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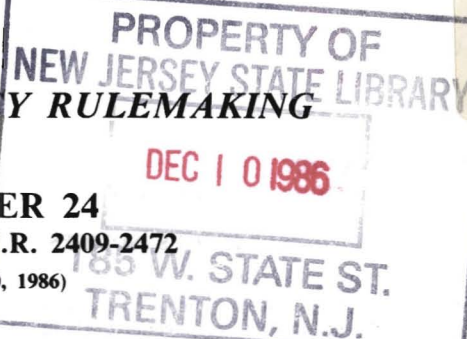
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THE JOURNAL OF STATE AGENCY RULEMAKING

VOLUME 18 NUMBER 24

December 15, 1986 Indexed 18 N.J.R. 2409-2472

(Includes rules filed through November 20, 1986)



MOST RECENT UPDATE TO NEW JERSEY ADMINISTRATIVE CODE: OCTOBER 20, 1986.

See the Register Index for Subsequent Rulemaking Activity.

NEXT UPDATE WILL BE DATED NOVEMBER 17, 1986.

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INTERESTED PERSONS

Interested persons may submit, in writing, information or arguments concerning any of the rule proposals in this issue until **January 14, 1987**. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal or group of proposals.

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

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

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NEW JERSEY REGISTER

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

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RULE PROPOSALS

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

New Jersey Pollutant Discharge Elimination System Comment Period Extended

Take notice that the Department of Environmental Protection is extending until January 2, 1987 the period for submission of written comments on the proposed amendments to N.J.A.C. 7:14A-1, 2, 3, 5, 10 and 12. The original notice was published on October 20, 1986 in the New Jersey Register at 18 N.J.R. 2085(a). Please refer to that proposal for further information.

Interested persons may submit written comments on the proposed amendments to:

David Weinsoff
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, New Jersey 08625

(b)

PINELANDS COMMISSION

Pinelands Comprehensive Management Plan Corrected Public Hearings

Take notice that the two public hearing dates concerning proposed amendments to the Pinelands Comprehensive Management Plan as published in the November 17, 1986 New Jersey Register at 18 N.J.R. 2239(a) were incorrect. The correct public hearing dates for these proposed amendments to N.J.A.C. 7:50 are:

Tuesday, January 20, 1987 at 7:30 P.M.
Burlington County College, Little Theater
Pemberton-Browns Mills Road
Pemberton, New Jersey
Tuesday, January 27, 1987 at 7:30 P.M.
Stockton State College, A-Wing Lecture Hall
Pomona, New Jersey

HUMAN SERVICES

(c)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Administration Manual; Long Term Care Services Manual

Retention of Records

Proposed Amendments: N.J.A.C. 10:49-1.5 and 10:63-1.14

Authorized By: Drew Altman, Ph.D., Commissioner,
Department of Human Services.
Authority: N.J.S.A. 30:4D-7a, b, c, h; N.J.S.A. 30:4D-12; 42 CFR 447.253(e).

Proposal Number: PRN 1986-512.

Submit comments by January 14, 1987 to:

Henry W. Hardy, Esq.
Administrative Practice Officer
Division of Medical Assistance and Health Services
CN-712
Trenton, NJ 08625

The agency proposal follows:

Summary

This proposal concerns retention of records by long term care facilities (LTCFs). Financial and other records used to establish per diem rates must be maintained for a minimum of seven years and be presented to the New Jersey Medicaid Program upon audit. If the LTCF does not produce the required documentation or other acceptable evidence, then the reported cost will be disallowed. If the disallowance results in an overpayment, the Division will seek recovery.

The rule also provides that patient income will be presumed to equal the maximum income allowable for a Medicaid eligible patient for those patients whose records relating to income are completely unavailable.

It should be noted that the cited federal regulations require that the Medicaid agency provide for periodic audits of the financial and statistical records of participating providers. In order to properly conduct an audit, the LTCF must make certain information available for review.

Social Impact

The rules impact primarily on those LTCFs that participate in the New Jersey Medicaid Program. These facilities are required to keep records to substantiate their costs upon audit. Failure to provide adequate documentation may eventually result in an overpayment which is subject to recovery by the Division.

The rules do not impact on patients in long term care facilities, since they are not directly responsible for providing the documentation required by the rules.

Economic Impact

The Division does not anticipate any additional administrative costs associated with this proposal. There is already a mechanism for auditing LTCFs and recovering any overpayments that may be found upon audit.

The impact on LTCFs will vary. Each LTCF is responsible for maintaining its own records and reporting its costs accurately. An LTCF that complies with the rules is less apt to have costs disallowed than an LTCF that cannot provide the documentation.

Patients are required to contribute from their available income towards the cost of nursing care in an LTCF. However, this proposal does not directly affect this requirement. The LTCF is still responsible for recording patient income.

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

10:49-1.5 General exclusions

(a) The items listed [here] **in this section** are general exclusions from New Jersey Medicaid coverage. There are certain additional specific exclusions and limitations which are detailed in the appropriate provider manual sections. Payment is not made for:

1.-13. (No change.)

14. Services or items reimbursed based upon submission of a cost study when there are no acceptable records or other evidence to substantiate either the costs allegedly incurred or patient income available to offset those costs. In the absence of financial records, a provider may substantiate costs or available income by means of other evidence acceptable to the Division. If upon audit, financial records or other acceptable evidence are unavailable for these purposes:

i. All reported costs for which financial records or other acceptable evidence are unavailable for review upon audit are deemed to be non-allowable; and/or

ii. Patient income will be presumed to equal the maximum income allowable for a Medicaid eligible patient for those patients whose records relating to income are completely unavailable.

iii. The Division will seek recovery of any resulting overpayments.

10:63-1.14 Records

(a) As a condition for participation in the New Jersey Medicaid Program it is required that LTCFs maintain medical, nursing, social, patient activities and billing records on all long term care Medicaid patients in accordance with accepted professional standards and practices. **Financial and other records used to establish per diem rates must be maintained substantiating any and all costs for which Medicaid reimbursement is sought. In addition, all records relating to patient income, including patients' personal needs allowance accounts, must be maintained.**

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

(f) Billing and financial records rules are as follows:

1. (No change.)

2. The facility must establish and maintain appropriate and accurate records and accounts of all receipts and disbursements of resident funds, which shall be subject to review and fiscal audit by the State of New Jersey as may be required. **It shall be presumed that a patient is entitled to be credited with the maximum amount of personal needs allowance funds authorized by Federal or State law for each month that such records or accounts are unavailable.**

[i.]3. Any and all **financial and other** records relating to patients' personal needs allowance accounts, **patients' income**, cost studies, and billings to the Medicaid Program must be **maintained and** retained [for at least seven years. All other records must be retained for at least five years] in accordance with professional standards and practices [(see N.J.A.C. 10:63-1.8(b)).] **for the longest of the following periods of time:**

i. **At least one year after the resolution of audit findings or the conclusion of recovery proceedings arising out of those audit findings (whichever is later) for the records that are audited;**

ii. **One year after the conclusion of all hearings, appeals and/or other litigation with respect to audits of such records;**

iii. **Seven years.**

4. **The records described in (f)3 above must be made available for audit upon the request of appropriate State and/or Federal personnel or their agents.**

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

CORRECTIONS

(a)

THE COMMISSIONER

Minimum Standards

Municipal Detention Facilities

Proposed New Rules: N.J.A.C. 10A:34-2

Authorized By: William H. Fauver, Commissioner, Department of Corrections.

Authority: N.J.S.A. 30:1B-10.

Proposal Number: PRN 1986-521.

Submit comments by January 14, 1987 to:

Elaine W. Ballai, Esq.

Special Assistant for Legal Affairs

Department of Corrections

P.O. Box 7387

Trenton, NJ 08625

The agency proposal follows:

Summary

The proposed new rules establish minimum standards for the construction, alteration, addition, repair and administration of municipal detention facilities. The proposed rules provide specifications for cells, corridors, holding rooms, monitoring systems and sallyports. The proposed rules also provide guidelines for fire safety, sanitation, security and control and the supervision and care of detainees within municipal detention facilities.

Social Impact

Promulgation of these Municipal Jail Standards will provide all municipal lockups in the State of New Jersey with a uniform code. This code will establish the minimum criteria to be followed by all municipal lockups in maintaining security and providing protection to staff and detainees.

Economic Impact

The economic impact will be minimal for those municipal lockups which have recently been constructed or renovated in accordance with Department of Corrections guidelines. However, for those municipal lockups that have fallen far below Department of Corrections guidelines, there will be a more significant economic impact as they seek to come into conformity with the requirements of these standards.

Full text of the proposed new rules follows.

CHAPTER 34 NEW JERSEY MUNICIPAL AND COUNTY CORRECTIONAL FACILITIES

SUBCHAPTER 1. (RESERVED)

SUBCHAPTER 2. MINIMUM STANDARDS FOR NEW JERSEY MUNICIPAL DETENTION FACILITIES

10A:34-2.1 Definitions

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

"Municipal detention facility" means a holding or lockup facility, usually located in and operated by a municipal police department, which receives and temporarily detains for no more than 24 hours, excluding holidays or weekends, persons who have been arrested who are awaiting release or transfer to other authorities.

"Minimum standards" means the basic rules and regulations promulgated by the Department of Corrections for the construction and management of a municipal detention facility and for the care and treatment of persons who have been arrested.

10A:34-2.2 Legal authority of the Department of Corrections

(a) N.J.S.A. 30:1B-10 grants the Commissioner of the Department of Corrections the authority to establish minimum standards for municipal detention facilities.

(b) The Commissioner of the Department of Corrections may, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1, et seq., promulgate such rules and regulations as he or she shall deem necessary to establish minimum standards for the care, treatment, government and discipline of municipal detention facilities.

10A:34-2.3 Inspection of municipal detention facilities

(a) As provided by N.J.S.A. 30:1-15, the Department of Corrections has the authority to visit and inspect all municipal detention facilities.

(b) Each municipal detention facility shall be subject to visits by the Department of Corrections for the purpose of inspecting and observing the following:

1. Physical condition of the facility;
2. Management and operation methods; and,
3. Physical care and treatment of arrestees.

(c) The municipal detention facility shall demonstrate to the satisfaction of the Department of Corrections that it complies with the rules in this subchapter which shall be interpreted as constituting minimum standards only.

10A:34-2.4 Minimum standard compliance or non-compliance procedure

(a) Upon completion of an inspection, the municipal detention facility shall be given written notice by the Department of Corrections of its compliance or non-compliance with these minimum standards.

(b) The municipal detention facility shall be given a period of time within which to come into compliance with any standard(s) which was rated in non-compliance.

(c) In accordance with N.J.S.A. 30:1-16, the Department of Corrections has the authority to institute a civil action in the appropriate county court or Superior Court to remedy improper conditions in a municipal detention facility.

(d) A written variance from Standards may be granted by the Department of Corrections in instances where:

1. The municipal detention facility is not in compliance with one or several of the requirements of the minimum standards; but,
2. The municipal detention facility is in compliance with the general intent and purpose of the minimum standards; and
3. The department has determined that to require the facility to comply strictly with all requirements of the minimum standards would result in an undue hardship to the overall management of the municipal detention facility.

10A:34-2.5 Codes, regulations and laws

(a) Municipal detention facilities shall be in conformance with all applicable public health and safety codes, set forth by the State of New Jersey, the county and municipality in which the facility located.

(b) New construction, alterations, additions and repairs of municipal detention facilities shall comply with the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., the Uniform Construction Code Rules, N.J.A.C. 5:23-1.1 et seq., and with this subchapter.

(c) All municipal detention facilities shall be in compliance with the New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq., in all aspects of fire safety.

10A:34-2.6 Notification of intent to construct or renovate a municipal detention facility

(a) A letter of intent to construct or renovate a municipal detention facility shall be submitted to the Chief, Bureau of County Services, Department of Corrections, by the authority responsible for the municipal detention facility.

(b) Upon receipt of the letter of intent, the Chief, Bureau of County Services, shall furnish technical assistance throughout the planning process to assure that the detention facility complies with this subchapter.

(c) All plans and specifications shall be submitted to the Chief, Bureau of County Services and copies also shall be submitted to any other authorities as required by law.

(d) Contracts for new construction, alterations, additions and repairs shall not be executed until final plan approval is received in writing from the Chief, Bureau of County Services and other authorities as required by law.

10A:34-2.7 Cells specifications

(a) Cells shall provide for single occupancy and, when feasible, shall be located in close proximity to the control area.

(b) Cells in new or renovated facilities shall have a minimum of 60 square feet of floor space, with a seven foot width and eight foot high ceiling.

(c) Cell walls shall be constructed of six inch reinforced concrete or eight inch concrete block filled with cement containing reinforcement rods every 12 inches.

(d) Cell ceilings shall be constructed of pre-cast concrete slabs or reinforced concrete.

(e) Cell floors shall be constructed of terrazzo or sealed concrete and shall be sloped to a drain outside of the cell.

(f) Cell fronts shall be constructed of six inch reinforced concrete or eight inch concrete block filled with cement containing reinforcement rods every 12 inches, or metal bars spaced not more than four inches on center. The bars shall be of tool resistant steel construction not less than seven-eighths inch thick.

(g) Cell doors shall be either barred or security type hollow core metal (minimum 12 gauge). The doors shall slide or swing into the cell corridor and contain a standard food passage and pull type safety door handle. If barred, the doors shall be of tool resistant steel construction with the bars spaced not more than four inches on center and no less than seven-eighths inch thick. If the doors are security type hollow core metal, the doors shall provide an observation port of security glass at least nine-sixteenths inch thick or security type lexan at least one half inch thick. Doors shall be secured with detention type locks (preferably lever tumbler with paracentric keyway) with independent dead bolts.

(h) Natural light is recommended for each cell. All windows in the cell block area being the approved security type (tool resistant steel frame with nine-sixteenths inch security glazing or one-half inch security type lexan).

(i) Each cell shall be numbered or lettered for proper identification.

10A:34-2.8 Cell equipment

(a) Cells shall contain a steel bunk firmly affixed to the wall, floor or both. The use of a raised platform bunk in lieu of a steel bunk is acceptable. When sliding barred doors are utilized, the bunk shall be located no closer than 12 inches from the door.

(b) Bunks or raised platforms shall be topped with hardwood at least two inches thick or a fire retardant mattress which is approved by the State, county or local fire officials. Mattresses shall be provided for detainees confined overnight in those cells that have bunks or raised platforms topped with hardwood.

(c) Cells shall be equipped with a detention type combination toilet/lavatory with drinking font, preferably of stainless steel construction.

