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REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS*, PAGE 495.

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(Includes rules filed through February 10, 1986)

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*MOST RECENT UPDATE TO ADMINISTRATIVE CODE: DECEMBER 16, 1985.
See the Register Index for Subsequent Rulemaking Activity.
NEXT UPDATE WILL BE DATED JANUARY 21, 1986.

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RULE PROPOSALS

Interested persons may submit, in writing, information or arguments concerning any of the following proposals until **April 2, 1986**. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal or group of proposals.

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

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice.

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 and 2.31

Authorized By: Arthur R. Brown, Jr., Secretary,
Department of Agriculture
Authority: N.J.S.A. 4:10-6 and 4:10-13.
Proposal Number: PRN 1986-34.

Submit comments by April 2, 1986 to:
Robert C. Fringer, Director
Division of Regulatory Services
N.J. Department of Agriculture
CN 330
Trenton, New Jersey 08625
Telephone: 609-292-5575

The agency proposal follows:

Summary

The proposed amendments increase many of the fees charged for the inspection and grading of farm products in accordance with standards established and promulgated by the Department of Agriculture. The fees are increased as follows: the five-day week inspections from \$320.00 to \$340.00; the per hour overtime from \$12.00 to \$12.75 for the same. Hourly inspection rate charge from 8:00 A.M. through 5:00 P.M., \$13.00 to \$15.00. Hourly inspection rate charge from 6:00 P.M. through 7:00 A.M., \$19.50 to \$22.50. Trailer, carload, warehouse and storage minimum inspection fee is increased from \$13.00 to \$15.00. Container inspection other than potatoes is increased from \$0.07 to \$0.09 per container. Delayed inspections are increased from \$8.00 to \$10.00.

Excess charges are altered as follows: the excess fruit and vegetable per package charge, other than potatoes is reduced from 4,570 to 3,778 packages. The excess potato per package charge is increased from 3,200 to 3,400. Inspection and grading services are provided to applicants pursuant to their request. Recipients of the services voluntarily agree to pay the fees for such charges prior to requesting the Department of Agriculture's inspection and classification.

Social Impact

The only people affected by these amendments will be the users of the voluntary inspection and grading services. These services help to maintain and promote agricultural commodities of the highest quality for the consumer. As a result

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of the grading service, perishable fresh fruits and vegetables, of uniform grade and standards, are more readily available for the consumer.

Economic Impact

Increases in salaries and overhead costs in the past five years necessitate the increased fees. The Department of Agriculture must maintain the inspection program on a "break-even basis" if it is to continue to offer this program to the users.

There will be a slight adverse economic impact on the users of these increased voluntary inspection and grading services. The increases are minimal in relation to the economic value of the product at present. The package charge and the delayed inspection charge have not been increased in at least two years.

Full text of the proposal follows (additions shown in boldface **thus**; deletions indicated 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 [~~\$320.00~~] **\$340.00** per five day week (Monday through Friday) of 40 hours or less for each inspector;
 - ii. A charge of [~~\$12.00~~] **\$12.75** 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. An additional charge of [~~\$12.00~~] **\$12.75** 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 [~~\$12.00~~] **\$12.75** 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 [~~4,570~~] **3,778** 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 [~~3,200~~] **3,400** 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 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 [~~\$13.00~~] **\$15.00** 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 potatoes:

i. A charge of [~~\$0.07~~] **\$0.09** per container for all containers;

2. Basic charge schedule for potatoes:

i. A charge of \$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 \$0.10 per hundredweight.

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.

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. [~~\$8.00~~] **\$10.00** per hour in half hour increments.

2:71-2.31 Hourly rate charges

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

1. A charge of [~~\$13.00~~] **\$15.00** 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 [~~\$19.00~~] **\$22.50** 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 [~~\$19.50~~] **\$22.50** 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

Soil and Water Conservation Project Cost-Sharing

Procedural Rules: Extensions of Time

Proposed Amendment: N.J.A.C. 2:90-3.6 and 3.9

Authorized By: Arthur R. Brown, Jr., Chairman, State Soil Conservation Committee.

Authority: N.J.S.A. 4:24-3 and 4:1C-24.

Proposal Number: PRN 1986-37.

Submit comments by April 2, 1986 to:

Samuel R. Race, Executive Secretary
 State Soil Conservation Committee, Room 203
 CN 330
 Trenton, New Jersey 08625
 Telephone: (609) 292-5540

The agency proposal follows:

Summary

Under the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., (P.L. 1983, c. 32), the State Soil Conservation Committee has promulgated procedural rules to implement the State Cost Share program which provides fund-

ing assistance to farmers for the installation of conservation projects.

In N.J.A.C. 2:90-3.6, existing language specifies that extensions of time may be granted to landowners for the installation of conservation projects. However, specific guidance for the process are not set out.

The proposed amendment will clarify the process of requesting and granting extensions of time to commence and complete the installation of conservation projects in N.J.A.C. 2:90-3.6, Preparation of Conservation Plan, and in 2:90-3.9, State Review and Approval Process.

The proposed amendment to 2:90-3.6 will clarify under what conditions the applicant may request and be granted an extension of up to 12 months for completing the installation of projects.

The proposed amendment to 2:90-3.9 clarifies under what conditions the landowner may request and be granted an extension of time to commence the installation of projects, so as to prevent the cancellation of the application approval.

Social Impact

The proposed amendments will have a favorable social impact by clarifying the process for requesting extensions to commence and complete projects and will provide reasonable flexibility for the landowner where circumstances are beyond his control.

Economic Impact

The proposed amendments will have a favorable economic impact to the landowner and to the State. The landowner will have essential flexibility to commence and complete projects when circumstances are beyond his control. State funds will not be encumbered for extended periods where the applicant is unable to meet anticipated completion schedules.

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

2:90-3.6 Preparation of conservation plan

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

(c) The plan may be modified at the landowners request subject to technical agency concurrence and SCD approval. [At the landowners request, and upon SCD concurrence, the SCD may grant an extension of time from the original project schedule for the installation of projects.] **If the applicant determines that the requested projects cannot be completed within the original schedule because of circumstances beyond his control, the applicant may request an extension of time. The request, including reasons why the extension is needed, shall be submitted, in writing, to the SCD. Upon its concurrence, the SCD shall forward such request to the SSCC for implementation. In no case shall extensions be granted for more than 12 months.**

(d) (No change.)

2:90-3.9 State review and approval process

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

(e) **Work must commence within 12 months of funding approval or the application may be cancelled unless the landowner submits a request for extension to the SCD providing reasons for such extension. Upon concurrence, the SCD shall forward the request to the SSCC for approval and implementation. In no case shall such extensions be granted for more than nine additional months.**

CIVIL SERVICE

(a)

CIVIL SERVICE COMMISSION

Separations and Demotions

Layoffs and Demotions

Definitions

Commission Review and Appeals

Proposed New Rules: N.J.A.C. 4:1-16, 4:1-24

Proposed Readoption: N.J.A.C. 4:1-16, 4:2-16, 4:3-16, 4:1-24

Proposed Amendment: N.J.A.C. 4:1-2.1, 4:1-5.2 and 4:1-11.2

Proposed Repeals: N.J.A.C. 4:1-16, 4:2-16, 4:3-16, 4:1-24

Authorized By: Civil Service Commission, Peter J. Calderone, Assistant Commissioner, Department of Civil Service.

Authority: N.J.S.A. 11:6-2; 11:9-12; 11:13-1, 2; 11:15-9, 10; 11:22-10.1, 11:26D-1.

Proposal Number: PRN 1986-36.

A public hearing will be held on March 19, 1986 at 9:15 A.M. in the Civil Service Commission Room, 215 East State Street, Trenton, New Jersey. Please contact Ms. Dolores Carvill at 609-292-6568 if you plan to attend and to be included on the list of speakers.

Submit comments by April 2, 1986 to:

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

The agency proposal follows:

Summary

In accordance with the "sunset" provisions of Executive Order 66(1978), the Civil Service Commission has reviewed the rules codified at N.J.A.C. 4:1-16, 4:2-16, 4:3-16 and 4:1-24 which regulate separations, demotions and layoffs. After reviewing the rules, the Commission proposes that N.J.A.C. 4:2-16 and 4:3-16 be combined and condensed into N.J.A.C. 4:1-16 to eliminate unnecessary detail, codify necessary elements in clear, concise English and reflect current policy and practice. In addition, it proposes that a separate subchapter, N.J.A.C. 4:1-24, contain layoff rules. The Commission also proposes existing 4:1-16, 4:2-16, 4:3-16 and 4:1-24 for re-adoption, as a technical procedure to assure regulatory continuity while allowing interested parties the appropriate time to comment and the Commission to deliberate on any changes.

Regarding the proposed new rules, there are many modifications changing substantive content, clarifying interpretation, reducing redundancy and rearranging provisions into a comprehensive format. N.J.A.C. 4:1-16.1 (formerly

4:1-16.9) states the causes for disciplinary action. N.J.A.C. 4:1-16.2 (formerly 4:1-16.7 and 16.8) provides for the types of major disciplinary action, certain procedures and appeals of such major disciplinary action. N.J.A.C. 4:1-16.3 defines major discipline and references N.J.A.C. 4:1-23.

N.J.A.C. 4:1-16.4 provides that any employee in the classified service may resign in good standing with written notice at least 14 days prior to the effective date with the provision that the appointing authority may consent to a shorter period of notice. In addition, it provides that such resignation shall be deemed accepted by the appointing authority upon receipt. Any request to rescind such resignation shall be made in writing prior to the effective date and lies within the discretion of the appointing authority. N.J.A.C. 4:1-16.5 provides that an employee may be resigned not in good standing as a result of being absent without authorization when absent from duty for five or more consecutive working days without employer notice or approval or when the employee fails to report for duty within five consecutive working days after the expiration of any authorized leave. N.J.A.C. 4:1-16.6, (formerly 4:1-16.17) Assignments and Transfers, provides for request for reemployment. N.J.A.C. 4:2-16 and N.J.A.C. 4:3-16 are rescinded as unnecessary.

N.J.A.C. 4:1-24.1 codifies the longstanding administrative practice of determining layoff title rights by comparative analysis of Civil Service job specifications. N.J.A.C. 4:1-24.2 details a number of preventive actions a hiring authority should undertake to lessen the possibility of displacement of permanent employees in a layoff situation. This rule also provides that if it becomes necessary to abolish positions, hiring authorities should make every effort to abolish those positions occupied by employees with the least employment status and seniority. N.J.A.C. 4:1-24.3 incorporates the statutory requirement that no permanent or probationary employee may be displaced through layoff before being served personally or by certified mail with a written 45-day notice. Additionally, this rule sets forth mandated content of the 45-day notice and empowers the Department of Civil Service to disapprove deficient layoff notices and advise as to the necessary corrective measures. N.J.A.C. 4:1-24.4 provides that an employee shall exercise layoff rights against the least senior employees in a designated title and in a specific location as selected by the employee. N.J.A.C. 4:1-24.5 lists the criteria utilized in determining lateral and demotional title rights. N.J.A.C. 4:1-24.6 explains special reemployment rights and procedures. N.J.A.C. 4:1-24.7 describes the criteria to determine an employee's seniority as well as the enhanced seniority an employee receives who has been affected by more than one layoff action. Deductions from an employee's seniority for certain types of leave and the manner in which ties are broken when two or more employees have equal seniority are also explained. N.J.A.C. 4:1-24.8 describes administrative procedures applied to unique situations or special circumstances that may occur during a layoff action, such as delays in effecting a layoff and lateral and demotional options to previously held, unrelated titles. N.J.A.C. 4:1-24.9 provides permanent and probationary employees with the information necessary to appeal either the determination of layoff title rights or the matter of whether a hiring authority acted in good faith in effecting a layoff action.

N.J.A.C. 4:1-2.1 provides a definition for class code which is used in State service for classification purposes.

N.J.A.C. 4:1-5.2 provides that permanent employees and employees in their working test period are entitled to Civil Service Commission hearings for major disciplinary actions,

and certain other actions; in State service, minor disciplinary actions may be subject to departmental grievances procedures; termination of provisional or temporary employees is at the discretion of the appointing authority; and all other appeals shall be decided on the written record. N.J.A.C. 4:1-11.2(d) is repealed but the concept of reemployment when it is in the best interest of the service is provided in N.J.A.C. 4:1-16.6

Social Impact

As part of the reoption, many technical changes and some substantive additions have been made to the current regulations dealing with separations, demotions, layoffs and Commission review and appeals. The principal change is the simplicity, clarity and reorganization of the rules. With these revisions, the rules will be readily, easily and correctly applied.

The major substantive changes in the layoff rules are directed toward minimizing disruption to employees in layoff situations. In particular, the "least senior" concept appears in layoff regulations for the first time. In the past, an employee could displace any less senior employee in a designated title if the displaced employee had more seniority than other employees in that title; the displaced employee could, in turn, displace another employee, etc. With the introduction of the least senior concept as a factor in a decision as to which position to abolish, further displacement of employees is minimized. Moreover, during the administration of a layoff action, employees will exercise displacement rights only against the least senior employee in a title and location selected by the employee. Thus "chain reaction" displacement would be minimized and the number of employees actually affected would be substantially reduced. The damaging effect on employee morale during a layoff would also be reduced as would the hardship associated with job relocation and training.

Economic Impact

It is estimated that the overall economic impact to disciplinary rules will be negligible since most of the changes are restatements of policy, practice and rules that are presently in effect.

However, there will be substantial economic savings under these proposed layoff rules. The least senior concept will minimize organizational disruption associated with layoffs. The amount of employee retraining required as a result of employee position and/or location changes will also be decreased, thereby allowing an agency affected by layoff to begin to resume its normal functioning in a reduced period of time.

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

SUBCHAPTER 16. DISCIPLINE, RESIGNATIONS AND REEMPLOYMENT

4:1-16.1 Discipline

(a) **An appointing authority may remove, suspend without pay or with reduced pay, fine or demote an employee for any of the following:**

1. **Neglect of duty;**
2. **Incompetency or inefficiency;**
3. **Incapacity due to mental or physical disability;**
4. **Insubordination or serious breach of discipline;**
5. **Intoxication or illegal drug use while on duty;**
6. **Chronic or excessive absenteeism or lateness;**
7. **Disorderly or immoral conduct;**
8. **Willful violation of any of the provisions of the Civil Service**

statutes, rules or regulations or other statutes relating to the employment of public employees;

9. Conviction of a criminal act or offense;
10. Negligence or willful damage to public property or waste of public supplies;
11. Conduct unbecoming an employee in the public service;
12. The use or attempt to use one's authority or official influence to control or modify the political action of any person in the service, or engaging in any form of political activity during working hours; or
13. Other sufficient cause.

4:1-16.2 Major discipline

(a) Removals shall be subject to:

1. A permanent classified employee or an employee in a working test period may not be removed except for cause upon written charges.

2. A provisional or temporary employee may be removed at any time at the discretion of the appointing authority.

(b) Suspensions, fines and demotions shall be subject to:

1. A permanent classified employee or an employee in a working test period may not be suspended, fined or demoted more than five days at one time except for cause upon written charges;

2. A permanent classified employee or an employee in a working test period may not be suspended, fined or demoted more than three times in any one year (one year being from the date of the first suspension, fine or demotion to one year therefrom) or for a period of more than fifteen days in the aggregate in any one year, except for cause upon written charges;

3. An employee may be suspended pending the outcome of a criminal complaint or indictment as provided in N.J.A.C. 4:1-5.7;

4. No suspension shall exceed six months except as provided in N.J.A.C. 4:1-5.7;

5. For actions covered in (b)1 and (b)2 above, an employee may pay a fine in a lump sum or through installments. Unless otherwise agreed to by the employee, an installment may not be more than 5 percent of the gross salary per pay period for a fine under \$500.00; 10 percent of gross salary per pay period for a fine between \$500.00 and \$1,000; or 15 percent of gross salary per pay period for a fine over \$1,000.

(c) The following procedures must be followed:

1. The affected employee must be served with a Preliminary Notice of Disciplinary Action setting forth the charges, provided an opportunity for a departmental hearing and served with a Final Notice of Disciplinary Action, as provided in N.J.A.C. 4:1-5.1.

2. In removal cases, prior to actual removal, the appointing authority shall advise the employee of the charges and provide an opportunity to be heard;

3. In removal cases, the Commission may conduct its own proceedings to determine if the facts warrant the removal whether or not an appeal has been filed.

(d) Appeals of major discipline shall be subject to:

1. A permanent classified employee or an employee in a working test period shall have the right to appeal to the Civil Service Commission as provided in N.J.A.C. 4:1-5.

2. The Commission shall have the power to sustain, revoke or modify the action of the appointing authority, except that removal from service shall not be substituted for a lesser penalty.

4:1-16.3 Minor discipline

(a) A minor disciplinary action is a formal written reprimand, or a suspension or fine for five days or less. See N.J.A.C. 4:1-23 for procedures concerning minor disciplinary actions.

4:1-16.4 Resignation

(a) An employee in the classified service may resign in good standing from his or her position by providing the appointing authority with written notice of this action at least 14 days prior to the effective date. An appointing authority may consent to a shorter period of notice and may consent to oral notice.

(b) If an employee resigns without providing the appointing authority with the required notice, the employee shall be deemed to have resigned not in good standing.

(c) Unless the employee is otherwise notified, the resignation shall be considered accepted by the appointing authority upon receipt of the notice of resignation. Any request to rescind a resignation must be made in writing prior to its effective date and may be consented to by the appointing authority.

(d) A permanent classified employee may appeal a resignation made under duress or coercion pursuant to the procedures as provided in N.J.A.C. 4:1-5.

4:1-16.5 Resignation not in good standing

(a) An employee may be resigned not in good standing as a result of being absent without authorization:

1. When the employee is absent from duty for five consecutive working days without notice or approval from his or her supervisor; or

2. When the employee fails to report for duty within five consecutive working days after the expiration of any authorized leave.

(b) The employee shall be properly notified by personal service or certified mail, return receipt requested, of the involuntary resignation, the reasons therefor, and the opportunity for a departmental hearing. The appointing authority shall report the resignation to the Department of Civil Service.

(c) The employee has a right to appeal a resignation not in good standing pursuant to the procedures as provided in N.J.A.C. 4:1-5.

(d) The Civil Service Commission may modify a resignation not in good standing to a resignation in good standing for good cause.

4:1-16.6 Request for reemployment

(a) A permanent classified employee who has resigned in good standing, retired or voluntarily demoted, may, within two years of such action, request consideration for reemployment by indicating availability to his or her appointing authority. Upon recommendation of the appointing authority that such reemployment is in the best interest of the service, the employee shall have his or her name placed on a regular reemployment list beyond two years from the date of resignation, retirement or voluntary demotion.

(b) A permanent classified employee who has been placed on disability retirement may be reemployed, following a determination from the Division of Pensions that the retiree is no longer disabled.

(c) In local service, a municipal police officer, or person with a higher title in the police series who has retired or resigned in good standing, may at any time request reemployment with the appointing authority.

1. Upon the recommendation of the appointing authority, the person's name shall be placed on a police reemployment list;

2. Persons seeking police reemployment may be required to pass appropriate medical and psychological examinations.

(d) Seniority commences as of the date of reemployment. However, when determining the order of layoff or demotion, ties of equal seniority will be broken by consideration of the period of permanent employment prior to the break in service.

SUBCHAPTER 24. LAYOFFS AND DEMOTIONS IN LIEU OF LAYOFF

4:1-24.1 General provisions

(a) An appointing authority may institute layoff actions for economy, efficiency or other valid reasons.

(b) In State service, the Director of Classification and Compensation and, in local service, the Director of County and Municipal Government Services, shall act for the President of the Civil Service Commission to determine seniority and designate lateral, demotional and special reemployment title rights prior to the effective date of the layoff. Title displacement rights shall be determined by comparative analysis of Civil Service job specifications.

4:1-24.2 Pre-layoff actions

(a) The appointing authority should lessen the possibility of a layoff or demotion of permanent employees by taking the following preventive actions:

1. Initiate a temporary hiring and/or promotion freeze;
2. Separate non-permanent employees;
3. Return provisional employees to their permanent titles;
4. Reassign employees; and
5. Assist potentially affected employees in securing transfers or other employment.

(b) If all preventive measures have been considered and it is necessary to abolish positions, appointing authorities should make every effort to abolish positions held by employees with the least Civil Service employment status and seniority.

4:1-24.3 Layoff notices

(a) No permanent or probationary employee shall be displaced as a result of a layoff action before having been served by the appointing authority with a written 45-day notice either personally or by certified mail. A 45-day notice should also be posted in all locations of the department, autonomous agency or school district where the layoff will occur. A copy of the 45-day notice served on permanent or probationary employees must be provided to the Department of Civil Service.

(b) The 45-day notice must contain the following:

1. The effective date of the layoff action; and
2. The reason for the layoff.

(c) At least 30 days prior to service of layoff notices on employees, the following information should be submitted to the Director of Classification and Compensation in State service, and the Director of County and Municipal Government Services in local service:

1. The projected effective date of layoff;
2. The reason for the layoff;
3. Sample copies of the 45-day notice, and the projected date for issuance; and
4. The number of positions (including position numbers in State service) by title to be vacated or abolished and the names, status, locations and current and permanent titles of employees initially affected.

(d) In local service, jurisdictions that have a performance evaluation program approved by the Department of Civil Service shall also submit all evaluations for permanent employees who have received an unsatisfactory or equivalent rating within the 12-month period preceding the effective date of the layoff.

(e) In State service, the Division of Classification and Compensation and, in local service, the Division of County and Municipal Government Services shall review the sample notices to determine whether the required information has been included. If the notices are determined to be improper, the appointing

authority will be notified that the notices have been disapproved and advised concerning the necessary corrective measures.

(f) Permanent and probationary employees affected by a layoff action shall be served with written notice of their status resulting from layoff procedures.

4:1-24.4 Exercise of displacement rights

(a) The Department of Civil Service will designate titles against which an employee may exercise lateral and demotional displacement rights. See N.J.A.C. 4:1-24.5.

(b) In State service, a permanent employee in a position affected by a layoff action shall exercise lateral and demotional displacement rights to his or her selected location within his or her department.

(c) In local service, a permanent employee in a position affected by a layoff action shall exercise lateral and demotional displacement rights within his or her department, autonomous agency or individual school district as appropriate.

(d) Displacement rights shall be exercised by permanent employees according to seniority against designated titles in the following order:

1. A vacant position that the appointing authority is willing to fill;
2. A position held by a temporary or provisional employee, the specific position to be determined by the appointing authority;
3. The position held by the probationary employee with the least seniority following regular appointment in the probationary title;
4. In State service, the position held by the permanent employee whose most recent, that is, within the last twelve months, performance assessment review ("PAR") rating was significantly below standard or, in local service, an unsatisfactory rating or equivalent in a jurisdiction having a performance evaluation program approved by the Department of Civil Service;

5. The position held by the permanent employee with the least seniority.

(e) Probationary employees shall exercise displacement rights in the same order as (d)1 through 2 above.

4:1-24.5 Lateral and demotional title rights

(a) Lateral rights shall be determined as follows:

1. Lateral rights shall be granted to permanent employees on the basis of seniority to displace other employees within the same department, autonomous agency or individual school district who hold the same or comparable titles which meet the following criteria:

- i. The title(s) shall have substantially comparable duties and responsibilities and, in State service, the same class code;
- ii. The education and experience requirements for the title(s) are the same or similar and the mandatory requirements shall not exceed those of the affected title;
- iii. There shall be no special skills, licenses, or certification requirements which are not also mandatory for the affected title; and

iv. An employee in the affected title with minimal training and orientation could perform the duties of the designated title by virtue of having qualified for the affected title.

2. In State service, permanent employees whose most recent, within the last twelve months, performance assessment review ("PAR") rating was significantly below standard or, in local service, an unsatisfactory or equivalent rating in a jurisdiction having a performance evaluation program approved by the Department of Civil Service, shall have lateral rights only against vacant positions to be filled or against provisional or probationary employees.

(b) Demotional rights shall be determined as follows:

1. Demotional rights shall be granted to permanent employees to displace other employees, regardless of seniority, within the same department, autonomous agency or individual school district who hold a lower designated title which meet the following criteria:

- i. The title(s) shall have lower but substantially related duties and responsibilities and, in State service, a lower class code;
- ii. The education and experience requirements for the title(s) are similar and the mandatory requirements shall not exceed those of the affected title;
- iii. There shall be no special skills, licenses, or certification requirements which are not also mandatory for the affected title; and
- iv. Any employee in the affected title with minimal training and orientation could perform the duties of the designated title by virtue of having qualified for the affected title.

4:1-24.6 Special reemployment title rights

(a) A permanent employee shall be granted special reemployment rights based on the permanent title from which she or he has been laid off or demoted and may exercise these rights against the same, lateral and lower related titles. Special reemployment title rights will be determined in the same manner as lateral and demotional title rights.

(b) An employee who is displaced in a layoff action, but remains in his or her permanent title, or is reappointed to his or her permanent title from a special reemployment list, shall have special reemployment rights only to his or her original location at the time of layoff.

(c) An employee reappointed to a lateral title from a special reemployment list will retain special reemployment rights to his or her original permanent title and location at the time of layoff.

(d) In State service, special reemployment lists shall be certified against vacant positions that are to be filled and against provisional employees pending open competitive examination in any department and against provisional employees pending promotional examination in the department where the layoff occurred.

(e) In local service, special reemployment lists shall be certified against vacant positions that are to be filled and against provisional employees in any organizational unit of the jurisdiction.

(f) In State service, in the department where the layoff occurred, special reemployment lists shall take precedence over promotional lists, lateral title changes, appointments pending qualifying examination, and transfers.

(g) In local service, in the department, autonomous agency or individual school district where the layoff occurred, special reemployment lists shall take precedence over promotional lists and transfers.

(h) A special reemployment list shall not have an expiration date.

(i) Ranking on a special reemployment list shall be based on the employee's permanent title and seniority at the time of layoff.

(j) Appointments from the special reemployment list shall be made in the order certified.

(k) Removal of names from a special reemployment list may be made in accordance with applicable rules. See N.J.A.C. 4:1-12.11.

(l) Employees who elect to resign or retire will be removed from a special reemployment list.

4:1-24.7 Seniority

(a) Seniority is the amount of continuous permanent service that an employee has in his or her current permanent title and other titles that have lateral or demotional rights to the current title. Seniority will be based on total calendar years, months and days in title regardless of workweek, work year or part-time status.

(b) Employees with permanent status in titles in the competitive division who exercise their demotional title rights in a layoff action, or who are reappointed to a lower title in the same department, autonomous agency or individual school district from which he or she was laid off or demoted from a special reemployment list, will be considered to have preferred seniority, that is, more seniority than anyone currently serving in the demotional title. If more than one employee has preferred seniority, priority will be determined on the basis of the class code in State service, or the class level in local service, of the permanent title from which each employee was laid off or demoted and the seniority held on the class code/class level.

(c) Suspensions, leaves of absence without pay and any period an employee is laid off shall be deducted from seniority calculations, except:

1. In State service, military, education, sick or disability leave or any other leave designated by the Civil Service Commission or by law shall not be deducted from seniority calculations.

2. In local service, military, education, and leave to fill an elected public office or any other leave designated by the Civil Service Commission or by law shall not be deducted from seniority calculations.

(d) Employees who have been laid off, or demoted in lieu of layoff, and reappointed from a special reemployment list shall be considered as having continuous service for layoff purposes; however, the elapsed time between the layoff or demotion in lieu of layoff and reappointment shall be deducted from the employee's class level seniority.

(e) Probationary employees shall be granted seniority based on the length of service following regular appointment. Promotional probationers shall continue to accrue seniority in their permanent titles while serving in the working test period and probationary seniority rights shall be in addition to their permanent title seniority rights. See N.J.A.C. 4:1-13.10.

(f) If two or more employees have equal seniority, the tie shall be broken in the following order of priority:

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

2. The employee with the higher performance rating shall have priority over an employee with a lower rating, provided that all tied employees were rated by the same supervisor. In local service, the performance rating system must have been approved by the Department of Civil Service;

3. The employee with the greater seniority before a break in service in his or her current permanent title and other titles that have lateral or demotional rights to the current title, shall have priority;

4. The employee with greater continuous permanent service, regardless of title, shall have priority;

5. The employee with greater non-continuous permanent service shall have priority, regardless of title;

6. The employee who ranked higher on the same eligible list for the title shall have priority;

7. The employee with greater continuous service as a provisional in the subject title shall have priority;

8. The employee with greater total service, regardless of title or status, shall have priority;

9. Other factors as may be determined by the President of the Civil Service Commission.

4:1-24.8 Special circumstances

(a) Seniority, lateral, demotional and special reemployment determinations shall be based upon the scheduled and approved effective date of a layoff action. These determinations shall remain applicable should some or all of the layoff actions be implemented by the appointing authority after the scheduled effective date provided the Department of Civil Service has approved the reasons for such delayed layoff actions. However, when layoff actions are delayed, persons serving the working test period may continue in that status until displacement and should the working test period be successfully completed prior to displacement, the appointing authority shall notify the Department of Civil Service. Upon receipt of this notice, the Department of Civil Service shall redetermine only the special reemployment rights to reflect the newly attained permanent status.

