: Award of Contracts for Professional services	15 N.J.R. 1176(a)	R.1983 d.410	15 N.J.R. 1668(a)
16:16	Readopted: State aid for municipal operation and construction of roads	15 N.J.R. 1505(a)	R.1983 d.494	15 N.J.R. 1867(c)
16:17	Readopted: State aid for municipal operation and construction of roads	15 N.J.R. 1505(a)	R.1983 d.494	15 N.J.R. 1867(c)
16:21A	Bridge Rehabilitation and Improvement Fund: local aid	Emergency	R.1984 d.64	16 N.J.R. 437(a)
16:25-13	Railroad crossing and bridge cases	14 N.J.R. 1197(a)	R.1983 d.45	15 N.J.R. 341(a)
16:28-1	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.983 d.495	15 N.J.R. 1867(d)
16:28-1.2	Speed rate, Route I-80 interchange, Morris County	15 N.J.R. 877(a)	R.1983 d.329	15 N.J.R. 1868(a)
16:28-1.22	Speed rate on Route 109 in Cape May County	15 N.J.R. 1358(a)	R.1983 d.438	15 N.J.R. 1868(e)
16:28-1.23	School speed zone on Route 18 in Old Bridge	Emergency	R.1982 d.465	15 N.J.R. 41(a)
16:28-1.23	Speed rate on Route 18 in East Brunswick	14 N.J.R. 1446(a)	R.1983 d.51	15 N.J.R. 341(b)
16:28-1.23	Readopted school zone on Route 18 in Old Bridge	15 N.J.R. 41(a)	R.1983 d.70	15 N.J.R. 448(a)
16:28-1.23	Speed limits on Route 18 in Monmouth and Middlesex Counties	15 N.J.R. 519(a)	R.1983 d.232	15 N.J.R. 1036(a)
16:28-1.44	Speed rate on Route 27, Somerset and Middlesex counties	16 N.J.R. 39(a)	R.1984 d.71	16 N.J.R. 553(a)
16:28-1.69	Speed rates on US130 in Gloucester County	14 N.J.R. 824(a)	R.1982 d.323	14 N.J.R. 1060(d)
16:28-1.69	Speed rates on US 130 in North Brunswick	14 N.J.R. 1197(b)	R.1982 d.499	15 N.J.R. 94(c)
16:28-1.75	Speed rates on Route 36 in Monmouth County	15 N.J.R. 1236(a)	R.1983 d.417	15 N.J.R. 1869(d)
16:28-1.90	School zone on Route 166 in Dover Twp.	15 N.J.R. 520(a)	R.1983 d.231	15 N.J.R. 1036(b)
16:28A-1	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
16:28A-1.1, 1.2, 1.4, 1.7	Parking on Routes US1, 1 and 9, 4, US9	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.2	Parking on Routes 1 and 9 in Newark	14 N.J.R. 1049(a)	R.1982 d.420	14 N.J.R. 1402(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.2, 1.7, 1.18, 1.19, 1.25, 1.64	Parking on US1 and 9, US9, Routes 27, 28, 35, 41	15 N.J.R. 1739(a)	R.1983 d.581	15 N.J.R. 2174(a)
16:28A-1.3, 1.5	Parking on Routes 3 and 5	14 N.J.R. 552(b)	R.1982 d.247	14 N.J.R. 919(e)
16:28A-1.4	Bus stops on Route 4 in Elmwood Park	14 N.J.R. 825(a)	R.1982 d.328	14 N.J.R. 1100(b)
16:28A-1.4	Parking on Route 4 in Fair Lawn	15 N.J.R. 1632(a)	R.1983 d.559	15 N.J.R. 2045(a)
16:28A-1.5, 1.68	Parking on Routes 5 and 93 in Bergen County	15 N.J.R. 1836(a)	R.1983 d.617	16 N.J.R. 147(a)
16:28A-1.6	Parking on Route 7	14 N.J.R. 424(a)	R.1982 d.203	14 N.J.R. 710(a)
16:28A-1.7	Parking on US 9 in Dover Twp, Ocean County	15 N.J.R. 686(a)	R.1983 d.279	15 N.J.R. 1181(c)
16:28A-1.7, 1.18	Parking on US 9 (Freehold) and Route 27 (Rahway)	16 N.J.R. 126(a)	R.1984 d.102	16 N.J.R. 745(b)
16:28A-1.8	Parking and bus stops on Route 10	14 N.J.R. 464(b)	R.1982 d.223	14 N.J.R. 838(a)
16:28A-1.9	Readopted: Route 17 parking in Mahwah	14 N.J.R. 429(e)	R.1982 d.201	14 N.J.R. 710(b)
16:28A-1.9	Parking on Route 17 in Paramus	15 N.J.R. 520(b)	R.1983 d.228	15 N.J.R. 1036(c)
16:28A-1.9, 1.10, 1.11, 1.13, 1.15	Parking on Routes 17, 20, 21, US22, 23	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 753(a)	R.1982 d.313	14 N.J.R. 1061(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 1198(a)	R.1982 d.500	15 N.J.R. 94(d)
16:28A-1.13, 1.31	Parking on US 22 and Route 45	15 N.J.R. 1740(a)	R.1983 d.577	15 N.J.R. 2175(a)
16:28A-1.15	Parking on Route 23 (Temporary)	14 N.J.R. 1199(a)	R.1982 d.501	15 N.J.R. 95(a)
16:28A-1.15	Parking on Route 23 in Sussex County	Emergency	R.1983 d.96	15 N.J.R. 555(a)
16:28A-1.15	Readopted: Parking on Route 23 in Sussex County	15 N.J.R. 555(a)	R.1983 d.225	15 N.J.R. 1036(d)
16:28A-1.16	Route 24 parking	14 N.J.R. 553(a)	R.1982 d.248	14 N.J.R. 919(f)
16:28A-1.18	Parking on Route 27	14 N.J.R. 554(a)	R.1982 d.249	14 N.J.R. 920(a)