(d) Sanitary units shall be serviced via a chase located outside the cell and equipped with a shutoff valve.

(e) Sanitary units shall have a modesty partition constructed of steel or reinforced concrete.

(f) Cell equipment shall be secured with tamper resistant screws.

(g) Approved security type light fixtures affording a minimum of 20 foot candle illumination shall be provided for each cell.

10A:34-2.9 Holding rooms

(a) Holding rooms shall have a minimum of 100 square feet of floor space with eight foot high ceilings.

(b) Construction and equipment of holding rooms shall be the same as required in N.J.A.C. 10A:34-2.8. Instead of a bunk, a hardwood bench firmly affixed to the floor shall be installed in the holding room.

10A:34-2.10 Cell corridors

(a) Cell corridors shall be at least four and one half feet in width.

(b) Security type light fixtures secured with tamper resistant screws which afford a minimum of 20 foot candle illumination shall be provided.

(c) Corridor windows, if provided, shall be at least nine-sixteenths inch security glazing or one half inch security type lexan. If windows open, security screening shall be provided.

(d) Floors shall be constructed of terrazzo or sealed concrete and slope to a floor drain secured with a cover held in place by tamper-resistant screws.

(e) Exterior cell corridor walls shall be constructed of six inch reinforced concrete or eight inch concrete block filled with cement containing reinforcement rods every 12 inches.

(f) Cell corridor doors shall be either:

1. The hinged type (if hinged they shall swing outwardly); or,
2. The slide type.

(g) Cell corridor doors shall be constructed of either:

1. Solid wood;
2. Security type hollow core metal of 12 gauge steel; or,
3. Bars four inches on center.

(h) If hollow core metal or wood doors are used, they shall contain a vision port of nine-sixteenths inch security glass or one half inch security type lexan. Pull type safety handles shall be provided where necessary.

(i) An emergency panic button (not accessible to detainees) shall be provided.

(j) Heat and smoke detectors shall be installed as per the New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq., and the New Jersey Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq. and the Uniform Construction Code Rules, N.J.A.C. 5:23-1.1 et seq.

(k) A telephone jack shall be provided in the cell corridor.

(l) A water outlet for cleaning of the cell block area shall be installed in the cell corridor.

10A:34-2.11 Monitoring systems

(a) The need for an audio or audio/video system to monitor detainees shall be determined by the Department of Corrections based upon the design of the detention area.

(b) The monitoring systems provide an added measure of safety and security but shall not be used as a substitute for physical cell checks of detainees.

(c) If video is used for surveillance of the cells, care shall be taken that there is no intrusion of privacy in the area around the sanitary unit.

10A:34-2.12 Sallyport

(a) A vehicle sallyport area shall be provided for the transfer of prisoners to and from the municipal detention facility.

(b) The sallyport shall be in close proximity to the detention area and shall contain the following:

1. Interlocking doors;
2. Audio and video communication; and,
3. Emergency alarm button.

(c) A weapons locker shall be provided in the sallyport area or in a location convenient to the detainee entrance.

10A:34-2.13 Fire safety

(a) Fire suppression equipment shall be located in those areas specified by the New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq.

(b) Fire suppression equipment shall be serviced as required by New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq.

(c) An automatic fire alarm and heat and smoke detection system shall be located in areas specified by the New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq.

(d) Automatic fire detection devices and alarm systems shall be tested according to a schedule set forth in the New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq.

(e) Exits shall be distinctly marked, unobstructed and operable. Exit signs shall be continuously illuminated and shall meet specifications set forth in the New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq.

(f) A fire evacuation plan shall be developed in accordance with the New Jersey Fire Code, N.J.A.C. 5:18-3, and shall be revised and approved by local fire officials.

10A:34-2.14 Sanitation

(a) The detention facility shall develop written procedures for the control of vermin and pests.

(b) The detention facility shall develop written procedures which require daily sanitation inspections of all detention areas.

10A:34-2.15 Security and control

(a) A security inspection of the cell block area shall be conducted at least weekly and a written report submitted to the administrator or officer in charge of security.

(b) Cells, cell block and sallyport areas shall not be used as storage areas.

(c) Weapons shall be prohibited within the security perimeter of the cell block area.

(d) A key control system shall provide an accurate accounting of the location and possession of each key. All keys shall be numbered and the detention facility shall maintain at least one duplicate key for each lock.

(e) The municipal detention facility shall develop written procedures to be followed by staff in the event of an escape.

10A:34-2.16 Supervision and care of detainees

(a) Staff assigned to supervise detainees shall receive training in the supervision and care of detainees. Special training shall be provided for supervision and care of detainees of the opposite sex.

(b) Physical cell checks of detainees shall be made every 30 minutes. Closer surveillance may be required for detainees who are:

1. Security risks;
2. Suicidal risks;
3. Demonstrating unusual or bizarre behavior; and/or,
4. Exhibiting signs of mental illness.

(c) A record of the physical cell checks shall be maintained in a log book which shall contain, at the minimum, the following information on the detainee:

1. Full name;
2. Sex;
3. Date and time initially placed in cell;
4. Date and time of release;
5. Date and time of each physical cell check; and,
6. Signature of staff member conducting physical cell checks.

(d) Detainees who are injured or who become ill while in custody shall be seen by a physician without delay. A record of the physician's visit shall be maintained. Seriously ill or injured detainees shall be transported immediately to the nearest hospital.

(e) Special medication shall be provided to detainees if the need is verified by a physician.

(f) If a detainee is confined during regular meal periods, the detainee shall be provided a meal.

(g) Telephone calls shall be permitted for the purpose of notifying relatives, obtaining legal representation, posting bail, etc. Long distance telephone calls may be made "collect".

10A:34-2.17 Search of detainees

(a) Each detainee shall be thoroughly searched prior to placement in a cell.

(b) Searches shall be conducted by a staff member of the same sex as the detainee.

(c) Strip searches shall be conducted in accordance with N.J.S.A. 2A:161A-1 et seq.

10A:34-2.18 Housing of detainees

Male and female detainees shall be separated by sight and sound from each other.

10A:34-2.19 Juvenile detainees

Juveniles shall be detained in accordance with N.J.S.A. 2A:4A-32, 33 and 34.

INSURANCE

(a)

DIVISION OF ADMINISTRATION

Prohibition of Certain Cancellation and Nonrenewal Activity Penalties

Proposed Amendment: N.J.A.C. 11:1-22.3

Authorized By: Kenneth D. Merin, Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:22-6.14(a) 1, 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 1986-531.

Submit comments by January 14, 1987 to:

Verice M. Mason
Assistant Commissioner
Legislative and Regulatory Affairs
Department of Insurance
CN 325
Trenton, New Jersey 08625

The agency proposal follows:

Summary

N.J.A.C. 11:1-20 and 11:1-22 provide procedural and substantive requirements relating to the cancellation and nonrenewal of many commercial lines insurance policies.

On November 17, 1986, the Department proposed several amendments to these rules (see 18 N.J.R. 2301(b)), including their respective penalty provisions. As published in the Register, the proposed amendments to the penalty section of N.J.A.C. 11:1-20 authorize the Commissioner to order reinstatement without lapse of any policy cancelled or nonrenewed in violation of the subchapter. The proposal also established a one year time limitation with respect to the Commissioner's authority to order such reinstatement and provided for a tolling of the one year period during the course of any administrative proceeding initiated by the Department and any subsequent judicial review thereof.

It was the Department's intent to similarly modify the penalty section of N.J.A.C. 11:1-23.3, but due to a printing error, this did not occur. The purpose of this proposal is to correct this error and provide parallel penalty provisions for both subchapters.

Social Impact

The proposed amendment to N.J.A.C. 11:1-22.3 broadens the Commissioner's ability to order the reinstatement of policies to include policies which have been nonrenewed in violation of the rule as well as those which have been cancelled. This amendment enhances the Department's ability to implement the rule in an effective manner and thereby ensures that its purposes are achieved.

The time constraints imposed on the Commissioner's authority to order reinstatement should result in more timely and orderly enforcement of the penalty provision.

Economic Impact

By enhancing the Department's ability to effectively implement and enforce the rule the proposed amendment will economically benefit consumers by assuring that their coverage is not inappropriately terminated, which could adversely affect business ventures.

The Department does not foresee any significant economic impact on insurers. The Department may experience an increase in costs as a result of the heightened enforcement of the regulation, but these costs will be absorbed in the existing budget.

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

SUBCHAPTER 22. PROHIBITION OF CERTAIN CANCELLATION AND NONRENEWAL ACTIVITY

11:1-22.1 through 22.2 (No change.)

11:1-22.3 Penalties

(a) 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 proscribed 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.

(b) As an alternative or in addition to the penalties set forth in (a) above, the Commissioner, where he deems such action will further the purposes of this subchapter, may require immediate reinstatement without lapse of any policy which has been terminated in violation of the provisions of this subchapter.

1. The Commissioner shall not order any reinstatement more than one year after the effective date of the nonrenewal or cancellation, provided, however, that the one year period shall be tolled during the course of any administrative proceedings initiated by the Department and any subsequent judicial review of those proceedings.

2. Nothing herein shall be deemed to create any right or cause of action on behalf of any insured to enforce the penalties set forth in this subsection.

[(b) This section shall apply to all notices of cancellation or nonrenewal issued on or after July 29, 1986.]

11:1-22.4 (No change.)

(a)

INSURANCE GROUP AND AUTOMOBILE INSURANCE

Unfair Claim Settlement and Auto Physical Damage Claims

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

11:2-17.14

Proposed Amendments: N.J.A.C. 11:2-17.11, 11:3-10.3 and 10.10

Authorized By: Kenneth D. Merin, Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e) and 17:29B-1 et seq. and 17B:30-1 et seq.

Proposal Number: PRN 1986-528.

Submit comments by January 14, 1987 to:

Verice M. Mason

Assistant Commissioner

Legislative and Regulatory Affairs

Department of Insurance

CN 325

Trenton, New Jersey 08625

The agency proposal follows:

Summary

N.J.S.A. 39:13-1 et seq., approved on October 4, 1983, provides for the licensing and regulation of auto body repair facilities and prohibits any person from engaging in this business unless properly licensed.

As initially enacted, responsibility for implementing this law was vested in the Commissioner of Insurance. However, pursuant to P.L. 1985, c.148, section 22, this responsibility was transferred to the Division of Motor Vehicles, effective April 24, 1985.

Through consultation with the Division of Motor Vehicles, it has come to the Department's attention that a significant portion of the auto body repair facilities operating in this State have failed to become licensed as required by law. Accordingly, many insurers may be engaged in negotiating the settlement of automobile damage claims with facilities that are operating in contravention of the law. The Department believes this situation is detrimental to the public interest.

The Department currently regulates the activities of insurers in settling automobile damage claims through two rules, N.J.A.C. 11:3-10 (Auto Physical Damage Claims) and N.J.A.C. 11:2-17 (Unfair Claim Settlement Practices). The Department is proposing amendments to these rules designed to prohibit negotiation of settlements with unlicensed facilities. In addition, this proposal amends the penalty section of N.J.A.C. 11:2-17 to conform the text to existing law.

Proposed amendment to N.J.A.C. 11:3-10.3(d) prohibit insurers from negotiating the settlement of any physical damage claim involving an automobile as defined at N.J.S.A. 39:13-1(b) with an unlicensed auto body repair facility or in any manner utilizing an unlicensed facility in the adjustment, negotiation or settlement of such a claim. It should be noted that certain sections of N.J.A.C. 11:3-10 are incorporated by refer-

ence in N.J.A.C. 11:2-17, "Unfair Claims Settlement Practices." Specifically, N.J.A.C. 11:2-17.10(a) sets forth that the requirements for automobile physical damage first party claims found in N.J.A.C. 11:3-10.1 through 10.4 shall be construed to also apply to automobile property damage third party claims from the time when liability becomes reasonably clear. Accordingly, the Department's proposed amendments to subchapter 10 that prohibit settlements with unlicensed facilities are applicable to third party as well as to first party automobile claims.

Proposed amendments to N.J.A.C. 11:3-10.3(e) require that an insurer notify any insured who elects to have repairs made at a repair facility of his or her own choice, that such facility must be duly licensed. Also, under this section, several editorial changes have been made.

Both N.J.A.C. 11:2-17.11 and 11:3-10.10, which concern examinations, are amended to require that insurers maintain claim file information including the name, address, telephone and license number of the auto body repair facility.

Finally, the penalty section of the Unfair Claim Settlement Practices rule, N.J.A.C. 11:2-17.14, has been amended to conform to N.J.S.A. 17:29B-7(a), 17:29B-11, 17B:30-17(b) and 17B:30-20.

Social Impact

The requirements of this proposal will benefit consumers by ensuring that insurance companies adjust losses only through auto body repair facilities that are licensed by the Division of Motor Vehicles. When applicable, consumers will be informed by their insurers that repairs for their damaged vehicles must be performed by licensed auto body facilities.

This proposal may result in the licensing of the remaining auto body repair facilities that have failed to comply with the regulations set forth by the Division of Motor Vehicles. This, in turn, may facilitate the Division of Motor Vehicles implementation and enforcement of N.J.S.A. 39:13-1 et seq.

Economic Impact

Auto body repair facilities which remain unlicensed in contravention of the law will be impacted negatively by this proposal since they will no longer be able to participate in the settlement of automobile damage claims. It is expected that this will encourage facilities to become licensed. The costs associated with complying with N.J.S.A. 39:13-1 et seq. are not substantial.

To the extent that the proposed rule prohibits settlements with unlicensed facilities and promotes the licensing of remaining facilities and resulting uniformity in operating standards, it may remove an unfair economic advantage currently enjoyed by unlicensed shops.

Insurers will incur certain expenses in securing and maintaining claim file information concerning the licensed auto body repair facility used by the insured. These costs are not expected to be substantial.

Any costs to the Department of Insurance resulting from its enforcement of these amendments is expected to be absorbed within the current operating budget.

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

SUBCHAPTER 17. UNFAIR CLAIMS SETTLEMENT PRACTICES

11:2-17.11 Examinations

(a) Each insurer's claim files are subject to examination and inspection by the Commissioner or by his duly appointed designees pursuant to N.J.S.A. 17:23-4, 17:29B-5, 17B:21-3 and 17B:30-16.

(b) Detailed documentation and/or evidence shall be contained in each claim file in order to permit the Commissioner or his designated examiners or investigators to reconstruct the company's activities relative to the claims settlement. Such documentation shall include but is not necessarily limited to all investigative reports, payment vouchers, transactions, notices, memoranda and work papers. **With respect to automobile damage claims, file documentation also shall include the name, address, telephone number and license number of any auto body repair facility utilized in the adjustment of the loss or repair of the automobile.** All such documentation shall be properly dated and, for investigative reports, notes, memoranda and work papers, the parties preparing such documents shall be identified.