(b) An employee may be provided, at the discretion of the Department of Civil Service, rights to a previously held permanent title unrelated to the employee's current permanent title providing the employee held the unrelated title within current continuous service. Such rights shall be exercised against only vacant positions to be filled by an appointing authority or against temporary, provisional or probationary employees. In such cases, all continuous seniority in the unrelated title shall be aggregated.

4:1-24.9 Appeals

(a) Permanent and probationary employees shall have a right to appeal layoff actions based on good faith or determination of rights, that is, seniority, lateral, demotional and/or special reemployment rights.

1. Good faith: Appeals based on the claim that the appointing authority laid off or demoted the employee in lieu of layoff for reasons other than as specified in the 45-day notice. This type of appeal shall be subject to hearing and final administrative determination by the Civil Service Commission.

2. Determination of rights: Appeals based on the claim that an employee's rights were determined and/or applied incorrectly. The appellant shall provide detailed documentation. The written record shall be reviewed and final administrative determination made by the President of the Civil Service Commission.

(b) Good faith and determination of rights appeals shall be filed within 20 calendar days of the effective date of the layoff action. Appeals must specify exactly what determination is being appealed, the reason(s) for the appeal, and the relief requested.

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

(d) All appeals shall be addressed to:
Director, Division of Appellate
Practices and Labor Relations
Department of Civil Service
CN 312
Trenton, New Jersey 08625

4:1-2.1 Words and phrases defined

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

...

"Class code" means the relative level of a title in State service in terms of the evaluated job content based upon an NL work-week.

...

4:1-5.2 Hearings

(a) Permanent employees and employees in their working test period are entitled to a Civil Service Commission hearing in the following situations:

1. Removal;
2. Suspension or fine of more than five days at one time. The last suspension or fine of an employee for five days or less shall be reviewable where an employee's aggregate number of days suspended or fined in any one calendar year is more than 15 days [or more]. Where an employee receives more than three suspensions or fines of five or less days in a [calendar] year, the last suspension or fine is reviewable;
3. Disciplinary demotion;
4. Good faith of a layoff; and
5. Release at the end of the working test period for unsatisfactory performance.

(b) In State service, any suspension or fine of five days or less at a time which does not qualify for a hearing pursuant to (a)2 above may be subject to the departmental grievance procedures as provided in accordance with N.J.A.C. 4:1-23 et seq.

(c) Provisional or temporary employees without permanent status may be terminated at any time at the discretion of the appointing authority and have no right of appeal to the Civil Service Commission, except as provided by specific statute or rule.

[(b)] (d) All other appeals shall be decided on a review of the written record unless otherwise provided by law or directed by the Commission.

4:1-11.2 Order of names on eligible list

(a) Open competitive employment lists shall be prepared by listing:

1. First, eligibles entitled to disabled veteran preference, in the order of their final ratings;
2. Second, eligibles entitled to veteran preference, in order of their final ratings; and
3. Third, other eligibles in the order of their final ratings.

(b) Promotion employment lists shall be prepared by listing all eligibles in the order of their final ratings.

(c) Names of persons on regular reemployment lists or special reemployment lists shall be in the order of service in that class; the name of the person with greater service being the first certified.

[(d) No name shall be placed on a regular reemployment list unless the person has resigned in good standing, and the appointing authority has recommended that reemployment of that person will be in the best interest of the service and the person is ready and available for employment.]

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WASTE MANAGEMENT

Discharge of Hazardous Substances Discharge Notification and Response

Proposed Amendment: N.J.A.C. 7:1E-2.3

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

Authority: N.J.S.A. 58:10-23.11 et seq. and N.J.S.A.
13:1D-1 et seq.

DEP Docket No. 006-86-02.

Proposal Number: PRN 1986-39.

Submit comments by April 2, 1986 to:

Robert A. Marshall
Office of Regulatory Services
New Jersey Department of Environmental
Protection
CN 402
Trenton, New Jersey 08625

The agency proposal follows:

Summary

In 1979, the legislature amended the Spill Compensation and Control Act which read, in pertinent part, "Whenever any hazardous substance is discharged, the department shall act to remove or arrange for the removal of such discharge, unless it determines such removal will be done properly and expeditiously by the owner or operator of the major facility or any source from which the discharge occurs." The statute now reads, in pertinent part, "Whenever any hazardous substance is discharged, the department may, in its discretion act to remove or arrange for the removal of such discharge or may direct the discharger to remove, or arrange for the removal of, such discharge."

Prior to the amendment, there was no expressed authority for the Department to exercise discretion in whether or not to act for the removal or arrangement for removal of a discharge or to direct the discharger to remove or arrange for the removal of such discharge. The proposed amendment to the Department's administrative rules, N.J.A.C. 7:1E-2.3(a), will reflect the statutory change made in 1979. P.L. 1979, c.346, §4.

The Department also proposes a change to N.J.A.C. 7:1E-2.3(c) and (d) to correct an improper citation to federal regulations pertaining to the National Oil and Hazardous Substances Pollution Contingency Plan of the Federal Water Pollution Control Act Amendments of 1972. P.L. 92-500, 330 U.S.C. 1251 et al. This is a technical change and is not substantive in nature.

Social Impact

The proposed amendment will have minimal social impact because it will reflect the procedures under which the Department has been operating since the legislative amendment in 1979. Also, this amendment will provide prosecutorial discretion in that the Department will not be required to issue an

order for cleanup in cases where the circumstances do not warrant enforcement action.

Economic Impact

The proposed amendment will allow the Department to efficiently allocate its economic resources to the control and removal of hazardous substances which in its determination pose the greatest relative threat. The proposed amendment will also allow the Department to waive or postpone a response to a hazardous discharge based upon an evaluation of the threat and the availability of economic and personnel resources.

Environmental Impact

While the legislature has recognized the danger of discharge of hazardous substances upon the land and waters of the state, it has also recognized the economic and social practicalities and limitations of responding to every discharge of this type. The proposed amendment reflects the legislature's recognition that there is a limit to the ability to respond to every discharge by granting discretionary authority to the Department to evaluate degrees of relative threat and to respond or waive response based upon this evaluation of relative threat and availability of economic and personnel resources. The amendment will have a beneficial impact upon the environment in that it will allocate limited financial resources, on a priority basis, to discharges causing the greatest threat.

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

7:1E-2.3 Discharge response

(a) Upon learning that a discharge of hazardous substance has occurred, the department [shall] **may** act to contain, clean up and remove the discharge of any substance which the department has specifically designated as hazardous in N.J.A.C. 7:1E-1.3, unless it determines that such action will be done properly and expeditiously by the owner or operator of the facility or source from which the discharge occurred, or by any other authorized person.

(b) (No change.)

(c) The owner or operator of a facility from which a discharge has occurred may take immediate measures to clean up and remove the discharge, except that he may not apply chemicals without the prior approval of the division or the Federal on-scene coordinator under the National Contingency Plan pursuant to 40 CFR part [1510]300, unless such application is necessary to prevent or mitigate a situation that poses a serious and imminent threat to human life. In any such situation of serious and imminent threat to human life, the owner or operator shall make reasonable efforts to secure the approval of the division or the Federal on-scene coordinator before applying chemicals, if time and the circumstances of the situation permit. Approval to apply chemicals may be obtained orally or by telephone. Application of chemicals pursuant to a DCR plan approved by the division shall be deemed to have prior approval. Unauthorized use of chemicals shall be regarded as a prohibited discharge.

(d) The department in its discretion may observe, supervise or participate in any aspect of containment or cleanup and removal activities. In the exercise of its supervisory power, the department may order any person to cease cleanup and removal activities and other discharge-related operations if it determines that the person is not capable of properly contain-

ing, cleaning up or removing a discharge, or if that person fails to conduct cleanup operations in a proper and expeditious manner. All actions of the department shall, to the greatest extent possible, be consistent with the National Contingency Plan for removal of oil and hazardous substances. 40 CFR part [1510]300.

(a)

DELAWARE AND RARITAN CANAL COMMISSION

Delineations of the Review Zone within the Delaware and Raritan Canal State Park

Proposed New Rule: N.J.A.C. 7:45-1, 2, and 3

Authority: N.J.S.A. 13:13A-10.
DEP Docket No. 027-84-04.

Take Notice that the public comment period will not be reopened until March 20, 1986 for submission, in writing, of information or arguments relevant to the Rules concerning Delineation of the Review Zone within the Delaware and Raritan Canal State Park proposed on July 15, 1985 at 17 N.J.R. 1711(a).

Submissions should be addressed to:
James C. Amon
Executive Director
Delaware and Raritan Canal Commission
CN 402
Trenton, New Jersey 08625

The Department of Environmental Protection thereafter may adopt the proposal without further notice. (see N.J.A.C. 1:30-4.4(d)).

INSURANCE

(b)

DIVISION OF ADMINISTRATION

Cancellation and Nonrenewal of Property and Casualty/Liability Insurance Policies

**Proposed Repeal: N.J.A.C. 11:1-20
Proposed New Rules: N.J.A.C. 11:1-20 and N.J.A.C. 11:1-22**

Authorized By: Hazel Frank Gluck, Commissioner, Department of Insurance
Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:22-6.14a1, 2 and 3, 17:29C-1 et seq., 17:29A-1 et seq., 17:29AA-1 et seq., and 17:29B-4.
Proposal Number: PRN 1986-40.

Submit comments by April 2, 1986 to:
Verice M. Mason, Director
Legislative and Regulatory Affairs
Department of Insurance
CN 325
Trenton, New Jersey 08625

The agency proposal follows:

Summary

On September 16, 1985 the Department promulgated on an emergency basis, N.J.A.C. 11:1-20 concerning the cancellation and nonrenewal of property and casualty/liability insurance policies. This subchapter was subsequently readopted on November 16, 1985, without change. An emergency amendment to the scope section of the rule was promulgated eliminating its applicability to surplus lines insurance policies and certain selected commercial lines coverages. The amendment was also subsequently readopted.

On December 16, 1985, the Department proposed amendments to N.J.A.C. 11:1-20 and a new rule, N.J.A.C. 11:1-22, in accordance with ordinary rulemaking procedures (see 17 N.J.R. 2956(a)). This proposal stemmed from public comment received on the concurrent proposal which accompanied the emergency adoption of N.J.A.C. 11:1-20, discussions with a working committee composed of insurer representatives and internal review by Department personnel.

The Department has received several public comments concerning the December 16, 1985 proposal from insurers, insurance industry trade organizations, insurance producers and the like. Many writers viewed the proposal as a step in the right direction, and, in particular, commended the Department for its proposed removal of personal lines coverages from the scope of the regulation. However, most commenters continued to object to what was characterized as the overly broad application of the rules. Commenters also argued that the restrictions placed on an insurer's ability to terminate coverage by the rules would impede efforts to restore competition in the commercial lines market and would foster availability problems in the personal lines area.

Certain specific provisions of the December 16 proposal, such as the formula for determining "adverse loss experience," were sharply criticized. Clarification of other provisions, in-

cluding those relating to termination based on loss of re-insurance was also requested. Finally, some commenters suggested that the regulation should be viewed as a temporary response to the present insurance availability crisis and that a "sunset" date of perhaps one year should be incorporated. It was also recommended that the Department work with an industry advisory group to refine the proposal and to create a Market Assistance Program to resolve the availability/affordability crisis in commercial lines insurance.

In fact, the Department has continued discussions with the industry working committee concerning both this regulation and the establishment of a market assistance program. Based on these discussions and the public comments submitted on the December 16 proposal, the Department is now proposing the repeal of N.J.A.C. 11:1-20 and the promulgation of new rules to be cited N.J.A.C. 11:1-20 and 11:1-22. This proposal is intended to supercede the proposal published on December 16, 1985 at 17 N.J.R. 2956(a).

The scope section of the proposed new rule, N.J.A.C. 11:1-20.1, limits the applicability of the regulation to commercial lines coverages and specifically excludes certain commercial lines such as fidelity, surety, performance and forgery bonds, ocean marine and aviation insurance, workers' compensation and employer's liability insurance and surplus lines policies. These lines are also excluded from the scope of the existing regulation. However, the proposed new N.J.A.C. 11:1-20.1 with certain exceptions, also removes from the rule's scope policies covering multistate location risks if such risks do not have their principal headquarters in New Jersey and policies subject to retrospective rating plans. The proposed new scope section would additionally remove the applicability of this subchapter to personal lines coverages, such as homeowners insurance.

N.J.A.C. 11:1-20.1(b) of the existing regulation has been carried over into this proposal and a new subsection (c) provides that the Commissioner may implement a market assistance plan providing for a voluntary group of insurers in order to aid insureds in obtaining commercial insurance coverages as specified in the plan.

Proposed N.J.A.C. 11:1-20.2 concerns cancellation and nonrenewal notice requirements and incorporates many of the elements set forth in the existing regulation (see N.J.A.C. 11:1-20.3) as well as certain amendatory language contained in the Department's December 16 proposal.

Subsection (a) specifies that a policy may not be nonrenewed unless a valid notice of nonrenewal has been sent. Language drawn from the December 16 proposal clarifying the status of policies which have no fixed expiration dates is also included. However, a requirement of the existing regulation specifying that renewal policies must offer comparable coverage and terms has not been continued.

Requirements concerning the timing of notices of nonrenewal, cancellation, other than for non-payment of premium or moral hazard, as well as renewal premium notices (N.J.A.C. 11:1-20.2(b), (c) and (d)) are modified in this new proposal. Insurers are permitted to forward such notices a maximum of 120 days in advance of expiration, rather than 45 days as in the existing regulation. Subsection (b) concerning renewal premium notices also requires that any change in contract terms be furnished to the insured.

Rule provisions pertaining to terminations for non-payment of premium or moral hazard as well as those concerning the informational content of and mailing requirements for notices of cancellation and nonrenewal, in general, track those contained in existing N.J.A.C. 11:1-20.

Proposed N.J.A.C. 11:1-20.2(h), also carried over from the December 16 proposal, concerns notice to the insured of the right to file a complaint with the Insurance Department. The proposal restricts the notice requirement to terminations other than for non-payment of premium and eliminates a requirement found in the existing regulation that a consumer complaint form be furnished to the insured with termination notices.

Proposed N.J.A.C. 11:1-20.2(j) substantially revises requirements found in the existing regulation at N.J.A.C. 11:1-20.3(h). The proposal provides that if an insurer fails to issue proper notice of nonrenewal or fails to issue and deliver a replacement policy or a notice of a policy extension, the insured may continue the expiring policy under the same terms and conditions until the insurer sends appropriate notice. Additionally, the provision allows an insurer to replace an existing policy with one issued by an insurer who is under its common management and control, provided that the insurer obtains the insured's consent to do so and maintains records of such actions.

Proposed N.J.A.C. 11:1-20.2(k), like N.J.A.C. 11:1-20.3(i) of the existing regulation, relieves insurers of the requirement of issuing termination notice if the insured has replaced coverage or requested termination. However, a requirement of the existing rule that the insurer confirm the insured's termination request in writing is not continued.

Proposed N.J.A.C. 11:1-20.3 (N.J.A.C. 11:1-20.4 in the existing regulation) concerning required policy provisions, has been substantively revised. For example, the required inclusion of policy provisions concerning termination has been restricted to cancellations, deleting nonrenewals, and additional reasons for cancellation have been delineated. It should also be noted that this section is applicable to multi-state location risks and policies subject to retrospective rating plans as specified in the scope section of the proposed rule.

Proposed N.J.A.C. 11:1-20.4 is designed to replace the prior approval requirement of N.J.A.C. 11:1-20.2. Subsection (a) requires that insurers submit their underwriting guidelines for coverages subject to the regulation to the Commissioner for review within 20 days of the rule's effective date. Subsequent amendments to such guidelines must be submitted within 15 days after the amendments are put into use. Subsections (b) and (c) provide hearing procedures applicable to the Commissioner's disapproval of a filed guideline. Finally, subsection (d) requires, with respect to retrospectively rated risks and multi-state location risks with principal headquarters outside this State, that insurers maintain records of cancellations and nonrenewals and the reasons therefor.

The proposed new section, N.J.A.C. 11:1-20.5, addresses policy provisions and provides that no policy shall contain provisions which are inconsistent with the requirements of the subchapter. The text of existing N.J.A.C. 11:1-20.5 which concerns prohibited practices with respect to cancellation and nonrenewal has been deleted from this subchapter. The substance of this section, with substantive modifications, has been recodified in proposed new rule N.J.A.C. 11:1-22.

N.J.A.C. 11:1-20.6 and 7 provide, respectively, separability and penalty provisions, which essentially track those of the existing regulation. However, the Commissioner's ability to require reinstatement of coverage without lapse as specified in section 7 has been limited in the proposal to cancellations rather than all terminations.

Finally, proposed N.J.A.C. 11:1-20.8 provides a "sunset" period of two years for the rule.

The proposed new rule N.J.A.C. 11:1-22 substantially conforms to certain elements of a "replacement regulation" prepared by the Industry Working Committee. N.J.A.C. 11:1-22.1(a)1, like the Department's existing regulation (see N.J.A.C. 11:1-20.5(a)1), prohibits mid-term premium increases or reductions in the amount or type of policy. The new proposal modifies this requirement, however, by permitting such changes to be effected if the insurer obtains the insured's consent or if the changes are otherwise approved in writing by the Commissioner.

Proposed N.J.A.C. 11:1-22.1(a)2 and (a)3 are designed to replace requirements set forth at N.J.A.C. 11:1-20.5(a)2 pertaining to block cancellations and nonrenewals. The proposed subsection essentially track provisions contained in the regulation developed by the Industry Working Committee. Paragraph 2 prohibits the block nonrenewal of entire lines or classes of insurance unless a plan regarding same is submitted to the Commissioner at least 60 days in advance of its implementation date, and is not disapproved by the Commissioner within 30 days. Provisions contained in N.J.A.C. 11:1-20.5(a)2 requiring that the insurer's plan must minimize marketplace disruption and provide for alternate coverage at comparable rates and terms have not been carried forward into the proposed new rule. Block cancellations are also prohibited in paragraph 3; however, there are no time constraints on the submission and approval of a plan.

Public comment on concurrent proposal of emergency rule N.J.A.C. 11:1-20 as well as the Department's December 16 proposal focused heavily on the effect of loss of or reduction in available reinsurance on an insurer's ability to continue providing coverage for subject risks. The Department's Bulletin 85-2 listed four reasons for cancellation or nonrenewal that may only be implemented subsequent to the Commissioner's approval of a plan submitted by the insurer. One of those reasons was loss of or substantial change in available reinsurance.

The proposed new rule addresses public comment on the issue by providing a specific mechanism for nonrenewal or cancellation submissions based on the unavailability of reinsurance. N.J.A.C. 11:1-22.1(b) requires that the insurer's plan be filed with the Commissioner at least 10 days before issuance of any notice of termination. The plan must contain a certification by a company officer setting forth various information pertaining to the loss of reinsurance and how the insurer's terminations will be implemented. The criteria set forth for the certification contain many elements previously delineated in the Department's Bulletin.

The other three reasons for termination described in Bulletin 85-2, for which a plan must be submitted to the Commissioner, are captured in proposed subsections (c) and (d). Cancellations or nonrenewals for material increase in exposure arising out of changes in statutory or case law or loss of or reduction in available insurance capacity may be effected only by filing a plan with the Commissioner at least 10 days prior to the issuance of any termination notice. Subsection (d) provides a similar requirement for nonrenewals based upon agency termination.

Proposed N.J.A.C. 11:1-22.3 provides a penalty provision.

Proposed N.J.A.C. 11:1-22.4 provides a two-year "sunset" period.

Social Impact

The proposed new rules, N.J.A.C. 11:1-20 and N.J.A.C. 11:1-22, maintain the essential protections afforded to policyholders under N.J.A.C. 11:1-20 as clarified by the Depart-

ment's Bulletins 85-1 and 85-2. For example, essential notice requirements pertaining to offers of renewal coverage as well as cancellations and nonrenewals have been continued.

At the same time, the proposed new rules provide insurers with greater flexibility in responding to changes in available reinsurance and other conditions which may warrant termination activity. The applicable standards and requirements set forth in these proposals. Certain of which are drawn from the aforementioned Bulletins, serve to ensure that the public will be adequately protected in such situations.

The elimination of the requirement that insurers have their standards or reasons for termination approved prior to use is expected to provide insurers with greater flexibility as well as ease certain administrative burdens imposed on the Department. At the same time, the requirement that insurers file their underwriting guidelines with the Department in a timely fashion will ensure that the Department is apprised of the standards which are being used by insurers for termination. The Department, therefore, will be able to identify and initiate proceeding to disapprove the use of any guideline found to be contrary to statutory or regulatory standards.

Insurers will also benefit from the proposed deletion of the provisions requiring the furnishing of a consumer complaint form with all notices of termination. It is not expected that this requirement will impact negatively on the public since notice of the insured's right to file a complaint with the Department is still required for all but non-payment terminations. The elimination of this notice requirement for non-payment terminations is expected to relieve both insurers and the Insurance Department from certain administrative burdens resulting from increased complaint activity.

The proposed increase in the maximum prior notice requirement for nonrenewals, certain cancellations and renewal premiums from 45 to 120 days is designed to afford insurers greater flexibility. The 120 day maximum will, nevertheless, ensure that these important notices are delivered to be policyholder reasonably close to the effective termination date.

With respect to the proposed deletion of personal lines coverages, the Department intends to promulgate regulations specifically tailored to such lines. Therefore, no negative impact on the public is anticipated.

Economic Impact

The proposed amendments and new rules are expected to have a positive economic impact on insurers. For example, the deletion of the furnishing of a consumer complaint form with each termination notice should reduce insurer costs. In addition, certain provisions of the rule providing insurers with greater flexibility on terminations and reductions in coverages will enable insurers to respond more quickly to market conditions.

The proposals are not expected to have a negative economic impact on the public since the essential protections afforded under N.J.A.C. 11:1-20 are maintained.

The proposals are expected to have some economic effect on the Department to the extent that modifications impact on the number of complaints received by the Department, the necessity of enforcement proceedings and the like.

Full text of the rules proposed for repeal appear in the New Jersey Administrative Code at N.J.A.C. 11:1-20.

Full text of the proposed new rules follows:

**SUBCHAPTER 20. CANCELLATION AND
NONRENEWAL OF
COMMERCIAL INSURANCE
POLICIES**

11:1-20.1 Scope

(a) This subchapter shall apply to all commercial insurance policies which are in force, issued or renewed on or after the effective date of this subchapter by companies licensed to do business in this State except workers' compensation insurance, employers' liability, fidelity, surety, performance and forgery bonds, ocean marine and aviation insurance and accident and health insurance and any policy written by a surplus lines insurer. With the exception of N.J.A.C. 11:1-20.3 and 11:1-20.4(d), this subchapter shall not be applicable to multi-state location risks which do not have their principal headquarters in the state or policies subject to retrospective rating plans.

(b) These rules are not exclusive, and the Commissioner may also consider other provisions of statutes and regulations to be applicable to the circumstances or situations addressed herein. Policies may provide terms more favorable to policyholders than are required by these rules. The rights provided by these rules are in addition to and do not prejudice any other rights policyholders may have at common law, or under statutes or regulations.

(c) In addition to these rules, the Commissioner may implement a market assistance plan providing for a voluntary group of insurers in order to aid insureds in obtaining commercial insurance coverages specified therein.

11:1-20.2 Nonrenewal and cancellation notice requirements

(a) No policy shall be nonrenewed upon its expiration date unless a valid notice of nonrenewal has been mailed or delivered to the insured in accordance with the provisions of this subchapter. For purposes of this subchapter, policies not having a fixed expiration date shall be deemed to expire annually on the anniversary of their inception.

(b) No notice of nonrenewal shall be valid unless it is mailed or delivered by the insurer to the insured not more than 120 days nor less than 30 days prior to the expiration of the policy.

(c) With respect to payment of the renewal premium, notice of the amount of the renewal premium and any change in contract terms shall be given to the insured not more than 120 days nor less than 30 days prior to the due date of the premium and shall clearly state the effect of nonpayment of the premium by the due date.

(d) No cancellation, other than cancellation based upon nonpayment of premium or for moral hazard as defined in (f) below, shall be valid unless notice is mailed or delivered by the insurer to the insured, and to any person entitled to notice under the policy, not more than 120 days nor less than 30 days prior to the effective date of such cancellation, except, however, that failure to send such notice to any designated mortgagee or loss payee shall invalidate the cancellation only as to the mortgagee's or loss payee's interest.

(e) A policy shall not be cancelled for nonpayment of premium unless the insurer, at least 10 days prior to the effective cancellation date, has mailed or delivered to the insured notice as required in this subchapter of the amount of premium due and the due date. The notice shall clearly state the effect of nonpayment by the due date. No cancellation for nonpayment of premium shall be effective if payment of the amount due is made prior to the effective date set forth in the notice.

(f) A policy shall not be cancelled for moral hazard unless the insurer, at least 10 days prior to the effective termination date, has mailed or delivered to the insured notice as required in this subchapter and the basis for termination conforms to the following definitions of moral hazard:

1. The risk, danger or probability that the insured will destroy, or permit to be destroyed, the insured property for the purpose of collecting the insurance proceeds. Any change in the circumstances of an insured that will increase the probability of such a destruction may be considered a "moral hazard;" and

2. The substantial risk, danger or probability that the personal habits of the insured may increase the possibility of loss or liability for which an insurer will be held responsible. Any change in the character or circumstances of an insured that will increase the probability of such a loss or liability may be considered a "moral hazard."

(g) No nonrenewal or cancellation shall be valid unless the notice contains the standard or reason upon which the termination is premised and specifies in detail the factual basis upon which the insurer relies.

(h) All notices of nonrenewal and cancellation, except those for nonpayment for premium, must contain a statement which shall be clearly and prominently set out in boldface type or other manner which draws the reader's attention advising the insured that the insured may file a written complaint about the cancellation or nonrenewal with the New Jersey Department of Insurance, Division of Licensing and Enforcement, CN 325, Trenton, New Jersey 08625. The statement also shall advise the insured to contact the Insurance Department immediately, in the event he or she wishes to file a complaint.

(i) No nonrenewal or cancellation shall be valid unless notice thereof is sent:

1. By certified mail; or

2. By first class mail, if at the time of mailing the insurer has obtained from the Post Office Department a date stamped proof of mailing showing the name and address of the insured, and the insurer has retained a duplicate copy of the mailed notice which is certified to be a true copy.

(j) For the purposes of this subchapter, if an insurer fails to send a notice of nonrenewal as required by this subchapter or fails to issue and deliver a policy replacing at the end of the policy period a policy previously issued and delivered by the insurer, or fails to issue and deliver a certificate or notice extending the term of a policy beyond its policy period or term, the insured shall be entitled to continue the expiring policy at the same terms and premium until such time as the insurer shall send appropriate notice of termination under this subchapter. Nothing in this subchapter shall prohibit an insurer from replacing its policy with a policy issued by another insurer with which it is under common management and control, provided the insurer obtains its policyholder's consent to do so and maintains records of such actions.

(k) An insurer shall not be required to provide notice of nonrenewal or cancellation as specified in this subchapter if the insured has replaced coverage elsewhere or has otherwise specifically requested termination. The insurer must, however, maintain in its file properly documented proof that termination was made at the request of the insured.

11:1-20.3 Policy provisions relating to cancellation

(a) All commercial insurance policy forms issued or renewed on or after 45 days of the effective date of this subchapter must contain provisions that clearly state the grounds upon which the insurer will cancel coverage and that

generally describe the types of conditions or circumstances under which the insurer will initiate cancellation. Such grounds shall include, but need not be limited to, the following:

1. Nonpayment of premium;
2. Moral hazard;
3. Material misrepresentation or nondisclosure to the company of a material fact at the time of acceptance of the risk;
4. Increased hazard or material change in the risk assumed which could not have been reasonably contemplated by the parties at the time of assumption of the risk;
5. Substantial breaches of contractual duties, conditions or warranties that materially affect the nature and/or insurability of the risk;
6. Lack of cooperation from the insured on loss control matters affecting insurability of the risk;
7. Loss or substantial changes in applicable reinsurance;
8. Material increase in exposure arising out of changes in statutory or case law subsequent to the issuance of the insurance contract; and
9. Loss of or reduction in available insurance capacity.

(b) Noting in this subchapter shall prohibit an insurer from issuing a notice of cancellation with respect to any policy which has been in effect for less than 60 days at the time the notice is mailed or delivered, unless the policy is a renewal policy.

11:1-20.4 Submission of underwriting guidelines

(a) Within 20 days of the effective date of this subchapter, insurers shall submit to the Commissioner for review their current underwriting guidelines used for cancellation or nonrenewal of commercial lines coverages which are subject to the provisions of this subchapter. Any amendments or modifications to such guidelines must be submitted to the Commissioner for review no later than 15 days after such amendments are put in use.