16:28A-1.18	Route 27 parking in South Brunswick	15 N.J.R. 317(a)	R.1983 d.150	15 N.J.R. 807(d)
16:28A-1.18, 1.19	Parking on Routes 27, 28	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.19	Handicapped parking on Route 28 in Elizabeth	15 N.J.R. 1237(a)	R.1983 d.408	15 N.J.R. 1868(c)
16:28A-1.20, 1.21	Parking on Routes 29 and US 30	14 N.J.R. 554(b)	R.1982 d.250	14 N.J.R. 920(b)
16:28A-1.21	Parking on US30	14 N.J.R. 825(b)	R.1982 d.322	14 N.J.R. 1061(b)
16:28A-1.21	Parking on US30 in Atlantic County and Route 94 in Sussex County	15 N.J.R. 1080(a)	R.1983 d.377	15 N.J.R. 1868(d)
16:28A-1.22	Parking on Route 31	14 N.J.R. 555(a)	R.1982 d.251	14 N.J.R. 920(c)
16:28A-1.23, 1.24, 1.25	Parking on Routes 33, 34, 35	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.24, 1.26	Parking on Routes 34 and 36	15 N.J.R. 1633(a)	R.1983 d.557	15 N.J.R. 2045(b)
16:28A-1.25	Route 35 parking	14 N.J.R. 1198(a)	R.1982 d.500	15 N.J.R. 94(d)
16:28A-1.25	Route 35 parking	14 N.J.R. 1199(a)	R.1982 d.501	15 N.J.R. 95(a)
16:28A-1.25	Route 35 parking in Dover Township	15 N.J.R. 318(a)	R.1983 d.151	15 N.J.R. 808(a)
16:28A-1.25	Parking on Route 35 in Old Bridge	15 N.J.R. 792(a)	R.1983 d.297	15 N.J.R. 1256(c)
16:28A-1.25, 1.61	Parking on Routes 35 and US 9W	15 N.J.R. 1634(a)	R.1983 d.558	15 N.J.R. 2045(c)
16:28A-1.26, 1.27	Parking on Routes 36, 38	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.27	Parking on Route 38	14 N.J.R. 424(a)	R.1982 d.203	14 N.J.R. 710(a)
16:28A-1.27	Parking on Route 38	14 N.J.R. 753(a)	R.1982 d.313	14 N.J.R. 1061(a)
16:28A-1.28, 1.31, 1.32	Parking on Routes 40, 45, 46	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.31	Bus stops on Routes 45 and 77 in Gloucester County	15 N.J.R. 1358(b)	R.1983 d.437	15 N.J.R. 1869(a)
16:28A-1.33	Parking on Route 47	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.33	Parking on Route 47 in Glassboro	15 N.J.R. 1559(b)	R.1983 d.531	15 N.J.R. 1954(a)
16:28A-1.33	Parking on Routes 47 (Deptford) and 73 (Mt. Laurel)	15 N.J.R. 1451(a)	R.1983 d.478	15 N.J.R. 1869(b)
16:28A-1.34	Parking on Route 49	14 N.J.R. 554(a)	R.1982 d.249	14 N.J.R. 920(a)
16:28A-1.34	Parking on Route 49 in Millville	14 N.J.R. 1283(a)	R.1983 d.1	15 N.J.R. 162(a)
16:28A-1.36, 1.37	Parking on Routes 57, 70	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.37	Parking on Route 70 in Lakehurst	15 N.J.R. 426(a)	R.1983 d.172	15 N.J.R. 929(a)
16:28A-1.37	Parking on Routes 70 and 183 in Camden and Sussex Counties	15 N.J.R. 1560(a)	R.1983 d.532	15 N.J.R. 1954(b)
16:28A-1.38	Parking on Route 71 in Spring Lake Heights	15 N.J.R. 686(a)	R.1983 d.279	15 N.J.R. 1181(c)
16:28-1.38, 1.40, 1.41, 1.42, 1.45, 1.46	Parking on Routes 71, 73, 77, 79, 94, US 130	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.40	Parking on Routes 47 (Deptford) and 73 (Mt. Laurel)	15 N.J.R. 1451(a)	R.1983 d.478	15 N.J.R. 1869(b)
16:28A-1.41	Bus stops on Routes 45 and 77 in Gloucester County	15 N.J.R. 1358(b)	R.1983 d.437	15 N.J.R. 1869(a)
16:28A-1.43	Parking on Route 82 in Springfield	15 N.J.R. 1452(a)	R.1983 d.479	15 N.J.R. 1869(c)
16:28A-1.43	Parking on Routes 82 and 208 in Union and Fair Lawn	15 N.J.R. 1562(a)	R.1983 d.533	15 N.J.R. 1954(c)
16:28A-1.45	Parking on US30 in Atlantic County and Route 94 in Sussex County	15 N.J.R. 1080(a)	R.1983 d.377	15 N.J.R. 1868(d)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.50, 1.51	Parking on Routes 166, 168	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.52, 1.55, 1.57	Parking on Routes 173, US 202, US 206	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.53	Parking on Route 179 in E. Amwell	15 N.J.R. 1929(a)	R.1983 d.645	16 N.J.R. 147(b)
16:28A-1.55	Parking on US 202 in Morris Township	15 N.J.R. 131(a)	R.1983 d.111	15 N.J.R. 626(d)
16:28A-1.56, 1.63	Parking on US 202-206 and 202-31	14 N.J.R. 556(a)	R.1982 d.252	14 N.J.R. 920(d)
16:28A-1.61	Bustops and parking on US 9W	14 N.J.R. 465(a)	R.1982 d.224	14 N.J.R. 838(b)
16:28A-1.61	Parking on US 9W in Fort Lee	15 N.J.R. 521(a)	R.1983 d.227	15 N.J.R. 1036(e)