(c) Every insurer shall maintain records of all pertinent communications relating to a claim. The records must identify the date of the communication and the parties, and describe the substance of the communication.

11:2-17.14 Penalties

[If, after notice and hearing, the Commissioner finds that a person has violated this subchapter, he may, in addition to any other penalty authorized by law, make his findings in writing and shall issue and cause to be served upon the person charged with the violation an order requiring such person to cease and desist from engaging in such violation. Any person who violates such cease and desist order shall be liable to a penalty not exceeding \$5,000 to be collected by the Commissioner in the name of the State in a summary proceeding in accordance with the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.). The Commissioner in his discretion may revoke or suspend the license or certificate of authority of any such person.]

(a) If, after notice and hearing, the Commissioner finds that a person has violated this subchapter, he shall make his findings in writing and shall issue and cause to be served upon the person charged with the violation an order requiring such person to cease and desist from engaging in such violation. The Commissioner may order payment of a penalty not to exceed \$1,000 for each and every violation unless the person knew or reasonably should have known he was in violation of this subchapter, in which case the penalty shall not be more than \$5,000 for every violation. The Commissioner shall collect the penalty in the name of the State in a summary proceeding in accordance with "the penalty enforcement law" (N.J.S.A. 2A:58-1 et seq.).

(b) Any person who violates a cease and desist order of the Commissioner under (a) above, after it has become final, and while such order is in effect, shall be liable to a penalty not exceeding \$5,000 for each violation, which may be recovered in a civil action. In determining the amount of the penalty the question of whether the violation was willful shall be taken into consideration.

(c) The penalties provided herein shall be in addition to any other penalties authorized by law.

SUBCHAPTER 10. AUTO PHYSICAL DAMAGE CLAIMS

11:3-10.3 Adjustment of partial losses

(a) If the insurer intends to exercise its right to inspect, or cause to be inspected by an independent appraiser, damages prior to repair, the insurer shall have seven working days following receipt of notice of loss to inspect the insured's damaged vehicle, which is available for inspection, at a place and time reasonably convenient to the insured; commence negotiations; and make a good faith offer of settlement.

(b) Negotiations must be conducted in good faith, with the basic goal of promptly arriving at an agreed price. Early in negotiations, the insurer must inform and confirm in writing to the insured or the insured's designated representative all deductions that will be made from the agreed price, including the amount of applicable deductible.

(c) If the insured[r] inspects the damaged vehicle or causes it to be inspected, the insurer shall promptly upon completing the inspection furnish the insured or the designated representative of the insured with a detailed written estimate of the cost of repairing the damage resulting from the loss, specifying all appropriate deductions.

(d) No insurer shall negotiate the settlement of any physical damage claim involving an automobile as defined at N.J.S.A. 39:13-1b with an unlicensed auto body repair facility or in any manner utilize an unlicensed facility in the adjustment, negotiation or settlement of such a claim.

[(d)](e) Subject to the requirements of (d) above, [T]he insured may use any repair[er] facility of his or her own choice. **With respect to automobile damage claims, the insurer shall notify any insured who elects to use his or her own repair facility that such facility must be duly licensed.** The insurer must make all reasonable efforts to obtain an agreed price with [this shop] **the facility selected by the insured.** The insurer may recommend, and if the insured requests, must recommend a qualified [repairer] **repair facility** at a location reasonably convenient to the insured motor vehicle who will repair the damaged motor vehicle at the insurer's estimated cost of repairs, but in either event the provisions of [(f)] (g) below apply.

[(e)](f) All estimates, including revisions and adjustments, prepared by any repair[er] **facility**, estimator or appraiser must be included in each claim file.

[(f)](g) If the insured's vehicle is repaired at a repair [shop] **facility** whose name is required to be furnished by the insurer under [(d)] (e) above for a sum estimated by the insurer as the reasonable cost to repair the vehicle, the insurer:

1. Shall select a repair [shop] **facility** that issues written guarantees that any work performed in repairing damaged vehicles meets generally accepted standards for safe and proper repairs;

2. Shall cause the damaged vehicle to be restored to the condition it was in prior to the loss, at no additional cost to the insured and within a reasonable time, if the repair [shop] **facility** as recommended above does not repair the damaged vehicle in accordance with generally accepted standards for a safe and proper repair.

[(g)](h) Whenever an insurer elects to repair its insured's vehicle, that is, physically take the vehicle and have it repaired, the election must be in writing addressed to the insured and contain a reasonable estimate of the time period within which the vehicle will be repaired. The insurer shall guarantee, in writing, that the work performed meets generally accepted standards for safe and proper repairs.

[(h)](i) Deductions for betterment and depreciation are permitted only for parts normally subject to repair and replacement during the useful life of the insured motor vehicle. Deductions for betterment and depreciation shall be limited to the lesser of an amount equal to the proportion that the expired life of the part to be repaired or replaced bears to the normal useful life of that part, or the amount by which the resale value of the vehicle is increased by the repair or replacement. Calculations for betterment, depreciation and normal useful life must be included in the insurer's claim file.

[(i)](j) Deductions for previous damage or prior condition of the vehicle must be measurable, discernible, itemized and specific as to the dollar amount, and those deductions must be included in the insurer's claim file. The deductions shall be limited to the amount by which the resale value of the motor vehicle is increased by the estimation of the previous damage or the correction of the prior condition.

[(j)](k) The insurer must mail or hand deliver to the insured or the designated representative its proof of loss or payment within five working days after the insured has accepted the insurer's offer.

[(k)](l) The insured shall have the right to receive the proceeds of any settlement. The insurer may not insist on making settlement proceeds jointly payable to the insured and the [vehicle repairer] **repair facility**, or payable to the [vehicle repairer] **repair facility** only.

[(l)](m) The insured may elect to have the insurer pay the repair[er] **facility** directly in order to expedite recovery of the motor vehicle. The insured must make this election in writing.

11:3-10.10 Examinations by the New Jersey Insurance Department

To ensure compliance with this rule, [the] Department of Insurance personnel will investigate the market performance of insurers. To enable department personnel to reconstruct an insurer's activities pursuant to the provisions of this rule, each insurer must maintain a complete file on each claim settled pursuant to this rule. The claim file shall contain all communications, transactions, notes and work papers relating to the claim. **With respect to automobile damage claims, the file also shall include the name, address, telephone number and license number of any auto body repair facility utilized in the adjustment of the loss or repair of the automobile.** All papers in the file must be accurately dated by the insurer.

DIVISION OF THE REAL ESTATE COMMISSION

The following proposals are authorized by Daryl G. Bell, Secretary-Director, New Jersey Real Estate Commission.

Submit comments by January 14, 1987 to:

Robert J. Melillo
Special Assistant to the Director
New Jersey Real Estate Commission
201 East State Street, CN 325
Trenton, New Jersey 08625

(a)

Sales of Interstate Properties

Proposed Amendment: N.J.A.C. 11:5-1.25

Authority: N.J.S.A. 45:15-6 and 45:15-16.3 et seq., specifically 45:15-16.19.

Proposal Number: PRN 1986-522.

The agency proposal follows:

Summary

This proposal supersedes the Real Estate Commission's proposal published on August 18, 1986 at 18 N.J.R. 1678(a).

N.J.A.C. 11:5-1.25(n) contains procedures and requirements applicable to applications for exemptions from the registration requirements con-

tained in N.J.S.A. 45:15-16.3 et seq. At the present time, no fee is imposed with regard to applications for or the granting of such exemptions.

Recently, the volume of such exemption applications has increased dramatically. Such applications require the expenditure of a substantial amount of time and effort by the staff of the Bureau of Subdivided Land Sales Control in the Real Estate Commission. Also, under the current rule, such exemptions include an exemption from the advertisement review and approval requirements imposed upon registered projects. However, due to the increased volume of projects applying for exemptions, and the potential harm posed to New Jersey consumers who might rely upon advertisements by the developers of such projects, it is proposed that this rule be amended to require advertisements of exempted projects to also be submitted for review and approval prior to their publication or transmission. This change is reflected in the proposed amendment to paragraph 7 and the addition of subparagraph 9v.

Pursuant to N.J.S.A. 45:15-16.6(c), the Commission may, pursuant to its rules and regulations, exempt from any of the provisions of the Land Sales Full Disclosure Act any subdivision or lots in a subdivision where it determines that such an exemption would not be contrary to the public interest. N.J.S.A. 45:15-16.8 imposes a minimum initial registration fee upon applicants for registration. The Commission is therefore authorized to exempt some projects from some of the statutorily imposed registration requirements, but not from the requirement regarding the payment of a minimum application fee. As a result of the substantial amount of work required to process exemption applications, as outlined above, the Commission has determined that applicants for such exemptions will be required to pay a minimum non-refundable registration fee of \$250.00. The imposition of that fee is effectuated through the proposed amendment to N.J.A.C. 11:5-1.25(n), by the addition of paragraph 8 thereto. Further, the additional paragraph 9 contained in the proposed amendment clarifies the fact that all exemptions granted from the Land Sales Full Disclosure Act are limited in nature, and that, at a minimum, the recipients of such exemptions must still comply with the requirements enumerated under the proposed new paragraph 9.

The proposed amendment to N.J.A.C. 11:5-1.25(h) reflects the Commission's determination that it is advisable for all advertisement approval numbers to contain expiration dates. Under the current regulation, no provision is made for such an expiration date, which results in advertisement approval numbers of indefinite duration being assigned by the Bureau of Subdivided Land Sales Control.

The reasons why expiration dates for advertisement approval numbers are desirable are two-fold. First, rules and regulations change from time to time. The issuance of an advertisement approval number with an indefinite duration could result in an advertisement which is technically approved being utilized at a time period when, subsequent to a regulatory change, the content of the ad no longer complies with the currently applicable regulations. Secondly, registered projects are subject to renewal one year from the date of the issuance of a release by the Bureau of Subdivided Land Sales Control. Although most projects do renew, some do not. To avoid the possibility of a developer who had not renewed continuing to utilize a previously issued advertisement approval number, the assignment of an expiration date to such advertisement approval numbers is necessary.

The proposed amendment to paragraph 5 reflects the determination by the Commission that, consistent with the procedure for the review of advertisements on non-exempt projects, each individual approved advertisement for an exempted project shall be assigned a separate advertisement approval number. This will change the practice established by the current rule wherein one "N.J.E." number is assigned to all advertisements of a particular exempted project. This change is necessitated by the prevalent practice of some exempted projects using numerous and diverse advertisements.

By assigning a separate approval number to each advertisement, the Commission will be able to more efficiently administer the advertisement approval process.

The proposed amendment to this subsection also clarifies some confusion by removing references to "advertising" and "registration" numbers therein, and having all such references consistently utilize the terms "advertisement approval numbers."

Social Impact

The social impact of the proposed amendments will be favorable in that confusion as to advertising, registration, and advertisement approval numbers will be removed by having the regulation consistently utilize the same terminology. Further, by assigning expiration dates to advertisement approval numbers, developers will be prevented from utilizing obsolete advertisements.

The proposed amendments imposing an application fee upon applicants for exemptions, and identifying which requirements of the act an applicant will not be exempted from, will also have a favorable social impact because the efficiency of the processing of such applications will be enhanced as a result of the additional information being provided to applicants in the form of a published regulation. This increased efficiency in the processing of such matters will result in an increase in the number of such projects available to New Jersey residents.

Economic Impact

The economic impact of the proposed amendments will be favorable in that, most significantly, the State of New Jersey will be adequately compensated for the efforts of its employees with regard to out-of-state projects as a result of the imposition of fees upon exemption applications. The nominal amount of the fee will not impose any undue financial burden upon such applicants.

The increased efficiency in the processing of exemption applications and requests for advertisement approval numbers which will result from the clarifications provided by the proposed amendments will also result in an economic benefit to the people of New Jersey. Also, the proposed changes will result in the avoidance of disputes which might arise as a result of a developer's utilization of an obsolete advertisement.

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

11:5-1.25 Sales of [interest] **interstate** properties

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

(h) Rules concerning advertising and sales promotions with respect to sales of interstate properties are as follows:

1.-2. (No change.)

3. Any advertising in newspapers or periodicals, whether to appear in New Jersey media or in interstate media which have a distribution in New Jersey, must be submitted to the Commission[,] for review, acceptance and assignment of an [advertising] **advertisement approval number as described below** before being used. Each such advertisement must contain the following legend:

"A [s]Statement of [r]Record filed with the New Jersey Real Estate Commission permits this property to be offered to New Jersey residents, but **the New Jersey Real Estate Commission** does not pass on its merits or value. Obtain the New Jersey Public Offering Statement and read it before signing anything."

i. **All advertisement approval numbers will expire one year from the date of issue unless a written request is received by the New Jersey Real Estate Commission, Bureau of Subdivided Land Sales Control for use of the advertisement for an additional year. The advertisement may be used for an additional year only with the express permission of the New Jersey Real Estate Commission, Bureau of Subdivided Land Sales Control.**

4. Literature, circulars, fliers, cards, letters and other promotional items used in connection with the advertising or offering for sale must be submitted to the Commission for review, and if accepted will be assigned [a registration] **an advertisement approval number** with the prefix "NJA." The above legend as set forth in paragraph 3 and the assigned NJA number must be shown in these materials in a place reasonably calculated to capture the attention of the public.

5.-8. (No change.)

(i)-(m) (No change.)

(n) Upon application the Commission may exempt a subdivision from registration if it determines that enforcement of the act and these rules is not necessary in the public interest or for the protection of purchasers.

1.-3. (No change.)

4. An exemption may be granted by reason of the limited character of the offering when the nature of the property or the prospective purchasers to whom the property will be offered is such that it is likely they will have advice concerning the purchase independent of that supplied by the subdivider [of] or his agents. An application for exemption for this reason shall include a copy of any prospectus, offering statement or other such solicitation. An exemption granted for this reason shall be limited to the group of [officers] **offerees** specified in the application.

5. [Upon the granting of an exemption] **Upon the submission for approval of an advertisement or advertisements by the recipient of an exemption granted hereunder**, the Commission shall assign an "N.J.E." (New Jersey Exemption) number beginning with the prefix "N.J.E." **to each advertisement so submitted and approved**, which shall thereafter appear on all [advertising] **publications or broadcasts of that advertisement** directed to citizens of this State, or national advertising circulated within this State.