(b) If the Commissioner finds that an underwriting guideline being utilized by an insurer is arbitrary, capricious or unfairly discriminatory, the Commissioner shall issue a preliminary order prohibiting the use of such a guideline and shall require such insurer to rescind any notice of cancellation or nonrenewal based on such underwriting guideline which has not yet become effecting pending a hearing. Following the hearing, if the preliminary order is sustained, the Commissioner shall prohibit the further use of such guideline, except that, if the insurer can demonstrate to the Commissioner that it will be significantly prejudiced by the disapproval of such guideline, the Commissioner shall permit the continued use of that guideline, with respect to policies written prior to the date of the preliminary order, during a reasonable run-off period to be specified by the Commissioner in not to exceed three years. If the preliminary order is not sustained, coverage which has been extended pending the hearing may be cancelled by the insurer in accordance with the provisions of N.J.A.C. 11:1-20.2.

(c) In the event that the Commissioner shall issue a preliminary order disapproving an underwriting guideline being used by an insurer pursuant to (b) above, the insurer may request an expedited hearing on the Commissioner's preliminary order.

(d) With respect to retrospectively rated risks and multi-state location risks with principal headquarters outside the state, insurers shall maintain records of those policies which are either cancelled or nonrenewed and the reasons upon which such termination was based.

11:1-20.5 Policy provisions

No policy shall contain provisions which are inconsistent with the requirements of this subchapter.

11:1-20.6 Separability

If any provision of this subchapter or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the subchapter and the application of such provision to other persons or circumstances shall not be affected thereby.

11:1-20.7 Penalties

In addition to any other penalty authorized by law, the Commissioner may order the immediate reinstatement without lapse of any policy which has been cancelled in violation of the provisions of this subchapter and may, after notice and a hearing, impose penalties as prescribed by N.J.A.C. 17:29A-1 et seq., 17:29AA-1 et seq., 17:29B-7 and 11, 17:30C-1 et seq., 17:32-1 et seq. and 17:33-2.

11:1-20.8 Duration

Unless earlier repromulgated by the Commissioner, this subchapter shall expire two years after it becomes effective.

SUBCHAPTER 22. PROHIBITION OF CERTAIN CANCELLATION AND NONRENEWAL ACTIVITY

11:1-22.1 Scope

(a) This subchapter shall apply to all commercial insurance policies which are in force, issued or renewed on or after the effective date of this subchapter by companies licensed to do business in this State except workers' compensation insurance, employers' liability, fidelity, surety, performance and forgery bonds, ocean marine and aviation insurance and accident and health insurance and any policy written by a surplus lines insurer. This subchapter shall not be applicable to multi-state location risks which do not have their principal headquarters in the state.

(b) These rules are not exclusive, and the Commissioner may also consider other provisions of statutes and regulations to be applicable to the circumstances or situations addressed herein.

11:1-22.2 Prohibitions

(a) The following acts or practices are specifically prohibited with respect to those policies subject to the provisions of this subchapter:

1. Effecting or attempting to effect a mid-term premium increase and/or a reduction in the amount or type of coverage provided under the policy without the insured's consent, unless prior written approval therefor has been obtained from the Commissioner.

2. Block nonrenewing entire lines or classes of insurance, except pursuant to a plan submitted to the Commissioner at least 60 days in advance of its implementation date which is not disapproved within 30 days after its filing with the Commissioner. For the purpose of this paragraph, the termination or attempted termination of an appointed agency solely to achieve the block nonrenewal of entire lines or classes of insurance shall be deemed a nonrenewal subject to this paragraph.

3. Block cancelling entire lines of insurance or classes of business except pursuant to a plan approved by the Commissioner. For the purposes of this paragraph, the termination or attempted termination of an appointed agency solely to achieve the block cancellation of entire lines of insurance or

entire classes of business shall be deemed a cancellation subject to this paragraph.

(b) Notwithstanding (a)2 and (a)3 above, an insurer may cancel or nonrenew a line or class of business where such cancellation or nonrenewal is necessary because of loss or substantial changes in applicable reinsurance by filing a plan with the Commissioner pursuant to the requirements of this subsection. The insurer's plan must be filed with the Commissioner at least 10 days prior to the issuance of any notice of cancellation or nonrenewal. Any such plan shall contain a certification by an elected officer of the company:

1. That the loss or substantial change in applicable reinsurance necessitates the cancellation or nonrenewal action:

2. That the insuree has made a good faith effort to obtain replacement reinsurance but was unable to do so due to either the unavailability or unaffordability of replacement insurance:

3. Identifying the category of risks, the total number of risks written by the company in that category, and the number of risks intended to be cancelled or nonrenewed:

4. Identifying the total amount of the insurer's net retention for the risks intended to be cancelled or nonrenewed:

5. Identifying the total amount of risk ceded to each reinsurer and the portion of that total that is no longer available:

6. Explaining how the loss of or reduction in reinsurance affects the company's risks throughout the entire line or category of insurance proposed for cancellation and/or nonrenewal:

7. Explaining why cancellation and/or nonrenewal is necessary to cure the loss of or reduction in available reinsurance; and

8. Explaining how the cancellations or nonrenewals, if approved, will be implemented with respect to individual risks and the steps that will be taken to ensure that the cancellation/nonrenewal decisions will not be applied in an arbitrary, capricious or unfairly discriminatory manner.

(c) Notwithstanding (a)2 and (a)3 above, an insurer may cancel or nonrenew a line or class of insurance based upon a material increase in exposure arising out of changes in statutory or case law subsequent to the issuance of the insurance contract or loss of or reduction in available insurance capacity by filing a plan with the Commissioner pursuant to the requirements of this subsection. The insurer's plan must be filed with the Commissioner at least 10 days prior to the issuance of any notice of cancellation or nonrenewal.

(d) Notwithstanding (a)2 and (a)3 above, an insurer may nonrenew a line or class of insurance based upon agency termination by filing a plan with the Commissioner pursuant to the requirements of this subsection. The insurer's plan must be filed with the Commissioner at least 10 days prior to the issuance of any notice of nonrenewal.

11:1-22.3 Penalties

In addition to any other penalty authorized by law, the Commissioner may order the immediate reinstatement without lapse of any policy which has been cancelled in violation of the provisions of this subchapter and may, after notice and a hearing, impose penalties as prescribed by N.J.S.A. 17:29A-1 et seq., 17:29AA-1 et seq., 17:29B-7 and 11, 17:30C-1 et seq., 17:32-1 et seq. and 17:33-2.

11:1-22.4 Duration

Unless earlier repromulgated by the Commissioner, this subchapter shall expire two years after its effective date.

LAW AND PUBLIC SAFETY

(a)

BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Application and Examination Fees

Proposed New Rule: N.J.A.C. 13:31-1.11

Authorized By: Board of Examiners of Electrical Contractors, Earle Harder, Chairman.

Authority: N.J.S.A. 45:1-3.2 and 45:5A-6.

Proposal Number: PRN 1986-38.

Submit comments by April 2, 1986 to:

Christine T. DeGregorio

Executive Secretary

Board of Examiners of Electrical Contractors

1100 Raymond Boulevard, Room 503

Newark, New Jersey 07102

The agency proposal follows:

Summary

The fee paid by applicants for initial examination for an electrical contractor's license was set by the Electrical Contractors Licensing Act of 1962 at \$25.00. The fee for reexamination for failing candidates was \$15.00. These fees have remained the same since then. The Board has now decided that it will use as its licensing examination an examination developed by the Education Testing Service (ETS), the Multistate Electrical Licensing Test (MELT). The cost of purchasing this examination from ETS will be \$35.00 for each applicant. The Board is therefore now proposing a fee rule to establish this amount as the examination fee for applicants, and to add a separate application fee of \$25.00 to cover the costs of processing applications. The fee for re-examination will also be \$35.00.

Social Impact

The establishment of the new fee is necessary to enable the Board to utilize the MELT examination. This examination is presently being used by seven other states. It has been developed by ETS, a nationally known and respected testing service, and has been found by the Board to be a valid test of whether applicants for an electrical contractor's license meet Board standards for licensure. The use of this test will thus have a beneficial impact on the Board, applicants for licensure and the public.

Economic Impact

The proposed new rule will require applicants to pay a total of \$60.00 in fees for taking the examination the first time instead of \$25.00. The reexamination fee will be \$20.00 higher. However, these fees have not been raised since 1962, and the Board deems the new fees to be reasonable and not unduly burdensome for applicants. The \$25.00 application fee is necessary to cover the administrative costs of processing applications.

Full text of the proposed new rule follows:

- 13:31-1.11 Fees for application and examinations
 (a) The following fees shall be charged by the Board:
 1. Application fee \$25.00
 2. Examination/Reexamination 35.00

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Notification to Municipalities of Discontinuance of Gas and Electric Service to Residential Customer

Proposed Amendment: N.J.A.C. 14:3-7.15

Authorized By: Board of Public Utilities, Barbara A. Curran, President.
 Authority: N.J.S.A. 48:2-12 and 48:2-13.
 BPU Docket Number: OX 8505531.
 Proposal Number: PRN 1986-33.

Submit comments by April 2, 1986 to:
 Eugene J. Byrne, Esq.
 Regulatory Officer
 Board of Public Utilities
 1100 Raymond Boulevard
 Newark, New Jersey 07102

The agency proposal follows:

Summary

The proposed amendment is the result of a petition for rulemaking filed with the Board of Public Utilities by the New Jersey Fire Safety Commission and the Department of Community Affairs. Notice of said filing was published by the New Jersey Register of July 1, 1985 at 17 N.J.R. 1683.

Subsequent to publication of the notice, discussions among representatives of the Board, petitioners and several utilities culminated in agreement on the terms of the proposed amendment.

The purpose of the amendment is to require and insure that appropriate municipal fire code enforcement officials who request one will be sent a daily list of the residential customer of record and premises located within the municipality whose gas or electric service was discontinued involuntarily on the preceding day.

Social Impact

The proposed amendment is sought by the New Jersey Fire Safety Commission and the Department of Community Affairs to insure that local fire officials will be notified of involuntary disconnections of gas and electric service to residential premises so that fire prevention measures can be taken by them. To the extent that such measures are undertaken and the risk of fires thereby lessened and/or prevented, the amendment will have a positive social impact.

Economic Impact

It is anticipated that the amendment will have only a minor economic impact on gas and electric utility companies who

will be required to send to the municipality in their service area, upon request a list of customers whose service has been discontinued.

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

14:3-7.15 Notification to municipalities of discontinuance of gas and electric service to residential customer

(a) All electric and gas public utilities shall annually notify all municipalities located within their service area that, upon request, they, and/or any enforcing agency enforcing the Uniform Fire Code (N.J.A.C. 5:18) within the municipality, will be sent a daily list of the residential customer of record and premises located within the municipality at which gas or electric service was discontinued involuntarily on the preceding day.

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

(e) Beginning on February 15, 1980, and on every August 15 and February 15 thereafter, all electric and gas utilities shall file with the Board a report containing the following information:

1. (No change.)

2. Those enforcing agencies referred to in (a) above enforcing the Uniform Fire Code which requested the list referred to in (a) above.

[2.] 3. (No change in text.)

TRANSPORTATION

TRANSPORTATION OPERATIONS

The following proposals are authorized by Roger A Bodman, Commissioner, Department of Transportation.

Submit comments by April 2, 1986 to:
 Charles L. Meyers
 Administrative Practice Officer
 Department of Transportation
 1035 Parkway Avenue
 CN 600
 Trenton, New Jersey 08625

(b)

Speed Limits

Routes 18 in Middlesex County, 23 in Sussex County, U.S. 30 in Atlantic County, 94 in Sussex County, and 49 in Salem County

Proposed Amendments: N.J.A.C. 16:28-1.23, 1.25, 1.57, 1.79 and 1.81.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-98.
 Proposal Number: PRN 1986-35.

The agency proposal follows:

Summary

The proposed amendments will establish "speed limit" zones along Routes 18 in the City of New Brunswick and Piscataway Township, Middlesex County; 23 in Wantage

Township, Sussex County; U.S. 30 in Hammonton Town, Atlantic County; 94 in Sparta Township, Sussex County and 49 in Salem City, Quinton Township, Salem County for the safe and efficient flow of traffic, the enhancement of safety and the well-being of the populace.

Based upon requests from the local officials of the affected municipalities, the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The investigations proved that the establishment of "speed limit" zones along Routes 18, 23, U.S. 30, 94 and 49 were warranted.

The Department therefore proposes to amend N.J.A.C. 16:28-1.23, 1.25, 1.57, 1.79 and 1.81 based upon the requests from local officials and the traffic investigations.

Social Impact

The proposed amendments will establish "speed limit" zones along Routes 18 in the City of New Brunswick and Piscataway Township, Middlesex County; 23 in Wantage Township, Sussex County; U.S. 30 in Hammonton Town, Atlantic County; 94 in Sparta Township, Sussex County and 49 in Salem City, Quinton Township, Salem County for the safe and efficient flow of traffic, the enhancement of safety and the well-being of the populace. 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 work force for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of signs. Motorists who violate the rules will be assessed the appropriate fine.

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

16:28-1.23 Route 18

(a) The rate of speed designated for the certain parts of State highway Route 18 described in this section shall be established and adopted as the maximum legal rate of speed thereat:

- 1.-5. (No change.)
- 6. Zone 4:

[(1) Forty-five miles per hour between 400 feet south of Paulus Boulevard and Hamilton Street (Milepost 40.78 to 42.50);]

[(2) City of New Brunswick and Piscataway Township. Thirty-five miles per hour on the College Avenue Bridge between George Street (City of New Brunswick) and River Road Piscataway Township.]

(1) City of New Brunswick: Forty-five miles per hour between 400 feet south of Paulus Boulevard and Route 27 (Milepost 40.78 to 42.21).

7. Zone 5:

(1) City of New Brunswick and Piscataway Township: Fifty-five miles per hour between Route 27 and River Road (Route 514 Spur) (Milepost 42.21 to 43.77).

OFFICE OF ADMINISTRATIVE LAW NOTE: The text at N.J.A.C. 16:28-1.23(b) and (c) was repealed by R.1983 d.232 and should not appear in the New Jersey Administrative Code. See: 15 N.J.R. 519(a), 15 N.J.R. 1036(a).

16:28-1.25 Route 23

(a) The rate of speed designated for the certain parts of State highway Route 23 described in this section shall be

established and adopted as the maximum legal rate of speed thereat:

- 1.-3. (No change.)
- 4. For both directions of traffic:
- i.-ix. (No change.)
- x. Zone eight: 50 mph to a point 1,350 feet north of the center line of the southerly intersection of County Road 519 (Milepost 45.2); thence
- (1) In Wantage Township, Sussex County, 35 mph School Speed Limit in section d, zone eight within the Wantage School Zone during recess when the presence of children is clearly visible from the roadway or while children are going to or leaving school during opening or closing hours.**
- xi.-xiv. (No change.)

16:28-1.57 Route U.S. 30

(a) [In accordance with the provisions of N.J.S.A. 39:4-98] [t]The rate of speed designated for the certain parts of State highway Route U.S. 30 described in this [sub] section shall be established and adopted as the maximum legal rate of speed thereat:

- 1. For both directions of traffic:
- i.-viii. (No change.)
- ix. [50]40 miles per hour [to Fairview Avenue, Town of Hammonton (Milepost 29.58); thence] **between Fairview Avenue and Central Avenue, Town of Hammonton, Atlantic County (Milepost 29.59 to 27.60); thence**
- x. [45 miles per hour to a point 1,350 feet east of Broadway and the Mullica Township (Milepost 26.05); thence] **50 miles per hour between Central Avenue and Mullica Township line in the Town of Hammonton, Atlantic County (Milepost 27.60 to 26.05); thence**
- xi.-xxiii. (No change.)

16:28-1.79 Route 94

(a) The rate of speed designated for the certain part of State highway Route 94 described in this section shall be established and adopted as the maximum legal rate of speed thereat:

- 1. For both directions of traffic:
- i.-xii. (No change.)
- xiii. In Sussex County:
- (1) (No change.)
- (2) Sparta Township:
- (A)-(B) (No change.)
- (C) 35 miles per hour School speed Zone in zone 12 within the Sussex County Vocational School zone during recess when the presence of children is clearly visible from the roadway or while children are going to or leaving school, during opening or closing hours.**
- (3) (No change.)
- xiv.-xxi. (No change.)

16:28-1.81 Route 49

(a) The rate of speed designated for the certain parts of State highway Route 49 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.-vii. (No change.)
- viii. Zone eight: [45 miles per hour in Salem City and Quinton Township to 1,300 feet east of Sherron Avenue (Milepost 11.0); thence]
- (1) City of Salem: 35 miles per hour between Keasbey Street and the City of Salem-Township of Quinton Corporate Line (Milepost 9.8 to 10.11); thence**

(2) **Quinton Township: 45 miles per hour between the Township of Quinton-City of Salem Corporate Line and 1,300 feet east of Sherron Avenue (Milepost 10.11 to 11.00); thence ix.-xii. (No change.)**

(b) The rate of speed designated for the certain parts of State highway [r] Route 49[,] described in this section shall be [and hereby is] established and adopted as the maximum legal rate of speed thereat:

- 1. (No change.)

(a)

**Speed Limits
Route U.S. 9 in Ocean County, 55 in Gloucester County and 36 in Monmouth County**

Proposed Amendment: N.J.A.C. 16:28-1.41, 1.51 and 1.75

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-98.
Proposal Number: PRN 1986-30.

The agency proposal follows:

Summary

The proposed amendments will establish "speed limit" zones along Routes U.S. 9 in Lakewood Township, Ocean County; 36 in Long Branch City, Monmouth County and 55 in Maurice River Township, City of Millville, City of Vineland, Cumberland County; Pittsgrove Township, Salem County and the Townships of Franklin, Elk, Harrison, Mantua, Washington and Deptford and Glassboro Borough, Gloucester County for the safe and efficient flow of traffic, the enhancement of safety and the well-being of the populace.

Based upon requests from the local officials the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The investigations proved that the establishment of "speed limit" zones along Routes U.S. 9, 36 and 55 were warranted.

The Department therefore proposes to amend N.J.A.C. 16:28-1.41, 1.51 and 1.75 based upon the requests from local officials and the traffic investigations.

Social Impact

The proposed amendments will establish "speed limit" zones along Routes U.S. 9 in Lakewood Township, Ocean County; 36 in Long Branch City, Monmouth County and 55 in Maurice River Township, City of Millville, City of Vineland, Cumberland County; Pittsgrove Township, Salem County and the Townships of Franklin, Elk, Harrison, Mantua, Washington and Deptford and Glassboro Borough, Gloucester County for the safe and efficient flow of traffic, the enhancement of safety and the well-being of the populace. 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 work force for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of signs. Motorists who violate the rules will be assessed the appropriate fine.

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

16:28-1.41 Route U.S. 9 including [U.S. 9 and] Parts of Route 35 and **444**

(a) The rate of speed designated for the certain parts of State highway Route U.S. 9 described in this section shall be [and hereby is] established and adopted as the maximum legal rate of speed thereat:

- 1. (No change.)

(b) The rate of speed designated for the certain parts of State highway [r]Route [number] U.S. 9 described in this section shall be [and hereby is] established and adopted as the maximum legal rate of speed thereat:

- 1. (No change.)

(c) The rate of speed designated for State highway Route U.S. 9, including parts of Route 444 (and excluding Garden State Parkway Authority sections) described [herein before] **in this section** shall be [and hereby is] established and adopted as the maximum legal rate of speed for both directions of traffic:

- 1.-25. (No change.)

26. 35 miles per hour to Seventh Avenue, Lakewood Township, **Ocean County** (Milepost 102.04); thence

i. 25 miles per hour School Speed zone within the Cheder Elementary School zone in Lakewood Township, Ocean County during recess when the presence of children is clearly visible from the roadway or while children are going to or leaving school, during opening or closing hours.

- 27.-36. (No change.)

16:28-1.51 Route 55

(a) The rate of speed designated for State highway Route 55 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 [: 55 mph for the entire length of the route except as follows:] **in Maurice River Township, City of Millville, City of Vineland, Cumberland County; Pittsgrove Township, Salem County and the Townships of Franklin, Elk, Harrison, Mantua, Washington and Deptford and Glassboro Borough, Gloucester County:**

i. [Maurice River Township for both directions of traffic:] **50 [mph] miles per hour** between Route 47 and the beginning of the center median (approximately 3,700 feet north of Route 47)[.] (Milepost **20.00 to 20.80**).

ii. [City of Vineland for southbound traffic only: 35 mph between one mile south of Landis Avenue and Sherman Avenue.] **55 miles per hour between the beginning of the center median (approximately 3,700 feet north of Route 47) and Route 42 (Milepost 20.80 to 60.09).**

16:28-1.75 Route 36

(a) The rate of speed designated for the certain parts of State highway Route 36 described in this section shall be established and adopted as the maximum legal rate of speed thereat:

- 1. For both directions of traffic in Monmouth County:

- i.-ii. (No change.)

- iii. Zone 3:

- (1) (No change.)

- (2) Long Branch City: 35 miles per hour [within the corporate limits] **between the West Long Branch Borough-Long Branch City corporate line and 250 feet north of Clifton Avenue-James Street (intersection of Joline Avenue and Route 36) ex-**

cept [with a] 25-miles per hour [school zone for] in the Gregory Elementary School zone, during recess **when the presence of children is clearly visible from the roadway** or while children are going to or leaving[,] school, during opening [and] or closing hours (Milepost 3.90 to [6.50] **5.80**).

(3) **Long Branch City: 45 miles per hour between 250 feet north of Clifton Avenue-James Street (intersection of Joline Avenue and Route 36) and Long Branch City-Monmouth Beach Borough corporate line (Milepost 5.80 to 6.50).**

iv.-x. (No change.)

(a)

**Restricted Parking and Stopping
Route 4 in Bergen County, U.S. 9 in Monmouth
County, and 173 in Hunterdon County**

**Proposed Amendments: N.J.A.C. 16:28A-1.4,
1.7 and 1.52**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1,
39:4-139 and 39:4-199.
Proposal Number: PRN 1986-31.

The agency proposal follows:

Summary

The proposed amendment will establish "no parking bus stop" zones along Route 4 in Englewood City, Bergen County and U.S. 9 in Howell Township, Monmouth County and "no parking" zones along Route 173 in Union Township, Hunterdon County for the safe on/off loading of passengers at established bus stops, the safe and efficient flow of traffic, the enhancement of safety and the well-being of the populace.

Based upon requests from the local officials the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The investigations proved that the establishment of "no parking bus stop" zones along Routes 4 and U.S. 9 and "no parking" zones along Route 173 were warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.4, 16:28A-1.7 and 16:28A-1.52 based upon the requests from local officials and the traffic investigations.

Social Impact

The proposed amendments will establish "no parking bus stop" zones along Routes 4 in Englewood City, Bergen County and U.S. 9 in Howell Township, Monmouth County and "no parking" zones along Route 173 in Union Township, Hunterdon County for the safe on/off loading of passengers at established bus stops, the safe and efficient flow of traffic, the enhancement of safety and the well-being of the populace. 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 work force for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "no parking" zones signs and the local officials the costs for "no parking bus stop" zones signs. Motorists who violate the rules will be assessed the appropriate fine.

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

16:28A-1.4 Route 4

(a) The certain parts of State highway Route 4 described in this section 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-[199]139.

1.-3. (No change.)

(b) The certain parts of State highway Route 4 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.-16. (No change.)

17. **Along the westbound (northerly) side in Englewood City, Bergen County:**

i. **Near side bus stop:**

(1) **Exit ramp to Grand Avenue (Route 93)—Beginning at the easterly curb line of the exit ramp to Grand Avenue (Route 93) and extending 135 feet easterly therefrom.**

18. **Along the eastbound (southerly) side in Englewood City, Bergen County:**

i. **Near side bus stop:**

(1) **Kenwood Street—Beginning at the westerly curb line of Kenwood Street and extending 105 feet westerly therefrom.**

ii. **Mid-block bus stop:**

(1) **Grand Avenue—Beginning 775 feet west of the westerly curb line of Grand Avenue and extending 135 feet westerly thereof.**

16:28A-1.7 Route U.S. 9

(a) (No change.)

(b) The certain parts of State highway Route U.S. 9 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.-38. (No change.)

39. (See proposal at 18 N.J.R. 158(b).)

40. **Along the northbound (easterly) side in Howell Township, Monmouth County:**

i. **Near side bus stops:**

(1) **Strickland Road—Beginning at the southerly curb line of Strickland Road and extending 105 feet southerly therefrom.**

(2) **Casino Drive—Bergerville Road—Beginning at the southerly curb line of Casino Drive—Bergerville Road and extending 105 feet southerly therefrom.**

(3) **West Farms Road—Beginning at the southerly curb line of West Farms Road and extending 105 feet southerly therefrom.**

(4) **Northwoods Place—Stanley Boulevard—Beginning at the southerly curb line of Northwoods Place—Stanley Boulevard and extending 105 feet southerly therefrom.**

ii. **Mid-block bus stop:**

(1) **Jug handle between Casino Drive and West Farms Road—Beginning at the northerly curb line of the jug handle and extending 135 feet northerly therefrom.**

iii. **Far side bus stops:**

(1) **Sunnyside Road—Beginning at the northerly curb line of E. Fifth Street and extending 100 feet northerly therefrom.**

(2) **E. Fifth Street—Beginning at the northerly curb line of E. Fifth Street and extending 100 feet northerly therefrom.**

(3) Georgia Tavern Road—Hulses Road—Beginning at the northerly curb line of Georgia Tavern Road—Hulses Road and extending 130 feet northerly therefrom.

41. Along the southbound (westerly) side in Howell Township, Monmouth County:

i. Near side bus stops:

(1) Strickland Road—Beginning at the northerly curb line of Strickland Road and extending 105 feet northerly therefrom.

(2) Hulses Road—Georgia Tavern Road—Beginning at the northerly curb line of Hulses Road—Georgia Tavern Road and extending 180 feet northerly therefrom.

ii. Mid-block bus stops:

(1) Bergerville Road—Casino Drive—Beginning at the southerly curb line of Bergerville Road—Casino Drive and extending 135 feet southerly therefrom.

(2) Jug handle between Casino Drive and West Farms Road—Beginning at the southerly curb line of the jug handle and extending 135 feet southerly therefrom.

(3) West Farms Road—Beginning 150 feet south of the southerly curb line of West Farms Road and extending 135 feet southerly therefrom.

iii. Far side bus stops:

(1) Sunnyside Road—Beginning at the southerly curb line of Sunnyside Road and extending 100 feet southerly therefrom.

(2) W. Fifth Street—Beginning at the southerly curb line of W. Fifth Street and extending 100 feet southerly therefrom.

16:28A-1.52 Route 173

(a) The certain parts of State highway Route 173 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.)

5. No stopping or standing in Union Township, Hunterdon County:

i. Along both sides:

(1) From a point 500 feet east of the easterly curb line of County Road 635 (Jutland-Norton Road) to a point 500 feet west of the westerly curb line of County Road 635.

(b) The certain parts of State highway Route 173 described in [(b) of] this section are designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is [hereby] granted to erect appropriate signs at the following established bus stops:

1. (No change.)

(a)

Turns

Route 35 in Monmouth County

Proposed Amendment: N.J.A.C. 16:31-1.4

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-183.6 and 39:4-199.1.

Proposal Number: PRN 1986-32.

The agency proposal follows:

Summary

The proposed amendments will establish "no left turn" and "no "U" turn" movements along Route 35 in Shrewsbury Borough, Monmouth County, for the safe and efficient flow

of traffic, the enhancement of safety and the well-being of the populace.

Based upon a request from the local officials the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation proved that the establishment of "no left turn" and "no "U" turn" movements along Route 35 were warranted.

The Department therefore proposes to amend N.J.A.C. 16:31-1.4 based upon the request from local officials and the traffic investigation.

Social Impact

The proposed amendments will establish "no left turn" and "no "U" turn" movements along Route 35 in Shrewsbury Borough, Monmouth County for the safe and efficient flow of traffic, the enhancement of safety and the well-being of the populace. 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 work force for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of signs. Motorists who violate the rules will be assessed the appropriate fine.

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

16:31-1.4 Route 35

(a) Turning movements of traffic on the certain parts of State highway Route 35 described [below] **in this section** are regulated as follows:

1. No left turn:

i.-x. (No change.)

xi. **From the exit of Shrewsbury Office Plaza to north on Route 35 in Shrewsbury Borough, Monmouth County.**

2. (No change.)

3. **No "U" turn in Shrewsbury Borough, Monmouth County:**

i. **Between a point 200 feet north of White Street and a point 400 feet south of Obre Place.**

TREASURY-GENERAL

(a)

DIVISION OF PENSIONS

Police and Firemen's Retirement System Election of Member-Trustee

Proposed Amendment: N.J.A.C. 17:4-1.4

Authorized By: Board of Trustees, Police and Firemen's Pension Fund, Anthony Ferrazza, Secretary.
Authority: N.J.S.A. 43:16A-13(7).
Proposal Number: PRN 1986-29

Submit comments by April 2, 1986 to:
Anthony Ferrazza, Secretary
Police and Firemen's Retirement System
Division of Pensions
20 West Front Street
CN 295
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment permits a person who is the only candidate nominated for a position as a member-trustee to be deemed elected to that position without balloting. The

proposed amendment will eliminate needless expense in situations where only one candidate has been nominated and there is no contest in the election. The proposed procedure will streamline the election process for member-trustees of the Police and Firemen's Retirement System.