16:28A-1.64	Parking on Route 41	14 N.J.R. 425(a)	R.1982 d.202	14 N.J.R. 710(c)
16:28A-1.64	Parking on Route 41 in Cherry Hill	14 N.J.R. 1446(b)	R.1983 d.52	15 N.J.R. 342(a)
16:28A-1.65	Parking on Route 15	14 N.J.R. 466(a)	R.1982 d.226	14 N.J.R. 838(c)
16:28A-1.65	Route 15 Parking	14 N.J.R. 1198(a)	R.1982 d.500	15 N.J.R. 94(d)
16:28A-1.67, 1.71	Parking on Routes 63, 67	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.68, 1.70	Parking on Routes 93, 439	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.70	Parking on Route 439 in Elizabeth	15 N.J.R. 521(b)	R.1983 d.226	15 N.J.R. 1037(a)
16:28A-1.70	Handicapped parking on Route 439 in Elizabeth	15 N.J.R. 1012(a)	R.1983 d.362	15 N.J.R. 1868(b)
16:28A-1.72, 1.73	Parking on Routes 31-57 and 32	14 N.J.R. 555(a)	R.1982 d.251	14 N.J.R. 920(c)
16:28A-1.74–1.94	Parking on Routes 33-34, 35, 35-71, 37, US 40-50, 53, 59, I-80, 87, US 130, 33, 153, 159, 161, 182, 62, 208, 280, I-280, 287, I-295, US322, US322-45	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.81	Parking along Route 87 in Atlantic City	15 N.J.R. 234(a)	R.1983 d.130	15 N.J.R. 694(a)
16:28A-1.88	Parking on Routes 82 and 208 in Union and Fair Lawn	15 N.J.R. 1562(a)	R.1983 d.533	15 N.J.R. 1954(c)
16:28A-1.95	Readopted: Parking on Rising Sun Square Road	14 N.J.R. 825(b)	R.1982 d.322	14 N.J.R. 1061(b)
16:28A-1.96	Parking on Routes 70 and 183 in Camden and Sussex Counties	15 N.J.R. 1560(a)	R.1983 d.532	15 N.J.R. 1954(b)
16:28A-2	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
16:29	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
16:29-1.3, 1.20, 1.24–1.28	No passing zone changes	14 N.J.R. 1283(b)	R.1983 d.2	15 N.J.R. 162(b)
16:29-1.10, 1.29 - 1.34	No passing zones on Routes 49, 37, 68, 175, 170, 52, 83	15 N.J.R. 2148(a)	R.1984 d.32	16 N.J.R. 379(a)
16:30	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
16:30-2.5	Stop intersection on Route 71, Oceanport-Eatontown	15 N.J.R. 318(b)	R.1983 d.152	15 N.J.R. 808(b)
16:30-2.6	Readopted: Stop sign on Old Yorke Road	14 N.J.R. 990(a)	R.1982 d.414	14 N.J.R. 1402(b)
16:30-2.6	Stop intersection: Rising Sun Square-Old York Road, Bordentown	15 N.J.R. 1359(a)	R.1983 d.436	15 N.J.R. 1869(e)
16:30-2.7, 2.8	Yield intersections: Routes 31 (Clinton) and 23 (Wayne)	15 N.J.R. 1636(a)	R.1983 d.560	15 N.J.R. 2046(a)
16:30-3.4	Readopted: US9 bus and HOV lane	14 N.J.R. 661(b)	R.1982 d.299	14 N.J.R. 982(c)
16:30-3.6	Repealed: HOV lanes on Parkway	14 N.J.R. 662(a)	R.1982 d.294	14 N.J.R. 982(d)
16:30-3.7	Bus lane on US 22 in Westfield-Mountainside	15 N.J.R. 522(a)	R.1983 d.229	15 N.J.R. 1037(b)
16:30-7.5	Exclusion of trucks on US1 and 9, Pulaski Skyway	15 N.J.R. 1506(a)	R.1983 d.480	15 N.J.R. 1870(a)
16:30-9.1	Drawbridge use on Route 35 in OldBridge-Sayerville	15 N.J.R. 132(a)	R.1983 d.106	15 N.J.R. 554(b)
16:30-10.1	Mid-block crosswalk on Route 28 in Somerville	15 N.J.R. 1837(a)	R.1983 d.616	16 N.J.R. 147(c)
16:31	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
16:31-1.1	U turns on US 206 in Bordentown	15 N.J.R. 426(b)	R.1983 d.173	15 N.J.R. 930(a)
16:31-1.1	Turns on US 206 in Somerset County	15 N.J.R. 522(b)	R.1983 d.230	15 N.J.R. 1037(c)
16:31-1.3	Turns on Route 46 in Dover, Morris County	15 N.J.R. 319(a)	R.1983 d.153	15 N.J.R. 808(c)
16:31-1.17	Left turns on Route 73, Winslow Twp.	14 N.J.R. 466(b)	R.1982 d.225	14 N.J.R. 838(d)
16:31-1.18	Turns on Route 31 in Hunterdon County	14 N.J.R. 826(a)	R.1982 d.327	14 N.J.R. 1100(c)
16:31-1.19	Turns on Route 33 in Mercer County	14 N.J.R. 973(a)	R.1982 d.394	14 N.J.R. 1220(c)
16:31-1.20	Left turns on Route 28 in Somerset County	14 N.J.R. 1447(a)	R.1983 d.53	15 N.J.R. 342(b)
16:31-1.21	Turns on Route 15 in Morris County	15 N.J.R. 319(a)	R.1983 d.153	15 N.J.R. 808(c)
16:31A	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
16:32	Designated routes for special categories of trucks	Emergency	R.1983 d.124	15 N.J.R. 643(a)