6. Any exemption granted shall [be for a period of one year. Successive renewals may be granted upon further application.] **remain in effect, unless revoked as described below, until title to all of the lots, parcels, units or interests identified to the Commission as part of the exempted project is transferred by the holder of the exemption. At the time that title to the last remaining exempted lot, parcel, unit or interest is so transferred, the holder of the exemption shall inform the Commission in writing of such transfer of title.**

7. Any exemption granted shall permit the subdivider to offer the property to New Jersey residents without obtaining an Order of Registration. [and to distribute advertising without prior approval.] An exemption shall not deprive the Commission of jurisdiction to enforce any other provision of the act or these rules, or to revoke the exemption after notice and an opportunity to be heard.

8. A \$250.00 non-refundable fee shall be tendered with any application for an exemption from the registration requirements of the Land Sales Full Disclosure Act, N.J.S.A. 45:15-16.3 et seq.

9. All exemptions granted, pursuant to N.J.S.A. 45:15-16.6(c), are limited exemptions from the registration requirements of the Land Sales Full Disclosure Act. No application shall be exempt from the following minimum requirements:

- i. The filing of an exemption application affidavit questionnaire;
- ii. The filing of proof of title and a plat map specifically identifying the lots to be exempted, with colored shading;
- iii. The filing of an escrow letter whereby the subdivider promises to escrow all New Jersey purchasers' deposits until a closing occurs;
- iv. The filing of satisfactory proof of surety and/or financial assurances for any promised improvements or amenities;
- v. The advertisement approval standards and procedures established at (h) above; and
- vi. The filing of any other documents that the Commission may deem necessary.

10. No exemption granted hereunder shall be effective until a Letter of Exemption is issued by the Commission to the applicant for the exemption.

(a)

Sponsoring of License Applications or Transfers of License

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

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

Proposal Number: PRN 1986-529.

The agency proposal follows:

Summary

This is a reproposal of a proposed rule amendment which was initially published in the New Jersey Register on October 6, 1986 at 18 N.J.R. 2000(a). Due to a clerical error, no secondary notice was published at that time. Hence, it is being repropounded in order to provide members of the public an adequate opportunity to submit comments on the proposal.

Every application for a real estate salesperson's or broker-salesperson's license must be sponsored by a sponsoring broker, and upon termination of employment, the broker must surrender the individual's license to the Real Estate Commission. Thereafter, the salesperson or broker-salesperson is prohibited from acting as a licensee until employment with another broker is secured.

N.J.A.C. 11:5-1.30 established a mechanism designed to facilitate both the initial licensing and transfer of employment process. Under the existing regulation, a corporation or partnership broker may, by filing a power of attorney with the Real Estate Commission, have both initial license applications and license transfer documents executed by one person, other than the authorized broker of record. The person so designated must be the holder of a broker's license and an officer of the corporation or member of the partnership.

The proposed amendment to N.J.A.C. 11:5-1.30 separates the procedures applicable to the sponsoring of initial applications for licenses from that of surrendering licenses to the Real Estate Commission upon termination of the licensee's employment. The amendment establishes different criteria for who may be authorized by the broker to execute the required documents in each situation. The proposal also extends the authority to delegate these functions to brokers operating as sole proprietorships.

With respect to initial license applications, the proposal permits a broker operating as a sole proprietor to file a power of attorney with

the Real Estate Commission designating a broker-salesperson in his or her employ to perform the sponsorship function. The proposal further requires that any power of attorney filed pursuant to the rule must be submitted to the Real Estate Commission at least 10 days prior to the actual delegation of the sponsoring function to a designated individual.

With respect to the surrender of a license, the proposed amendment permits all brokers to designate one other person to complete the document which must be submitted to the Real Estate Commission. This designated person need not be a licensed broker or broker-salesperson as is required in the case of sponsorship of initial license applications, but however, must be an employee of the broker. The proposal requires that a broker supply the Real Estate Commission with at least 10 days prior written notice of the designation and immediate notice of any change thereto. Forms to be utilized by brokers in providing notice of the designation shall be provided by the Commission.

Finally, the proposal specifies that at any one time, only one person may be designated by the broker as the alternate person authorized to execute either initial license applications or license surrender documents, as applicable.

The proposed amendment is necessary to cure a situation which is occurring with increasing frequency. After terminating employment with larger real estate operations, some licensees have been prevented from promptly commencing employment with new employers because of the tardy submission of the surrender document to the Commission. The former employing broker or broker of record has been either unavailable or so preoccupied with other pressing matters that he or she has been unable to perform the physical function of signing the transfer portion of the license document in a timely fashion. By allowing a designee of the employing broker or broker of record to perform this function, it is anticipated that such delays will be avoided.

Social Impact

The proposed amendment will have a favorable social impact by avoiding delays in the transfer of licenses from a former employer to a new employer. Salespersons and broker-salespersons will be able to continue to perform the functions of fully licensed individuals. As a result, pending transactions will not be delayed and potentially negated due to a lack of continuity in the individual's status as an active licensee. The proposal will also benefit employing brokers and brokers of record, including those operating as sole proprietorships, by permitting them to delegate this function and devote their time to other aspects of their business.

Economic Impact

The economic impact of the proposed amendment will be substantial, in that licensees transferring from one employer to another will not experience extended periods of inactivity and resulting loss of income due to dilatory submission of the documents required to effectuate a valid license transfer. Inordinate delay of pending transactions involving the licensee will also be avoided.

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

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

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

(b) Any employing broker or broker of record may authorize one individual in their employ to sign and surrender to the Real Estate Commission, in accordance with the requirements of N.J.S.A. 45:15-14, the real estate salesperson or broker-salesperson license of any licensee whose employment relationship with that employing broker or broker of record is terminated. The employing broker or broker of record shall, on a form to be provided by the Commission, notify the Commission in writing of the designation

of the employee so authorized, which person need not be the holder of a real estate license. The form designating the authorized person shall be filed with the Real Estate Commission at least 10 days prior to delegating performance of the function of that person. The employing broker or broker of record shall immediately notify the Real Estate Commission in writing in the event that, for any reason, the authority of the person so designated to perform that function is revoked, and shall indicate whether a new designee is to be named. Only the employing broker or broker of record and one other person duly designated and identified to the Real Estate Commission as provided in this section may perform the said license transfer functions at any one time.

LAW AND PUBLIC SAFETY

(a)

STATE BOARD OF DENTISTRY

Advertising; Referral Fees

Reproposed Amendment: N.J.A.C. 13:30-8.6

Reproposed New Rule: N.J.A.C. 13:30-8.15

Authorized By: Richard Van Sciver, D.D.S., President, State Board of Dentistry.

Authority: N.J.S.A. 45:6-1 et seq.

Proposal Number: PRN 1986-525.

Submit comments by January 14, 1987 to:
William Gutman, Executive Secretary
State Board of Dentistry
1100 Raymond Boulevard, Room 321
Newark, New Jersey 07102

The agency proposal follows:

Summary

The State Board of Dentistry's original proposal, which appeared on August 4, 1986, at 18 N.J.R. 1515(a), provided for the deletion of the prohibition on advertising offers for referral fees from the advertising regulation and proposed a new rule which prohibited licensees from paying or accepting a fee for the referral of a patient. In view of the fact that the Board has long considered the payment or receipt of referral fees to constitute professional misconduct, the proposal was intended to articulate the Board's determination that the true purpose of the rule is to bar the practice related to referral fees, not merely the advertisement of it. Upon further consideration, the Board is of the opinion that the original proposal is overly broad in that it would encompass situations where compensation is paid by a dentist to employees or associate dentists for referring patients to the office. Accordingly, this reproposal creates an exception to the general prohibition on referral fees for those situations where payment is made generally for incentive purposes to an employee or an associate dentist working in the licensee's office.

Social Impact

No social impact is expected because the rule does not alter the position of the Board with respect to referral fees, but only codifies a previously implied prohibition.

Economic Impact

No substantial economic impact is expected because the rule does not alter the position of the Board, but only represents an express articulation of a previously implied prohibition. This reproposal curtails the class of individuals affected by the rule in that it creates an exception permitting the payment of compensation to employees or associate dentists for the referral of a patient.

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

13:30-8.6 Professional advertising

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

(c) A licensee who engages in the use of advertising which contains the following shall be deemed to be engaged in professional misconduct.
1.-6. (No change.)

[7. Offers to give, receive or accept a fee or other consideration to or from a third party for the referral of a patient.]

Renumber 8.-12 as 7.-11. (No change in text.)

(d)-(l) (No change.)

13:30-8.15 Referral fees

It shall be professional misconduct for a licensee to pay to, receive from, or split a fee or other form of compensation with any person other than an employee or associate dentist for the referral of a patient.

DIVISION OF CONSUMER AFFAIRS

(b)

Motor Vehicle Advertising Practices

Reproposed Repeal and New Rules: N.J.A.C.

13:45A-2

Authorized By: James J. Barry, Jr., Director, Division of Consumer Affairs.

Authority: N.J.S.A. 56:8-4.

Proposal Number: PRN 1986-527.

Submit comments by January 14, 1987 to:

James J. Barry, Jr., Director
Division of Consumer Affairs
Room 504
1100 Raymond Boulevard
Newark, New Jersey 07102

The agency proposal follows:

Summary

The Division of Consumer Affairs (Division) originally adopted N.J.A.C. 13:45A-2 in July 1973. Revisions in the rules became effective in November 1976. The Division now proposes to repeal the existing rules. New rules were proposed in the New Jersey Register on December 2, 1985 at 17 N.J.R. 2861(a). The 30 day comment period ended January 2, 1986 and the Division subsequently extended the comment period. A total of eight written comments and two verbal comments were received through April 21, 1986. Verbal comments were received from a major automotive dealer association and a major press association. Written documents were received from a major broadcasters association, counsel to a local automobile dealer, a local radio station, a major automotive dealer association, a major press association, a local automobile dealer and two consumers. All the comments have been reviewed and some revisions, mostly minor, have been incorporated in the repropoed rules.

The new rules substantially retain the existing rules which have been clarified, reordered, and renumbered for easier readability. The new rules clarify existing substantive provisions and their phrasing, as well as address specific deceptive advertising practices observed by the Division since the 1976 revisions took effect.

An initial major change effected by the new rules is that an advertised motor vehicle must be on the seller's premises on the date the advertisement runs. This requirement will serve to decrease both "bait and switch" and "high pressure" sales tactics.

Additionally, requirements concerning lease advertisements are specified and clarified. Motor vehicles offered for lease will have to be clearly distinguished from those offered for sale, and minimal disclosure requirements will be necessary with regard to the type of lease, the total cost and consumers' obligations.

The new rules continue the requirement that advertising contain a single "bottom line" price so that purchasing consumers will be provided with meaningful disclosure as to the actual price to be paid for the vehicle as well as establishing a clear reference point for the purpose of comparing prices among competitors. The term "advertised selling price" now describes the "bottom line" price and must appear in type at least twice the size of any other price relative to an advertised motor vehicle. The new rules also continue the exception for "general availability" advertisements where an advertiser merely wishes to communicate the fact that a general class of vehicles is available for sale, such as a model or series for a new year, or statements involving the general qualities or virtues of a vehicle series or lines. Where, however, the advertisement intends to convey the availability for sale of a particular vehicle as distinguished from an announcement of general availability or quality, the disclosure requirements become operative.

In order to assure that advertisements claiming price reductions are both bona fide and substantial, the new rules continue the requirement that a claimed price reduction be at least five percent less than the usual price at which the vehicle has been previously sold or offered for sale. The rules also require that if an advertisement is a price reduction

advertisement, the price from which the reduction is advertised must be the advertiser's usual selling price. Since the motor vehicle seller is in the position of knowing the usual selling price of a vehicle offered for sale to the consuming public over a period of time and since the data necessary to establish prior selling prices is found primarily in the books and records of the seller, a record keeping requirement has been added whereby records establishing the usual selling price must be maintained for a period of 90 days from the date on which the advertisement is placed. Furthermore, to clearly establish an operative guide post for defining the usual price from which a price reduction may be advertised and thereby guard against claimed price reductions which in fact are fictitious, the rules require a showing of not less than three sales or offering of the advertised vehicle or its substantial equivalent during the 90 days preceding the date of advertisement.

The term "advertisement" has been amended to specifically mention leases. The definition "advertiser" has been amended to delete reference to rental of motor vehicles. The treatment of advertising agents and newspapers has been replaced with the wording from the New Jersey Rule governing Merchandise Advertising.

Among the additional revisions in the regulations are: the requirement that the last six numbers of the vehicle identification number be included in any advertisement for a new or used car; the price of each extra cost option installed by the dealer or anyone other than the original manufacturer must be listed, whether or not the price is included on the Monroney label; misleading or fictitious discounts are prohibited; disclaimers or qualifying phrases must appear in at least 10 point type; misuse of such terms as "public notice" are prohibited; and the statement "price(s) include(s) freight and dealer prep" must now appear and be set forth in at least 10 point type. The rules contain a new requirement (parallel to that in the Division's General Merchandise Advertising Regulations) that the current advertisement be conspicuously posted on the premises.

The rules also contain a section dealing with warranties. First, if a warranty is a manufacturer's or factory warranty or guaranty and the advertisement states it is such a warranty, the disclosure requirements of the section do not apply. Secondly, if the actual warranty contains, at minimum, certain provisions, the amount of disclosure required is not as extensive as when the warranty does not contain the minimum provisions. The rules do not require that a warranty contain any specific provisions, but require different amounts of disclosure depending on the provisions of the actual warranty.

It is intended that the repropoed new rules be construed and applied in a manner consistent with the purpose of preventing the evils engendered by deceptive and misleading advertising, thereby affording the consuming public forthright and honest presentations of motor vehicle information as well as promoting a truly competitive climate within the marketplace.

Social Impact

By refining definitional and disclosure requirements, the regulations will enhance consumer confidence and ability to meaningfully compare motor vehicle advertisements. Motor vehicle advertisers will benefit by the enhanced clarity in definition phrasing, as well as by the prohibition of specifically identified deceptive practices. Both consumers and advertisers will benefit by more complete, standardized disclosure requirements. Such requirements will serve to further minimize the ability of the unscrupulous minority of motor vehicle advertisers who would seek to gain unfair advantage over both their legitimate competitors as well as over consumers.

Economic Impact

The new rule requires 10 point type disclosure and clarification of certain terms and explanations, in order to curtail potential deceptive advertising.

A copy of the advertisement will have to be posted, and applicable disclosure requirements will be extended to radio and television advertising.

Dealers will be required to have in stock advertised vehicles, so as to curtail abuses in "bait and switch" advertising.