Social Impact

The proposed amendment will affect future candidates who seek election for the position of member-trustee within the Police and Firemen's Retirement System.

Economic Impact

The proposed amendment will have no adverse economic impact upon any of the persons who may be affected by the proposed procedure and, in fact, may reduce the administrative costs of conducting such unopposed elections without damaging the candidates involved in such elections.

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

17:4-1.4 Election of member-trustee

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

(c) Nominating petitions:

1.-7. (No change.)

8. If only one candidate is nominated for a position, the candidate is deemed elected to the position without balloting. A notice to the respective membership will be distributed indicating no contest since only one candidate was nominated by petition.

(d) (No change.) _____

RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Rules for Agency Rulemaking

Readoption with Amendments and New Rules: N.J.A.C. 1:30

Proposed: January 6, 1986 at 18 N.J.R. 3(a).

Adopted: February 10, 1986 by Ronald I. Parker,
Acting Director, Office of Administrative Law.

Filed: February 14, 1986 as R.1986 d.60, **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. 52:14B-1 et seq. and 52:14F-5(f),
(h) and (i).

Effective Date: March 3, 1986.

Expiration Date pursuant to Executive Order No.
66(1978): March 3, 1991.

Summary of Comments and Agency Responses:

The Department of Civil Service through Peter J. Calderone, found the regulatory scheme "acceptable" but suggested that a more specific time frame be required for N.J.A.C. 1:30-4.2(b). The OAL concurred and will require 10 business days for the OAL review under N.J.A.C. 1:30-4.2(b).

Civil Service also questioned whether N.J.A.C. 1:30-4.4(b) violated Executive Order No. 66(1978). The OAL believes the provision is consistent with the Executive Order and has also obtained approval from the Office of the Attorney General. The OAL pointed out to the Department that any agency can adopt a shorter expiration date for any rule.

The Department of Human Services through E. John Walzer, Jr., in lieu of a public hearing requested a meeting and Executive Branch Department representative to address rulemaking concerns. The OAL agreed to consider the convening of such a meeting in the future.

The Department of Human Services was also concerned over possible prejudicial delays developing from the OAL compliance review. The OAL disagreed that prejudicial lengthy delays would develop from the review system which has been in operation for five years.

The OAL agreed with the Department of Human Services that a pre-proposal should not be subjected to a N.J.A.C. 1:30-1.12 delay and corrected the provision upon adoption. Any pre-proposal that complies with N.J.A.C. 1:30-3.2 will be published without delay.

The OAL disagreed with the Department of Human Services over its suggestion that OAL shorten the time permitted for legislative review of rulemakings. While the Legislative Regulatory Efficiency Committee is evaluating the legislature's role in rulemaking oversight, the OAL has elected to maintain the status quo.

The OAL agreed with Human Services' concern over N.J.A.C. 1:30-3.2 and upon adoption has amended the rule so that it merely recommends that agencies engaged in a joint proposal utilize a pre-proposal. The OAL also agreed to extend the proposed filing period in N.J.A.C. 1:30-3.6 to 15 days.

The Department of Insurance through Verice Mason, commented upon N.J.A.C. 1:30-3.2, 3.6(a) and 4.4(b) for the same reasons discussed above. For these rules the OAL's responses were identical for those explained above.

The Department of Insurance and the New Jersey Food Council through Barbara McConnell, opposed N.J.A.C. 1:30-3.5 as an entirely unnecessary procedure. The OAL pointed out that the procedure was completely voluntary. The process which has been successfully used by a number of federal agencies is designed to enable an agency to negotiate the exact language for rule proposal. The traditional process as used by most agencies does not provide for public input before an agency drafts a proposal. Without this early input, rulemaking often become an adversarial process.

Furthermore, the negotiation process is separate and apart from any existing methods an agency may utilize to conduct a pre-proposal proceeding. Presumably, if an agency successfully utilizes existing procedure it may never need to negotiate. However, if any State agency wishes to negotiate, the OAL has offered to help in the manner detailed by N.J.A.C. 1:30-3.5.

The Department of the Public Advocate Center for Public Dispute Resolution through James E. McGuire, expressed support for the negotiating a rule concept. The Center also pointed out a number of possible problems with the process. The OAL agreed to monitor these possible problems after the rule becomes operative.

Finally, the OAL received comment from two Deputy Attorneys General. After carefully considering their comments, the OAL made some technical changes to the readoption.

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

CHAPTER 30

RULES FOR AGENCY RULEMAKING

Authority

N.J.S.A. 52:14B-7(g), 52:14F-5f

SUBCHAPTER 1. GENERAL PROVISIONS

1:30-1.1 Short title

The provisions of this chapter shall be known as "The rules for agency rulemaking".

1:30-1.2 Definitions

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

"Act" means the Administrative Procedure Act of 1968, P.L. 1968, c.410, as amended and supplemented by P.L. 1978, c.67 and all other amendments and supplements thereto.

"Administrative Rules and Publications" means that Division of the Office of Administrative Law to which documents shall be submitted, formerly the Division of Administrative Procedure of the Department of State.

"Adopt" means the action whereby a rule is officially approved and authorized for promulgation by an adopting agency.

"Adopting agency" means that agency authorized by law to conduct a rulemaking proceeding.

"Agency" or "State agency" is defined in N.J.S.A. 52:14B-2(a).

"Adopting agency head" means either that person designated by statute as authorized to promulgate rules, or the principal executive officer or an authorized adopting agency.

"Amend" means to adopt a rule which modifies, alters, revises or suspends the operative effect of a previously promulgated rule.

"Code" means the New Jersey Administrative Code, published pursuant to N.J.S.A. 52:14B-7(a).

"Codify" means to devise, pursuant to N.J.S.A. 52:14B-7(f), the form in which rules are published to achieve a logical and consistent arrangement of the provisions.

"Director" means the Director of the Office of Administrative Law.

"Document" means any writing submitted to the Office of Administrative Law by an agency for the purpose of filing, publishing, or other processing pursuant to law. The singular of this term refers to the entirety of each writing although such writing establishes or affects more than one rule or subject matter, or consists of more than one page or part.

"Effective" means that a rule, pursuant to the Constitution, the Act and this chapter, has been duly adopted, filed with the Office of Administrative Law, and in the case of a new rule, amendment, or repeal, promulgated in the New Jersey Register. A readoption is effective upon timely filing with the OAL.

"Exempt agency" means any agency excluded from the requirements of the Administrative Procedure Act because it does not meet the definition of "agency" in N.J.S.A. 52:14B-2(a).

"Exempt rule" means any rule of an exempt agency or a rule of a non-exempt agency which, pursuant to Executive Order 66(1978), does not require an expiration date.

"File" means the action whereby a copy of a document is: received by the Administrative Rules and Publications Division; stamped with the date and time of receipt; entered into the registry; and thereafter accepted for publication by the Director. All documents accepted for publication shall be considered *[files]* *filed* as of the date of receipt.

"Joint Proposal and Joint Adoption" is the process by which two or more agencies, with concurrent or complementary jurisdiction, jointly propose and adopt identical rules, at the same time. The process may be mandated by legislation or voluntarily initiated, where appropriate.

"Negotiating a rule" means the process whereby an agency requests, and the OAL provides a representative to conduct a preliminary, non-adversarial proceeding with respect to a contemplated rulemaking proceeding, and which results in a rule presented to the "adopting agency" head in the form required by N.J.A.C. 1:30-3.1.

"Notice of petition for a rule" means that document described in N.J.A.C. 1:30-3.6 which must be submitted to the Office of Administrative Law for publication in the Register when a request for agency rulemaking action is made by an interested person, pursuant to N.J.S.A. 52:14B-4(f).

"Notice of pre-proposal for a rule" means that document described in N.J.A.C. 1:30-3.2 which must be submitted to the Office of Administrative Law for publication in the New Jersey Register, when an agency determines to conduct, pursuant to N.J.S.A. 52:14B-4(e), a preliminary proceeding with respect to a contemplated rulemaking proceeding or when, pursuant to N.J.A.C. 1:30-3.2, a pre-proposal shall be submitted.

"Notice of proposed rule" means that document described in N.J.A.C. 1:30-3.1 which must be submitted to the Office of Administrative Law for filing and then publication in the New Jersey Register and distribution to the Legislature and interested persons.

"Operative" means that the adopting agency shall enforce and the affected public shall obey the terms of an effective rule. Unless otherwise specified in the rule, a rule becomes operative when effective.

"Organizational rule" means a rule promulgated pursuant to N.J.S.A. 52:14B-3(l), including a description of the structure of the agency; the persons from whom and places from which information, applications and other forms may be obtained; the persons to whom and places to which applications, requests and other submissions may be made.

"Person" means any natural individual, association, board, venture, partnership, corporation, organization, institution and governmental instrumentality recognized by law for any purpose whatsoever.

"Pre-proposal" means a preliminary proceeding for the purpose of eliciting ideas, views and comments of interested persons on a contemplated rulemaking proceeding. This preliminary proceeding precedes the filing of a formal rule proposal.

"Promulgate" means to proclaim officially in the Register and thereby render effective a new rule, amendment or repeal which was duly adopted by an agency and filed with the Office of Administrative Law.

"Propose" means the action whereby an adopting agency submits a notice of proposed rule to the Office of Administrative Law for filing and publication by the Director.

"Readopt" means to conduct a rulemaking proceeding for the purpose of continuing in effect an emergency rule which would otherwise expire pursuant to N.J.S.A. 52:14B-4(c) (see N.J.A.C. 1:30-4.5), or a rule which expires pursuant to the "sunset" provisions of Executive Order No. 66(1978) (see N.J.A.C. 1:30-4.4). In a rulemaking proceeding to readopt a rule, the rule continues in effect upon the timely filing of the notice of adoption with the Office of Administrative Law.

"Register" means the "New Jersey Register" published pursuant to N.J.S.A. 52:14B-7(b).

"Registry" means the serial list of documents submitted for filing with the director.

"Repeal" means to conduct a rulemaking proceeding to declare void a rule, the effect of which is to terminate the legal effect of such rule prospectively only. Any rule so terminated shall continue thereafter to be enforced in and applied to all proceedings, formal or otherwise, initiated pursuant to rule or to law prior to the effective date of such repeal.

"Rule" or "administrative rule" is defined in N.J.S.A. 52:14B-2(e). For purposes of determining effective dates, there are five types of rules: new rules, amendments, repeals, readoptions, and emergency rules.

"Rule activity" means any agency action with respect to a rule authorized or required by the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and including a petition for a rule, a pre-proposal for a rule, and rulemaking proceeding.

ADOPTIONS

“Rulemaking proceeding” means those steps which shall be followed pursuant to the Act and this chapter, for a rule to be validly promulgated, and which include the procedures for proposal of a rule, N.J.A.C. 1:30-3.1 et seq., the proper adoption of a rule, and the procedures upon adoption of a rule, N.J.A.C. 1:30-4.1 et seq.

1:30-1.3 Offices

(a) Division of Administrative Rules and Publications, Office of Administrative Law, is located at Quakerbridge Plaza, Building #9, Quakerbridge Road, Trenton, NJ 08625.

(b) Hours during which documents may be submitted or reviewed are from 9:00 A.M. to 4:00 P.M., Monday through Friday, holidays excepted.

1:30-1.4 Citations to the Code

(a) The New Jersey Administrative Code shall be cited as “N.J.A.C.”

(b) The citation of a particular section of the New Jersey Administrative Code shall include the numerical designations of the title, chapter, subchapter and section referred to, preceded by the initials N.J.A.C. Thus, the section should be cited as N.J.A.C. 1:30-1.4.

1:30-1.5 Citations to the Register

(a) The New Jersey Register shall be cited as “N.J.R.”

(b) The citation to material appearing in the New Jersey Register shall include the volume number, page number and item letter, the volume and page numbers being separated by the initials, “N.J.R.” Thus, the third item of page 27 of the first volume of the Register would be cited as: 1 N.J.R. 27(c).

1:30-1.6 Statutory citations in the Code

Statutory citations will be “N.J.S.A.”, the New Jersey Statutes Annotated. This is for the convenience of the public, but the official copy of any statute will be found in the State’s unpublished compilation of statutes or in the published yearly pamphlet laws.

1:30-1.7 Use of headings

Title, subtitle, chapter, subchapter, section, article, group, part and division headings contained in the Register or Code are not part of the rule, but are intrinsic parts of the publication. As such, these headings may be used in interpreting the rule.

1:30-1.8 Access to documents

(a) Every document or a copy thereof submitted to the Office of Administrative Law for filing shall be maintained on record by the Division of Administrative Rules and Publications.

(b) Any person shall, upon request, be afforded opportunity to examine any document so maintained.

1:30-1.9 Copies of documents; fees

(a) Any person shall be provided copies of filed documents pursuant to the provisions and fee schedules of N.J.S.A. 47:1A-2.

(b) The original of a filed document shall not be released from the custody of the Office of Administrative Law.

1:30-1.10 Forms

From time to time the Office of Administrative Law may adopt as interagency statements the forms and formats which shall be used in rule activities.

ADMINISTRATIVE LAW

1:30-1.11 Computation of time

In computing any period of time fixed by a rule or judicial order, the day of the act or event from which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor legal holiday.

1:30-1.12 Compliance

(a) Upon an initial determination by the OAL, that any proposed or adopted rule, *[pre-proposal for a rule,]* or any notice is not in compliance with the technical or procedural requirements concerning rulemaking, the OAL may temporarily suspend the processing of that document. In such situations, the OAL shall contact the agency to indicate the basis for the initial determination of non-compliance. The OAL and the agency shall then make a final determination regarding noncompliance. The OAL shall assist the agency in a cooperative effort to obtain compliance.

(b) If the OAL determines that there is an issue of non-compliance which concerns statutory authority, related legal issues, or contested case jurisdiction, it shall refer the matter to the Office of the Attorney General for final determination.

1:30-1.13 Invalidation of rule

In the event that a proposed or adopted rule is suspended or otherwise rendered inoperative or ineffective by Court rule or ruling, by legislative action or by Executive Order, the Office of Administrative Law shall, upon receipt of notice of the event, file the notice and publish the notice in the Register and the Code, as appropriate.

1:30-1.14 Filing of a document

(a) Upon receipt of a document for filing there shall be stamped on its face the following:

1. The hour and date of receipt;
2. The word “received”; and
3. The facsimile signature of the Director.

(b) All proposals shall be assigned a proposed rule number (PRN) by Administrative Rules and Publications. All adoptions shall be assigned a rule document number (R.d.) by Administrative Rules and Publications.

(c) Upon acceptance for publication, the document shall be deemed filed as of the date of receipt.

SUBCHAPTER 2. RULEMAKING GENERALLY

1:30-2.1 Clarity of rules

In order to be accepted for filing, a document shall be written in a reasonably simple, clear, understandable manner which is easily readable and offers affected persons and other interested persons fair notice of its provisions. In the case of a rule of a highly complex technical nature, the requirements of simplicity, clarity and understandability shall be applied primarily to the summaries of the rule which are printed with the proposal. The rule itself shall be reasonably simple, clear, and understandable to a person with some subject matter expertise. Any rule activity or notice which does not comply with the technical or procedural requirements concerning rulemaking may be subject to the provisions of N.J.A.C. 1:30-1.12.

1:30-2.2 Incorporation by reference

(a) Specifically designated sections of the following sources may be incorporated into a rule by reference:

1. New Jersey Statutes Annotated;
2. United States Code;
3. New Jersey Session Laws;
4. Code of Federal Regulations;
5. Federal Register;
6. Any uniform system of accounts published by the National Association of Regulatory Utility Commissioners;
7. Any generally available standard published by any of the standardizing organizations listed in the National Bureau of Standards Special Publication 417, Director of United States Standardization Activities or supplements thereto or reissues thereof; or
8. Any other generally available publication approved by the Director.

(b) Any section of a source incorporated by reference shall be made available for public inspection by the adopting agency and shall be available in printed form from the adopting agency or the original source for a reasonable fee.

(c) Any agency incorporating any section of a source by reference shall adopt and file as a rule appropriate language indicating:

1. What is incorporated including either:
 - i. The specific date or issue of the section of the source incorporated; or
 - ii. A statement indicating whether the section incorporated includes future supplements and amendments.
2. Where and how a copy of the section may be obtained.

(d) Except with respect to a section of a source indicated in (a)1 through (a)5 above, an agency shall file with the Office of Administrative Law as part of a proposed or adopted rule a copy of the section incorporated by reference.

(e) Where a State agency rule elaborates on, or summarizes or paraphrases a State or Federal statute or Federal regulation, the rule shall contain a citation of, reference to or footnote on that statute or regulation.

1:30-2.3 Single subject for each section of a rule

Each proposed or adopted section or notice shall embrace but one subject, and that shall be expressed in the title.

1:30-2.4 Authorization for rule activity

(a) A notice of adoption shall be signed by the adopting agency head, or any other person authorized by statute.

(b) A notice of proposed rule or any other rule activity shall be signed either by:

1. The adopting agency head; or
2. By an agency employee who has been duly authorized by the agency head to propose rules, and for whom a written authorization signed by the agency head has been submitted to the Office of Administrative Law.

(c) Any rule activity not properly authorized shall be returned to the agency.

1:30-2.5 Effect of statement for proposed rule

The statements for a proposed rule (N.J.A.C. 1:30-3.1(a)3) and for any change upon adoption of a rule (N.J.A.C. 1:30-4.1(a)5) are not part of the rule, but are intrinsic parts of the proposal and adoption as published in the Register. As such, these statements may be used in interpreting the rule.

1:30-2.6 Official copy of proposed, adopted and promulgated rule

(a) The Register constitutes the authoritative text of any notice printed therein.

(b) The full text printed in the Register of any proposed rule, adopted rule or any change made upon adoption of a proposed rule, constitutes the authoritative text of that proposed rule, adopted rule or change. An official copy of the text printed in the Register shall be kept on file by the OAL.

(c) Where the full text of an adopted rule is not printed in the Register, the full text of the proposed rule printed in the Register, plus the full text of any change printed in the Register upon adoption, constitutes the authoritative text of the adopted and promulgated rule. An official copy of the text printed in the Register shall be kept on file by the OAL.

(d) Where the full text of any proposed rule, adopted rule, or change is not printed in the Register, the authoritative text is the copy submitted by the adopting agency and kept on file by the Office of Administrative Law.

1:30-2.7 Administrative correction

(a) Upon agreement between the adopting agency and the Office of Administrative Law, the Office of Administrative Law may administratively correct a published document. An administrative correction may contain:

1. A correction of spelling, grammar, or punctuation which does not change the meaning or substance of a rule;
2. A correction of codification; or
3. An addition or subtraction of a word or phrase which does not change the substance of a rule and which could be implied from the text and context of the notice of proposed rule or notice of adopted rule.

(b) An administrative correction shall be made by inserting the correction on the official copy of the rule contained on file at the Office of Administrative Law. The OAL employee authorized to make an administrative correction shall date and initial any correction.

(c) An administrative correction shall be effective upon filing.

(d) A notice of any correction of codification or addition of a missing word or phrase shall be published in the Register.

SUBCHAPTER 3. PROPOSAL PROCEDURE

1:30-3.1 Notice of proposed rule

(a) Where the law requires that an agency give notice of its rulemaking proceedings, the agency shall prepare a "notice of proposed rule" and submit the notice to the OAL. The notice of proposed rule shall include:

1. ***[The]* *A proposed*** N.J.A.C. citation of the ***[proposed]*** new rule, amendment, repeal or readoption.
2. The name of the adopting agency head and agency and the signature of the adopting agency head or other authorized signatory as provided in N.J.A.C. 1:30-2.4.

3. ***A citation to the specific statutory authority for the proposed rule.*** An agency may not cite its general statutory authority unless specific legal authority is unavailable and the agency is relying on its general or residual powers, in which case a statement to that effect shall be made in the summary.

4. An announcement of the public's opportunity to be heard regarding the proposed rule, which shall include:

- i. When, where, and how persons may present their views orally or in writing.
- ii. When ***[,]* *and*** where ***[and how,]*** persons may attend any formal rule adoption proceeding.

5. A brief statement for the proposed rule, which shall include:

- i. A summary statement of the proposed rulemaking with a clear and concise explanation of its purpose and effect. The summary shall describe, detail and identify:

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(1) Who and what will be affected by the proposal; and
(2) How, when and where the ***[affect]* *effect*** will occur; and

(3) What the proposal prescribes, proscribes or otherwise mandates; and

(4) What enforcement mechanisms and sanctions may be involved; and

(5) Any other relevant or pertinent information.

ii. A social impact statement which describes the expected social impact of the proposed rulemaking on the public, particularly on any segments of the public proposed to be regulated, and including any proposed or expected differential impact on different segments of the public, including the rulemaking action, and justification therefor.

iii. An economic impact statement which describes the expected costs, revenues, and other economic impact upon governmental bodies of the State, particularly any segments of the public proposed to be regulated.

6. The full text of the proposed new rule, amendment, repeal or readoption, specifically indicating additions and/or deletions of any rule being repealed or renumbered.

(b) Any proposal notice which does not meet the requirements in (a) above may be subject to the provisions of N.J.A.C. 1:30-1.12.

(c) Upon receipt of the proposal notice which conforms to these requirements:

1. The OAL shall submit the notice, other than a notice of a Federally required rule (see N.J.A.C. 1:30-3.7), to the Senate and the General Assembly;

2. The OAL shall publish the notice of proposed rule in the next available issue of the New Jersey Register. Pursuant to N.J.S.A. 52:14B-7(c), any proposal notice which would be cumbersome, or unduly expensive to publish shall not be printed in full. Instead, such proposals shall be summarized in the Register. The proposing agency shall make available the proposed rule and provide ***in*** the notice ***[in]*** the manner in which, and from where, copies may be obtained.

3. The agency shall mail the notice of proposed rule, as filed to those persons who have made timely request of the agency for notice of its rulemaking actions; and

4. The agency shall undertake an additional method of publicity, other than publication in the Register, reasonably calculated to inform ***[the most interested and affected persons of]* *those persons most likely to be affected by or interested in*** the proposed rule.

1:30-3.2 Notice of pre-proposal for a rule

(a) Where pursuant to N.J.S.A. 52:14B-4(e), an agency determines to conduct a preliminary, deliberative proceeding with respect to a contemplated rulemaking proceeding, the agency shall submit a "notice of pre-proposal for a rule" to the OAL for publication in the New Jersey Register at least 30 days prior to submission of any notice of proposed rule on the same subject.

(b) The notice of pre-proposal for a rule shall include:

1. The name of the adopting officer and agency;

2. The subject matter, problem and purpose which the agency contemplates addressing; and, when available, draft text of the contemplated rule;

3. A citation of the legal authority authorizing the contemplated action;

4. An announcement of the public's opportunity to be heard regarding the contemplated action, which shall include:

i. Where, when and how persons may present their comments orally or in writing (see N.J.A.C. 1:30-3.3 Opportunity to be heard); and

ii. When ***[,]* *and*** ***[and how,]*** persons may attend an informal conference or consultation.

5. The title and nature of any committee, and where appropriate, the names and affiliations of any committee members, appointed to advise the agency with respect to any contemplated rulemaking.

(c) ***It is recommended that*** ***[All]* *all*** rulemakings which involve the joint or concurrent promulgation of two or more agencies ("joint proposal and adoption") ***[require]* *utilize*** a pre-proposal.

1:30-3.3 Opportunity to be heard

(a) As part of any proceeding for a pre-proposal, under N.J.A.C. 1:30-3.2, or for a proposed rule, under N.J.A.C. 1:30-3.1, the agency shall accept written submissions for at least 30 days following publication in the Register of the notice of pre-proposal or proposed rule.

(b) Where a public hearing is held as part of a proceeding for a pre-proposal or a proposed rule, the agency shall provide at least 15 days notice thereof. Wherever possible, notice of the public hearing shall be contained in the notice of pre-proposal or proposed rule. Otherwise, notice of the public hearing shall be published in the New Jersey Register or given in another manner reasonably calculated to reach the interested public.

(c) Where a public hearing is requested pursuant to N.J.S.A. 52:14B-4(a)(3), the party making the request shall submit a copy of the request to the Office of Administrative Law for inclusion in the record of the proposed rule.

(d) Any public hearing held in connection with a pre-proposal or a proposed rule shall be conducted according to the procedures outlined in N.J.S.A. 52:14B-4(g).

(e) Where an agency permits any other method of public comment on a pre-proposal or proposed rule, the agency shall provide timely notice of that opportunity in a manner reasonably calculated to reach the interested public.

1:30-3.4 Record of the public comment

(a) The agency shall retain a record of any comments or other material received in response to a pre-proposal (N.J.A.C. 1:30-3.2) or a proposal (N.J.A.C. 1:30-3.1), for a period of one year following the date of publication. The record shall include the following:

1. The date, the method of issuance and a copy of any notices concerning the rule activity, including any notice mailed to interested persons pursuant to N.J.A.C. 1:30-3.1(b)3 and any additional publicity pursuant to N.J.A.C. 1:30-4.1(b)4.

2. A description of the public comments on the notice of proposed rule or pre-proposal for a rule;

i. The names of the persons commenting on the notice of proposed rule or pre-proposal for a rule;

ii. The name ***[and, where feasible, the estimated membership]*** of any trade, craft or professional organization or association making written or oral submissions;

iii. A copy or summary of each written submission and a summary of each oral submission of any person made in response to the notice of proposed rule or pre-proposal for a rule, and any written answer of the agency;

iv. The certificate of the adopting officer attesting that all submissions were examined and that due consideration was given their merits prior to adoption of the proposed rule;

v. A description of the principal points of controversy revealed during the proceeding;

vi. A statement of the reasons for accepting and rejecting the public comments.

3. A description of any public hearing or other proceeding which was held as a result of the pre-proposal or proposed ruling, including:

- i. The date, time and place;
- ii. The name and title or position of the presiding person;
- iii. The nature of the proceeding;
- iv. The recommendations of the hearing officer, in the case of a public hearing conducted pursuant to N.J.S.A. 52:14B-4(g).

(b) The agency shall retain for each rule adopted by it the record of the public comment for a period of not less than three years from the effective date of the subject rule.

(c) The record constitutes an official document of the administrative agency, is evidence of its compliance with the legislative mandate to provide opportunity for public comment, and shall be available for public inspection at the agency.

1:30-3.5 Negotiating a rule

[(a) Where an agency determines to conduct a preliminary deliberative proceeding with respect to a contemplated rulemaking proceeding, the agency may elect to negotiate the contemplated rulemaking proceeding.]

(a) When an agency desires to negotiate the language of a rule proposal, the agency may voluntarily seek the assistance of the OAL in accordance with the following provisions. The negotiating a rule procedure established herein is separate and apart from any methods an agency may utilize to conduct a pre-proposal proceeding.

(b) ***[A written request to negotiate a rule shall be submitted]* *An agency wishing to negotiate a proposal shall submit a written request*** to Administrative Rules and Publications, together with a summary of the subject matter; problem and purpose which the agency contemplates addressing; a list of the interests affected; and the suggested representatives (negotiating team) of these interests.

(c) Each agency and interest group shall have one representative.

(d) A negotiation team shall be composed of no more than 10 members, including the OAL representative.

(e) Administrative Rules and Publications shall review the request, contact the agency and representative of interests, if needed, and then determine whether the subject matter is feasible to negotiate (that is, appropriate for non-adversarial fact-finding and consensus); the interests involved are clearly defined; representatives of the interests sufficiently diverse, and that each representative is accountable to his/her interest group.

(f) Once Administrative Rules and Publications has determined that negotiations should commence, a notice of rule negotiation shall appear in the New Jersey Register. The notice shall identify the subject matter, interests, participants in the negotiation, and the OAL representative. Any interested party who is not heretofore represented on the negotiation team may file a petition for participation with the OAL representative.

(g) The petition for participation shall be a letter addressed to the OAL representative which outlines the petitioner's interests, and why they are not represented by the current composition of the negotiating team. The petition shall be received by OAL no later than 10 days after the notice of negotiation appears in the Register. The OAL representative will then determine within five business days of receipt of the petition whether to include the petitioner.

(h) The OAL representative shall convene the negotiation team within 20 days of notice of negotiation in the Register. The negotiation shall be completed within 10 days of commencement of same, unless all participants agree to continue.

(i) The OAL representative will provide all participants with a final version of a negotiated rule in the form required by N.J.A.C. 1:30-3.1 within 10 days of the completion of the negotiations.

(j) The agency shall either propose the rules negotiated or notify the OAL and all representatives that it rejects the negotiation within 30 days or such further period as agreed between the OAL Director and the head of the agency that had requested the negotiation.