16:32	Readopted: Designated routes for special categories of trucks	15 N.J.R. 643(a)	R.1983 d.259	15 N.J.R. 1102(c)
16:32	Correction: Designated routes for special categories of trucks	15 N.J.R. 1102(c)	R.1983 d.259	15 N.J.R. 1182(a)
16:41-2.1, 2.3–2.14, 2.18, 2.19, 3.3	Access driveways along highways	14 N.J.R. 1284(a)	R.1983 d.530	15 N.J.R. 1955(a)
16:41-7.2	Street intersections	14 N.J.R. 1289(a)	R.1983 d.529	15 N.J.R. 1957(a)
16:44-3.2	Contract administration: distribution and sale of plans	15 N.J.R. 1930(a)	R.1984 d.70	16 N.J.R. 554(a)
16:53	Readopted Autobus Specifications	16 N.J.R. 127(a)	R.1984 d.82	16 N.J.R. 746(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:53-1.1-1.3, 1.6-1.9, 1.11, 1.19, 1.21-1.30, 2	Autobus specifications	14 N.J.R. 1347(a)	R.1983 d.110	15 N.J.R. 694(b)
16:53-1.29, 1.30, 3.23, 3.24, 6.21, 6.30, 7.17, 7.23, 8.22, 8.25	Autobus specifications	15 N.J.R. 877(b)	R.1983 d.445	15 N.J.R. 1771(a)
16:53-3.1-3.39, 4, 5.1, 6, 7, 8, 9.1, 9.2	Autobus specifications	14 N.J.R. 1347(a)	R.1983 d.110	15 N.J.R. 694(b)
16:53C	Rail Freight Program	15 N.J.R. 1563(a)	R.1983 d.601	16 N.J.R. 52(b)
16:55-1	Licensing of aeronautical activities	15 N.J.R. 1453(a)	R.1983 d.476	15 N.J.R. 1870(b)
16:56	Repealed (See 16:55-1)	15 N.J.R. 1453(a)	R.1983 d.476	15 N.J.R. 1870(b)
16:58-2	Repealed: Sport parachuting license rules	14 N.J.R. 1289(b)	R.1983 d.8	15 N.J.R. 162(c)
16:60-1.3	Issuance of summons; peace officers; aircraft accidents	15 N.J.R. 1456(a)	R.1983 d.477	15 N.J.R. 1870(c)
16:61-1.1, 2.1, 2.2, 2.4	Issuance of summons; peace officers; aircraft accidents	15 N.J.R. 1456(a)	R.1983 d.477	15 N.J.R. 1870(c)
16:62	Repealed (See 16:55-1)	15 N.J.R. 1453(a)	R.1983 d.476	15 N.J.R. 1870(b)
16:65	Readopted: Contract Administration rules	15 N.J.R. 1080(b)	R.1983 d.409	15 N.J.R. 1668(b)
16:65	Contract Administration rules recodifies as 16:44	________	________	15 N.J.R. 1772(a)
16:75	NJ TRANSIT: bus allocation rules	15 N.J.R. 881(a)	R.1983 d.371	15 N.J.R. 1484(a)
16:76	Private Carrier Capital Improvement Program	15 N.J.R. 2149(a)	R.1984 d.72	16 N.J.R. 554(b)

(Title 16, Transmittal 16 dated June 21, 1982)

TREASURY-GENERAL–TITLE 17

17:1	Readopted: General Administration pension rules	15 N.J.R. 523(a)	R.1983 d.174	15 N.J.R. 930(b)
17:1-1.3	Alternate Benefit Program: monthly report due date	15 N.J.R. 1457(a)	R.1983 d.546	15 N.J.R. 1957(b)
17:1-1.3, 1.8, 1.18, 1.19	Transfer between retirement systems; hearings	14 N.J.R. 1290(a)	R.1982 d.491	15 N.J.R. 95(b)
17:1-1.3, 8.9-8.12, 8.14	Public employers: Social Security filing and reporting	15 N.J.R. 1741(a)	R.1983 d.599	16 N.J.R. 148(a)
17:1-1.5	Pensions: Monthly transmittals and interest charges	15 N.J.R. 80(b)	R.1983 d.77	15 N.J.R. 448(b)
17:1-1.10	Pensions: Audit differences and minimum adjustments	14 N.J.R. 1200(a)	R.1982 d.470	15 N.J.R. 36(b)
17:1-1.14	Annual reports of salary changes	14 N.J.R. 200(a)	R.1982 d.358	14 N.J.R. 1163(c)
17:1-1.24	Pensioners' Group Health Insurance	14 N.J.R. 328(a)	R.1982 d.346	14 N.J.R. 1163(d)
17:1-2.3	Alternate Benefit Program: Salary agreements and deductions	14 N.J.R. 1149(a)	R.1982 d.438	14 N.J.R. 1464(a)
17:1-2.22, 2.23	Alternate Benefit Program: Life and disability insurance	14 N.J.R. 1200(b)	R.1982 d.483	15 N.J.R. 95(c)
17:1-2.36	Alternate Benefit Program: Transfers and interest	14 N.J.R. 1201(a)	R.1982 d.480	15 N.J.R. 96(a)
17:1-4.6, 4.25	Transfers and hearings	14 N.J.R. 1290(a)	R.1982 d.491	15 N.J.R. 95(b)
17:1-4.11	Pension purchases and final payments	14 N.J.R. 328(b)	R.1982 d.347	14 N.J.R. 1163(e)
17:1-4.11	Teachers' Pension: Credit for prior military service	15 N.J.R. 1238(a)	R.1983 d.416	15 N.J.R. 1668(c)
17:1-4.13, 4.34	Pensions: Service credit; purchases	14 N.J.R. 1201(b)	R.1982 d.469	15 N.J.R. 36(c)
17:1-5, -7	Hearing request; Adjustment Program	14 N.J.R. 1290(a)	R.1982 d.491	15 N.J.R. 95(b)
17:1-8.12	Social Security: Employer penalties for late filings	14 N.J.R. 1202(a)	R.1982 d.471	15 N.J.R. 37(a)
17:1-8.12	Social Security: Late filing penalties	15 N.J.R. 319(b)	R.1983 d.132	15 N.J.R. 696(a)