The economic impact on motor vehicle advertisers will be minimal, in terms of the several additional requirements. Advertisers and sellers will benefit economically by virtue of the curtailment of unfair advantage to the unscrupulous advertising minority. Consumers will benefit by clearer and more precise comparative disclosure requirements, as well as a saving in time and money not wasted in response to deceptive advertising.

Full text of the proposed repeal may be found in the New Jersey Administrative Code at N.J.A.C. 13:45A-2.

Full text of the proposed new rules follows.

SUBCHAPTER 2. MOTOR VEHICLE ADVERTISING PRACTICES

13:45A-2.1 Scope

Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. the rules contained in this subchapter set forth motor vehicle advertising practices which are prohibited as unlawful under the Consumer Fraud Act.

13:45A-2.2 Application

(a) These rules shall apply to the following advertisements:

1. Any advertisement, including radio and television broadcasts, uttered, issued, printed, disseminated, published, circulated or distributed within this State concerning motor vehicles advertised as available at locations exclusively within this State; and

2. Any advertisement, including radio and television broadcasts, uttered, issued, printed, disseminated, published, circulated or distributed to any substantial extent within this State concerning motor vehicles advertised as available at locations within this State and outside this State, or at locations exclusively outside the State.

13:45A-2.3 Definitions

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

"Advertised motor vehicle" means any new or used motor vehicle offered for sale or lease in an advertisement in which the motor vehicle is specifically identified by either:

1. Stating the advertised selling price or the manufacturer's suggested retail price; or

2. Stating the amount of any payment or the deferred payment price; or

3. Listing information relating to essential elements or components of a particular motor vehicle, such as transmission type, brakes, steering or extra cost options so as to make clear to a consumer that a specific motor vehicle is being offered for sale.

With respect to an advertisement which offers a group of new motor vehicles for sale covering a specified price range (for example "1984 Escorts for sale—\$5,000 to \$6,000") the least expensive and most expensive motor vehicles are considered to be advertised motor vehicles.

"Advertised selling price" means a single specific dollar figure indicating the amount of money the advertiser expects to receive or will accept for the sale or lease of an advertised motor vehicle.

"Advertisement" means any advertisement as defined by N.J.S.A. 56:8-1(a) of any motor vehicle including any statement appearing in a newspaper, periodical, pamphlet, circular, or other publication, paper, sign or radio or television broadcast which offers or in any way indicates the availability of a motor vehicle for sale or lease at retail.

"Advertiser" means any person as defined by N.J.S.A. 56:8-1(d) who in the ordinary course of business is engaged in the sale, leasing or financing of motor vehicles at retail or who in the course of any 12 month period offers more than three motor vehicles for sale or lease or who is engaged in the brokerage of motor vehicles whether for sale or lease and who directly or indirectly initiates, requests or causes an advertisement to be made for the retail sale or lease of motor vehicles. An advertising agency and the owner or publisher of a newspaper, magazine, periodical, circular, billboard or radio or television station acting on behalf of an advertiser shall be deemed an advertiser within the meaning of this regulation, when such entity prepares and places an advertisement for publication. No such entity shall be liable for a violation of this rule when the entity reasonably relies upon data, information or material supplied by an advertiser for whom the advertisement is prepared or placed or when the violation is caused by an act, error or omission beyond the entity's control, including but not limited to, the post-publication performance of the advertiser on whose behalf such advertisement was placed. Notwithstanding that an advertisement has been prepared or placed for publication by one of the aforementioned entities, the advertiser on whose behalf such advertisement was placed may be liable for any violation of this regulation.

"Dealer" means any person who in the ordinary course of business is engaged in the sale or leasing of motor vehicles at retail or who in the course of any 12-month period offers more than three motor vehicles for sale or lease at retail.

"Extra cost option" means optional equipment, regardless of its place of installation, on the motor vehicle, the price of which would not be included in the manufacturer's suggested retail price for the basic vehicle.

"Motor vehicle" means any vehicle driven otherwise than by muscular power, excepting such vehicles as those which run only upon rails or tracks.

"Price reduction advertisement" means any advertisement which in any way states or suggests directly or indirectly that the advertised motor vehicle is being offered or made available for sale at a price less than that which it has been usually sold or offered for sale.

"Rebate" means a sum of money given to the purchaser or lessee of a motor vehicle by the manufacturer at the time of the purchase or shortly thereafter.

"Sale" means a sale as defined by N.J.S.A. 56:8-1(e) of any motor vehicle.

"Warranty advertisement" means any advertisement in which any warranty or guaranty for any motor vehicle or part thereof is offered in connection with the sale of such motor vehicle.

13:45A-2.4 Bait and switch

(a) The following motor vehicle advertising "bait and switch" practices shall be unlawful:

1. The use of an advertisement as part of a plan or scheme not to sell the motor vehicle advertised or not to sell the same at the advertised selling price;

2. Without limiting other means of proof, the following shall be prima facie evidence of a plan or scheme not to sell a motor vehicle as advertised or not to sell the same at the advertised selling price;

i. Refusal to show, display or sell the motor vehicle advertised in accordance with the terms of the advertisement, except that an advertiser shall not be required to provide a road test of a motor vehicle unless so stated in the advertisement;

ii. The disparagement by act or word, either before or after the sale of the advertised motor vehicle, of the guaranty, warranty, credit terms, availability of service, repairs or parts or of anything in any other respect a material fact connected with the advertised motor vehicle. However, disparagement shall not include an accurate factual description of the difference or differences between the advertised motor vehicle and other motor vehicles when and where the customer requests such information;

iii. The refusal to take orders for advertised motor vehicles or the taking of orders at a price greater than the advertised selling price;

iv. The failure to submit orders to the manufacturer or other source used in the ordinary course of business for the advertised motor vehicles;

v. The showing, demonstrating or delivery of any advertised motor vehicle which is known to be or should have been known to be defective, unusable or unsuitable for the purpose represented or implied in the advertisement;

vi. Accepting a deposit for an advertised motor vehicle, then switching the purchaser to a higher-priced motor vehicle, except when the purchaser has initiated the switch as evidenced by a writing to that effect signed by the purchaser.

vii. The failure to make a delivery of the advertised motor vehicle within the promised delivery period, unless such failure is caused by reasons beyond the control of the advertiser;

viii. The use of a sales plan or method of compensating or penalizing salesmen, designed to prevent or discourage them from selling the advertised motor vehicle or from selling the same at the advertised selling price. However, this provision shall not apply to a sales plan or method of compensation whereby a salesman realizes a fixed percentage rate of the gross amount of his sales made within a specified time period nor to salesman bonus plans designed primarily to encourage or reward salesmen for selling motor vehicles other than the advertised motor vehicle.

13:45A-2.5 Advertisements; general requirements for disclosure

(a) With respect to any advertisements offering or making available for sale a new or used motor vehicle other than an advertisement indicating the general availability of a make, model or series of new motor vehicles, the following motor vehicle advertising practices shall be unlawful:

1. The failure to state the advertiser's true name and business address or the word "dealer";

2. The failure to state a single specific dollar amount indicating the advertised selling price in type size at least twice the size of any other dollar figure pertaining to the advertised motor vehicle;

3. The failure to set forth a statement, located immediately adjacent to or contained in the description of the advertised motor vehicle, that "price(s) include(s) freight and dealer prep; exclude(s) licensing costs and taxes." If this statement appears as a footnote, it must be set forth in at least 10 point type.

4. The setting forth of any advertised selling price which does not include transportation, freight, shipping, dealer preparation and any other additional costs to be borne by a consumer, except for licensing costs and taxes;

5. The setting forth of an advertised selling price which has been calculated by deducting a down payment, trade-in allowance, rebate or any other dollar figure which does not represent a reduction in the amount of money the dealer will accept for the advertised motor vehicle;

6. The setting forth of an advertised selling price which is effective only if another thing of value is purchased;

7. The failure to list all disclaimers, qualifiers or other such related information immediately adjacent to any stated special offer, price, discount, annual percentage rate or savings. If the disclaimers, qualifiers or other such related information appear as a footnote, they must be set forth in at least 10 point type;

8. The offering of equipment fee or at a discount and failing to state its retail value or show it as a dollar deduction with regard to the specific advertised motor vehicles to which such offering applies;

9. The setting forth of more than one cash discount when in fact the total dollar amount represents merely a reduction in the price the dealer will accept for the sale of the motor vehicle;

10. The setting forth of a dollar figure representing a discount which is applicable to only a limited group of consumers but incorporating it in the advertised selling price;

11. The failure to state the manufacturer's suggested retail price, if any, as it appears on the Monroney label clearly denominated as such and without qualifying adjectives and terms in any advertisement relating to a new motor vehicle;

12. The failure to state the bona fide manufacturer's suggested retail price clearly denominated as such and without qualifying adjectives and terms in any advertisement relating to a new vehicle which is not required to have a Monroney label but for which the manufacturer does suggest a retail price. The motor vehicle dealer shall retain such records as may be necessary to establish the above noted bona fide manufacturer's suggested retail price;

13. The statement of a price as the manufacturer's suggested retail price when the manufacturer does not provide a suggested retail price in any advertisement relating to a new motor vehicle.

14. The failure to set forth the original manufacturer's suggested retail price for any basic vehicle which has been converted to additional cost by someone other than the original manufacturer in any advertisement relating to a new motor vehicle;

15. The failure to clearly indicate that the manufacturer's suggested retail price is identical, when applicable, to the advertised selling price;

16. The failure to list each extra cost option installed by the dealer or any one other than the original manufacturer clearly denominated as such together with the retail price of each as determined by the dealer whether or not that price is included on the Monroney label in an advertisement relative to a new motor vehicle;

17. The failure to state the following information:

i. The number of engine cylinders;

ii. Whether the transmission is automatic or manual;

iii. Whether the brakes and steering mechanism are power or manual;

iv. Whether the vehicle has air conditioning;

18. The failure to state the actual odometer reading as of the date of placing an advertisement of any advertised motor vehicle described as "demonstrator" or "executive" vehicle or in such other similar terms; or any advertised motor vehicle described as a "leftover" which possesses an odometer reading in excess of 500 miles;

19. The failure to state the year, make, model and the series where the advertised motor vehicle has a designated series or model;

20. The failure to set forth the last six digits of the vehicle identification number of an advertised motor vehicle; in any advertisement which offers two or more motor vehicles with the same manufacturer's suggested retail price the last six digits of the vehicle identification number for at least two of these must be stated; the six digit number shall be preceded by the letters "VIN";

21. The failure to state the exact number of models of advertised motor vehicles with the same manufacturer's suggested retail price on premises on the date the advertisement runs;

22. With respect to advertisements that are contracted to run once, the failure to have an advertised motor vehicle on premises on the date the advertisement runs;

23. With respect to advertisements offering advertised motor vehicles for sale or lease that are contracted to run without change more than once;

i. The failure to have an advertised motor vehicle on the premises on the first day the advertisement runs;

ii. In the event an advertised motor vehicle is sold before the contracted advertising schedule has been completed, the dealer must notify any consumer who inquires by telephone of the sale and maintain a copy of the sales agreement for a period of 90 days following the date of sale which shall be made available for inspection by the Division of Consumer Affairs.

iii. For the purpose of this paragraph such contracted advertising schedule shall be limited to the four days immediately following the initial publication. In the event the advertisement appears after the four day limit, it shall be subject to the provisions of i. or ii. above, whichever is applicable;

24. The failure to state that the motor vehicle has been previously used as demonstrator or executive vehicle, a police or fire vehicle, a passenger vehicle for lease, rental or hire, or as a taxi when such prior use is known or should have been known by the advertiser or the person for whom he acts;

25. With respect to an advertisement offering a used motor vehicle, the failure to state the actual odometer reading as of the date of placing the advertisement for publication. Any vehicle possessing an odometer reading of greater than 1,000 miles shall be deemed used.

13:45A-2.6 Certain credit and installment sale advertisements

(a) The following motor vehicle advertising practices concerning credit and installment sale advertisement shall be unlawful:

1. The advertising of credit, including but not limited to such terms as easy credit or one-day credit, other than that actually transacted by the advertiser on a regular basis in the ordinary course of business;

2. The failure to state the following information in any advertisement offering to sell a motor vehicle on an installment basis:

i. The total cost of the installment sale indicated by a single specific dollar amount (including the down payment, or trade-in, if any, plus the total deferred payment price) in type size no smaller than the size of the monthly payment figure pertaining to the advertised vehicle;

ii. The annual percentage rate;

iii. The monthly payment figure (calculated on the basis of the total cost of the installment sale) and the number of required payments;

iv. The amount of any down payment or trade-in required or a statement that none is required;

v. The disclosures in i. through iv. above shall be placed adjacent to the description of the advertised motor vehicle and shall not be contained in a footnote.

3. The use or statement of an installment payment on any basis other than a monthly basis.

13:45A-2.7 Price reduction advertisements

(a) In any advertisement wherein a reduction from the usual selling price is stated or indicated either directly or by implication, the following motor vehicle advertising practices shall be unlawful;

1. The use or statement of any price from which a reduction is indicated either directly or by implication where such price is not the usual selling price;

2. The placement of a price reduction advertisement where the price reduction is less than five percent of the usual selling price.

(b) For the purpose of this section a usual selling price is the price at which the advertiser has sold or offered for sale the advertised motor vehicle or a substitute equivalent on not less than three occasions during the 90 day period immediately preceding the date of publication of the advertisement. The use of the terms "sale," "discount," "savings," "price cut," "bargain," "reduction," "special savings," "prices slashed," "clearance," "buys" and such other terms of similar import shall be deemed to indicate a price reduction advertisement.

(c) In the event that an advertiser places a price reduction advertisement, the motor vehicle dealer in whose name the advertisement is placed shall retain such records as may be necessary to establish the usual selling prices. Such records shall be maintained for a period of 90 days following the date of publication of the advertisement and shall be made available for inspection by the Division of Consumer Affairs.

13:45A-2.8 Warranty advertisements

(a) Unless the warranty advertised states that it is a manufacturer's or factory warranty or guaranty, or complies with the requirements of (b) below, advertising a warranty or guaranty shall be an unlawful motor vehicle advertising practice if the actual warranty does not at a minimum include the following provisions:

1. Duration: The warranty must start on the vehicle's purchase date and extend at least 30 days thereafter or 1,000 miles beyond the odometer reading at the time of purchase, whichever occurs first;

2. Coverage: The following parts of the vehicle must be covered thereunder:

i. Engine: the following internal lubricated parts: pistons, piston rings, piston pins, crankshaft and main bearings, connecting rods and rod bearings, camshaft and camshaft bearings, timing chain and timing gears, intake and exhaust valves, intake manifold, valve springs, guides, oil pump, push rods, rocker arms, hydraulic lifters, rocker arm shaft and cylinder heads. The engine block is covered if damaged by a defect or malfunction of one or more of the above listed internal lubricated parts;

ii. Transmission: all internal lubricated parts contained within the transmission case and torque converter case. The transmission case and torque converter case are covered if damaged by a defect or malfunction of one or more of these internal lubricated parts;

iii. Drive axle assembly: the following parts: drive shaft and universal joints and all internal lubricated parts contained within the drive axle housing; the drive axle housing is covered if damaged by a defect or malfunction of one or more of these internal lubricated parts;

iv. Water pump impeller, shaft bearings and bushings.