(k) If, after 60 days from the commencement of the negotiation, no negotiated rule has been approved, the OAL representative may terminate the negotiation and disband the negotiating team. A notice of this action shall appear in the next available Register.

1:30-3.6 Notice of petition for a rule

(a) When a person petitions an agency to begin a rulemaking proceeding, pursuant to N.J.S.A. 52:14B-4(f), the agency shall file a notice of the petition with the Office of Administrative Law within ***[five]* *15*** days of receipt of the petition. The notice of petition shall include:

1. The name of the petitioner;
 2. The substance or nature of the rulemaking action which is requested;
 3. The problem or purpose which is the subject of the request; and
 4. The date the petition was received.
5. The OAL shall publish the notice in the next available Register.

(b) Within 30 days of receiving the petition, the agency shall mail to the petitioner, and file with the Office of Administrative Law for publication in the Register, a notice of action on the petition which shall include:

1. The name of the petitioner;
2. The Register citation for the notice of petition, if that notice appeared in a previous Register;
3. Certification by the agency action upon the petition; and
4. The nature or substance of the agency action upon the petition; and
5. A brief statement of reasons for the agency action.

(c) Agency action on a petition may include:

1. Denying the petition;
2. Filing a notice of proposed rule or a notice of pre-proposal for a rule with the Office of Administrative Law; or
3. Referring the matter for further deliberations, the nature of which shall be specified and which shall conclude upon a specified date. The results of these further deliberations shall be mailed to the petitioner and submitted to the OAL for publication in the Register.

(d) Each agency shall prescribe by rule the form of a petition and the procedures for its submission.

1:30-3.7 Federally required rule

(a) Pursuant to N.J.S.A. 52:14B-4.4, a Federally required proposed rule is not required to be submitted to the Legislature.

(b) A proposed rule is a Federally required rule if the specific provisions of the proposed rule are prescribed by Federal statute, rule or ruling, so that the agency exercises no discretion as to whether to promulgate the rule and as to what is prescribed by the rule.

(c) Where an agency claims that a proposed rule is Federal-ly required, the agency shall submit as part of the notice of proposed rule a citation for the Federal statute, rule or ruling involved and an explanation of the Federal requirement.

SUBCHAPTER 4. PROCEDURE UPON ADOPTION

1:30-4.1 Requirements for filing an adopted rule

(a) With each adopted rule submitted for filing the adopting agency shall include:

1. Certification by the adopting agency head, or other person authorized by statute to adopt rules, that the rule was duly adopted according to law and in compliance with the requirements of the Administrative Procedure Act, P.L. 1968, c.410, as amended by P.L. 1978, c.67 and P.L. 1981, c.21, and of this chapter;

2. Where the notice of proposed rule contained the full text of the proposed rule, the text of any changes between the rule as proposed and adopted, specifically indicating insertions and deletions;

3. Where the notice of proposed rule did not contain the full text of the proposed rule, the text of the rule, including the text of any existing rule that is being amended, specifically indicating additions and deletions, and the identity of any existing rule being repealed or renumbered;

4. The operative date of the rule, if later than the date of promulgation in the Register;

5. A summary of any changes between the rule as proposed and as adopted, and the reasons for the changes;

6. A brief description of the public's opportunity to be heard, including:

- i. The type of opportunity to be heard afforded the public;
- ii. The type of notice afforded the public;
- iii. Where and how the record of public comments can be inspected; a summary of the principal comments and points of controversy developed during the rulemaking proceeding including comments received from State, local or other governmental agencies which are not subject to attorney-client or other legal privilege; the reasons for rejection of the public views rejected;

7. The date and occasion of adoption;

8. The expiration date, pursuant to Executive Order No. 66(1978), or exemption therefrom and reasons therefor.

1:30-4.2 Time for filing adopted rule

(a) No adopted rule, other than an emergency rule, organizational rule or a Federally required rule, shall be accepted for filing until either 60 days after the submission of the proposed rule by the Office of Administrative Law to the Senate and Assembly or the passage of whatever comment period is established under N.J.A.C. 1:30-3.3(a), whichever is later.

(b) Any adopted rule submitted for filing shall be reviewed by the Office of Administrative Law *[in a timely manner]* ***not more than 10 business days*** following the receipt of the document by the Office of Administrative Law. Any rule which is found to be in non-compliance with N.J.S.A. 52:14B-1 et seq. and the rules contained in this chapter shall be subject to the provisions of N.J.A.C. 1:30-1.12.

(c) If a proposal has not been adopted and filed with the OAL within one year from the date the proposed rule was published in the New Jersey Register, the proposal expires. Before the rule can be promulgated, the agency must resubmit the proposal for publication in the Register and must comply again with the notice and opportunity to be heard requirements of the Act.

1:30-4.3 Variance between the rule as proposed and as adopted

(a) Where, following the notice of a proposed rule, an agency determines to make changes in the proposed rule which are so substantial that the changes effectively destroy the value of the original notice, the agency shall give a new notice of proposed rule and public opportunity to be heard.

(b) In determining whether the changes in the proposed rule are so substantial, consideration shall be given to the extent that the changes:

1. Enlarge or curtail who and what will be affected by the proposed rule;

2. Change what is being prescribed, proscribed or otherwise mandated by the rule;

3. Enlarge or curtail the scope of the proposed rule and its burden on those affected by it.

(c) Where the changes between the rule as proposed and as adopted are not substantial, the changes shall not prevent the adopted rule from being accepted for filing. Changes which are not substantial include:

1. Spelling, punctuation, technical, and grammatical corrections;

2. Language or other changes, whose purpose and effect is to clarify the proposal or correct printing errors; and

3. Minor substantive changes which do not significantly enlarge or curtail the scope of the rule and its burden, enlarge or curtail who or what will be affected by the rule, or change what is being prescribed, proscribed or mandated by the rule.

1:30-4.4 Executive Order No. 66(1978); expiration date for adopted rule

(a) All adoptions filed with the OAL shall include an expiration date of no more than five years from the date of adoption.

(b) ***[Expiration dates shall be fixed at the chapter level.]***
After March 3, 1986 expiration dates shall be fixed at the chapter level in the following manner:

1. Rules in chapters where subchapters have different expiration dates shall expire on the same date as the last assigned expiration date to a subchapter in that chapter.

2. Rules in chapters in which only one subchapter has an expiration date shall expire on the same date as that subchapter.

3. ***[The expiration date for a rule]*** ***Any amendment*** in a chapter whose subchapters have no expiration date shall ***receive a five year expiration date which shall attach and*** pertain to the entire chapter.

4. The expiration date for a rule in a new chapter shall pertain to the entire chapter.

(c) No expiration date need be included where:

1. The provisions of the rule are prescribed by Federal or State statute, Federal regulation, or Court ruling, so that the agency exercises no discretion as to whether to promulgate the rule and as to what is prescribed by the rule; or

2. The establishment of an expiration date for the rule is precluded by a preemptive State or Federal statute or Federal regulation, or any preemptive agreement made pursuant to such statute or regulation, so that the agency exercise no discretion as to whether to repeal or to amend the rule; or

3. The Governor has waived the requirement of an expiration date for the rule; and

4. The agency establishes in writing that the rule is exempt from the expiration date requirement.

(d) Once an expiration date is established:

1. That expiration date remains effective, irrespective of any subsequent amendments to the rule, short of a complete repeal or complete repromulgation of the whole chapter.

2. Any amendment to that subchapter shall include the expiration date which has been established for the chapter.

(e) In order to maintain the effectiveness of a rule, the rule must be duly proposed, adopted and filed prior to its expiration date. The readopted rule is effective upon filing with the Office of Administrative Law. Any amendments to a readopted rule are effective upon publication.

(f) Any readoption of a rule which is proposed and could be adopted prior to its expiration date, but is not filed for adoption with the OAL until after its expiration date shall be considered a new rule which is effective upon publication in the Register. The new Executive Order No. 66 expiration date shall be calculated from the date of publication.

(g) Any proposed readoption of a rule which has expired before filing the proposal shall be considered a new rule. The documents shall be returned to the agency for refile as a new rule.

1:30-4.5 Certificate for emergency adoption

(a) Any agency adopting an emergency rule pursuant to N.J.S.A. 52:14B-4(c) shall file the following documents with the OAL at the time of submitting the rule. The documents shall include:

1. The agency head's certified order adopting the emergency rule and concurrent proposal, if any.

2. A written summary of the subject matter of the emergency rules, which includes a finding that there is an imminent peril which necessitates emergency proceedings; the basis for the finding; and social and economic factors which bear upon the finding.

3. Statement from the Governor attesting to the existence of an imminent peril which justifies the emergency rulemaking proceeding.

(b) An emergency rule is effective upon filing with the OAL.

(c) Upon filing with the Director, the Office of Administrative Law shall transmit a copy of the emergency rule and the certificate of emergency to the President of the Senate and the Speaker of the General Assembly.

(d) The provisions of an emergency rule may be readopted in compliance with normal rulemaking requirements in order to continue its effect beyond the statutory limits of N.J.S.A. 52:14B-4(c), except that the readopted rule shall be effective upon filing of the notice of adoption with the Director. The provisions of an emergency rule may not be readopted as an emergency rule.

1:30-4.6 Effective date and promulgation of adopted rule

(a) Any rule adopted or readopted as an emergency rule pursuant to N.J.A.C. 1:30-4.5(b) and (d), readopted pursuant to Executive Order No. 66(1978) (see N.J.A.C. 1:30-4.4), or adopted as an organizational rule pursuant to N.J.S.A. 52:14B-4(b) is effective upon filing with the Office of Administrative Law.

(b) Any other adopted rule is effective upon promulgation in the New Jersey Register.

AGRICULTURE

(a)

DIVISION OF DAIRY INDUSTRY

Prohibiting the Sale of Milk Below Cost by Stores

Readopted New Rules: N.J.A.C. 2:53-3

Proposed: December 16, 1985 at 17 N.J.R. 3014(a).
 Adopted: January 27, 1986 by Woodson W. Moffett, Jr., Director, Division of Dairy Industry.
 Filed: January 29, 1986 as R. 1986 d.43, **without change.**

Authority: N.J.S.A. 4:12A-1 et seq., specifically 4:12A-20.

Effective Date: March 3, 1986.

Expiration Date pursuant to Executive Order No. 66(1978): March 3, 1991.

Summary of Public Comments and Agency Responses:

One letter endorsing the adoption of the regulation, as published, was received.

Full text of the adoption follows.

SUBCHAPTER 3. SALES BELOW COST; STORES

2:53-3.1 Sales below cost prohibited

It shall be unlawful and a violation of these regulations for any licensed store to offer for sale or sell milk or milk products at less than the cost thereof as hereinafter defined: but nothing in this regulation shall prevent a store from meeting the price or offer of a competitor for a product or products of like quality sold in similar quantities; provided, however, that the burden of proving and properly documenting the meeting of a competitive price shall rest with the licensee asserting the claim; and provided further that nothing in this subsection shall prohibit bulk, distress or business closing sales if prior notice of such sale has been filed with and approved in writing by the Director, Division of Dairy Industry.

2:53-3.2 Cost defined

The term "cost" as used herein shall include the net invoice cost of the milk and milk products plus all other costs directly or indirectly related to the sale of the milk and milk products. Such cost shall be determined in accordance with generally accepted cost accounting principles and be allocated proportionately to each unit of product sold and shall include without limitation all salaries of executives and officers, all costs of labor, rent, depreciation, selling, maintenance, delivery, license fees, taxes, insurance and all other costs as may be incurred by the store.

BANKING**DIVISION OF BANKING****(a)****Savings Banks: Unsecured Days Funds Transactions****Adopted New Rules: N.J.A.C. 3:6-10**

Proposed: December 16, 1985 at 17 N.J.R. 2936(a).

Adopted: January 31, 1986 by Mary Little Parell,
Commissioner, Department of Banking.

Filed: February 7, 1986 as R.1986 d.48, **without change**.

Authority: N.J.S.A. 17:9A-182.1 and 182.2.

Effective Date: March 3, 1986.

Expiration Date pursuant to Executive Order No.
66(1978): March 3, 1991.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the expired rules adopted as new appears in the
New Jersey Administrative Code at N.J.A.C. 3:6-10.

(b)**Short-Term Investments for Trust Cash****Adopted New Rules: N.J.A.C. 3:6-11**

Proposed: December 16, 1985 at 17 N.J.R. 2937(a).

Adopted: January 31, 1986 by Mary Little Parell,
Commissioner, Department of Banking.

Filed: February 7, 1986 as R.1986 d.49, **without change**.

Authority: N.J.S.A. 17:9A-43.

Effective Date: March 3, 1986.

Expiration Date pursuant to Executive Order No.
66(1978): March 3, 1991.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the expired rules adopted as new appears in the
New Jersey Administrative Code at N.J.A.C. 3:6-11.

ENVIRONMENTAL PROTECTION**DIVISION OF WATER RESOURCES****(c)****Flood Hazard Area Delineation
Revision of the Delineated Flood Hazard Area
of Long Brook and the Manasquan River in
Howell Township, Monmouth County****Adopted Amendment: N.J.A.C. 7:13-7.1**

Proposed: October 7, 1985 at 17 N.J.R. 2324(a)

Adopted: February 6, 1986 by Richard T. Dewling,
Commissioner, Department of Environmental
Protection.

Filed: February 10, 1986 as R.1986, d.50, **without
change**.

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

Effective Date: March 3, 1986.

Expiration Date pursuant to Executive Order No.
66(1978): May 4, 1989.

DEP Docket No. 052-85-09.

Summary of Public Comments and Agency Responses:
The Department of Environmental Protection (Depart-
ment) held a public hearing on this proposal on November
20, 1985, and written comments were solicited through that
date. No comments were received.

No change in the text of N.J.A.C. 7:13-7.1(b) is required,
since only a revision of the flood hazard delineation was
required. A map showing the approximate location of the
revised delineated flood hazard area is on file at the Bureau
of Flood Plain Delineation at 1911 Princeton Avenue, Law-
renceville, New Jersey.

(d)**Flood Hazard Area Delineation****Delineated Flood Hazard Areas of Various
Tributaries and Streams in the Raritan Basin
(Project H)****Adopted Amendment: N.J.A.C. 7:13-7.1**

Proposed: October 21, 1985 at 17 N.J.R. 2492(a).

Adopted: February 6, 1986 by Richard T. Dewling,
Commissioner, Department of Environmental
Protection.

Filed: February 10, 1986 as R.1986 d.51, **with a technical
change** not requiring additional public notice under
N.J.A.C. 1:1-30.

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

Effective Date: March 3, 1986.
 Expiration Date pursuant to Executive Order No.
 66(1978): May 4, 1989.
 DEP Docket No. 056-85-09.

Summary of Public Comments and Agency Responses:

The Department of Environmental Protection (Department) held a public hearing on the proposal on December 4, 1985 and written comments were solicited until December 11, 1985. No comments were received.

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

7:13-7.1 Delineated floodways

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

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

1.-52. (No change.)

53. Van Horn Brook and its Tributary, Cherry Run, Duck Pond Run, Devils Brook, Bee Brook, Shallow Brook, Little Bear Brook, Big Bear Brook, Canoe Brook, Bear Creek, Cranbury Brook, Cedar Brook, Rocky Brook, Bentley's Brook, Clear Brook, Tributary to Cranbury Brook, Sawmill Brook and its Tributary, Tributary to Manalapan Brook, Wigwam Brook, Tributary to Wamaconk Creek, Heathcote Brook and its Tributary, Carters Brook and its Tributary, ***[Heatheate]*** ***Heathcote*** Brook Branch, Switzgable Brook, Six Mile Run Branch and its Tributary, Ten Mile Run and its Tributary 1, Great Ditch, Tributary to Lawrence Brook, Cow Yard Brook, Tributary to Oakey's Brook.

Van Horn Brook from the Princeton Township corporate boundary to approximately 225 feet upstream of Arretton Road; Tributary to Van Horn Brook from the Princeton Township corporate limit to Herrontown Road; Cherry Run from the Princeton Township corporate limit to Cherry Hill Road; Duck Pond Run from its confluence upstream to Penn Lyle Road in West Windsor; Devils Brook from its confluence upstream to Hay Press Road in South Brunswick; Bee Brook from its confluence upstream to approximately 3,000 feet upstream of Scudders Mill By-Pass Road in Plainsboro; Shallow Brook from its confluence upstream to the New Jersey Turnpike in Monroe Township; Little Bear Brook from its confluence upstream to Meadow Road in Windsor; Big Bear Brook from its confluence upstream to Route 33 in East Windsor; Canoe Brook from its confluence upstream to Penn Lyle Road in West Windsor; Bear Creek from its confluence to the West Windsor-Washington Township corporate limit and the reach within East Windsor; Cranbury Brook from its confluence upstream through Plainsboro and Cranbury to Longstreet Road in Monroe; Cedar Brook from its confluence upstream through Cranbury Township to Applegate Road; Tributary to Millstone River from its confluence upstream approximately 3,447 feet; Rocky Brook for the reaches within East Windsor; Bentley's Brook from its confluence to approximately 2,600 feet upstream of Route 33; Clear Brook from its confluence to approximately 565 feet upstream of Union Valley Half Acre Road; Tributary to Cranbury Brook from its confluence to Union Valley Gravel Hill Road; Sawmill Brook from its confluence upstream 4,453 feet within Helmetta Borough; Tributary to Sawmill Brook from its confluence upstream 640 feet within Helmetta Borough; Tributary to Manalapan Brook from its confluence to Mott Avenue within Monroe Township; Wigwam Brook from its confluence up-

stream 7,029 feet; Tributary to Wamaconk Creek from its confluence to Farm Lane within Englishtown; Heathcote Brook from its confluence to 2,959 feet upstream of New Road; Tributary to Heathcote Brook for the reach within South Brunswick, from its confluence upstream to Route 27; Carters Brook for the reach within South Brunswick, from its confluence upstream to Old Road; Tributary to Carters Brook for the reach within South Brunswick, from its confluence upstream to Route 27; Heathcote Brook Branch from its confluence upstream to Route 1; Switzgable Brook from its confluence upstream to New Road; Six Mile Run Branch from Lincoln Highway upstream to approximately 1,200 feet upstream of Stillwell Road; Tributary to Six Mile Run from its confluence upstream to approximately 2,000 feet upstream of Sand Hill Road; Ten Mile Run from Lincoln Highway upstream to approximately 2,000 feet upstream of New Road; Tributary 1 to Ten Mile Run from its confluence upstream to approximately 600 feet upstream of Rumson Road; Great Ditch from its confluence upstream approximately 1,300 feet; Tributary to Lawrence Brook from its confluence upstream 2,915 feet; Cow Yard Brook from its confluence upstream to approximately 516 feet upstream of Deans Lane; and Tributary to Oakey's Brook from its confluence upstream to approximately 970 feet upstream of Henderson Road.

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

AGENCY NOTE: Maps of the approximate location of the delineated flood hazard areas may be reviewed at the Bureau of Flood Plain Delineation at 1911 Princeton Avenue, Lawrenceville, New Jersey.

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Common Procedure Coding System (HCPCS)

Adopted Amendments and New Rules: N.J.A.C. 10:50, 54, 55, 57, 58, 59, 61, 62, 64, 66 and 67

Proposed: June 17, 1985 at 17 N.J.R. 1519(b).

Adopted: February 10, 1986 by Geoffrey S. Perselay,
Acting Commissioner, Department of Human
Services.

Filed: February 10, 1986 as R.1986 d.52, **with changes**
not requiring additional public notice and comment
(see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 30:4D-6a(3)(4)b(5);
6b(1)(3)(5)(6)(7)(8)(10)(12)(15)(16); 7, 7a, 7b, 7c.

Effective Date: March 3, 1986.

Expiration Date pursuant to Executive Order 66(1978):
N.J.A.C. 10:50-3, 10:54-4, 10:57-3, 10:58-3, 10:59-3,
10:61-3, 10:62-4, 10:64-4, and 10:67-3 expire March
3, 1991. N.J.A.C. 10:55-3 expires June 4, 1989 and
N.J.A.C. 10:66-3 expires May 8, 1986.

Summary of Public Comments and Agency Responses:

No comments received.

Summary of Changes Between Proposal and Adoption:

The term HCPCS stands for Health Care Financing Administration Common Procedure Coding System. The CPT-4 stands for Physicians' Current Procedure Terminology, 4th Edition, and is published by the American Medical Association.

The Division of Medical Assistance and Health Services is now adopting the proposal which appeared in the June 17, 1985 issue of the New Jersey Register regarding the HCPCS coding system for the majority of fee-for-service providers participating in the New Jersey Medicaid Program. The Division believes it is necessary to prepare a brief summary due to the scope of the rule and the number of providers affected by it. The summary will indicate those references in the New Jersey Administrative Code that are affected by this adoption. Those references, whether subchapters, sections, subsections, etc., that are being deleted, amended, or added as a new rule are listed below. However, the affected portions of the New Jersey Administrative Code were those that were mentioned in the proposal. The Division does not intend to print the full text of the rule in either the New Jersey Register or the New Jersey Administrative Code. Instead, the Division will place a notice in each affected provider manual and in the New Jersey Administrative Code indicating that the HCPCS Procedure Codes may be obtained from the Division's Administrative Practice Officer. A copy is also available for review at each Medicaid District Office. A complete set of the HCPCS Procedure Codes that are now in use were submitted to the Office of Administrative Law with this adoption. Providers have been issued an individual copy that pertains to the service they render. For example, providers of transportation services were issued a copy of the HCPCS Procedure Codes that pertain to transportation. The following is a list of the manuals, and portions thereof, that are affected by this adoption:

Transportation Services Manual: N.J.A.C. 10:50-1, 3

Delete the text of N.J.A.C. 10:50-1.6, entitled "Transportation services; maximum allowable fees." The procedure codes in this section are no longer in use. The narrative descriptions and the fee schedule have been incorporated into the HCPCS coding system.

Adopt new rule N.J.A.C. 10:50-3, entitled "HCFA Common Procedure Coding System (HCPCS)."

Manual for Physician's Services: N.J.A.C. 10:54-3, 4

Delete and reserve 10:54-3, entitled "Procedure Code Manual." This manual is no longer in use.

Adopt new rule N.J.A.C. 10:54-4, entitled "HCFA Common Procedure Coding System (HCPCS)."

Prosthetic and Orthotic Services Manual: N.J.A.C. 10:55-3

The current reference to the previous procedure code manual should be amended to contain the reference to the HCPCS coding system.

Podiatry Services Manual: N.J.A.C. 10:57-3

Adopt new rule N.J.A.C. 10:57-3, entitled "HCFA Common Procedure Coding System (HCPCS)."

Nurse-Midwifery Services Manual: N.J.A.C. 10:58-3

Adopt new rule N.J.A.C. 10:58-3, entitled "HCFA Common Procedure Coding System (HCPCS)."

Medical Supplier Manual: N.J.A.C. 10:59-3

Delete the current text of N.J.A.C. 10:59-3. The procedure codes and narrative descriptions are no longer in use.

Adopt amended rule N.J.A.C. 10:59-3, entitled "HCFA Common Procedure Coding System (HCPCS)." The following summary should be used for this manual only:

***The Division of Medical Assistance and Health Services utilizes the HCPCS (Health Care Financing Administration's Common Procedure Coding System) as the basis of reimbursement for providers of medical supplies and equipment that participate in the New Jersey Medicaid Program. The HCPCS coding system utilizes procedure codes and narrative descriptions as the basis of reimbursement.**

The HCPCS coding system is not published in the New Jersey Administrative Code but may be obtained from the Administrative Practice Officer, Division of Medical Assistance and Health Services, CN-712, Trenton, New Jersey 08625.*

Independent Laboratory Services Manual: N.J.A.C. 10:61-3

Delete the current text of N.J.A.C. 10:61-3. The procedure codes and narrative descriptions are no longer in use.

Adopt amended rule N.J.A.C. 10:61-3, entitled "HCFA Common Procedure Coding System (HCPCS)."

Vision Care Manual: N.J.A.C. 10:62-4

Delete the current text of N.J.A.C. 10:62-4 because the procedure codes are no longer in use.

Adopt amended rule entitled "HCFA Common Procedure Coding System (HCPCS)." The following summary should be used for this manual only:

***The Division of Medical Assistance and Health Services utilizes the HCPCS (Health Care Financing Administration's Common Procedure Coding System) as the basis of reimbursement for providers of vision care services that participate in the New Jersey Medicaid Program. The HCPCS coding system utilizes procedure codes and narrative descriptions and corresponding fee schedules as the basis of reimbursement. The HCPCS coding system also indicates any limitations on a particular procedure code by the use of qualifiers and/or modifiers. It should be noted that there is no fee schedule for vision care appliances.**

The HCPCS coding system is not published in the New Jersey Administrative Code but may be obtained from the Administrative Practice Officer, Division of Medical Assistance and Health Services, CN-712, Trenton, New Jersey 08625.*

Hearing Aid Services Manual: N.J.A.C. 10:64-4

Adopt new rule N.J.A.C. 10:64-4, entitled "HCFA Common Procedure Coding System (HCPCS)."

The following summary should be used for this manual only:

***The Division of Medical Assistance and Health Services utilizes the HCPCS (Health Care Financing Administration's Common Procedure Coding System) as the basis of reimbursement for hearing aid providers that participate in the New Jersey Medicaid Program. The HCPCS coding system utilizes procedure codes and narrative descriptions the basis of reimbursement.**

The HCPCS coding system is not published in the New Jersey Administrative Code but may be obtained from the Administrative Practice Officer, Division of Medical Assistance and Health Services, CN-712, Trenton, New Jersey 08625.*

Independent Clinic Services Manual: N.J.A.C. 10:66-3

Delete the current text of N.J.A.C. 10:66-3. The policies and procedure codes are no longer in use.

Adopt amended rule N.J.A.C. 10:66-3, entitled "HCFA Common Procedure Coding System (HCPCS)." The summary describing HCPCS appeared in the December 2, 1985 issue of the New Jersey Register as part of the rule governing ambulatory surgical centers (17 N.J.R. 2894(b), at 2900). This summary should be retained.

Psychological Services Manual: N.J.A.C. 10:67-2, 3

Delete the current text of N.J.A.C. 10:67-2.10, because the references and procedure codes are no longer in use.

Adopt new rule N.J.A.C. 10:67-3, entitled "HCFA Common Procedure Coding System (HCPCS)."

Because the full text of the rule is not being printed, the following summary should appear in the appropriate subchapters in the affected manuals except for the Medical Supplier Manual (N.J.A.C. 10:59-3), Vision Care Manual (N.J.A.C. 10:62-4), and Hearing Aid Manual (N.J.A.C. 10:64-4), as noted above.

***The Division of Medical Assistance and Health Services utilizes the HCPCS (Health Care Financing Administration's Common Procedure Coding System) as the basis of reimbursement for providers (insert appropriate manual) services that participate in the New Jersey Medicaid Program. The HCPCS coding system utilizes procedure codes, narrative descriptions and corresponding fee schedules as the basis of reimbursement. The HCPCS coding system also indicates any limitations on a particular procedure code by the use of qualifiers and/or modifiers.**

The HCPCS coding system is not published in the New Jersey Administrative Code but may be obtained from the Administrative Practice Officer, Division of Medical Assistance and Health Services, CN-712, Trenton, New Jersey 08625.*

DIVISION OF PUBLIC WELFARE**(a)****Public Assistance Manual****Child Support and Paternity; Availability of Services and Application Fee for Non-AFDC Applicants; Enforcement Techniques for Overdue Support****Adopted Amendments: N.J.A.C. 10:81-11.2, 11.7, 11.9, and 11.20**

Proposed: December 2, 1985 at 17 N.J.R. 2845(a).

Adopted: February 10, 1986 by Geoffrey S. Perselay, Acting Commissioner, Department of Human Services.

Filed: February 10, 1986 as R.1986 d.55, **without change.**

Authority: N.J.S.A. 44:7-6 and 44:10-3; 45 CFR 302.22, 302.54, 302.75 and 303.105; Child Support Enforcement Amendments of 1984 (P.L. 98-378).

Effective Date: March 3, 1986.

Expiration Date pursuant to Executive Order No. 66(1978): April 16, 1989.

**Summary of Public Comments and Agency Responses:
No comments received.**

Full text of the adoption follows.

10:81-11.2 Eligibility requirements

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

(c) Title IV-D support collections and paternity determinations shall be made available to any individual not receiving AFDC, who files an application with a county IV-D agency.

10:81-11.7 Responsibilities of the State agency

(a) The State Bureau of Child Support and Paternity Programs, located in the Division of Public Welfare, shall be the single organizational unit responsible for the supervision of the administration of the Child Support and Paternity Program. This unit shall be referred to as the Bureau of CSP Programs. Responsibilities of the Bureau of CSP Programs include but are not limited to the following:

Recodify i-ix. as 1-9. (No change in text.)

10. The assessment of a late payment fee of five percent for overdue support, to be applied the first day of the month following the month in which the support was due.