17:1-8.14	Social Security late transmittal fee	15 N.J.R. 687(a)	R.1983 d.265	15 N.J.R. 1104(a)
17:1-12.1	Division of Pensions administrative priorities	14 N.J.R. 329(a)	R.1982 d.350	14 N.J.R. 1164(a)
17:1-12.2	Loan information	14 N.J.R. 1201(b)	R.1982 d.469	15 N.J.R. 36(c)
17:1-12.3	Retirement system loans	14 N.J.R. 1447(b)	R.1983 d.39	15 N.J.R. 245(a)
17:1-12.4	Interfund transfers: court attendants appointed sheriff's officers	15 N.J.R. 525(a)	R.1983 d.216	15 N.J.R. 1037(d)
17:1-12.5	Interfund transfers and accumulated interest	15 N.J.R. 526(a)	R.1983 d.217	15 N.J.R. 1037(e)
17:1-12.6	Pension credit for extended maternity leave	15 N.J.R. 1012(b)	R.1983 d.334	15 N.J.R. 1383(b)
17:2-2.3, 3.3 7.1, 7.2	PERS: Ineligibility; contributory insurance rates; interfund transfers	14 N.J.R. 1150(a)	R.1983 d.7	15 N.J.R. 162(d)
17:2-3.3	PERS: Contributory insurance rate	14 N.J.R. 200(b)	R.1982 d.343	14 N.J.R. 1164(b)
17:2-3.9	Repealed: PERS insurance liability for unenrolled members	15 N.J.R. 16(a)	R.1983 d.76	15 N.J.R. 449(a)
17:2-3.12, -5	PERS: Beneficiary designation; purchases	14 N.J.R. 1151(a)	R.1983 d.6	15 N.J.R. 163(a)
17:3	Readopted: Teachers' Pension and Annuity Fund rules	15 N.J.R. 526(b)	R.1983 d.175	15 N.J.R. 930(c)
17:3-1.1	Teachers' Pension: Board meetings	14 N.J.R. 201(a)	R.1982 d.344	14 N.J.R. 1164(c)
17:3-1.4	Teachers' Pension: delegates to annual convention	15 N.J.R. 1360(a)	R.1983 d.483	15 N.J.R. 1870(d)
17:3-1.11, 3.12	Teachers' Pension and Annuity Fund	14 N.J.R. 1202(b)	R.1983 d.78	15 N.J.R. 449(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
17:3-2.1	Teachers' Pension: eligible positions	15 N.J.R. 1360(b)	R.1983 d.483	15 N.J.R. 1871(a)
17:3-2.8	Teachers' Pension: repealed insurance liability for unenrolled members	15 N.J.R. 1177(a)	R.1983 d.439	15 N.J.R. 1773(a)
17:3-5.5, 6.2	Teachers' Pension	14 N.J.R. 1202(b)	R.1983 d.78	15 N.J.R. 449(b)
17:3-7.1, 7.2	Teachers' Pension	14 N.J.R. 1202(b)	R.1983 d.78	15 N.J.R. 449(b)
17:4-1.12	Police and Firemen's Retirement: Proof of age	14 N.J.R. 1204(a)	R.1983 d.4	15 N.J.R. 163(b)
17:4-2.5	Pensions: age requirements for police and firemen	15 N.J.R. 883(a)	R.1983 d.481	15 N.J.R. 1871(b)
17:4-3.6	Police and Firemen's Retirement: Insurance liability	14 N.J.R. 1291(a)	R.1983 d.47	15 N.J.R. 342(c)
17:4-4.1	Police and Firemen's Retirement: "creditable salary"	15 N.J.R. 1238(b)	R.1983 d.482	15 N.J.R. 1871(c)
17:4-5.1	Insurance purchases and retirement	13 N.J.R. 310(b)	R.1982 d.292	13 N.J.R. 525(c)
17:4-5.3, 5.6	Police and Firemen's Retirement System changes	14 N.J.R. 1204(b)	R.1983 d.3	15 N.J.R. 163(c)
17:4-5.5	Police and Firemen's Retirement: Reinstatement	15 N.J.R. 132(b)	R.1983 d.127	15 N.J.R. 696(b)
17:4-6.2, 6.6	Insurance purchases and retirement	13 N.J.R. 310(b)	R.1982 d.292	13 N.J.R. 525(c)
17:4-6.4	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R.1983 d.3	15 N.J.R. 163(c)
17:4-6.14	Insurance purchases and retirement	13 N.J.R. 310(b)	R.1982 d.292	13 N.J.R. 525(c)
17:4-7.1, 7.2	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R.1983 d.3	15 N.J.R. 163(c)
17:5-1.9	State Police Retirement: Proof of age	14 N.J.R. 1205(a)	R.1983 d.49	15 N.J.R. 342(d)
17:5-2.4	State Police Retirement System	14 N.J.R. 1448(a)	R.1983 d.48	15 N.J.R. 342(e)
17:5-6.1, 6.2	State Police Retirement: Interfund transfers	14 N.J.R. 1292(a)	R.1983 d.46	15 N.J.R. 343(a)
17:6-1.9	Consolidated Police and Firemen's: Interest charge	14 N.J.R. 1293(a)	R.1983 d.35	15 N.J.R. 163(d)
17:6-3.9	Consolidated police and firemen's disability	13 N.J.R. 749(b)	R.1982 d.349	14 N.J.R. 1164(d)
17:7	Readopted: Prison Officers' Pension Fund rules	15 N.J.R. 527(a)	R.1983 d.176	15 N.J.R. 930(d)
17:8-2.6, 3.3	Supplemental Trust: Suspended deductions; withdrawal or retirement	15 N.J.R. 81(a)	R.1983 d.128	15 N.J.R. 697(a)
17:8-4	Supplemental Annuity: Voluntary employee contributions	14 N.J.R. 556(b)	R.1982 d.348	14 N.J.R. 1164(e)
17:9	Readopted: Health Benefits Program rules	15 N.J.R. 529(a)	R.1983 d.177	15 N.J.R. 930(e)