3. Purchaser's obligation to contribute toward warranty repairs or replacement costs shall be no greater than 50 percent of the selling dealer's regular retail charges for all parts and labor furnished in the repairs or replacements performed under the warranty.

(b) Where the warranty or guaranty being offered in an advertisement does not conform to the minimum standards of (a) above, failure to include the following disclosures in the actual advertisement shall be an unlawful motor vehicle advertising practice:

1. Limitation of warranty or guaranty as to duration, inclusion or exclusion of service or labor charges, and characteristics or properties of the motor vehicle or part thereof included or excluded by the warranty or guaranty;

2. Whether the warranty or guaranty will be performed by repair, replacement, refund or any other means and whether such manner of performance is at the option of the advertiser.

13:45A-2.9 Lease

(a) With respect to any advertisement offering or making available for lease a new or used motor vehicle other than an advertisement indicating the general availability of a make, model or series of new motor vehicles, the following motor vehicle advertising practices shall be unlawful:

1. The failure to state the advertiser's true name and business address or the word "dealer";

2. The failure to clearly and conspicuously identify the advertised transaction with the term "lease";

3. The failure to state the amount of the monthly payment in type size at least twice the size of any other dollar figure pertaining to the advertised motor vehicle, and the number of required payments;

4. The failure to state the total cost of the lease including all non-refundable payments;

5. The failure to state the total amount of any payment, such as security deposit, down payment or capitalized cost reduction required at the beginning of the lease, or a statement that no such payment is required;

6. The failure to state whether the consumer has the option to purchase the leased motor vehicle and at what time and price;

7. The failure to state the amount of any liabilities the lease imposes upon the consumer at end of the term; and, if the consumer shall be liable for any difference between the estimated value of the leased motor vehicle and its realized value at the end of the lease term;

8. The use or statement of any lease payment on any basis other than a monthly basis.

9. The failure to set forth a statement that "Price(s) include(s) freight and dealer prep; exclude(s) licensing costs and taxes" immediately adjacent to or contained in the description of the advertised motor vehicle. If this statement appears as a footnote it must be set forth in at least 10 point type;

10. The setting forth of any advertised lease price which does not include transportation, freight, shipping, dealer preparation and any other additional costs to be borne by a consumer, except for licensing costs and taxes;

11. The setting forth of an advertised lease price which has been calculated by deducting a down payment, trade-in allowance, rebate or any other dollar figure which does not represent a reduction in the amount of money the dealer will accept for the advertised motor vehicle;

12. The failure to list all disclaimers, qualifiers or other such related information immediately adjacent to any stated special offer, price, discount, annual percentage rate or savings. If the disclaimers, qualifiers or other such related information appear as a footnote they must be set forth in at least 10 point type;

13. The failure to state the manufacturer's suggested retail price, if any, as it appears on the Monroney label clearly denominated as such and without qualifying adjectives and terms in any advertisement relating to a new motor vehicle;

14. The failure to state the following information:

- i. The number of engine cylinders;
- ii. Whether the transmission is automatic or manual;
- iii. Whether the brakes and steering mechanism are power or manual;
- iv. Whether the vehicle has air conditioning;

15. The failure to state the year, make, model and the series where the advertised motor vehicle has a designated series or model;

16. The failure to set forth the last six digits of the vehicle identification number of an advertised vehicle; in any advertisement which offers two or more motor vehicles with the same manufacturer's suggested retail price the last six digits of the vehicle identification number for at least two of these must be stated; the six digit number shall be preceded by the letters "VIN";

17. The failure to state the exact number of models of advertised motor vehicles with the same manufacturer's suggested retail price on premises on the date the advertisement runs;

18. With respect to advertisements that are contracted to run once, the failure to have an advertised motor vehicle on premises on the date the advertisement runs;

19. With respect to advertisements that are contracted to run without change more than once:

i. The failure to have an advertised motor vehicle on premises on the first day the advertisement runs;

ii. In the event an advertised motor vehicle is leased before the contracted advertising schedule has been completed, the dealer must notify any consumer who inquires by telephone of the lease and maintain a copy of the leasing agreement for a period of 90 days following the date of the lease which shall be made available for inspection by the Division of Consumer Affairs;

iii. For the purpose of this paragraph such contracted advertising schedule shall be limited to the four days immediately following the initial publication. In the event the advertisement appears after the four day limit it shall be subject to the provisions of i. or ii. above, whichever is applicable.

20. The failure to state that the motor vehicle has been previously used as a demonstrator or executive vehicle, a police or fire vehicle, a passenger vehicle for lease, rental or hire, or as a taxi when such prior use is known or should have been known by the advertiser or the person for whom he acts;

21. With respect to an advertisement offering a used motor vehicle for lease, the failure to state the actual odometer reading as of the date of placing the advertisement for publication. Any vehicle possessing an odometer reading of greater than 1,000 miles shall be deemed used;

22. The setting forth of any annual percentage rate with respect to any offer of a motor vehicle for lease.

13:45A-2.10 Guaranteed satisfaction, discount and quality claims

(a) The following motor vehicle advertising practices concerning guaranteed satisfaction, discount and quality claims shall be unlawful:

1. The use of the term guaranteed discount, guaranteed lowest prices, or any other similar term unless the advertiser clearly and conspicuously discloses the manner in which such guaranty will be performed and any conditions or limitations controlling such performance;

2. The use of any guaranty, warranty or any other representation regarding the quality of a motor vehicle or part thereof which creates a false impression of the quality, durability, maintenance needs or any other material fact concerning any motor vehicle or part thereof (for example, failure to disclose the fact that substantial repair or body work has been performed on a motor vehicle when such prior repair is known or should have been known by the advertiser or the person for whom he acts).

13:45A-2.11 General prohibitions

(a) The following motor vehicle advertising practices shall be unlawful:

1. The use of any type, size, location, lighting, illustration, graphic depiction or color as to obscure or make misleading any material fact in any advertisement;

2. In any advertisement the use of deception, fraud, false pretense, false promise or misrepresentation as to the size, inventory or nature of the advertiser's business; as to the expertise of the advertiser, his agents or employees; or as to the ability or capacity of the advertiser to offer price reductions or price savings;

3. In an advertisement, the use of the term low prices, lowest prices, lower than anyone else or of any other term suggesting that the prices offered are lower than those usually offered in the business area of the advertiser when in fact the prices offered are not reasonably below those usually offered in the business area of the advertiser or any other term which is in any respect misleading;

4. The use of any advertisement, directly or indirectly, of a comparison to the dealer's cost, inventory price, factory invoice, invoice, wholesale, at no profit, floor plan balance, dealer issue or terms of similar import;

5. The use of the terms "Public Notice," "Public Sale" or words or terms of similar meaning in any advertisement offering motor vehicles for sale, where such sale is not required by court order or by operation of law; or terms such as "Authorized Distribution Center," "Factory Outlet," "Factory Authorized Sale" or other term(s) which imply that the advertiser has an exclusive or unique relationship with the manufacturer;

6. The failure to conspicuously post notice of advertised motor vehicles on the premises to which the advertisement applies in proximity to the advertised motor vehicles or at the main entrance(s) to the business premises ordinarily used by prospective buyers. Such notice may consist of a copy of the advertisement or may take the form of a tag attached to the motor vehicles stating the advertised selling price as well as any other substantive disclosures required herein;

7. The use in any advertisement of the term rebate, or any other terms indicative of cash payment or something of value (for example, savings bond, gift certificate or vacation trip), to describe any other than the giving of such consideration to the purchaser or lessee of a motor vehicle by the manufacturer at the time of purchase or shortly thereafter. The term rebate (or other consideration as specified above) shall not be used to describe a bonus, give back or credit offered to the dealer by the manufacturer which may or may not be passed on to the purchaser.

8. The setting forth of any special offering involving price, discount, annual percentage rate savings, bonus or terms of similar import and failing to specifically and clearly explain any conditions, exclusions, qualifiers or other such related information immediately adjacent to the offering. If the explanation appears as a footnote it must be set forth in at least 10 point type.

9. The failure to display the Monroney label, as required by the Automobile Information Disclosure Act, 15 U.S.C. §§1231-1233; and the failure to display the fuel economy label, as required by the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. §2006, on every new motor vehicle offered for sale.

10. The failure to display the Used Car Buyers Guide, as required by the Federal Trade Commission's Used Car Rule, 16 CFR Part 455.2, on every used motor vehicle offered for sale.

(b) The rules in this subchapter shall apply to any advertisement published or circulated within the State of New Jersey where an advertiser intends to sell or lease or actually sells or leases motor vehicles on a regular basis to New Jersey residents.

STATE ATHLETIC CONTROL BOARD

The following proposals are authorized by the Athletic Control Board, Larry Hazzard, Commissioner.

Submit comments by January 14, 1987 to:

Larry Hazzard, Commissioner
State Athletic Control Board
CN 180, Justice Complex
Trenton, New Jersey 08625

(a)

Time Between Bouts

Proposed Repeal and New Rule: 13:46-5.23

Authority: N.J.S.A. 5:2A-7(c) and 5:2A-4.

Proposal Number: PRN 1986-526.

The agency proposal follows:

Summary

The proposed new rule will clarify the existing regulation governing the time periods which must expire between a boxer's bouts. The purpose of the regulation is to require that boxers take a mandatory rest period between bouts, determined by the length of his latest bout, as a means of protecting his health and safety. The Board has found that the current rule is somewhat ambiguous. For example, the rule currently provides that a boxer competing in a bout of six to 10 rounds must take a 20-day rest period before his next bout. At the same time, the rule provides that a boxer competing in a bout of four to six rounds must take a 14-day rest period. Promoters and boxers have advised the Board that they are having some difficulty in determining the length of the rest period where the length of the bout seems to fall into two separate categories. This proposal will clarify the rule to remove this ambiguity. In addition, the proposal will increase the mandatory rest period for boxers competing in bouts of nine rounds from 20 to 30 days. This proposal is intended to protect the health of the boxer.

Social Impact

The proposal will have a positive social impact since it will clarify the existing regulation thereby enabling boxers, promoters and managers to better understand and abide by the mandatory rest periods prescribed therein. The proposal will also continue to protect the health and safety of the boxer.

Economic Impact

It does not appear that any significant economic impact will result from the adoption of the proposal. Boxers who compete in a nine round bout will now have to wait 30 days, rather than 20 days, before their next bout, which may slightly reduce the number of bouts in which such boxers may participate in a given year.

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

13:46-5.23 Time between bouts

[If a boxer has competed anywhere in a bout of ten rounds or more, he shall not be permitted to box in this State until 30 days have elapsed since his last bout. If a boxer has competed anywhere in a bout of six to ten rounds, 20 days must elapse before his next bout. If a boxer has competed anywhere in a bout of four to six rounds, 14 days must elapse before his next bout. If a boxer has competed anywhere in a bout lasting three rounds or less, ten days must elapse before his next bout. At the Commissioner's discretion, the suspensions outlined above may be extended where indicated by the circumstances of the boxer's last fight.]

(a) **If a boxer has competed anywhere in a bout of nine rounds or more, he shall not be permitted to box in this State until 30 days have elapsed since his last bout.**

(b) **If a boxer has competed anywhere in a bout of seven to eight rounds inclusive, he shall not be permitted to box in this State until 20 days have elapsed since his last bout.**

(c) **If a boxer has competed anywhere in a bout of four to six rounds inclusive, he shall not be permitted to box in this State until 14 days have elapsed since his last bout.**

(d) **If a boxer has competed anywhere in a bout of one to three rounds inclusive, he shall not be permitted to box in this State until 10 days have elapsed since his last bout.**

(e) **At the Commissioner's discretion, the time periods outlined above may be extended where indicated by the circumstances of the boxer's last bout. In making this determination, the Commissioner shall consider:**

- 1. The number, nature and effect of the blows exchanged by the boxers during the bout;**
- 2. The physical condition of the boxer as demonstrated by the post-fight physical examination; and**
- 3. The recommendations of the ringside physician.**

(a)

Three Knockdown Rule

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

Authority: N.J.S.A. 5:2A-7(c) and 5:2A-4.

Proposal Number: PRN 1986-524.

The agency proposal follows:

Summary

This proposal will amend N.J.A.C. 13:46-8.14(c) to require that, upon the occurrence of: (1) three knockdowns in any one round, or (2) a combination of knockdowns and standing eight counts totalling three in any one round, the referee must halt the contest. Currently, the rule grants the referee and the ringside physician the discretion of determining whether a bout should be stopped after three knockdowns have occurred. The State Athletic Control Board believes that a boxer who has been knocked down as the result of a blow three times during a three-minute round is obviously in physical danger. Similarly, the Board believes that a boxer who has received either three standing eight counts in a round or a combination of standing eight counts and knockdowns which total three in any round is also in serious physical danger. To protect his safety, the referee should be required to stop the bout at that point. The amended rule would retain the provision stating that the referee and the ringside physician may also stop the bout after less than three knockdowns if the boxer appears to be in physical danger. The rule also adds a definition of the term knockdown, which is the definition used throughout the boxing industry.

Social Impact

The proposed amendment will have a positive social impact since it will serve to protect the health and safety of the boxer.

Economic Impact

It does not appear that any discernible significant economic impact will result from the adoption of the proposal.

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

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

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

(c) [Three knockdowns in any one round, as the result of a blow, as distinguished from a slip or fall from being off balance, may be regarded, in the discretion of the referee or the ringside physician as justifiable reason for the referee or the ringside physician, to halt a contest. A boxer's condition may also justify stopping a contest after less than three knockdowns.]

The referee shall stop the contest:

- 1. Immediately upon the occurrence of three knockdowns of a boxer in any one round; and**
 - 2. Immediately when a boxer has received three standing eight counts in any one round; and**
 - 3. Immediately when a boxer has received any combination of knockdowns and standing eight counts totalling three in any one round.**
 - 4. Upon stopping the bout pursuant to (c)1, 2, or 3 above, the referee shall award the decision to the boxer's opponent by a technical knockout.**
 - 5. A "knockdown" will be deemed to have occurred whenever any part of a boxer's body, other than the bottom of his feet, touches the canvas as the result of a legal blow, as distinguished from a slip or fall from being off balance.**
 - 6. A boxer's condition may also justify the referee or the ringside physician stopping a contest after less than three knockdowns.**
- (d) (No change.)