11. To annually send a notice of the amount of support payments collected during the preceding year to individuals who have assigned rights to support, as per N.J.A.C. 10:81-11.2(a)2.

12. The processing of requests from consumer reporting agencies, concerning the amount of overdue support owed by an obligor (see N.J.A.C. 10:81-11.9(a)). ("Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.)

i. Upon receipt of Form CSP-166 (Consumer Credit Request) from a county agency or a direct request from a Consumer Reporting Agency, the Child Support and Paternity Unit (CSPU) shall investigate the status of the person in question, to determine whether that person is identified in a IV-D case as an obligor.

ii. If the person is identified as an obligor but the support account is not more than \$1,000 in arrears, the CSPU will complete Form CSP-167 (Credit Report) and send it to the inquiring consumer reporting agency, indicating that it has been an inappropriate inquiry.

iii. If the person is identified as an obligor and has a support account that is more than \$1,000 in arrears, the CSPU will prepare Form CSP-168 (Notice of Account Disclosure) and send it to the obligor, advising that overdue support is more than \$1,000 and that the consumer reporting agency is to be advised of the amount. The notice will also advise the obligor of procedures to follow for an administrative hearing if the amount owed is contested.

(1) The obligor shall be given 10 days, from the mailing date of Form CSP-168 to request a hearing. If a hearing is requested, Form CSP-169 (Hearing Request) will be forwarded to the Administrative Office of the Courts (AOC). A hearing shall be scheduled within 30 days from the date of receipt of the request. The hearing decision shall be sent to the obligor and simultaneously to the CSPU for further action.

(2) If it is found that the obligor does not owe more than \$1,000, the consumer reporting agency shall be advised, via Form CSP-167.

(3) If it is determined that the obligor does not have an arrearage of more than \$1,000, Form CSP-167 will indicate the request was inappropriate.

10:81-11.9 Responsibilities of the CWA/CSP Unit

(a) This unit shall be responsible for taking appropriate action to locate obligors, to establish paternity and/or secure child support due AFDC recipients and non-AFDC persons; for securing and timely transmittal of all health benefits information, both voluntary and from new or modified court orders for support of AFDC and non-AFDC clients to the State Bureau of Child Support and Paternity and the State Division of Medical Assistance and Health Services; for referral of cases, when the whereabouts of the obligor is unknown, to the State Parent Locator Service; for providing services for location, filiation and obtaining and enforcing support for non-public assistance persons; and for referral of requests from consumer reporting agencies, concerning the amount of overdue support owed by an obligor, to the State Bureau of Child Support and Paternity, via Form CSP-166. (See N.J.A.C. 10:81-11.7(a)1xii regarding responsibilities of the State agency.)

(b)-(g) (No change.)

(h) (See proposals at 17 N.J.R. 369(a) and 17 N.J.R. 2516(b).)

(i)-(k) (See proposal at 17 N.J.R. 369(a).)

(1) Title IV-D services available to non-public assistance persons: Appropriate child support services are to be made available to non-public assistance persons upon application filed by such individual with the IV-D Agency. These services shall include locating obligors, establishing paternity and security support.

1. Form CSP-111, Application for Non-Public Assistance Child Support and Paternity Services: Non-public assistance individuals requesting services from the CWA shall apply for such services by signing Form CSP-111. This form shall be executed in duplicate. (See N.J.A.C. 10:81-11.2(c) regarding application fee.)

1.-5. (No change.)

10:81-11.20 Rules concerning application fee for non-AFDC applicants

(a) Non-AFDC individuals, who do not have an active support order and who do not know the location of the obligor, shall file an application with the CWA/CSP unit. (Individuals with an active support order or those without an active support order who know the whereabouts of the obligor shall file the application for IV-D services at the appropriate county probation department.) See N.J.A.C. 10:81-11.9(j)1 regarding Form CSP-111, Application for Non-Public Assistance Child Support and Paternity Services.

(b) Each non-AFDC applicant shall pay an application fee in the amount of \$5.00.

1. The applicant shall be given a receipt to cover the fee, a copy of which shall be retained in a case record file.

(c) The \$5.00 fee shall be deposited in the Administration Account as an offset against CSP administrative costs.

(a)

Assistance Standards Handbook Recovery of Overpayments

Adopted Amendment: N.J.A.C. 10:82-2.19

Proposed: December 2, 1985 at 17 N.J.R. 2847(a).

Adopted: February 10, 1986 by Geoffrey S. Perselay,
Acting Commissioner, Department of Human
Services.

Filed: February 10, 1986 as R.1986 d.54, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-6 and 44:10-3, and 45 CFR
233.20(a)(13).

Effective Date: March 3, 1986.

Expiration Date pursuant to Executive Order No.
66(1978): July 20, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Summary of Changes Subsequent to Proposal:

The following publication error is being corrected:
At N.J.A.C. 10:82-2.19(a)5ii, the word "to" should be read
"the".

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

10:82-2.19 Overpayments and underpayments.

(a) Overpayments: Overpayment means a financial assistance payment received by or for an eligible unit for the payment month which exceeds the amount for which that unit was eligible. Upon discovery of an overpayment, the CWA shall take all reasonable steps necessary to promptly correct any overpayment as outlined in (a) of this section. The CWA shall seek recovery of all overpayments regardless of fault, including overpayments caused by administrative action or inaction and overpayments resulting from assistance paid pending hearing decisions.

1.-2. (No change.)

3. Liability for overpayments: Liability for an overpayment is established jointly among:

i. The individual responsible for the overpayment;

(1) "Individual responsible for the overpayment" refers to a recipient who, intentionally or otherwise, e.g., by misstatement or omission, obtains overpayment for himself or herself, or the eligible unit.

ii. The overpaid eligible unit;

iii. The individual members of the overpaid eligible unit; and

iv. Any eligible unit of which a member of the overpaid eligible unit subsequently becomes a member.

4. Recovery may be accomplished by securing repayment from the existing income and resources of the eligible unit, by reducing the assistance payable to the eligible unit, by suspending assistance payable to an eligible unit subject to monthly reporting, or by securing repayment through court action, if necessary.

5. In the circumstances of an overpayment to an eligible unit which is currently receiving assistance (including recipients whose overpayment occurred during a prior period of eligibility), the amount may be repaid (in part or in full) by the eligible unit, or the grant shall be reduced by an amount which is equal to 10 percent of the appropriate allowance standard for the family size. The AFDC grant shall be reduced by this amount until such time as the full amount of the overpayment is recovered. For cases subject to monthly reporting, the CWA may deny or suspend assistance for the corresponding payment month in accordance with (a)5ii below. If the grant is reduced to zero because of recovery, members of the eligible unit will continue to be considered recipients of AFDC. If the amount payable because of recovery is less than \$10.00, the AFDC check shall be issued in that lesser amount.

i. (No change.)

ii. The CWA may deny or suspend assistance for the corresponding payment month rather than recover if the eligible unit was ineligible for the budget month, the CWA becomes aware of the ineligibility when the monthly report is submitted, the recipient accurately reported *[to]* *the* budget month's income and other circumstances, and the eligible unit will be eligible for the following payment month.

6. Priority of recovery when a member of the eligible unit is the individual responsible for the overpayment:

i. If the individual responsible for the overpayment is still a member of the overpaid eligible unit, the CWA shall recover the overpayment from that eligible unit.

ii. If the individual responsible for the overpayment is no longer receiving assistance, the CWA shall initiate court action against the responsible individual to recover the overpayment.

(1) If despite CWA action, recovery is not completed through court action, the CWA shall recover the overpayment in accordance with the provisions of (a)7 below.

iii. If the individual responsible for the overpayment is a member of another eligible unit, the CWA shall recover from that unit.

7. Priority of recovery in all other circumstances: In all other circumstances the CWA shall recover all overpayments from those individuals considered liable for the overpayment in the following order:

i. The overpaid eligible unit;

ii. Any eligible unit of which a member of the overpaid eligible unit subsequently becomes a member; or

iii. Any individual members of the overpaid eligible unit whether or not currently recipients.

8. Overpayments to an eligible unit, all members of which are no longer receiving AFDC, shall be recovered by the CWA through a court of appropriate jurisdiction if the family does not voluntarily repay the overpayment. Where the overpayment amount owed by an eligible unit no longer receiving AFDC is less than \$35.00 or it is determined that recovery efforts are no longer cost effective, the CWA shall proceed in accordance with the provisions of (a)13 below.

9. For cases which have both an underpayment and an overpayment, the CWA may offset one against the other in correcting the payment.

10. (No change in text.)

11. In locating former recipients who have outstanding overpayments, the CWA shall use appropriate data sources such as unemployment insurance files, the Division of Taxation, the Department of Motor Vehicles, Bendex, and other data sources relating to current or former recipients.

12. (No change in text.)

13. (No change in text.)

14. The CWA shall not initiate or continue recovery of any outstanding overpayments of assistance that occurred in another state.

(b) Underpayments: Underpayment means a financial assistance payment received by or for an eligible unit for the payment month which is less than the amount for which the unit was eligible, or failure by the CWA to issue a financial assistance payment for the payment month to an eligible unit if such payment should have been issued. Upon discovery of an underpayment, the CWA shall determine the amount underpaid and proceed as follows:

1.-2. (No change.)

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

(a)

**General Assistance Manual
Exempt Unemployment Insurance Benefits
(UIB) Repayments**

Adopted Amendment: N.J.A.C. 10:85-3.3

Proposed: December 2, 1985 at 17 N.J.R. 2849(a).

Adopted: February 10, 1986 by Geoffrey S. Perselay,
Acting Commissioner, Department of Human
Services.

Filed: February 10, 1986 as R.1986 d.57, **without change.**

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

Effective Date: March 3, 1986.

Operative Date: April 1, 1986.

Expiration Date pursuant to Executive Order No.
66(1978): July 25, 1988.

Summary of Public Comments and Agency Responses:

The only comment received was from a municipal welfare department (MWD). The MWD was in favor of the proposal.

Full text of the adoption follows.

10:85-3.3 Financial eligibility

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

(e) Rules concerning unearned income are:

1.-4. (No change.)

5. Income exclusions: The following shall not be counted when determining financial eligibility:

i.-xi. (No change.)

xii. Unemployment Insurance Benefits for which a check(s) was/were issued, endorsed by the payee, and returned to the issuing agency in repayment of an overpayment. Verification shall be by examination of Employment Service Form B-65, Receipt for Refund of Benefits, a copy of which shall be retained in the case record.

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

(a)**General Assistance Manual
Hospital Notices and Billings****Adopted Amendment: N.J.A.C. 10:85-3.3 and
5.2**

Proposed: October 21, 1985 at 17 N.J.R. 2519(a).

Adopted: February 6, 1986 by Geoffrey S. Perselay,
Acting Commissioner, Department of Human
Services.

Filed: February 6, 1986 as R.1986 d.47, **with technical
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

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

Effective Date: March 3, 1986.

Expiration Date pursuant to Executive Order No.
66(1978): July 25, 1988.

Summary of Public Comments and Agency Responses:

A comment was received from W. Bruce Potter, Director
of East Orange Welfare Department, supporting the
procedures established by the amendment.

Summary of Changes Subsequent to Proposal:

At N.J.A.C. 10:85-3.3(g)3i, the word "and" was changed
to "or" to correct a publication error. At N.J.A.C.
10:85-5.2(f)3, reference to Form GA-6C was deleted since the
form is no longer in use.

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

10:85-3.3 Financial eligibility

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

(g) Medical care: Persons found eligible for General As-
sistance maintenance payments in accordance with the
procedures and standards established in this subchapter
(N.J.A.C. 10:85-3) are likewise eligible for medical care (see
N.J.A.C. 10:85-5 regarding provision of medical care). In ad-
dition, certain other individuals and families are eligible for
medical assistance from the MWD or for referral to the county
welfare agency.

1.-2. (No change.)

3. Inpatient hospitalization: Eligibility for payment of inpa-
tient hospital costs described in N.J.A.C. 10:85-5.2 is limited
to situations which exist in i, ii, and iii below.

i. Notice in writing of the admission of the person to the
hospital was received by the MWD within two weeks of the
admission date. The notice must contain, as a minimum, the
name, address (if any), any other available identifying infor-
mation, and the estimated length of hospital stay. The notice
may be in any convenient form ***[and]* *or*** format. The
notice may, when appropriate, also serve as an application for
assistance, provided that the requirements and deadlines for
both are met (see subparagraph iii(3) below).

ii. The hospital bill was received by the MWD within one
year of the date of discharge.

iii. The individual was in income maintenance eligibility
status during at least some part of the hospital stay. This
requirement is met by persons:

(1) Who, at the time of admission, were receiving General
Assistance maintenance payments other than medical pay-
ments.

(2) Who, at the time of admission, had an application for
General Assistance pending and were subsequently found
eligible for maintenance payments other than medical pay-
ments.

(3) Who, after admission but before discharge from the
hospital, applied for General Assistance and were subsequen-
tly found eligible for maintenance payments other than medical
payments. Form PA-1C or any substantially similar document
shall be recognized as establishing the date of an application
for this purpose. The application may also serve as the notice
required under subparagraph i above, provided that the re-
quirements and deadlines for both are met.

iv. Any disputes with respect to the above which cannot be
resolved between the parties involved are to be referred to the
Bureau of Local Operations, DPW for adjudication.

4. (No change.)

10:85-5.2 Inpatient hospital care

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

(f) Payment for hospitalization: Upon certification of hos-
pitalization, the director of welfare shall approve payment as
approved by DPW/BMA which shall cover all items listed in
(c) above.

1.-2. (No change.)

3. Reporting requirements: Each month the municipal di-
rector of welfare shall submit Form GA-6 (Report of As-
sistance Commitments) ***[and Form GA-6C (Hospitalization
Report),]*** to the Division of Public Welfare, recording actual
payments to hospitals for inpatient care made from the Public
Trust Fund Account.

i. Date of submission of form ***[s]***: Form ***[s]*** GA-6 ***[and
6C]*** shall be submitted by the 10th of the month following
the month for which activity is being reported.

(b)**General Assistance Manual
"Workfare" Definition****Adopted Amendment: N.J.A.C. 10:85-10.1**

Proposed: December 2, 1985 at 17 N.J.R. 2849(b).

Adopted: February 10, 1986 by Geoffrey S. Perselay,
Acting Commissioner, Department of Human
Services.

Filed: February 10, 1986 as R.1986 d.56, **without change**.

Authority: N.J.S.A. 44:8-111(d) and 114.

Effective Date: March 3, 1986.

Operative Date: April 1, 1986.

Expiration Date pursuant to Executive Order No.

66(1978): July 25, 1988.

Summary of Public Comments and Agency Responses:

The only comment received was from a municipal welfare
department (MWD). The MWD was in favor of the proposal.

Full text of the adoption follows.

10:85-10.1 Work assignments: "Workfare"

(a) All employable recipients of General Assistance shall participate in work assignments, sometimes referred to as "workfare", in accordance with the provisions of this subchapter. See N.J.A.C. 10:85-3.2(g) regarding registration.

1. "Workfare" definition: "Workfare" means the system by which certain persons perform work or engage in various training or work preparation activities in exchange for their grants of assistance.

(b) (No change.)

(a)

**Medicaid Only Manual
Deeming of Income**

Adopted Amendment: N.J.A.C. 10:94-5.5

Proposed: November 18, 1985 at 17 N.J.R. 2732(a).

Adopted: February 10, 1986 by Geoffrey S. Perselay,
Acting Commissioner, Department of Human
Services.

Filed: February 10, 1986 as R.1986 d.53, **with technical
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-87; 42 CFR 435.20; and 20
CFR 416.1160 through 1169.

Effective Date: March 3, 1986

Expiration Date pursuant to Executive Order No.
66(1978): August 22, 1988.

Summary of Public Comments and Agency Responses:
No comment received.

Summary of Changes Subsequent to Proposal:
Publication errors were corrected in the following paragraphs:

- 10:94-5.5(d)3 "proces" changed to "process"
- (e)3 "parent" changed to "parental"

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

10:94-5.5 Deeming of income

(a) When an applicant/recipient is an adult residing in the same household with his or her ineligible spouse or is a child residing in the same household with his or her parent(s) or spouse of the parent, the income of the ineligible spouse or parent(s) is considered in the determination of financial eligibility. The amount included as income to the applicant/recipient, whether or not it is actually available, is called deemed income and is computed as described in N.J.A.C. 10:94-5.5(c), (d), (e), and (f).

1. Child: For the purpose of this section, a child is an individual who is not married and is under the age of 18 (see N.J.A.C. 10:94-5.3(a)15i regarding earnings of a child who is a student). Additionally, deeming of parental income to a blind or disabled child ceases when the child reaches age 18.

2. (No change.)

(b) Items not included in deeming: In determining the income of an ineligible spouse, parent and/or spouse of a parent, or income of any ineligible children in the household, the following are not included as income:

1.-7. (No change.)

8. The value of in-kind support and maintenance furnished to the ineligible spouse, ineligible parent(s) or ineligible spouse of a parent, and ineligible children in the household:

9.-10. (No change.)

11. Income necessary for a plan to achieve self-support but only if the spouse's or parental income is actually being used according to the plan to achieve self-support.

(c) Deeming of income from spouse to spouse: If the applicant's/recipient's own countable income, as determined in accordance with N.J.A.C. 10:94-5.2, less appropriate exclusions in N.J.A.C. 10:94-5.3, exceeds the applicable Medicaid Only income eligibility standard in Table B at N.J.A.C. 10:94-5.6(c)5, the applicant/recipient is financially ineligible for Medicaid Only based on his or her own countable income, and there is no deeming. However, if the applicant's/recipient's own countable income renders him or her financially eligible for Medicaid Only, the following steps shall be used to compute deemed income:

1. Step 1: Calculate separately the ineligible spouse's earned and unearned income, less any income excluded in accordance with N.J.A.C. 10:94-5.5(b). Do not combine the two totals.

2. Step 2: Determine the living allowance for each ineligible child not receiving public assistance, by subtracting the child's countable income from the amount of the living allowance for an ineligible child in Table A, Figure 1.

3. Step 3: Subtract the living allowance for each ineligible child, determined in Step 2 above, from the unearned income of the ineligible spouse. Subtract any remaining living allowance from the earned income of the ineligible spouse. For any ineligible child receiving public assistance, no living allowance may be subtracted.

4. Step 4: If the total remaining income (earned plus unearned) of the ineligible spouse is equal to or less than the appropriate remaining income amount in Table A, Figure 2, no income is available for deeming to the applicant/recipient. The deeming process stops.

i. Determine the applicant's/recipient's income eligibility for Medicaid Only by comparing his or her own countable income to the appropriate Medicaid Only income eligibility standard in Table B at N.J.A.C. 10:94-5.6(c)5.

5. Step 5: If Step 4 above does not apply, and the ineligible spouse's remaining total income (earned plus unearned) exceeds the appropriate remaining income amount in Table A, Figure 2, the deeming process continues and the applicant/recipient and his or her ineligible spouse are treated as a couple. The following deeming steps shall be used to compute the couple's countable income:

i. Add the ineligible individual's remaining unearned income after the deduction of the living allowance for the ineligible child(ren) to all of the applicant's/recipient's unearned income. Determine the value of in-kind support and maintenance in deeming situations, in accordance with N.J.A.C. 10:94-5.4(a)12.

(1) Do not apply the \$20.00 general income exclusion to the applicant/recipient individual's income before combining the income.

ii. Add the ineligible individual's remaining earned income after deduction of the living allowance for the ineligible child(ren) to all of the applicant's/recipient's earned income.

iii. Treat the two totals of unearned and earned income in the same manner as those of an eligible couple. Apply appropriate income exclusions and compute the couple's countable income as follows:

(1) First, subtract the \$20.00 general income exclusion from the total unearned income. Then, subtract any unused portion of the general income exclusion from the total earned income, if any.

(2) From the remaining earned income, subtract \$65.00 (work expense allowance) and one-half of the remainder of earned income.

(3) Add the remaining earned and unearned income together to arrive at the couple's total countable income.

6. Step 6: If the couple's (applicant/recipient and ineligible spouse) remaining countable income is less than the amount in Table A, Figure 3, for the appropriate living arrangement, the applicant/recipient is financially eligible for Medicaid Only. If the couple's remaining income is equal to or greater than the amount in Table A, Figure 3, for the appropriate living arrangement, the applicant/recipient is financially ineligible for Medicaid Only.

(d) Deeming of income to spouse and child(ren): In situations when an ineligible individual is subject to deeming of his or her income to both an applicant/recipient spouse and an applicant/recipient child, the following deeming procedures are used:

1. Step 1: Determine the amount of income, if any, to be deemed to the applicant/recipient spouse in accordance with the procedures in N.J.A.C. 10:94-5.5(c).

2. Step 2: If, after deeming of income from the ineligible spouse, the adult applicant/recipient is financially eligible for Medicaid Only, there is no income available for deeming to the applicant/recipient child(ren). The deeming process stops.

3. Step 3: If, in the *[proces]* ***process*** of deeming of income to the applicant/recipient spouse, such spouse becomes financially ineligible for Medicaid Only, that portion of deemed income that exceeds the eligibility level in Table A, Figure 3, for the appropriate living arrangement for the adult applicant/recipient shall be deemed to any child applicant/recipient. This income is treated as unearned income to the child.

4. Step 4: If there is more than one child applicant/recipient in the household, divide the deemable income equally among them. However, income is not deemed to any child in excess of that amount which, in combination with his or her own countable income, creates financial ineligibility for the child. That portion of deemed income that exceeds the eligibility level in Table B, for the appropriate living arrangement, shall be available for deeming equally to any other applicant/recipient child(ren) in the household (in accordance with Step 5 below) in addition to their equal shares of the total parental deemable income.

5. Step 5: Combine any income deemed to the eligible child together with any countable income of the eligible child.

i. First, subtract the \$20.00 general income exclusion from the child's unearned income.

ii. If the child's total income is less than the appropriate income eligibility standard in Table B, the child is financially eligible for Medicaid Only.

iii. If the child's total income is greater than the appropriate income eligibility standard in Table B, the child is financially ineligible for Medicaid Only, and that portion of deemed income that exceeds the eligibility level in Table B, for the appropriate living arrangement for the applicant/recipient

child, shall be available for deeming equally to any other applicant/recipient children in addition to their equal shares of the total deemable income.

(e) Deeming of income from a parent (and spouse of a parent) to a child: The computation methods for deeming of income from an ineligible parent (and spouse of a parent) to a child differ depending on the type of parental income.

1. Step 1: Determine the total monthly parental income, both earned and unearned (separately), less any income excluded in N.J.A.C. 10:94-5.5(b). Do not combine the two totals.

i. Determine the living allowance for each ineligible child not receiving public assistance, by subtracting the child's countable income from the amount of the living allowance for an ineligible child in Table A, Figure 1. No allowance may be deducted for a child receiving public assistance.

ii. Subtract the living allowance for each ineligible child, determined in (e)li above, from the unearned income of the parent(s). Subtract any remaining living allowance from the earned income of the parent(s).

iii. The remaining parental income should be treated in accordance with the procedures of Step 2, 3, or 4 below, as appropriate.

2. Step 2: Remaining parental income is earned income only:

i. From the remaining parental earned income, subtract \$85.00 (\$20.00 general income exclusion plus \$65.00 work expense exclusion).

ii. Next, subtract the appropriate parental living allowance for the parent (and spouse of a parent) living in the household. This parental allowance is found in Table A, Figure 4a.

iii. The remaining amount is the income deemed to the applicant/recipient child(ren). This deemed income is treated as unearned income.

iv. Combine any income deemed to the eligible child together with any countable income of the eligible child.

(1) Subtract the \$20.00 general income exclusion from the child's unearned income.

v. If the child's total countable income is less than the appropriate income eligibility standard in Table B, the child is financially eligible for Medicaid Only.

3. Step 3: Remaining *[parent]* ***parental*** income is unearned only:

i. From the remaining parental unearned income, subtract \$20.00 (general income exclusion).

ii. Next, subtract the appropriate parent living allowance for the parent (and spouse of a parent) living in the household. This parental allowance is found in Table A, Figure 4b.

iii. The remaining amount is the income deemed to the applicant/recipient child(ren). This deemed income is treated as unearned income.

iv. Combine any income deemed to the eligible child together with any countable income of the eligible child.

(1) Subtract the \$20.00 general income exclusion from the child's unearned income.

v. If the child's total income is less than the appropriate income eligibility standard in Table B, the child is financially eligible for Medicaid Only.

4. Step 4: Remaining parental income is both earned and unearned:

i. First, subtract the \$20.00 general income exclusion from the remaining parental unearned income. Then, subtract any unused portion of the general income exclusion from the remaining parental earned income.

ii. From the remaining earned income, subtract \$65.00 (work expense allowance) and one-half of the remainder of earned income. Combine any remaining earned income with the remaining unearned income.

iii. Subtract the appropriate parental living allowance for the parent (and spouse of parent) living in the household. This parental allowance is found in Table A, Figure 4c.

iv. The remaining amount is the income deemed to the applicant/recipient child(ren). This deemed income is treated as unearned income.

v. Combine any income deemed to the eligible child together with any countable income of the eligible child.

(1) Subtract the \$20.00 general income exclusion from the child's unearned income.

vi. If the child's total income is less than the appropriate income eligibility standard in Table B, the child is financially eligible for Medicaid Only.

(f) Treatment of income deemed to a child: Any income deemed to a child is treated as unearned income and thus subject to the \$20.00 general income exclusion. If there is more than one applicant/recipient child in the household, the de-emable income is divided equally among them. However, no income is to be deemed in excess of the amount which, when combined with the child's own countable income, creates ineligibility. That portion of deemed income that exceeds the eligibility level in Table B, for the appropriate living arrangement, is available for deeming equally to other applicant/recipient children in the household in addition to their equal shares of the total parental de-emable income. The following steps shall apply in treatment of income deemed to a child:

1. Step 1: Combine any income deemed to the eligible child together with any countable income of the eligible child.

2. Step 2: Subtract the \$20.00 general income exclusion from the child's unearned income.

3. Step 3: If the child's total remaining income is less than the appropriate income eligibility standard in Table B the child is financially eligible for Medicaid Only. The child has no excess deemed income available for other applicant/recipient children.

4. Step 4: If, in the process of deeming of income to an applicant/recipient child, such child becomes financially ineligible for Medicaid Only, that portion of deemed income that exceeds the appropriate income eligibility standard in Table B shall be divided equally among other applicant/recipient children in the household, in addition to their equal shares of the total parental de-emable income, and shall be counted in determining financial eligibility for Medicaid Only for such other children.

(g) (No change in text.)

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Gas Utility Rules Plant Construction

Adopted Amendment: N.J.A.C. 14:6-1.1

Proposed: November 18, 1985 at 17 N.J.R. 2740(a).
Adopted: January 23, 1986 by Board of Public Utilities,
Barbara A. Curran, President.
Filed: February 3, 1986 as R.1986 d.46, **without change**.

Authority: N.J.S.A. 48:2-12, 48:2-13 and 48:2-25.

Effective Date: March 3, 1986.

Expiration Date pursuant to Executive Order No.
66(1978): March 3, 1991.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

14:6-1.1 Plant construction

(a) The construction and installation of plant and facilities of gas utilities must be in accordance with N.J.A.C. 14:3-2.1 (Plant construction). In addition, plant construction and operation, including design, maintenance, security requirements, operator training, must meet the specific requirements of this subchapter.

(b) As a portion of this subchapter relating to utility plant, and all aspects of construction and operation thereof, and as a portion of all other subchapters under Chapter 6, Gas, the Board hereby adopts, by reference, as though set out in full, the following:

1. Current edition (and amendments as issued) of Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards; Part 192, Title 49 of the Code of Federal Regulations (Federal Code).

2. Current edition (and amendments as issued) of Liquefied Natural Gas Facilities: Federal Safety Standards; Part 193, Title 49 of Code of Federal Regulations (Federal Code).

(c) Any such plant and its facilities which were designed and constructed prior to (the effective date of this amended regulation) shall be subject to all the provisions of the Federal Code herein adopted by reference, including effective dates set forth in the Federal Code. When existing facilities are replaced, relocated or significantly altered, the siting, design and construction requirements of the Federal Code sections cited above in (b)1 and 2 shall apply.

(d) If, and when, any controversy arises necessitating the adoption by the Board of more stringent specifications than those set forth in the Federal Code, for construction, operation, maintenance, etc., such specifications shall be effected by regulation duly promulgated by the Board, providing they are compatible with the Federal Code.

(e) The Natural Fuel Gas Code (ANSI Z223.1/NFPA 54), shall apply to the construction, maintenance and all phases

of operation of gas utility plant facilities which are beyond the scope of the Federal Code sections cited above in (b)1 and 2.

ii. (No change.)
(b) (No change.)

TRANSPORTATION

(a)

Restricted Parking and Stopping Route 67 in Bergen County

Adopted Amendment: N.J.A.C. 16:28A-1.71

Proposed: December 16, 1985 at 17 N.J.R. 2967(a).
Adopted: January 17, 1986 by Jarrett R. Hunt, Assistant Chief Engineer, Traffic and Local Road Design.
Filed: January 20, 1986 as R.1986 d.44, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-199.