17:9	State Health Benefits Program	15 N.J.R. 792(b)	R.1983 d.330	15 N.J.R. 1383(c)
17:9-1.4, 1.6	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-1.5	Health Benefits Program: employer termination of participation	15 N.J.R. 793(a)	R.1983 d.332	15 N.J.R. 1383(d)
17:9-1.7	State Health Benefits Program: local governments	15 N.J.R. 884(a)	R.1983 d.331	15 N.J.R. 1383(e)
17:9-2.1, 2.2, 2.3, 2.6, 2.7, 2.11	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-2.10	HMO options for employees who move	15 N.J.R. 81(b)	R.1983 d.129	15 N.J.R. 697(b)
17:9-4.6	State Health Benefits Program: "Local, full time"	14 N.J.R. 1296(a)	R.1983 d.43	15 N.J.R. 343(c)
17:9-5.3, 5.5 5.6, 5.8, 5.10	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-5.11	Health coverage and 10-month employees	14 N.J.R. 36(a)	R.1982 d.341	14 N.J.R. 1165(a)
17:9-6.1-6.6, 7.1, 7.2, 7.4	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:10	Readopted: Judicial Retirement System rules	15 N.J.R. 530(a)	R.1983 d.178	15 N.J.R. 931(a)
17:10-1.3, 1.4	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-1.8	Judicial Retirement System: proof of age	14 N.J.R. 1298(a)	R.1983 d.214	15 N.J.R. 1038(b)
17:10-1.11	Judicial Retirement: withdrawals and interest earned	15 N.J.R. 1013(a)	R.1984 d.12	16 N.J.R. 251(a)
17:10-2.1	Judicial Retirement System Administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-3.1	Judicial Retirement: computation of benefits	14 N.J.R. 1299(a)	R.1983 d.213	15 N.J.R. 1038(c)
17:10-3.2	Judicial Retirement System: Maternity leave	14 N.J.R. 201(b)	R.1982 d.345	14 N.J.R. 1165(b)
17:10-3.5	Judicial Retirement: repeal insurance liability for unenrolled members	15 N.J.R. 1013(b)	R.1984 d.13	16 N.J.R. 251(b)
17:10-3.6, 4.3, 4.4, 4.7, 4.8, 4.9, 5.1, 5.2, 5.3	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-5.10	Judicial Retirement System: Disability	14 N.J.R. 140(a)	R.1982 d.342	14 N.J.R. 1165(c)
17:10-6.1	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:12-5.1	Subscription fee for State contract information	14 N.J.R. 1085(b)	R.1982 d.481	15 N.J.R. 96(b)
17:16-5.1, 5.2	Readopted: State Investment Council, classification of funds	15 N.J.R. 531(a)	R.1983 d.233	15 N.J.R. 1038(d)
17:16-5.1-5.6	State Investment Council funds	14 N.J.R. 329(b)	R.1982 d.397	14 N.J.R. 1220(d)
17:16-17.2, 17.3	State Investment Council: Applicable funds; equity investments	15 N.J.R. 133(a)	R.1983 d.107	15 N.J.R. 627(a)
17:16-27.1, 27.2, 27.3	State Investment Council: Certificates of deposit	15 N.J.R. 794(a)	R.1983 d.281	15 N.J.R. 1182(b)
17:16-31.15	Cash Management Fund: Statement correction	14 N.J.R. 899(a)	R.1982 d.363	14 N.J.R. 1166(a)
17:16-37.1-37.4	State Investment Council: repurchase agreements	15 N.J.R. 795(a)	R.1983 d.282	15 N.J.R. 1182(c)
17:16-39.1-39.6	State Investment Council: bankers acceptances	15 N.J.R. 796(a)	R.1983 d.283	15 N.J.R. 1182(d)
17:16-43.1, 43.2	Mortgage-backed securities	14 N.J.R. 652(a)	R.1982 d.396	14 N.J.R. 1221(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
17:16-44	State Employees Deferred Compensation Plan	14 N.J.R. 900(a)	R.1982 d.362	14 N.J.R. 1166(b)
17:16-45	State Investment Council: real estate equity	15 N.J.R. 1457(b)	R.1983 d.473	15 N.J.R. 1871(d)
17:20	Lottery Commission rules	15 N.J.R. 1361(a)	R.1983 d.472	15 N.J.R. 1871(e)
17:20-8.1	Lottery Vendors' Code of Ethics	15 N.J.R. 2030(a)	R.1984 d.30	16 N.J.R. 380(a)
17:20-10	Correction to Code: Lottery ticket rules	________	________	15 N.J.R. 166(a)
17:27	Readopted: Affirmative Action procedures; public contracts	15 N.J.R. 1459(a)	R.1983 d.506	15 N.J.R. 1872(a)

(Title 17, Transmittal 17 dated June 21, 1982)

TREASURY-TAXATION—TITLE 18

18:5	Readopted: Cigarette Tax rules	16 N.J.R. 228(a)	R.1984 d.94	16 N.J.R. 925(a)
18:5-12.5	Penalty for smuggling unstamped cigarettes	14 N.J.R. 331(a)	R.1982 d.256	14 N.J.R. 920(e)
18:6	Readopted Unfair Cigarette Sales Act rules	16 N.J.R. 228(b)	R.1984 d.97	16 N.J.R. 746(b)