PUBLIC UTILITIES**(a)****BOARD OF PUBLIC UTILITIES****Bills and Payments for Service****Form of Bill for Metered Service****Proposed Amendment: N.J.A.C. 14:3-7.9**

Authorized By: Barbara A. Curran, President, Board of Public Utilities.

Authority: N.J.S.A. 48:2-12, 48:2-13 and 48:2-25.

BPU Docket No. AX 8610-1067.

Proposal Number: PRN 1986-523.

Submit comments by January 14, 1987 to:

Edward D. Beslow, Esq.
Regulatory Officer
Board of Public Utilities
1100 Raymond Boulevard
Newark, New Jersey 07102

The agency proposal follows:

Summary

The current rule provides a suggested model statement for use by affected gas, electric and Class A water and sewerage companies to reasonably inform the ratepayer what portion of their bills represents the amount of gross receipts and franchise taxes collected by the public utility and paid to the State of New Jersey and distributed to New Jersey Municipalities.

Upon review by the Board, it has been determined that approximately 15 percent of the gross receipts and franchise taxes collected by public utilities is currently being retained by the State with the remainder being distributed to the municipalities. Accordingly, the purpose of the proposed amendment is to more accurately indicate that the taxes collected and paid to the State are largely distributed to municipalities.

Any other information to the body of this regulation is merely to correct typographical errors that exist in the rule's current form and would result in no substantive change.

Social Impact

The social impact of the proposed amendment is to inform the public that a small portion of the gross receipts and franchise taxes collected by the affected public utilities and paid to the State are retained by the State with the remainder being distributed to municipalities.

Economic Impact

Implementation of the proposed amendment should not have any economic impact on the affected utilities in that any existing supplies of preprinted bill forms will be permitted to be exhausted prior to the need for any language revisions.

Likewise, implementation of the proposed amendment is not expected to impose any additional costs on the Board of Public Utilities.

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

14:3-7.9 Form of bill for metered service

(a) Unless a utility has been specifically relieved of so doing by order of [this] **the Board**, the bill shall show the following:

1.-8. (No change.)

9. For each gas, electric and Class A water **and sewerage** [sewage] company subject to the Board's jurisdiction, sufficient information to reflect the estimated amount of money in that individual bill which is collected for the gross receipts and franchise taxes pursuant to N.J.S.A. 54:30A-54. The following is suggested as a model statement to be included on the bill: "Approximately 13% **or** [of] \$ _____ of your current period charges reflect the average gross receipts and franchise taxes which are paid to the State of New Jersey and **largely** distributed to New Jersey municipalities."

(b) (No change.)

(b)**BOARD OF PUBLIC UTILITIES****Administrative Orders**

Proposed Readoptions: N.J.A.C. 14:11-1.1, 1.5, 1.7, 1.10, 1.12, 1.13, 1.14, 5.1, 5.5, 5.6, 7.2, 7.4, 8.1 through 8.31, 8.33

Proposed Readoptions with Amendments: N.J.A.C. 14:11-1.6, 1.15, 5.4, 5.7, 7.1, 7.3, 7.5, 8.32

Proposed Deletions: N.J.A.C. 14:11-1.2, 1.3, 1.4, 1.8, 1.9, 1.11, 1.16, 1.17, 2.2 and 2.41, 3.1 and 3.2, 4.1 through 4.18, 5.2 and 5.3, 6.1 through 6.17, 8.34

Authorized By: Board of Public Utilities, Barbara A. Curran, President.

Authority: N.J.S.A. 48:2-12, 48:2-13, 48:2-14, 48:2-15, 48:3-9, 48:17-14.1, 48:10-2, et seq.

BPU Docket No. AX86111280.

Proposal Number: PRN 1986-530.

Submit comments by January 14, 1987 to:

Eugene J. Byrne, Esq., Regulatory Officer
Board of Public Utilities
1100 Raymond Boulevard, Room 209
Newark, New Jersey 07102

The agency proposal follows:

Summary

The Board of Public Utilities has undertaken a review of its rules contained in N.J.A.C. 14:11 known as "Administrative Orders" in accord with the "Sunset" provisions of Executive Order No. 66(1978) to ensure that they are necessary, adequate, reasonable, understandable and responsive for the purposes they were originally promulgated. Pursuant to the Executive Order, as implemented by the Office of Administrative Law, these rules will expire, if not readopted, on February 1, 1987. As a result of this review the Board is proposing to readopt, amend or delete these rules as stated below.

The rules proposed to be deleted, which are enumerated above, all pertain to autobuses, railroads, railroad grade crossings or common carriers. They are proposed to be deleted because the functions, powers and duties of the Board of Public Utilities applicable to autobuses, charter and special bus operations, railroads, street railways, traction railways and subways were transferred to the Department of Transportation (DOT) by the Reorganization Plan for the Board of Public Utilities and the Department of Transportation—1978, Laws 1978, p. 995.

The Reorganization Plan did not affect the rules and regulations theretofore promulgated by the BPU relating to the functions, powers and duties which were transferred to DOT. They were continued with full force and effect until amended or repealed pursuant to law and are now administered by the DOT.

Some of the rules proposed to be deleted have heretofore been readopted or rewritten by the DOT and transferred to and recodified in Title 16, Transportation. The Department of Transportation is presently in the process of determining which of the remaining rules proposed to be deleted from Title 14 will be readopted, amended or repealed by that agency and that those repealed will be likewise transferred to and recodified in Title 16, Transportation, where, in view of the Reorganization Plan, they logically belong. Accordingly, the BPU proposes to delete said rules from Title 14, rather than repeal them.

The rules proposed for deletion are as follows: N.J.A.C. 14:11-1.2, 1.3, 1.4, 1.8, 1.9, 1.11, 1.16 and 1.17; N.J.A.C. 14:11-2.2 and 2.41; N.J.A.C. 14:11-3.1 and 3.2; N.J.A.C. 14:11-4.1 through 4.18; N.J.A.C. 14:11-5.2 and 5.3; N.J.A.C. 14:11-6.1 through 6.17; and N.J.A.C. 14:11-8.34.

The substantive provisions of the rules proposed to be readopted by the BPU are summarized as follows:

N.J.A.C. 14:11-1.1 pertains to BPU approvals of privileges or franchises granted by political subdivisions of the State to public utilities as required by N.J.S.A. 48:2-14.

N.J.A.C. 14:11-1.5 pertains to consents, privileges, or franchises granted by a municipality.

N.J.A.C. 14:11-1.7 requires the filing with BPU of semi-annual statements in respect to previously approved securities or other evidence of indebtedness.

N.J.A.C. 14:11-1.10 requires a report to the BPU by a utility of any facts which may adversely affect its ability to render proper service.

N.J.A.C. 14:11-1.12 pertains to changes in rates of depreciation.

N.J.A.C. 14:11-1.13 imposes certain filing requirements upon a public utility which has obtained BPU approval of a basic raw material or fuel adjustment clause in its tariff.

N.J.A.C. 14:11-1.14 requires, pursuant to N.J.S.A. 48:17-14.1, that telegraph companies file with the BPU the names and addresses of all lessees and users of tickers, teleprinters and other terminal equipment used in connection with specified classes of telegraph service.

N.J.A.C. 14:11-5.1 states the scope of Subchapter 5 pertaining to the reporting of accidents.

N.J.A.C. 14:11-5.5 requires public utilities to file a report stating the corrective measures or recommendations made to avoid reoccurrence of an accident, if same is not contained in the initial accident report.

N.J.A.C. 14:11-5.6 specifies the method for numbering accident reports.

N.J.A.C. 14:11-7.2 requires a public utility to file with the BPU and keep open for inspection tariffs applicable to its service area and requires all tariffs and amendments thereto to conform to Subchapter 7.

N.J.A.C. 14:11-7.4 provides that each public utility shall have the duty of assisting its customers in selecting the rate schedule most favorable to them.

N.J.A.C. 14:11-8.1 states the scope of Subchapter 8 pertaining to natural gas transmission pipelines.

N.J.A.C. 14:11-8.2 requires construction and operation of gas pipelines subjected to pressure in excess of 125 psig, other than gas gathering pipelines, to be constructed and operated in compliance with the American Standard Code of Pressure Piping or such other standard as the Board may prescribe.

N.J.A.C. 14:11-8.3 provides for classification of gas pipelines in accordance with the Standard Code.

N.J.A.C. 14:11-8.4 proscribes installation of certain pipelines within 100 feet of any building intended for human occupancy unless authorized by the BPU.

N.J.A.C. 14:11-8.5 requires certain welds on steel pipe to be made in accordance with certain specifications.

N.J.A.C. 14:11-8.6 prescribes the qualifications for welders and requirements for testing and examination of welds.

N.J.A.C. 14:11-8.7 prescribes requirements for construction of gas pipelines additional to those in the Standard Code.

N.J.A.C. 14:11-8.8 states requirements for pipelines which intersect a railroad or highway.

N.J.A.C. 14:11-8.9 states requirements for gas pipelines constructed and operated in or near a railroad right-of-way, a hard surface highway or street.

N.J.A.C. 14:11-8.10 provides for spacing of valves on gas pipelines.

N.J.A.C. 14:11-8.11 pertains to installation of automatic valves.

N.J.A.C. 14:11-8.12 pertains to installation of automatic blow-offs or pressure relieving devices.

N.J.A.C. 14:11-8.13 provides for inspection and storage of pipe to be installed.

N.J.A.C. 14:11-8.14 states requirements for minimum cover and for protection and laying pipelines.

N.J.A.C. 14:11-8.15 requires protection of portion of a pipe which protrudes above the ground.

N.J.A.C. 14:11-8.16 governs corrosion control for pipelines and requires testing or inspections for corrosion.

N.J.A.C. 14:11-8.17 provides for pressure testing of pipeline after completion and before it is placed in service.

N.J.A.C. 14:11-8.18 requires purging of air from certain pipelines.

N.J.A.C. 14:11-8.19 pertains to gas piping in gas compression stations.

N.J.A.C. 14:11-8.20 pertains to pressure relief or other adequate protective devices in station piping.

N.J.A.C. 14:11-8.21 requires remote emergency shut-down devices in certain compression stations.

N.J.A.C. 14:11-8.22 governs locations of compression stations.

N.J.A.C. 14:11-8.23 prescribes certain fire protection requirements for compression stations.

N.J.A.C. 14:11-8.24 governs design and installation of electric installations in compression stations.

N.J.A.C. 14:11-8.25 requires ventilating devices for compression stations.

N.J.A.C. 14:11-8.26 requires piping in meter and regulator stations to comply with the applicable Standard Code.

N.J.A.C. 14:11-8.27 requires wiring fixtures and devices in meter and regulator stations buildings to comply with certain electric codes.

N.J.A.C. 14:11-8.28 requires ventilation of meter and regulator stations on gas pipelines, and protective devices on regular stations.

N.J.A.C. 14:11-8.29 states requirements for odorization of gas transmitted by gas pipelines; notice to BPU, records required, testing and equipment requirements concerning odorization.

N.J.A.C. 14:11-8.30 states record keeping and reporting requirements for reportable accidents as defined in the rule.

N.J.A.C. 14:11-8.31 states requirements for reporting service interruptions.

N.J.A.C. 14:11-8.33 requires a certain certification to the BPU before a pipeline is placed in operation and prohibits operation of pipeline at pressures in excess of pressure for which pipeline was certified to the BPU; requires a certain statement to the BPU for pipelines within the scope of N.J.S.A. 48:10-2 to 10-9 which were placed in service before the effective date of these rules.

The substantive provisions of rules proposed to be readopted with amendments are summarized as follows:

N.J.A.C. 14:11-1.6 pertains to BPU approval, pursuant to N.J.S.A. 48:3-9, of proposed security issues by public utilities. This rule is proposed to be amended in four respects. First, to state that security issues can be approved after investigation as well as after hearing, as the rule now states (Subsections (a) and (c)5); second, to state that the BPU's engineers, or other authorized BPU representatives, as well as its inspectors, as presently stated, are authorized to investigate and receive information in respect to proposed security issues (Subsections (c)3, (c)5 and (c)9); third, to clarify that the declaration of stock dividends for which BPU authorization is required is a dividend in the form of stock, as distinguished from cash, and to update the subsection to state that the Board may authorize such stock dividend without hearing, as well as after hearing as now provided (Subsection (c)8); and fourth, to eliminate the requirement that "full publicity" be given to approvals of petitions for stock dividends (Subsection (c)8).

N.J.A.C. 14:11-1.15 provides that where properties to be sold or leased by a public utility have a value of \$20,000, the petition for the sale or lease of said property shall be acted upon by the BPU on the basis of a certain staff report, but the BPU may, in its discretion, require a hearing on the petition for approval of such sale or lease. It is proposed to increase said amount to \$100,000 to take cognizance of inflation. It is also proposed to correct a typographical error in Subsection (a)2 of the rule and to state that if such petition will not be approved without hearing, it will be placed on the Board's agenda for disposition.

N.J.A.C. 14:11-5.4 requires public utilities to keep a record of and report to the BPU all accidents defined as reportable in the rule. In view of the deletion of the rules in Chapter 11 pertaining to autobuses and railroads, etc., it is proposed to amend the title of this rule to read "All Utilities" rather than, as at present, "All Other Utilities."

N.J.A.C. 14:11-5.7 specifies and limits the use of accident reports filed with the BPU and contains sample accident report forms for autobuses and street cars, for railroads and for all other utilities. It is proposed to amend this rule by the deletion of the sample accident reports for autobuses and street cars and for railroads and retain the sample for all other utilities, deleting the word "other" in the title of this form.

N.J.A.C. 14:11-7.1 specifies that Subchapter 7 shall govern the arrangement, filing and posting of tariffs. It is proposed to delete the reference therein to transportation common carriers in view of the transfer of BPU's jurisdiction over same to DOT.

N.J.A.C. 14:11-7.3 specifies the arrangement and form of tariffs filed with the BPU. It is proposed to amend this rule by deleting references in Subsection (j) to telegraph companies because by Decision and Order dated February 8, 1983, *In Re Western Union Telegraph Company*, Docket No. 827-641, the Board cancelled the tariff of that company, the only telegraph company operating in New Jersey.

N.J.A.C. 14:11-7.5 contains forms illustrative of the requirements of Subchapter 7. It is proposed to amend the forms by changing the references therein from "P.U.C." and "Board of Public Utilities Commissioners" to "B.P.U." and "Board of Public Utilities" to reflect the current name of the agency.