Effective Date: March 3, 1986.
Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

16:28A-1.71 Route 67

(a) The certain parts of State highway Route 67 described in the section shall be designed 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 westerly (southbound) side in Fort Lee Borough, Bergen County:

- i. (No change.)
- ii. Far side bus stop:
 - (1) Along Palisade Avenue:

(A) Columbia Avenue—Beginning at the southerly curb line of Columbia Avenue and continuing to a point 120 feet south thereof.

2. (No change.)

3. Along the easterly (northbound) side in Fort Lee Borough, Bergen County:

- i. Far side bus stops:
 - (1) (No change.)
 - (2) Along Palisade Avenue:

(A) Kensington Road—Beginning at the northerly curb line of Kensington Road and continuing to a point 120 feet north thereof.

(b)

No Passing Route 26 and 91 in Middlesex County and 35 in Ocean County

Adopted New Rules: N.J.A.C. 16:29-1.49, 1.50 and 1.51

Proposed: December 16, 1985 at 17 N.J.R. 2967(b).
Adopted: January 17, 1986 by Jarrett R. Hunt, Assistant Chief Engineer, Traffic and Local Road Design.
Filed: January 30, 1986 as R.1986 d.45, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-201.1.

Effective Date: March 3, 1986.
Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

16:29-1.49 Route 91

(a) The following certain parts of State highway Route 91 shall be designated and established as "No Passing" zones:

1. That part within North Brunswick Township and City of New Brunswick, Middlesex County and described in drawing number HNPZ-082 dated December 18, 1984.

16:29-1.50 Route 26

(a) The following certain parts of State highway Route 26 shall be designated and established as "No Passing" zones:

1. That part within North Brunswick Township and City of New Brunswick, Middlesex County and described in drawing number HNPZ-083 dated January 22, 1985.

16:29-1.49 Route 35

(a) The following certain parts of State highway Route 35 shall be designated and established as "No Passing" zones:

1. That part within Berkeley Township, Mantoloking, Bay Head and Point Pleasant Boroughs, Ocean County and described in drawing number HNPZ-081 dated December 18, 1984.

EDITOR'S NOTE: Drawings are on file in the Department's Bureau of Traffic Engineering and Safety Programs, 25 Scotch Road, Trenton, New Jersey 08625 and the Office of Administrative Law.

EMERGENCY ADOPTION

AGRICULTURE

(a)

DIVISION OF ANIMAL HEALTH

Avian Influenza

Adopted Emergency Repeal and Concurrent

Proposal: N.J.A.C. 2:5-3.1

Adopted Emergency New Rule and Concurrent

Proposal: N.J.A.C. 2:5-3

Emergency Repeal and Emergency New Rule Adopted:
February 5, 1986 by Arthur R. Brown, Jr., Secretary,
Department of Agriculture.

Gubernatorial Approval (see N.J.S.A. 52:14B(c)):
February 10, 1986.

Emergency Repeal and New Rule Filed: February 11,
1986 as R.1986 d.58.

Authority: N.J.S.A. 4:5-1, 4:5-9 and 4:5-94 to 106.

Emergency Adoption Effective Date: February 11, 1986.

Emergency New Rule Expiration Date: April 12, 1986.

Concurrent Proposal Number: PRN 1986-52.

Submit comments by April 2, 1986 to:

Sidney R. Nusbaum, DVM, Director
Division of Animal Health
New Jersey Department of Agriculture
CN 330
Trenton, New Jersey 08625
Telephone: (609) 292-3965

This repeal and new 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 new rule are being proposed for re-adoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

The agency emergency repeal and adoption, and concurrent proposal follows:

Summary

An outbreak and the potential for the spread of the contagious disease Avian Influenza in New Jersey requires strict compliance by the poultry industry to the standards of poultry sanitation, source control and limitation of possible routes of infection. The Department of Agriculture hereby adopts an emergency new rule to combat the spread of the disease Avian Influenza.

The reoccurrence of clinically severe Avian Influenza in Northeastern United States poultry flocks, including but not limited to New Jersey, Pennsylvania, Massachusetts and possibly New York, places the poultry industry in imminent peril due to the nature of this virus infection. The inter-relationship between the poultry industry in the Northeastern United

States is such that it is extremely likely that an outbreak of this disease in any area is quite likely to be spread. New Jersey, a major transportation link in the Northeastern United States, is in a position to control the spread of such disease by the application of a control system that would insure only uninfected poultry and products are transported from area to area. The application of a control system would permit the continued functioning of the entire poultry industry without any unnecessary burden on the commerce between the States, thus insuring minimal disruption of the industry and maximum protection to the poultry industry.

Social Impact

Owners and buyers of chicken products will experience temporary interruptions in normal trade activities coupled with some increase in transport and operating costs. However, a greater level of protection to the unaffected poultry industry will occur and isolation and eradication of the disease will result.

Economic Impact

The cost of compliance will be minimal compared to the potential of loss by the unchecked spread of the disease. Due to the restrictions of importation by prior permit, inspection and limited transport routes, poultry operations will be protected from loss of birds and reduced egg production. Exhibition will suffer as a result of reduction of entrants. Poultry establishments will be able to continue on a restricted basis applying precautionary measures to prevent spread of infection and with no reduction of labor force.

Full text of the emergency repeal, emergency new rule and concurrent proposal follows (deletions shown in brackets [thus]; additions shown in boldface **thus**).

SUBCHAPTER 3. [POULTRY EMBARGO] AVIAN INFLUENZA

[2:5-3.1 Poultry embargo

(a) By order of the State Board of Agriculture and pursuant to N.J.S.A. 4:5-1 and 4:5-94 to 106 of the agricultural laws of the State of New Jersey hereby order, in order to prevent the spread of highly pathogenic Avian Influenza, an infectious and contagious disease of fowl, that all live fowl and poultry manure and litter originating from the State of Pennsylvania be prohibited entrance into New Jersey except under prior permit issued by the Director of the Division of Animal Health, N.J.D.A., CN 330, Trenton, New Jersey (609) 292-3965.

(b) Day old chicks hatching eggs and eggs for human consumption are exempt from this section but must be in compliance with the Code of Federal Regulations, Part 81.]

2:5-3.1 Poultry importation

(a) **No live poultry originating from those designated areas or counties with confirmed cases of Avian Influenza, so designated by the New Jersey Department of Agriculture, United States Department of Agriculture, or other State Departments of Agriculture shall be allowed into New Jersey for any purpose unless inspected by or under a prior permit of the Department of Agriculture.**

(b) No hatching eggs, chicks or poults shall be allowed into New Jersey from a designated area or county with confirmed cases of Avian Influenza unless inspected by or under a prior permit of the Department of Agriculture.

(c) The New Jersey Department of Agriculture may enter into agreements with the United States Department of Agriculture or the Departments of Agriculture of other states to allow the entrance of those items enumerated in (a) and (b) above, if originating from a designated county or area of Avian Influenza and from a flock operating under the National Poultry Improvement Plan which permit shall include, but not necessarily be limited to the following:

1. Certification of veterinary inspection;
2. Certification of origin;
3. Certification of transportation; and
4. Agreement to follow the rules and orders of the Department of Agriculture.

(d) Permits may be obtained from the Director of the Division of Animal Health, New Jersey Department of Agriculture, CN 330, Trenton, New Jersey 08625, (609) 292-3965.

2:5-3.2 Vehicles

No vehicle shall be used in the transport of poultry, poultry products, feed, litter or manure in New Jersey unless the vehicle is cleaned, outside and in, so as to prevent the transport of the disease prior to every entrance to a market, auction, farm, slaughterhouse, receiving point or station. The driver shall make

an affirmative showing that the vehicle has been so treated and has made no intermediate stops prior to entrance.

2:5-3.3 Equipment

The reuse of crates, flats or containers of any kind capable of transporting poultry or poultry products shall not be permitted except when properly cleaned and disinfected.

2:5-3.4 Routes: Interstate shipment through New Jersey of live poultry

(a) All trucks carrying live poultry through New Jersey for out-of-state markets must confine themselves to interstate highway system roads. All trucks carrying birds for slaughter in New Jersey must follow these routes:

1. All trucks entering New Jersey from Pennsylvania and Delaware for the Vineland vicinity must adhere to the following routes: either across the Delaware Memorial Bridge north on I-295, or the New Jersey Turnpike to Route 322, east on Route 322 to Route 555 south, or Route 40 east to United Poultry on Route 555, south to Park Avenue west and Almond Road. West to B & B Poultry on Route 555, south to Chestnut Avenue, west to South Mill Road to Vineland Kosher Poultry, or across the Commodore Barry Bridge to Route 322 to Route 555.

2. All trucks entering New Jersey from New York must travel on the New Jersey Turnpike to Route 322 east, and follow the above route.

MISCELLANEOUS NOTICES

COMMUNITY AFFAIRS

(a)

THE COMMISSIONER

New Home Warranty and Builders' Registration

N.J.A.C. 5:25

Waiver of Executive Order No. 66(1978)

Authorized By: Governor Thomas H. Kean

Take notice that the New Home Warranty and Builders' Registration regulations adopted by the Department of Community Affairs, N.J.A.C. 5:25, were due to expire on February 3, 1986 pursuant to the sunset provision of Executive Order No. 66(1978). As a result of the impending expiration, there would have been a lapse in the Department's authority to enforce standards for the warranting of new homes and the registration of new home builders in New Jersey.

At the request of Acting Commissioner Gerome R. White, Jr., Governor Kean examined this matter and found that a lapse in the Department's authority to enforce these standards would work to the detriment of the health, safety and welfare of the general public. This lapse would impede the effectiveness and enforcement of an important consumer protection program carried out by the Department.

Accordingly, as Governor of the State of New Jersey and by virtue of the authority vested in him by Executive Order No. 66(1978) to grant a waiver of the requirements in the Order with regard to any administrative regulation and having determined that good cause exists, Governor Kean ordered and directed that the provisions of Executive Order No. 66 be waived as regards the Department of Community Affairs New Home Warranty and Builders' Registration regulations, N.J.A.C. 5:25, for the period February 3, 1986 through March 31, 1986, inclusive of both dates.

EDUCATION

(b)

THE COMMISSIONER

State Plan for the Education of All Handicapped Children

Public Hearings

Take notice that the New Jersey Department of Education, Division of Special Education will receive public comment on the State Plan for the Education of All Handicapped Children. It is the Department's intent that the current State Plan for the Education of All Handicapped Children be extended for

an additional two years for fiscal years 1987 and 1988. This extension will put New Jersey on the regular three year schedule for State Plan submission.

Proposed minor changes and updates of the State Plan were published in the February 18, 1986 New Jersey Register. Additional copies of the State Plan to be amended may be obtained from the 21 offices of the county superintendents of schools. Appendices to the plan and updated charts will be available for review at the Division of Special Education at 225 West State Street in Trenton, New Jersey. If anyone wishes to review the appendices or updated charts, contact Dr. Mari Molenaar at the address/telephone listed below.

Interested agencies, organizations, and individuals are invited to comment on the proposed State Plan, to suggest improvements in the administration of the program and/or to allege that there has been a failure by any entity to comply with applicable statutes and regulations. This is **not** a forum for comment on the "Plan to Revise Special Education."

The public comment period is March 20, 1986 to April 18, 1986. Public hearings are scheduled as follows:

April 8, 1986 4:00 to 6:00 P.M.

East Orange School District
715 Park Avenue
East Orange, NJ
(201) 266-5760

April 9, 1986 4:00 to 6:00 P.M.

Regional Day School at Winslow
198 Coopers Folly Road
Atco, New Jersey
(609) 767-0997

April 10, 1986 4:00 to 6:00 P.M.

Regional Day School at Morristown
W. Hanover Avenue
Morristown, NJ
(201) 539-9630

April 15, 1986 4:00 to 6:00 P.M.

New Jersey State Library-Archives Room
185 West State Street
Trenton, NJ
(609) 292-6200

If anyone wishes to comment on the proposed State Plan, they may request an opportunity to testify or may comment in writing to:

Dr. Mari Molenaar
Division Data Analyst
Division of Special Education
Box CN 500
225 West State Street
Trenton, New Jersey 08625
Telephone: 609-984-7136 or
609-292-0147

ENVIRONMENTAL PROTECTION

(a)

Amendment to the Atlantic County Water Quality Management Plan

Public Notice

The Atlantic County Board of Chosen Freeholders has submitted for approval and plan amendment procedure for the Atlantic County Water Quality Management (WQM) Plan. This amendment provides for a procedure for the revision of the Atlantic County WQM Plan as necessary to maintain the Plan as technically sound and legally defensible document for the implementation of WQM objectives. This WQM Plan was adopted pursuant to the "New Jersey Water Quality Planning Act" (N.J.S.A. 58:11A-1 et seq.) which authorizes county and regional agencies designated by the Governor, to develop and implement areawide WQM Planning programs.

This notice is being given to inform the public that a plan amendment procedure has been developed for the Atlantic County WQM Plan. All information dealing with the aforesaid WQM Plan, the "New Jersey Water Quality Planning Act," and the amendment procedure is located at the office of the NJDEP, Division of Water Resources, Bureau of Planning and Standards, located at 25 Arctic Parkway CN-029, Trenton, N.J. 08625. 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 George Horzepa, Bureau of Planning and Standards, at the NJDEP address cited above. All comments must be submitted within thirty 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 the NJDEP hold a nonadversarial public hearing on the amendment procedure. 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 cited 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.

(b)

Amendment to the Monmouth County Water Quality Management Plan

Public Notice

Take notice that on January 3, 1986 pursuant to the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the "Water Quality Management Planning and Implementation Process" Regulations (N.J.A.C. 7:15-3.4), an amendment to the Monmouth County Water Quality Management (WQM) Plan will allow for the expansion of the Strathmore Sewage Treatment Plant from a capacity of 0.8 million gallons per day (mgd) to 1.0 mgd to provide additional wastewater treatment capacity for new development, was adopted by the Department.

(c)

DIVISION OF WATER RESOURCES

Amendment to the Sussex County Water Quality Management Plan

Public Notice

The New Jersey Department of Corrections has requested an amendment to the Sussex County Water Quality Management Plan. The amendment provides for the construction and operation of a new wastewater treatment plant to service the Annandale High Point Correctional Facility located in High Point State Park. The new treatment plant will be owned and operated by the Department of Corrections.

This notice is being given to inform the public that a plan amendment has been developed for the Sussex County WQM Plan. All information dealing with the aforesaid WQM Plan, and the proposed amendment is located at the office of NJDEP, Division of Water Resources, Bureau of Planning and Standards, 25 Arctic Parkway, CN-029, Trenton, N.J. 08625. It is available for inspection between 8:30 A.M. to 4:00 P.M., Monday through Friday.

Interested persons may submit written comments on the amendment to George Horzepa, Bureau of Planning and Standards, at the NJDEP address cited above. All comments must be submitted within thirty 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 persons may request in writing that NJDEP hold a nonadversarial public hearing on the amendment. This request must state the nature of the issues to be raised at the proposed hearing and must be submitted within thirty days of the date of this public notice to Mr. Horzepa at the NJDEP address cited 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.

(d)

Amendment to the Tri-County Water Quality Management Plan

Public Notice

Take notice that on December 30, 1985 pursuant to the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the "Water Quality Management Planning and Implementation Process" Regulations (N.J.A.C. 7:15-3.4), an amendment to the Tri-County Water Quality Management (WQM) Plan for Evesham Municipal Utilities Authority to accept and treat sewage from the New Jersey Business Park in Evesham Township, Burlington County, was adopted by the Department. The amendment will show the area as a proposed sewer service area on Map 4-3 of the Tri-County WQM Plan.

INSURANCE

(a)

DIVISION OF LEGISLATIVE AND REGULATORY AFFAIRS

Notice of Petition for a Rule: N.J.A.C. 11:1-15.3

New Jersey Automobile Full Insurance Underwriting Association

Petitioner: John T. Paff

Take notice that on January 10, 1986, John T. Paff submitted to the Commissioner of Insurance a petition for rulemaking pursuant to N.J.A.C. 11:1-15. Petitioner is a producer for the New Jersey Automobile Full Insurance Underwriting Association. Applicants to the Association are required to put their New Jersey drivers license numbers on the application for insurance. At times, the Division of Motor Vehicles erroneously reports that the driver's license number is invalid. When the servicing carrier of the Association receives such a report, a notice cancelling the policy is sent to the insured. If the insured corrects the error that has generated the cancellation notice, some insurers refuse to notify the insured by letter that the policy has been reinstated.

Petitioner requests a rule to require servicing carriers of the New Jersey Automobile Full Insurance Underwriting Association to issue written notification of reinstatement to an insured when a cancellation notice has been sent due to errors on the application and those errors are corrected before the cancellation date on the notice.

The Department has reviewed the petition and has concluded that it has merit. However, the Department does not believe that a rule is necessary. The New Jersey Automobile Full Insurance Underwriting Association is governed by a Plan of Operation. The Department may propose amendments to the Plan and certify them if the Board of Directors does not adopt such amendments within 30 days.

The Commissioner has proposed an amendment to the Servicing Carrier Rules of Practice that will require servicing carriers to issue notices of policy continuation when a notice of intent to cancel has been sent in error. Notice of certified amendments to the Plan of Operation are published in the New Jersey Register.

Hazel Frank Gluck, Commissioner of Insurance, has certified that the petition was duly considered pursuant to law.

LAW AND PUBLIC SAFETY

(b)

DIVISION OF MOTOR VEHICLES

Bulk Commodities Application

Public Notice

Take notice that Acting Director, Robert S. Kline, Division of Motor Vehicles pursuant to the authority of N.J.S.A. 38:5E-11 hereby lists the names and addresses of applicants who have filed applications for a common carrier's Certificate of Public Convenience permit to engage in the business of transporting bulk commodities in intrastate commerce.

COMMON CARRIER (NON-GRANDFATHER)

Propane Transport, Inc.
1734 State Route 131
P.O. Box 232
Milford, Ohio 45150

Ray Equipment Corporation
260 South Salem Street
Randolph, NJ 07869

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

(c)

DIVISION OF BUILDING AND CONSTRUCTION

Architect-Engineer Selection

Notice of Assignments: February 4, 1986

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

Last list dated January 3, 1986.

The following assignments have been made:

DBC NO.	PROJECT	A/E	CCE
C280	Life Safety Study Yespen Unit Juvenile Medium Security Institution Bordentown, NJ	Edward A. Sears Associates	\$2,500 Services
C301	Privatization of Wastewater Treatment Plant Leesburg Cumberland County, NJ	Kupper Associates	\$7,084 Services

H855	Paving of Roads/Lots Glassboro State College Glassboro, NJ	Safe International, Inc.	\$40,000
M652	Study for Repair of Power House Stack Woodbine Developmental Center Woodbine, NJ	Stone & Webster Engineering Corp.	\$1,500 Services
H821	Phase III Roof Replacement Stockton State College Pomona, NJ	Bernard De Annuntis & Associates	\$600,000
H743	PCB Testing-Transformers Montclair State College Upper Montclair, NJ	Frank R. Holtaway & Son	\$2,000 Services
M667	Feasibility Study Phragmites Digestion New Lisbon Developmental Center New Lisbon, NJ	Applied Wastewater Technology, Inc.	\$2,000 Service
H837	Replacement of Three Roofs Kean College of New Jersey Union, NJ	Leslie M. Dennis & Son	\$310,000

COMPETITIVE PROPOSALS

Leslie M. Dennis & Son	5.75%
Leo Rutenberg & Associates	10.00%
Dassa-Richardi, Architects	Proposal Not Received on Time

H828	Fire Safety/Health Renovations Fine Arts Building Montclair State College Upper Montclair, NJ	Engineers, Inc.	\$200,000
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COMPETITIVE PROPOSALS

Engineers, Inc.	5.75%
O'Connor, Jeffrey, Kallaur	11.575%
London, Kantor, Umland & Associates	12.0%

P475	New Day Use Complex Wawayanda State Park Highland Lakes, NJ	Goldberg Associates	\$750,000
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COMPETITIVE PROPOSALS

Goldberg Associates	7.85%
Nadasky-Kopelson, PA	8.80%
Mylan Architectural Group	11.90%

P472	Imlaystown Lake/Dam Rehabilitation Upper Freehold Township Monmouth County, NJ	Ebasco Service, Inc.	\$2,000,000
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COMPETITIVE PROPOSALS

Ebasco Services, Inc.	\$71,000 Lump Sum
Metcalf & Eddy, Inc.	\$84,500 Lump Sum
PRC Engineering	\$89,000 Lump Sum

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Diplomat/Consular Sales Tax Exemption
Cards

Public Notice

New National Exemption Cards Issued: The State of New Jersey is required by Federal law to recognize certain immunities from taxation granted to foreign diplomatic and consular personnel residing in this country. Such immunities extend to the exemption from payment of New Jersey sales and use tax on otherwise taxable purchases by those qualified foreign diplomatic and consular personnel. New Jersey currently provides qualified diplomatic and consular personnel with Exempt Diplomat/Consular Permits as evidence of their sales tax exempt status.

Effective February 15, 1986 the sales tax exemption cards presently held by foreign diplomats and consuls will be replaced by new cards issued by the U.S. Department of State, Office of Foreign Missions. The new U.S. Department of State cards will be the only valid exemption cards for use by diplomatic or consular personnel on and after February 15, 1986. All previously issued New Jersey Exempt Diplomat/Consular Permits are invalid as of February 15, 1986 and thereafter cannot be used to support a tax exempt sale in this State.

The U.S. Department of State Tax Exemption Program bulletin provides samples of the new tax exemption cards that will be in effect nationwide.

Four Types of Exemption Cards: The new U.S. Department of State cards provide four distinct categories of exemption, each color coded for easy recognition. The four types of exemption cards are:

1. **Blue** striped cards exempt the bearer from all sales taxes;
2. **Green** striped cards exempt the bearer from all sales taxes **except** for a tax on hotel/motel room occupancy;
3. **Red** striped cards exempt the bearer from all sales tax **only** if taxable purchases in a single transaction exceed the specified dollar amount shown on the back of the card—\$50, \$100, \$150 or \$200. In determining if the appropriate minimum dollar amount has been reached, vendors shall include only those taxable items purchased in the same transaction (all items on a single bill). Purchases made in separate transactions may not be aggregated to reach the minimum exemption level. When the total taxable purchase price on a single bill does not exceed the figure shown on the back of the red striped card, sales tax must be collected on all taxable items purchased in that transaction;
4. **Mission** cards are issued to foreign diplomatic missions. They are issued with blue, green or red stripes and are subject to the same sales tax exemption restrictions as the individual cards previously mentioned. A mission card may be used for official mission purchases only and not for individual, personal purchases. Sales tax exemption is only provided to the mission representative authorized to make purchases for the mission whose photo appears on the mission card.

Vendor Requirements:

A. Vendors making sales to foreign diplomatic or consular personnel on or after February 15, 1986 should treat such sales as tax exempt provided they:

1. require presentation of the U.S. Department of State Tax Exemption Card. All such cards are white plastic, photo identification cards indicating the name, home nation, and other relevant personal data for proper identification. Each card also contains an expiration date and a tax exemption number, the first two letters of which denote the diplomat's home nation;

2. properly record the transaction. If the transaction involves the creation of a written document (invoice, bill of sale, etc.) the vendor must notate on his file copy the following:

- a. the tax exemption number (including the first two letters) on the back of the identification card;
- b. the color of the stripes on the card; and
- c. the amount of the transaction claimed to be tax exempt.

If the nature of the transaction precludes the creation of a written document, the vendor must prepare a written memo of the transaction containing, in addition to the information delineated at a, b and c above, the transaction date, customer's name and customer's home nation.

Failure to obtain and retain the above information for at least three years may cause the nontaxable status of the transaction to be rescinded.

B. Vendors making sales to foreign diplomatic or consular personnel on or after February 15, 1986 are required to collect

the sales tax if:

- 1. the tax exemption card has expired;
- 2. the amount of purchase is less than the minimum level of exemption shown on the purchaser's red striped card;
- 3. the purchaser identified on the card is not the payer of record. A representative who is authorized to make purchases for a mission cannot use the mission tax exemption card to make personal purchases. Therefore, a vendor cannot accept a personal check of the representative as proof of an exempt sale to a mission;
- 4. a tax exemption card is being used by someone other than the identified individual.
 - a. tax exemption cards are not transferable;
 - b. spouses may not use each other's cards. Eligible spouses are issued separate cards;
 - c. photo on the tax exemption card must be that of purchaser. Check additional identification if photo identification appears questionable.

Additional Information: Questions about the eligibility of diplomatic or consular personnel to sales tax exemption should be directed to the Office of Foreign Missions, U.S. Department of State, Washington, DC 20520, Telephone (202) 673-3842 or (202) 673-3846.

Questions pertaining to the New Jersey sales and use tax should be directed to the New Jersey Division of Taxation, Taxpayer Information Service, 50 Barrack Street, Trenton, NJ 08646, Telephone (609) 292-6400.

REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

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

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

At the bottom of the index listing for each Administrative Code Title is the Transmittal number and date of the latest looseleaf update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the January 6, 1986 issue.

If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers. A proposal may be adopted up to one year after its initial publication in the Register. Failure to adopt a proposed rule on a timely basis requires the proposing agency to resubmit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), as implemented by the Rules for Agency Rulemaking (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index. See: N.J.A.C. 1:30-4.2(d).

Terms and abbreviations used in this Index:

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

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

Document Number. The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of adoption of the rule and its chronological ranking in the Registry. As an example, R.1985 d.300 means the three hundredth rule adopted in 1985.

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

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

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

MOST RECENT UPDATE TO THE ADMINISTRATIVE CODE: DECEMBER 16, 1985.

NEXT UPDATE WILL BE DATED JANUARY 21, 1986.