18:7	Readopted Corporation Business Tax rules	16 N.J.R. 229(a)	R.1984 d.95	16 N.J.R. 746(c)
18:7-1.1	Corporation Business Tax changes	14 N.J.R. 1206(a)	R.1983 d.62	15 N.J.R. 343(d)
18:7-3.1, 3.3, 3.4	Corporation Business Tax changes	14 N.J.R. 1206(a)	R.1983 d.62	15 N.J.R. 343(d)
18:7-3.5	Corporation Business Tax and short table	14 N.J.R. 826(b)	R.1982 d.395	14 N.J.R. 1221(b)
18:7-3.5	Corporation Business Tax: short tax table	15 N.J.R. 320(a)	R.1983 d.219	15 N.J.R. 1038(e)
18:7-3.10	Corporation Tax: regulated investment companies	15 N.J.R. 1365(a)	R.1983 d.496	15 N.J.R. 1872(b)
18:7-4.1, 4.10 5.2, 8.5	Corporation Business Tax changes	14 N.J.R. 1206(a)	R.1983 d.62	15 N.J.R. 343(d)
18:7-11.12	Corporation Tax: filing extension, "amount of underpayment"	15 N.J.R. 1366(a)	R.1983 d.497	15 N.J.R. 1872(c)
18:8	Readopted Financial Business Tax rules	16 N.J.R. 232(a)	R.1984 d.96	16 N.J.R. 747(a)
18:9	Readopted: Business Personal Property Tax rules	15 N.J.R. 1081(a)	R.1983 d.345	15 N.J.R. 1487(a)
18:12–18:17	Readopted: Local Property Tax rules	15 N.J.R. 1082(a)	R.1983 d.355	15 N.J.R. 1487(b)
18:12-4	Local property tax: revaluation of real property	15 N.J.R. 322(a)	R.1983 d.221	15 N.J.R. 1039(a)
18:12-6A.8	Residential exemptions: improvements to multiple dwellings	15 N.J.R. 613(a)	R.1983 d.256	15 N.J.R. 1105(a)
18:12-7.12	Homestead Rebate: Extension of time to file	Emergency	R.1982 d.439	14 N.J.R. 1466(a)
18:12-7.12	Homestead rebate claim: filing extension	Emergency	R.1983 d.582	15 N.J.R. 2177(a)
18:12-7.12	Homestead Rebate: filing extension for claims	Emergency	R.1984 d.15	16 N.J.R. 252(b)
18:12A-1.6	County tax boards: appeals	15 N.J.R. 1930(b)	R.1984 d.31	16 N.J.R. 380(b)
18:14-3.9	Local property tax: senior citizens' deduction	15 N.J.R. 885(a)	R.1983 d.366	15 N.J.R. 1487(c)
18:15-2	Application for farmland assessment	15 N.J.R. 2152(a)	R.1984 d.125	16 N.J.R. 925(a)
18:15-3.3	Farmland assessment application: timely filing	15 N.J.R. 1459(b)	R.1983 d.574	15 N.J.R. 2175(b)
18:18	Readopted: Motor Fuels Tax rules	16 N.J.R. 358(b)	R.1984 d.142	16 N.J.R. 926(a)
18:19-2.2	Retail gasoline prices display	14 N.J.R. 331(b)	R.1982 d.257	14 N.J.R. 921(a)
18:19-2.7	Cash discounts: Motor fuel sales	14 N.J.R. 705(a)	R.1982 d.369	14 N.J.R. 1166(c)
18:19-2.7	Motor fuels sales: electronic pumps	15 N.J.R. 614(a)	R.1983 d.257	15 N.J.R. 1105(b)
18:19-2.7	Motor fuels sales: diesel fuel self-service	15 N.J.R. 1742(a)	R.1983 d.636	16 N.J.R. 148(b)
18:22	Readopted rules on Public Utility Taxes	16 N.J.R. 233(a)	R.1984 d.99	16 N.J.R. 747(b)
18:23	Readopted Railroad Property Tax rules	16 N.J.R. 233(b)	R.1984 d.100	16 N.J.R. 747(c)
18:23A	Readopted rules on Tax Maps	16 N.J.R. 234(a)	R.1984 d.101	16 N.J.R. 747(d)
18:24	Readopted: Sales and Use Tax rules	15 N.J.R. 1086(a)	R.1983 d.357	15 N.J.R. 1487(d)
18:24-7.12	Sales tax and motor vehicle reinspection	16 N.J.R. 235(a)	R.1984 d.126	16 N.J.R. 926(b)
18:24-7.19	Sales tax moratorium on mobile homes	15 N.J.R. 1088(a)	R.1983 d.367	15 N.J.R. 1488(a)
18:24-11.3	Sales Tax increase: transitional provisions	15 N.J.R. 324(a)	R.1983 d.220	15 N.J.R. 1039(b)
18:24-25.2	Sales tax exemption: mailing lists	15 N.J.R. 1565(a)	R.1983 d.619	16 N.J.R. 148(c)
18:24-29	Sales tax exemption: household soaps and paper products	15 N.J.R. 797(a)	R.1983 d.324	15 N.J.R. 1384(a)
18:26	Readopted: Transfer Inheritance and Estate Tax rules	15 N.J.R. 1088(b)	R.1983 d.356	15 N.J.R. 1488(b)
18:26-2.11	Transfer Inheritance Tax: distribution by agreement	15 N.J.R. 798(a)	R.1983 d.323	15 N.J.R. 1384(b)
18:26-8.7	Pre-audit payment of inheritance tax	14 N.J.R. 1153(a)	R.1982 d.445	14 N.J.R. 1464(b)
18:30	Readopted Capital Gains and Other Unearned Income Tax rules	16 N.J.R. 235(b)	R.1984 d.98	16 N.J.R. 748(a)
18:35-1, 2	Readopted: Gross Income Tax and Debt Setoff rules	15 N.J.R. 1091(a)	R.1983 d.353	15 N.J.R. 1488(c)
18:35-1.12	Gross Income Tax: resident tax credit	15 N.J.R. 1566(a)	R.1983 d.618	16 N.J.R. 149(a)
18:35-1.16	All-savers interest exclusion	14 N.J.R. 332(a)	R.1982 d.258	14 N.J.R. 921(b)
18:35-1.17	Gross Income Tax: credit for excess contributions	15 N.J.R. 1570(a)	R.1983 d.586	15 N.J.R. 2175(c)
18:35-2.2, 2.12	Debts owed to State: setoff of tax refunds or rebates	15 N.J.R. 2031(a)	R.1984 d.62	16 N.J.R. 556(a)
18:35-2.3, 2.4, 2.5, 2.7	Gross income tax refunds and debt setoff	14 N.J.R. 705(b)	R.1982 d.479	15 N.J.R. 37(b)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
TITLE 19 SUBTITLES A-L-OTHER AGENCIES (Except Casino Control Commission)				
5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R.1982 d.288	14 N.J.R. 983(a)
19:1-1.6	Debarment and suspension from contracting	14 N.J.R. 1050(a)	R.1982 d.413	14 N.J.R. 1310(b)
19:3-1.1, 1.2, 1.4	Subdivision and zoning fees	15 N.J.R. 428(a)	R.1983 d.254	15 N.J.R. 1039(c)
19:4-4.18A-4.27A	New planned park zone	15 N.J.R. 16(b)	R.1983 d.514	15 N.J.R. 1873(a)
19:4-6	Readopted: General Provisions for HMDC development	15 N.J.R. 1506(b)	R.1983 d.507	15 N.J.R. 1873(b)
19:4-6.28	Zoning change in Little Ferry	15 N.J.R. 133(b)	R.1983 d.142	15 N.J.R. 697(c)
19:4-6.28	Zoning change in Secaucus	15 N.J.R. 532(a)	R.1983 d.322	15 N.J.R. 1384(c)
19:4-6.28	Zoning change in Carlstadt	15 N.J.R. 1367(a)	R.1983 d.508	15 N.J.R. 1874(a)
19:4A	Flood plain management	15 N.J.R. 18(a)	R.1983 d.143	15 N.J.R. 697(d)
19:8	Readopted: Garden State Parkway rules	15 N.J.R. 615(a)	R.1983 d.237	15 N.J.R. 1039(d)
19:8-1.1	Garden State Parkway: vehicle weight determination	15 N.J.R. 2153(a)	R.1984 d.29	16 N.J.R. 381(a)
19:8-1.2	Speed limits on Garden State Parkway	14 N.J.R. 827(a)	R.1982 d.325	14 N.J.R. 1101(a)
19:8-2.12	Emergency service fees on Garden State Parkway	15 N.J.R. 134(a)	R.1983 d.99	15 N.J.R. 554(c)
19:8-3.2	Toll-free passage on Parkway	15 N.J.R. 1638(a)	R.1983 d.553	15 N.J.R. 2046(b)
19:8-9	Off-premise outdoor advertising along Parkway	14 N.J.R. 901(a)	R.1982 d.361	14 N.J.R. 1166(d)
19:9	Readopted: Turnpike Authority rules	15 N.J.R. 886(a)	R.1983 d.301	15 N.J.R. 1257(a)
19:9-1.9	Bus length on Turnpike	14 N.J.R. 1087(a)	R.1982 d.448	14 N.J.R. 1464(c)
19:9-1.15	Transportation of Explosives	15 N.J.R. 687(b)	R.1983 d.263	15 N.J.R. 1105(c)
19:9-1.17, 1.20	Traffic control on New Jersey Turnpike	15 N.J.R. 1638(b)	R.1983 d.555	15 N.J.R. 2046(c)
19:9-2	Purchasing and contracting	15 N.J.R. 1639(a)	R.1983 d.556	15 N.J.R. 2046(d)
19:9-2.1	Hearing officer in rejected bidder appeals	14 N.J.R. 974(a)	R.1982 d.446	14 N.J.R. 1464(d)
19:9-4.2	Fees for photographs and slides	14 N.J.R. 974(b)	R.1982 d.447	14 N.J.R. 1464(e)
19:9-4.4	State Police reports	15 N.J.R. 1643(a)	R.1983 d.554	15 N.J.R. 2046(e)
19:17	Appeal Board on representation fees	14 N.J.R. 903(a)	R.1983 d.310	15 N.J.R. 1257(b)
19:25-1.7, 3	Pre-candidacy activity: "testing the waters"	15 N.J.R. 616(a)	R.1983 d.287	15 N.J.R. 1182(e)
19:25-9.3, 9.7, 11.6, 12.6	Pre-candidacy activity: "testing the waters"	15 N.J.R. 616(a)	R.1983 d.287	15 N.J.R. 1182(e)
19:25-15.3, 15.4, 15.11, 15.24	Pre-candidacy activity: "testing the waters"	15 N.J.R. 616(a)	R.1983 d.287	15 N.J.R. 1182(e)
19:25-12, 16	Readopted rules on campaign expenditures and public financing of gubernatorial primaries	16 N.J.R. 236(a)	R.1984 d.85	16 N.J.R. 748(b)
19:25-16.3, 16.4, 16.5, 16.9, 16.12, 16.25	Pre-candidacy activity: "testing the waters"	15 N.J.R. 616(a)	R.1983 d.287	15 N.J.R. 1182(e)
19:25-19	Financial disclosure by candidates for State office	15 N.J.R. 799(a)	R.1983 d.285	15 N.J.R. 1183(a)
19:30-2.2	Additional administrative fees	15 N.J.R. 429(a)	R.1983 d.262	15 N.J.R. 1105(d)
19:61	Executive Commission on Ethical Standards: administrative rules	____________	__________	16 N.J.R. 56(c)
19:75	Atlantic County Transportation Authority: rules of practice	15 N.J.R. 1933(a)	R.1983 d.1	16 N.J.R. 149(b)
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19:40-1.3	Conflicting terms and conditions	14 N.J.R. 558(b)	R.1982 d.254	14 N.J.R. 841(a)
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