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

N.J.R. CITATION LOCATOR

If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register	If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register
17 N.J.R. 503 and 634	March 4, 1985	17 N.J.R. 2171 and 2318	September 16, 1985
17 N.J.R. 635 and 762	March 18, 1985	17 N.J.R. 2319 and 2484	October 7, 1985
17 N.J.R. 763 and 858	April 1, 1985	17 N.J.R. 2485 and 2584	October 21, 1985
17 N.J.R. 859 and 1006	April 15, 1985	17 N.J.R. 2585 and 2710	November 4, 1985
17 N.J.R. 1007 and 1158	May 6, 1985	17 N.J.R. 2711 and 2814	November 18, 1985
17 N.J.R. 1159 and 1358	May 20, 1985	17 N.J.R. 2815 and 2934	December 2, 1985
17 N.J.R. 1359 and 1460	June 3, 1985	17 N.J.R. 2935 and 3032	December 16, 1985
17 N.J.R. 1461 and 1608	June 17, 1985	18 N.J.R. 1 and 128	January 6, 1986
17 N.J.R. 1609 and 1700	July 1, 1985	18 N.J.R. 129 and 234	January 21, 1986
17 N.J.R. 1701 and 1818	July 15, 1985	18 N.J.R. 235 and 376	February 3, 1986
17 N.J.R. 1819 and 1954	August 5, 1985	18 N.J.R. 377 and 446	February 18, 1986
17 N.J.R. 1955 and 2070	August 19, 1985	18 N.J.R. 447 and 506	March 3, 1986
17 N.J.R. 2071 and 2170	September 3, 1985		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW—TITLE 1				
1:1-3.8	Attorney disqualification from a case	18 N.J.R. 2(a)		
1:1-14.6	Consolidated cases involving exempt agencies	18 N.J.R. 130(a)		
1:2-2.1	Civil Service cases: pre-proposal concerning conference hearings	17 N.J.R. 2072(a)		
1:2-2.1, 2.4	Conference hearings and employee/employer disputes	17 N.J.R. 2712(a)	R.1986 d.33	18 N.J.R. 414(a)
1:6A-5.4	Special education hearings: placement of child pending an appeal	17 N.J.R. 2586(a)		
1:30	Agency rulemaking	18 N.J.R. 3(a)	R.1986 d.60	18 N.J.R. 469(a)

(TRANSMITTAL 16, dated November 18, 1985)

AGRICULTURE—TITLE 2				
2:5-3	Avian influenza	Emergency	R.1986 d.58	18 N.J.R. 488(a)
2:53-3	Milk sales below cost by stores	17 N.J.R. 3014(a)	R.1986 d.43	18 N.J.R. 476(a)
2:32-2	Sire Stakes Program	18 N.J.R. 236(a)		
2:32-2.36, 3	Sire Stakes Program: appeals	17 N.J.R. 2320(a)	R.1986 d.18	18 N.J.R. 266(a)
2:48-5	Use of coupons in milk promotions	17 N.J.R. 2486(a)	R.1985 d.649	18 N.J.R. 77(a)
2:90-1.5, 1.14	Soil conservation plan certifications; minor subdivisions	17 N.J.R. 2172(a)		
2:90-1.13	Soil conservation: extraction activity	17 N.J.R. 1957(a)		
2:90-2.15, 2.17, 2.18, 2.24	Soil and water conservation projects	18 N.J.R. 131(a)		

(TRANSMITTAL 35, dated December 16, 1985)

BANKING—TITLE 3				
3:1-2.24	Modification of Commissioner's Order restricting stock transfers	17 N.J.R. 2487(a)		
3:1-12	Multiple-party deposit accounts	17 N.J.R. 2488(a)	R.1985 d.660	18 N.J.R. 77(b)
3:1-15	Availability of funds deposited in individual accounts: written disclosure	18 N.J.R. 13(a)		
3:6-10	Savings banks: unsecured days funds transactions	17 N.J.R. 2936(a)	R.1986 d.48	18 N.J.R. 477(a)
3:6-11	Short-term investments for trust cash	17 N.J.R. 2937(a)	R.1986 d.49	18 N.J.R. 477(b)
3:11-10	Savings banks: credit card services	18 N.J.R. 241(a)		
3:11-11	Leeway investments	18 N.J.R. 132(a)		
3:19-1	Home repair financing	18 N.J.R. 15(a)		
3:26-4.1	State savings and loan parity with Federal associations	17 N.J.R. 2713(a)	R.1985 d.720	18 N.J.R. 266(b)
3:38-5.2	Return of borrower's commitment fee	17 N.J.R. 2488(b)		

(TRANSMITTAL 29, dated November 18, 1985)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
CIVIL SERVICE—TITLE 4				
4:1-5.1, 8.26, 8.27	Appeals concerning removal from eligible list for medical reasons	17 N.J.R. 1957(b)	R.1985 d.661	18 N.J.R. 77(c)
4:1-10.1, 10.2	Noncompetitive and labor appointments	17 N.J.R. 2937(b)		
4:1-12.12	Restorations to promotional lists	17 N.J.R. 645(a)		
4:1-23	Grievances and minor discipline	17 N.J.R. 2587(a)		
4:2-12.1, 12.2	Appeals concerning removal from eligible list for medical reasons	17 N.J.R. 1957(b)	R.1985 d.661	18 N.J.R. 77(c)
4:2-23	Grievances and minor discipline	17 N.J.R. 2587(a)		
4:3-12.1, 12.2	Appeals concerning removal from eligible list for medical reasons	17 N.J.R. 1957(b)	R.1985 d.661	18 N.J.R. 77(c)
4:3-23	Grievances and minor discipline	17 N.J.R. 2587(a)		

(TRANSMITTAL 27, dated September 16, 1985)

COMMUNITY AFFAIRS—TITLE 5

5:10-24.4	Parking for handicapped residents of multiple dwellings	18 N.J.R. 16(a)		
5:11-2.1	Uniform Fire Code enforcement and relocation assistance	17 N.J.R. 2938(a)		
5:12-2.4, 2.5	Homelessness Prevention Program: eligibility and priorities	17 N.J.R. 2939(a)		
5:14	Neighborhood Preservation Balanced Housing Program	17 N.J.R. 2489(a)	R.1985 d.688	18 N.J.R. 162(a)
5:18-1.1, 1.4, 1.5, 1.6, 2.3, 4	Uniform Fire Code, Fire Safety Code	17 N.J.R. 1161(a)		
5:23-2.14, 4.18, 4.20	UCC: annual construction permits	17 N.J.R. 2490(a)		
5:23-2.15, 2.21	UCC: engineers and architects	17 N.J.R. 1033(a)		
5:23-3.11, 4.22, 4.24, 4.25	Uniform Construction Code: premanufactured construction	17 N.J.R. 1169(a)		
5:23-3.15	UCC: Plumbing Subcode	17 N.J.R. 2714(a)	R.1986 d.12	18 N.J.R. 267(a)
5:23-5.4, 5.5	UCC inspectors: experience requirements	17 N.J.R. 1821(a)	R.1985 d.612	18 N.J.R. 80(a)
5:23-5.11	Uniform Construction Code: revocation of licenses	18 N.J.R. 16(b)		
5:23-8	Asbestos hazard abatement subcode	18 N.J.R. 378(a)		
5:25	New Home Warranties and Builders' Registration	17 N.J.R. 2816(a)		
5:25	New Home Warranty and Builders' Registration rules: waiver of sunset provision	18 N.J.R. 218(a)		
5:26	Planned real estate full disclosure	18 N.J.R. 392(a)		
5:28	Readopt State Housing Code	17 N.J.R. 1174(a)	R.1985 d.689	18 N.J.R. 163(a)
5:80-4	Housing and Mortgage Finance	17 N.J.R. 1174(b)		
5:80-8	Housing and Mortgage Finance Agency: housing project occupancy requirements	17 N.J.R. 1620(a)		
5:80-20	HMFA housing projects: applicant and tenant income certification	17 N.J.R. 2321(b)		

(TRANSMITTAL 36, dated December 16, 1986)

DEFENSE—TITLE 5A

(TRANSMITTAL 1, dated May 20, 1985)

EDUCATION—TITLE 6

6:11-3	Teacher education: Basic Certification Requirements	17 N.J.R. 2181(a)	R.1985 d.665	18 N.J.R. 85(a)
6:12	Governor's Teaching Scholars Program	18 N.J.R. 135(a)		
6:20-2.13	Local districts: overexpenditure of funds	17 N.J.R. 2939(b)		
6:20-5.5	State aid for asbestos removal and encapsulation	18 N.J.R. 392(b)		
6:20-5.6	Minimum salaries and State aid	18 N.J.R. 393(a)		
6:21-16.1	Pupil transportation contracts	18 N.J.R. 138(a)		
6:22	School facility planning services	17 N.J.R. 650(a)		
6:24	Controversies and disputes under school law	18 N.J.R. 404(b)		
6:43-1.3	Vocational and technical education: schools designated "other than full-time day"	17 N.J.R. 2940(a)		

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ENVIRONMENTAL PROTECTION—TITLE 7

7:1-3	Interim Environmental Cleanup Responsibility Act rules	18 N.J.R. 242(a)		
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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
7:1-7	Hazardous substance discharges: reports and notices	17 N.J.R. 1826(a)		
7:1F	Industrial Survey Project rules: waiver of Executive Order No. 66	17 N.J.R. 866(a)		
7:2-11.22	Bear Swamp East natural area	18 N.J.R. 139(a)		
7:2-12	Open lands management	17 N.J.R. 866(b)		
7:7-2.2	Wetlands maps in Ocean County	17 N.J.R. 1710(a)		
7:7E	Revisions to Coastal Resources and Development rules	17 N.J.R. 1466(a)	R.1985 d.715	18 N.J.R. 314(a)
7:7E	Coastal Resource and Development revisions: extension of comment period	17 N.J.R. 1797(b)		
7:7E	Coastal Resource and Development Policies: correction to Code and proposed revisions	17 N.J.R. 1797(c)		
7:9-15	Restoration of publicly-owned freshwater lakes	17 N.J.R. 2182(a)	R.1985 d.717	18 N.J.R. 163(b)
7:11-2.2, 2.3, 2.9	Sale of water from Delaware and Raritan Canal and Spruce Run/Round Valley Reservoirs	18 N.J.R. 17(a)		
7:13-7.1	Flood hazard area along Long Brook and Manasquan River	17 N.J.R. 2324(a)	R.1986 d.50	18 N.J.R. 477(c)
7:13-7.1(c)29	Floodway delineations within Maurice River Basin	17 N.J.R. 2186(a)		
7:13-7.1(d)14	Flood hazard along Lamington River in Morris County	17 N.J.R. 2324(b)		
7:13-7.1(d)47	Redelineation of Pine Brook in Bergen County	17 N.J.R. 2074(a)		
7:13-7.1(d)49	Floodway delineations in Union County	17 N.J.R. 1965(a)		
7:13-7.1(d)53	Floodway delineations in Raritan Basin (Project H)	17 N.J.R. 2492(a)	R.1986 d.51	18 N.J.R. 477(d)
7:13-7.1(h)	Floodway delineations in Hackensack Basin	17 N.J.R. 1175(a)	R.1986 d.40	18 N.J.R. 414(b)
7:13-7.1(i)	Floodway delineations in Central Passaic Basin Projects G and R	17 N.J.R. 1176(a)		
7:17	Hard shell clam depuration: pilot plant program	18 N.J.R. 140(a)		
7:17	Hard shell clam depuration: pilot plant program	18 N.J.R. 141(a)		
7:22	Wastewater treatment facilities: construction grants and loans	18 N.J.R. 243(a)		
7:24	Dam restoration grants	18 N.J.R. 395(a)		
7:25-4.6	Nongame and exotic wildlife: possession permit fees	17 N.J.R. 2589(a)	R.1985 d.716	18 N.J.R. 166(a)
7:25-5.12	Use of steel-jaw leghold traps	17 N.J.R. 2714(b)	R.1986 d.24	18 N.J.R. 354(a)
7:25-8.1	Repeal clam dredging rule	18 N.J.R. 396(a)		
7:25-9	Minimum legal size for hard clams	18 N.J.R. 146(a)		
7:25-17	Disposal and possession of dead deer	17 N.J.R. 2715(a)	R.1986 d.41	18 N.J.R. 415(a)
7:25-18	Marine fisheries	Emergency	R.1985 d.674	18 N.J.R. 102(a)
7:25-19	Atlantic Coast harvest season	17 N.J.R. 2494(a)		
7:26-1.4, 1.6, 9.1, 12.1	Tolling agreements and reclamation of hazardous waste	17 N.J.R. 1968(a)		
7:26-1.4, 7.4, 9.1, 12.1, 12.8	Reuse of hazardous waste	17 N.J.R. 2716(a)		
7:26-1.7	Waste management: on-site disposal of construction debris	17 N.J.R. 1040(a)	R.1985 d.666	18 N.J.R. 99(a)
7:26-1.7	Solid waste disposal: exemption from registration	17 N.J.R. 1368(a)		
7:26-1.8	Solid waste disposal: land application operations	17 N.J.R. 2945(a)		
7:26-2.6, 2.7	Disposal of asbestos waste	17 N.J.R. 2719(a)		
7:26-2.9	Closure and post-closure of sanitary landfills	18 N.J.R. 252(a)		
7:26-6.5	Solid waste flow: Ocean County	17 N.J.R. 2590(a)		
7:26-6.5	Solid waste flow: Camden County	17 N.J.R. 2591(a)		
7:26-7.4, 8.3, 8.15, 9.2, 10.6, 10.	Restriction of land disposal of hazardous waste	17 N.J.R. 779(a)		
7:26-8.1, 8.2, 8.19, 9.3, 9.7, 12.2	Hazardous waste management	17 N.J.R. 2941(a)		
7:26-8.1, 8.2, 8.19, 9.3, 9.7, 12.2	Hazardous waste management: extension of comment period	18 N.J.R. 254(a)		
7:26-16.4	Solid and hazardous waste: transporters and facilities	17 N.J.R. 518(a)		
7:27-16	Air pollution by volatile organic substances	17 N.J.R. 1969(a)		
7:27B-3	Determination of volatile organic substances from source operations	17 N.J.R. 2194(a)		
7:27B-4.6	Lead test paper procedure	17 N.J.R. 781(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
7:45	Delaware and Raritan Canal State Park: Review Zone rules	17 N.J.R. 1711(a)		
(TRANSMITTAL 37, dated December 16, 1985)				
HEALTH—TITLE 8				
8:9-1.11	State Sanitary Code: disposal of unclaimed cremains	17 N.J.R. 2325(a)	R.1986 d.39	18 N.J.R. 416(a)
8:9-1.11	Disposal of cremains: public hearing	17 N.J.R. 2835(a)		
8:13-2.1, 2.4, 2.6—2.11, 2.13, 2.14	Depuration of soft shell clams	17 N.J.R. 1370(a)	R.1985 d.691	18 N.J.R. 166(b)
8:21-10	Designated fluid milk products	18 N.J.R. 59(b)		
8:31-16.1	Hospital long-range strategic plans	18 N.J.R. 148(a)		
8:31A-7.4, 7.5, 7.14	SHARE: Medicaid rates and transfer of ownership	18 N.J.R. 150(a)		
8:31A-9.1, 9.2	SHARE economic factor	17 N.J.R. 2495(a)	R.1985 d.685	18 N.J.R. 170(a)
8:31B-3.5, 3.22, 3.54	Hospital reimbursement: "efficiency standard"	17 N.J.R. 2946(a)		
8:31B-3.19	RIM methodology for nursing cost allocation: implementation date	17 N.J.R. 2464(a)		
8:31B-3.31, 3.51	Hospital reimbursement: graduate medical education	17 N.J.R. 2947(a)		
8:31B-3.76-3.82	Hospital reimbursement: URO performance evaluation; post-billing denial of payments	18 N.J.R. 150(b)		
8:33A-2.6	Surgical facilities: criteria for review and approval	17 N.J.R. 2497(a)	R.1985 d.680	18 N.J.R. 172(a)
8:33F-1.2, 1.6, App. B	Renal disease: regional end-stage services	17 N.J.R. 2948(a)		
8:34-1.8	Nursing home administrators: limitations on responsibility	18 N.J.R. 74(a)		
8:34-1.9	Reexamination for Nursing Home Administrator's License	18 N.J.R. 75(a)		
8:34-1.31	Licensing of nursing home administrators	17 N.J.R. 2212(a)		
8:43-1	Residential health care facilities	17 N.J.R. 2498(a)	R.1985 d.684	18 N.J.R. 173(a)
8:43B-1.14	Hospital facilities: psychiatric patient rights	17 N.J.R. 665(a)		
8:43B-5	Licensure of hospital facilities: personnel	17 N.J.R. 2501(b)	R.1985 d.683	18 N.J.R. 174(a)
8:43B-8.16	Obstetric and newborn services: use of oxytocic agents	17 N.J.R. 2213(a)		
8:43B-8.33—8.44	Newborn care services: physical plant standards	17 N.J.R. 519(a)	R.1986 d.1	18 N.J.R. 267(a)
8:43B-15	Hospital facilities: renal dialysis services	17 N.J.R. 2503(a)	R.1985 d.682	18 N.J.R. 174(b)
8:43B-16	Hospital facilities: nurse-midwifery services	17 N.J.R. 2512(a)	R.1985 d.681	18 N.J.R. 180(a)
8:43E-1	Hospital Policy Manual: Certificate of Need rules	17 N.J.R. 1220(a)		
8:44-2.10	Reportable occupational and environmental diseases and poisons	17 N.J.R. 1831(a)		
8:53	Implementation of Local Health Services Act	17 N.J.R. 2836(a)		
8:57-1.19, 1.20, -6	Cancer registry	17 N.J.R. 2836(b)		
8:60-1.1, 4.2, 4.4, 4.8, 5.2, 5.4, 5.7, 6.1, 6.3, 6.11	Asbestos licenses and permits	18 N.J.R. 156(a)		
8:65-8	Controlled dangerous substances: manufacture, distribution, disposal and nondrug use	17 N.J.R. 2721(a)		
8:65-10.1	Controlled dangerous substances: 3, 4-methylenedioxymethamphetamine	17 N.J.R. 2214(a)	R.1985 d.669	18 N.J.R. 87(a)
8:65-10.1	Temporary placement of Meperidine analogs MPPP and PEPAP into Schedule I	17 N.J.R. 2950(a)		
8:65-10.1	Controlled dangerous substances: analogs of fentanyl	18 N.J.R. 254(b)		
8:65-11.2	Narcotic treatment programs: registration fee	17 N.J.R. 359(a)	Expired	
8:71	Generic drug list additions (see 17 N.J.R. 2042(b), 2556(b), 2769(a))	17 N.J.R. 1043(a)	R.1985 d.686	18 N.J.R. 182(a)
8:71	Generic drug list additions (see 17 N.J.R. 2557(a), 2769(b), 18 N.J.R. 183(a))	17 N.J.R. 1733(a)	R.1986 d.35	18 N.J.R. 418(a)
8:71	Generic drug list additions	17 N.J.R. 2842(a)	R.1986 d.34	18 N.J.R. 417(a)
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HIGHER EDUCATION—TITLE 9				
9:2-2	Fund for Improvement of Collegiate Education: policies and procedures	17 N.J.R. 2724(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
9:2-11	Veterans Tuition Credit Program	17 N.J.R. 2844(a)		
9:5-1, 2	Tuition policies at public institutions	17 N.J.R. 2326(a)	R.1985 d.701	18 N.J.R. 183(b)
9:7-2.3	Status of foreign nationals	18 N.J.R. 19(a)		
9:7-2.9	Student assistance programs: award combinations	17 N.J.R. 2725(a)		
9:7-3.1	Tuition Aid Grant Program: 1986-87 Award Table	18 N.J.R. 19(b)		
9:7-4.1, 4.2, 4.3, 4.5, 4.8	Garden State Scholarship Program	17 N.J.R. 2726(a)		
9:9-1.6	Guarantee Student Loans and payment of insurance fee	17 N.J.R. 2727(a)		
9:9-1.16	Interest liability on defaulted student loans	17 N.J.R. 2728(a)		
9:9-9.2	Direct PLUS program and co-signer requirement	17 N.J.R. 2728(b)		
9:11, 12	Educational Opportunity Fund Program rules	17 N.J.R. 2214(b)		

(TRANSMITTAL 29, dated November 18, 1985)

HUMAN SERVICES—TITLE 10

10:36-1	Patient supervision at State psychiatric hospitals	17 N.J.R. 2593(a)		
10:36-1	Patient supervision at State psychiatric hospitals: public hearing	18 N.J.R. 20(a)		
10:36-2	Clinical review procedures for special status psychiatric patients	17 N.J.R. 2951(a)		
10:42	Developmental Disabilities: Emergency Mechanical Restraint	17 N.J.R. 1832(a)		
10:48	Division of Mental Retardation: appeal procedures	17 N.J.R. 876(b)	R.1985 d.673	18 N.J.R. 184(a)
10:49-1.1	Administration Manual: retroactive Medicaid eligibility	17 N.J.R. 2729(a)		
10:49-1.4	Narcotic and drug abuse treatment centers	17 N.J.R. 1235(a)		
10:50	Transportation Services: HCFA Common Procedure Coding System	17 N.J.R. 1519(b)	R.1986 d.52	18 N.J.R. 478(a)
10:51-1, App. B, D, E	Pharmaceutical Services Manual	18 N.J.R. 255(a)		
10:51-1.14, 5.16	Pharmaceutical services: ineligible prescription drugs	17 N.J.R. 2730(a)		
10:51-4	Consultant Pharmacist Services	17 N.J.R. 2731(a)		
10:52-1.16	Termination of pregnancy in licensed health care facilities	17 N.J.R. 1375(a)		
10:52-1.17	Out-of-state inpatient hospital services	17 N.J.R. 2225(a)		
10:52-1.21	Narcotic and drug abuse treatment centers	17 N.J.R. 1235(a)		
10:53-1.14	Termination of pregnancy	17 N.J.R. 1375(a)		
10:54	Physician Services: Common Procedure Coding System	17 N.J.R. 1519(b)	R.1986 d.52	18 N.J.R. 478(a)
10:54-1.23	Termination of pregnancy	17 N.J.R. 1375(a)		
10:55	Prosthetic-Orthotic Services: Common Procedure Coding System	17 N.J.R. 1519(b)	R.1986 d.52	18 N.J.R. 478(a)
10:56-3	Dental Services: procedure codes and descriptions	18 N.J.R. 154(a)		
10:57	Podiatry Services: Common Procedure Coding System	17 N.J.R. 1519(b)	R.1986 d.52	18 N.J.R. 478(a)
10:58	Nurse Midwifery Services: Common Procedure Coding System	17 N.J.R. 1519(b)	R.1986 d.52	18 N.J.R. 478(a)
10:59	Medical Supplier Manual: Common Procedure Coding System	17 N.J.R. 1519(b)	R.1986 d.52	18 N.J.R. 478(a)
10:59-1.11	Medical Supplier Manual: repair of durable medical equipment	17 N.J.R. 2516(a)	R.1985 d.671	18 N.J.R. 186(a)
10:60-1.1, 1.2, 2.2, 2.3, 3.1	Personal care assistant services: hours per week and rate of reimbursement	17 N.J.R. 2327(a)	R.1985 d.656	18 N.J.R. 87(b)
10:60-2.2, 3.1	Personal care assistant services: procedure codes	17 N.J.R. 2330(a)	R.1985 d.656	18 N.J.R. 87(b)
10:61	Independent Laboratory Services: Common Procedure Coding System	17 N.J.R. 1519(b)	R.1986 d.52	18 N.J.R. 478(a)
10:62	Vision Care: Common Procedure Coding System	17 N.J.R. 1519(b)	R.1986 d.52	18 N.J.R. 478(a)
10:62-3	Vision Care Manual: billing procedures	17 N.J.R. 2731(b)		
10:63-1.5, 1.6, 1.8, 1.13, 2.5, 2.7	Long term care facilities: certification and plan of care	17 N.J.R. 2075(a)	R.1985 d.703	18 N.J.R. 187(a)
10:63-3.2, 3.4, 3.5, 3.6, 3.8, 3.10-3.15, 3.18, 3.19	Long-term care facilities: CARE Guidelines	18 N.J.R. 257(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
10:63-3.2, 3.5, 3.10, 3.19	Reimbursement to long-term care facilities	17 N.J.R. 2331(a)	R.1985 d.705	18 N.J.R. 189(a)
10:63-3.17	Long Term Care Services: adjustments to base period data	17 N.J.R. 1736 (a)		
10:64	Hearing Aid Services: Common Procedure Coding System	17 N.J.R. 1519(b)	R.1986 d.52	18 N.J.R. 478(a)
10:66	Independent Clinic Services: Common Procedure Coding System	17 N.J.R. 1519(b)	R.1986 d.52	18 N.J.R. 478(a)
10:66-1.2, 1.6, 3.3	Narcotic and drug abuse treatment centers	17 N.J.R. 1235(a)		
10:66-1.6	Termination of pregnancy	17 N.J.R. 1375(a)		
10:66-1.6, 3.3	Personal care assistant services: hours per week and rate of reimbursement	17 N.J.R. 2327(a)	R.1985 d.656	18 N.J.R. 87(b)
10:66-3.3	Personal care assistant services: procedure codes	17 N.J.R. 2330(a)	R.1985 d.656	18 N.J.R. 87(b)
10:67	Psychological Services: Common Procedure Coding System	17 N.J.R. 1519(b)	R.1986 d.52	18 N.J.R. 478(a)
10:69A-1.1, 1.2, 2.1, 4.1, 4.4, 5.3, 6.2, 6.4, 6.10	PAAD: eligibility standards	17 N.J.R. 2332(a)	R.1985 d.690	18 N.J.R. 190(a)
10:81-2.7, 3.18	PAM: continued absence; WIN registration	17 N.J.R. 2333(a)	R.1986 d.9	18 N.J.R. 272(a)
10:81-2.16, 3.18	PAM: photo IDs; ex-WIN children	17 N.J.R. 2335(a)	R.1986 d.6	18 N.J.R. 273(a)
10:81-10.7	PAM: eligibility for refugee and entrant programs	17 N.J.R. 2227(a)		
10:81-11.2, 11.7, 11.9, 11.20	PAM: child support paternity	17 N.J.R. 2845(a)	R.1986 d.55	18 N.J.R. 480(a)
10:81-11.3, 11.9	PAM: Social Security numbers; restriction of information	17 N.J.R. 2516(b)		
10:81-11.9	PAM: reimbursement by counties to State	17 N.J.R. 369(a)	Expired	
10:81-11.9	Public Hearing: County reimbursement to State for Tax Setoff Program for child support enforcement	17 N.J.R. 1526(a)		
10:82-1.8, 1.9, 2.14, 2.20, 3.1, 3.2, 4.4, 4.6, 4.15, 4.17, 5.3, 5.10	ASH: conformity with Federal regulations	18 N.J.R. 260(a)		
10:82-1.10, 1.11	ASH: retrospective budgeting and monthly reporting	17 N.J.R. 2518(a)	R.1985 d.710	18 N.J.R. 191(a)
10:82-2.19	ASH: recovery of overpayments	17 N.J.R. 2847(a)	R.1986 d.54	18 N.J.R. 481(a)
10:82-3.2	ASH: exempt resources	17 N.J.R. 2518(b)	R.1985 d.709	18 N.J.R. 192(a)
10:82-3.9, 3.11, 3.14, 4.13	ASH: evaluation of legally responsible relatives in AFDC	18 N.J.R. 20(b)		
10:82-5.10	ASH: emergency assistance	17 N.J.R. 2336(a)		
10:82-5.10	ASH: emergency assistance	17 N.J.R. 2337(a)		
10:85-3.2	GAM: determination of unemployability	17 N.J.R. 547(a)		
10:85-3.2	GAM: nursing home patients from out-of-state	17 N.J.R. 2338(a)	R.1985 d.692	18 N.J.R. 192(b)
10:85-3.3	GAM: unearned income exclusion	17 N.J.R. 2849(a)	R.1986 d.57	18 N.J.R. 482(a)
10:85-3.3, 5.2	GAM: hospital notices and billings	17 N.J.R. 2519(a)	R.1986 d.47	18 N.J.R. 483(a)
10:85-3.4	GAM: disposal of resources	17 N.J.R. 2339(a)	R.1985 d.693	18 N.J.R. 193(a)
10:85-3.4	GAM: eligibility in other programs	17 N.J.R. 2520(a)	R.1986 d.4	18 N.J.R. 274(a)
10:85-3.4	GAM: disposal of assets	17 N.J.R. 2952(a)		
10:85-3.4	GAM: parent-sponsored aliens	18 N.J.R. 21(a)		
10:85-5.2, 11.2	GAM: inpatient hospital care	17 N.J.R. 2521(a)	R.1986 d.7	18 N.J.R. 274(b)
10:85-5.3	GAM: nursing home bed-hold payments	17 N.J.R. 2953(a)		
10:85-10.1	GAM: "Workfare" defined	17 N.J.R. 2849(b)	R.1986 d.56	18 N.J.R. 483(b)
10:86	Repeal obsolete AFDC Work Incentive Program rules	17 N.J.R. 1838(b)		
10:87-2.38, 5.9	Food Stamp Program: elderly or disabled defined; JTPA income exclusion	17 N.J.R. 2521(b)	R.1985 d.707	18 N.J.R. 193(b)
10:87-5.10, 12.1	Food Stamp Program: utility allowance standards	Emergency	R.1985 d.713	18 N.J.R. 214(a)
10:89-2.2, 2.3, 3.2, 3.3, 3.4, 3.6, 4.1, 5.1	Home energy assistance	17 N.J.R. 2791(a)	R.1985 d.708	18 N.J.R. 194(a)
10:90-2.2, 2.3, 2.4, 2.6, 3.3, 4.1—4.10, 5.1, 5.2, 5.6, 6.1, 6.2, 6.3	Monthly Reporting Policy Handbook	17 N.J.R. 1839(a)		
10:94-1.6, 3.14	Medicaid Only: ineligible individuals	17 N.J.R. 2522(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
10:94-3.6	Medicaid Only: change of county of residence	17 N.J.R. 2523(a)	R.1986 d.8	18 N.J.R. 275(a)
10:94-4.1	Medicaid Only: resource eligibility	17 N.J.R. 2524(a)		
10:94-4.1	Medicaid Only: availability of resources in third-party situations	17 N.J.R. 2954(a)		
10:94-5.4, 5.5, 5.6, 5.7	Medicaid Only: eligibility computation amounts	Emergency	R.1985 d.714	18 N.J.R. 215(a)
10:94-5.5	Medicaid Only: deeming of income	17 N.J.R. 2732(a)	R.1986 d.53	18 N.J.R. 484(a)
10:94-7, 8, 9	Medicaid Only program for aged, blind and disabled	17 N.J.R. 2340(a)	R.1986 d.5	18 N.J.R. 276(a)
10:100-App. A	Supplemental Security Income payment levels	Emergency	R.1985 d.712	18 N.J.R. 216(a)
10:109	Public Assistance Staff Development Program	18 N.J.R. 22(a)		
10:121-2	Adoption subsidy	18 N.J.R. 24(a)		
10:122-4.4	Child care centers: staff qualification	18 N.J.R. 155(a)		
10:123-3.2	Personal needs allowance: residential health care and boarding homes	17 N.J.R. 2955(a)	R.1986 d.42	18 N.J.R. 419(a)
10:129-2	Child abuse prevention	17 N.J.R. 2735(a)	R.1985 d.706	18 N.J.R. 196(a)

(TRANSMITTAL 35, dated December 16, 1985)

CORRECTIONS—TITLE 10A

10A:4	Inmate discipline	18 N.J.R. 27(a)		
10A:31-3.12, 3.15	Adult county facilities: medical screening of new inmates	17 N.J.R. 2343(a)		
10A:31-3.12, 3.15	Medical screening of new inmates in county facilities: public hearing	17 N.J.R. 2955(b)		
10A:34	County correctional facilities	17 N.J.R. 2525(a)		

(TRANSMITTAL 12, dated December 16, 1985)

INSURANCE—TITLE 11

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11:1-19	Uniform registration of branch offices	17 N.J.R. 42(a)	R.1986 d.11	18 N.J.R. 280(a)
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