N.J.A.C. 14:11-8.32 states reporting requirements for construction or major reconstruction of certain gas pipelines. It is proposed to amend Subsection (a) to correct a typographical error.

Social Impact

The proposed readoption, amendment and deletions as the case may be, of these rules will update the rules and remove those rules no longer

relevant to the BPU's current jurisdiction and authority. The proposal will simplify the use of Chapter 11. The proposal will also eliminate confusion which may now occur because of the presence in Chapter 11 of rules no longer applicable to the BPU.

The proposed amendments to certain of the rules proposed to be readopted are relatively minor and, with the exception of N.J.A.C. 14:11-1.5, for the most part only update the same to conform to current practice or correct typographical errors. The amendment to N.J.A.C. 14:11-1.15, however, includes increasing the value of utility property to be sold or leased which may be acted upon on the basis of a staff report from \$20,000 to \$100,000. This will decrease the number of petitions requiring formal Board handling. It should, therefore, expedite the processing of such petitions and, to some extent, reduce the work load of the Board and its staff.

The rules explain and/or impose certain obligations on all public utilities in respect to certain petitions, reporting of accidents, and tariffs, and on natural gas public utilities in respect to the construction, operation and maintenance or pipelines for the transmission of natural gas in this state.

The reaction of utilities affected by these rules has been one of acceptance and compliance.

If the rules are not readopted, the ability of the BPU to ensure that public utilities render safe, adequate and proper service will be impaired; the guidance to and obligations upon public utilities provided by the rules would lapse, to the detriment of the public utilities affected thereby and to the public at large.

Economic Impact

Since the proposals continue current requirements and procedures, there will be no new economic impact resulting from their readoption, except for the likely savings of a limited amount of time and effort by public utilities and the BPU due to the amendment of N.J.A.C. 14:11-1.15, above-mentioned, which takes inflation into account. The economic impact of the rules in the past will be substantially the same in the future.

Full text of the proposed readoption and deletions may be found in the New Jersey Administrative Code at N.J.A.C. 14:11.

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

14:11-1.6 Proposed security issues

(a) The law at present casts upon the Board the responsibility of determining what security issues may be made by public utilities in the State of New Jersey (N.J.S.A. 48:3-9). The Board, after due hearing, **or investigation**, is required to approve proposed security issues; provided the Board be satisfied that proposed issues are in accordance with law, and provided the Board approves the purpose of said proposed issues.

(b) (No change.)

(c) Various cases involving the approval of proposed security issues have been acted upon by the Board under the law. An analysis of many of these cases discloses certain general principles upon which these applications should be determined. These general principles will control unless and until good reason can be shown for departing therefrom. For the information of public utilities petitioning or intending to petition for the approval of security issues, certain of these general principles are set forth as follows:

1.-2. (No change.)

3. Where approval of security issues is asked, and statement is made of the use to which proposed securities are to be put, the Board endeavors through its inspectors, **engineers or other Board authorized representatives** to determine that the proceeds of the securities whose issue is asked shall be reasonably commensurate with the property or services to be purchased therewith. Where the property whose acquisition is sought can be inventoried and appraised, such a course is followed with as much care and in such detail as under all the circumstances is possible. Where the property or services to be acquired cannot be physically inventoried, because not yet existent, such estimate is made on the basis of unit prices and otherwise, with as much care and in such detail as is possible under all the circumstances. Approval by the Board of such proposed issue of securities does not carry or imply any confirmation of the business or financial standing of the issuing corporation as a whole. It must be recognized that no care exercised in the way of approval by the Board at the time securities are issued can preclude the subsequent chance of poor management, dishonesty, or reckless and irresponsible illfortune, by which the assets of a public utility may be lessened or impaired. The intent of the statute and the Board's action thereunder seek to preclude promo-

tion or subsequent inflated issues. No statute and no administrative process, however, can relieve the investor of the obligations of prudence and vigilance. At the best they can but aid him in furnishing some grounds for the exercise of intelligent judgment.

4. (No change.)

5. Where a petition for Board's approval of a security issue contains provision for calling the securities at a premium before maturity, it is realized that in certain instances refunding of securities at a premium before maturity might effect such a reduction of fixed charges as to be advantageous both to the company and the consumers. Accordingly, the Board in approving security issues will not sanction redemption before maturity at a premium at the company's sole option; should the issuing company, however, reserve such right of redemption at a fixed premium before maturity subject to future approval by [this] **the Board after due hearing or investigation**, the Board will consider in any case the inclusion of such provision in its formal order of approval.

6. (No change.)

7. Certain special cases of proposed security issues may arise under certain circumstances, some of which are set forth hereafter. In these special cases the general principles outlined above will be applied so far as seems equitable, and exceptions made only where the general principles enunciated therein would work inequitably. Among the special cases may be mentioned the following:

i. Where a bond issue has previously been sanctioned under a mortgage or deed of trust providing that all bonds issued thereunder shall be identical in tenor, and where some part of the authorized bonds has not yet been actually issued, in some cases the Board does not feel that it can impose, as a condition of authorizing a remaining and unissued part of the total issue authorized, requirements against redemption at a premium prior to maturity;

ii. Where petitions request authority to issue new securities in order to refund outstanding securities, the new securities, to issue, must conform to such requirements as would be imposed if the refunding securities were an original issue. The refunding debt and equity securities must be backed respectively by proportionate amounts of cash, or property of actual cash value. The refunding issues must afford the same likelihood of meeting their fixed charges and payment of the principal sum at maturity as is indicated in paragraph 6 of this subsection. Nor will agreements or contracts providing for refunding of security issues where such agreements or contracts were made prior to the enactment of Chapter 195 of the Laws of 1911, (now N.J.S.A. 48) be regarded by the Board as invalidating or overriding the authority over security issues vested in this Board by said Act. The power conferred upon this Board to disapprove proposed security issues not in accordance with law or whose purpose is not approved by the Board is expressly conferred by the Act of April 21, 1911 (Chapter 195, Laws of 1911). (now N.J.S.A. 48:3-9), and this power is not restricted by any other provision of the law governing public utilities, or corporations generally. All such agreements or contracts, however binding upon the individual parties thereto they might have been, in default of the Legislature's subsequently vesting power over proposed security issues in this Board, are not controlling so as to delimit the Board's action upon proposed security issues. For such outstanding securities as may legally have come into existence prior to the passage of the Act of April 21, 1911, this Board has no responsibility. But its authority is not delimited by expectations that may have been created by reason of agreements or contracts between private parties made prior to the enactment of the statute in question. Where the provisions of such agreements or contracts involve issue of new securities, they must be submitted to this Board.

8. The declaration of **dividends in the form of stock** [dividends] by public utilities is permissible only in such cases as this Board after hearing may authorize. To declare such a stock dividend **with or without** first obtaining the approval of the Board is a misdemeanor, and all such securities issued without the Board's approval are illegal. In general, the Board will approve the issue of stock dividends by public utilities only after hearing [and] or investigation, and after being satisfied that as the outcome of such issues the property and other net assets of the company over and above other liabilities resting thereon shall be equal to the par or stated value of the total stock outstanding after such stock dividends have been made. Adequate depreciation reserves and surplus must also be provided by a public utility petitioning to issue a stock dividend, and a careful inquiry will be made by the Board into the methods by which were accumulated assets or property against which the additional stock dividend is to be justified. [Full publicity of approval of all petitions for stock dividends will be deemed essential.] In addition, the petition must

contain a reasonably detailed inventory of its property used or useful, or held for future use and priced at original cost, estimated if not known.

9. For the information of all public utilities intending to petition this Board for the approval of proposed security issues, reference should be made to Board's rules. The requirements of this Order and the rules as to the form and content of petitions should be carefully observed. Petitions should be filed sufficiently in advance of the time at which approval of securities is desired to insure the Board's reasonable time to make the relevant inquiries. The larger the proposed issue, and the more complex the conditions surrounding it, the earlier should the petition be filed with the Board. The petitions will be acted upon hereafter in the order of their filing as indicated by the dating stamp of the Secretary's office. Petitions essentially defective in form or content will not be listed for consideration until properly amended. Where such petitions involve the necessity of inventorying property or checking accounts, the public utility applying for such authorization is requested to give such assistance as is within its power by putting its engineers, managers, and accountants in touch with the Board's inspectors, **engineers or other Board authorized representatives**. Where the annual reports required of public utilities have not been promptly filed as required by the rules of this Board, or where such accounts, when filed, disclose failure upon the part of the public utility to comply with the requirements of law or with the terms upon which previous security issues of said utilities has been approved by this Board, any subsequent petition for the approval of securities by a public utility shown to be default may be postponed until the requisite and legal compliance with the law and the lawful rules of this Board has been made by said public utility.

14:11-1.15 Sale or lease of property

(a) Where a property to be sold or leased has a **book or market** value not exceeding [\$20,000.00.] **\$100,000** the petition for the sale or lease of said property, which shall be verified and supported by such proofs as may be required by the Board, shall be acted upon by the Board on the basis of a staff report signed by the executive officer of the Board or his assistant concurred in by one of the counsel assigned to the Board, containing:

1. A finding that the approval of the petition will not adversely affect the ability of the utility to properly serve the public or otherwise prejudice the public interest; and

2. A recommendation that the petition be approved without hearing. Where approval without hearing is **not** recommended, the petition will be placed on the Board's [calendar for public hearing.] **agenda for disposition**.

(b) Regardless of the recommendation referred to in paragraph 2 of subsection (a) of this Section, the Board may, in its discretion, require that the petition for the sale or lease of property be placed on the Board's [calendar for public hearing.] **agenda for disposition**.

14:11-5.4 All [other] utilities

(No change in text.)

14:11-5.7 Accident reports privileged

Accident reports are for the sole use of the Board in determining what safety practices should be recommended and are not available as evidence in any collateral civil proceeding. In a proceeding before the Board, accident reports shall be evidential only at the discretion of the Board.

OFFICE OF ADMINISTRATIVE LAW NOTE: Sample Accident Form #501 entitled Autobuses and Street Cars and Report of Railway Accidents are deleted. The Sample Accident Report Form entitled All Other Utilities is amended to read All Utilities.

14:11-7.1 Scope

This Subchapter shall govern the arrangement, filing and posting of tariffs (that is, complete systems of schedules), schedules, rates, tolls and other charges, including standard terms and conditions, and special contracts, by public utilities [other than transportation common carriers].

14:11-7.3 Arrangement and form of filed schedules

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

(c) Each tariff shall consist of:

1. A standard title page;
2. A table of contents;
3. Municipalities **or territories** served;
4. The standard terms and conditions governing service; and
5. The set of rate schedules.

All rates at which a given kind of service (electric, gas, and so forth) is available throughout the service area of a utility shall be included in a single tariff. (General exchange, local exchange and toll service, and

so forth, may be regarded as a separate kind of utility service for the purposes of this provision.) The rates for each separate and distinct class of service rendered by a utility shall be filed as a separate schedule and shall whenever feasible and practical begin on a separate sheet.

(d) (No change.)

(e) Each sheet of every tariff shall bear a sheet number (or section and sheet number) which shall be placed in the upper right-hand corner of the sheet in a position opposite the name of the company, except that, where separate sheets are filed for each of a given number of specified areas, designation by area may be used in lieu of a sheet number. Upon the first filing of the sheet it shall be designated as Original Sheet No. _____, or Original Sheet where no number is required. This same sheet number (or section and sheet number) shall appear on all subsequent issues of the sheet, and the revisions of the sheet shall be numbered, as follows:

1.-6. (No change.)

7. When tariffs are to be revised in conformity with an order or authorization of the Board, the changes made pursuant thereto shall be established by supplements to or reissues of the tariff or tariff sheets affected, filed and posted as provided in this Subchapter. Each page containing rates or provisions established pursuant to such order or authorization shall bear the following notation:

"Filed pursuant to (here insert nature of authorization including docket number if any) of the Board of Public [Utility Commissioners] Utilities, State of New Jersey, dated _____."

(f)-(i) (No change.)

(j) All schedules of rates shall be filed on standard sheets, arranged substantially in the manner prescribed by the form of rate schedule sheet. For telephone [and telegraph] companies the following information shall be given:

1.-2. (No change.)

[3. Telegraph rate schedules to include:

- i. Basic rate schedules;
- ii. Supplementary rate schedules;
- iii. List of telegraph points.]

14:11-7.5 Forms

Forms illustrative of the requirements of this Subchapter follow:

OFFICE OF ADMINISTRATIVE LAW NOTE: Throughout the Forms, P.U.C. is changed to B.P.U. and Public Utility Commissioners is changed to Public Utilities.

14:11-8.32 Proposed construction

(a) At least 30 days prior to the construction [of] **or** major reconstruction of any gas pipeline intended to be subjected to pressure in excess of 125 psig, a report shall be filed with the Board setting forth the specifications for such pipeline.

(b) (No change.)

TRANSPORTATION

(a)

THE COMMISSIONER

Trucks

Proposed Amendments: N.J.A.C. 16:32-1.1, 1.2 and 1.3

Proposed New Rule: N.J.A.C. 16:32-3

Authorized By: Hazel Frank Gluck, Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:3-84.

Proposal Number: PRN 1986-518.

Submit comments by January 14, 1987 to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

The agency proposal follows:

Summary

These rules were initially proposed on June 2, 1986 at 18 N.J.R. 1184(b). Because significant changes are being considered as a result of public comment, the Department of Transportation has decided to withdraw the June 2, 1986 proposal, 18 N.J.R. 1184(b), and repropose the rule with certain additions and substantive and technical changes.

Both State and federal laws concerning the legal width of trucks have changed significantly in the past few years, as part of broader changes dealing with the regulation of trucks.

The Surface Transportation Assistance Act of 1982 (P.L. 97-424), as amended by P.L. 98-17, partially preempted the regulation of truck dimensions by the states and established 102 inches as the standard legal maximum width on the Interstate highway system and on other highways designated by the U.S. Secretary of Transportation. Further minor modifications in the federal law concerning truck width were made by the Tandem Truck Safety Act of 1984 (P.L. 98-554).

State law on truck width changed with enactment of P.L. 1983, c.126, approved April 6, 1983, which first established the 102-inch width limit. Minor modifications to the width provisions were made by P.L. 1983, c. 349, approved September 22, 1983, which made further amendments to the basic truck statute, N.J.S.A. 39:3-84.

In the June 2, 1986 proposal 102-inch width limit vehicles were referred to as "wide trucks". It is now the belief of the Department that this phraseology created the potential for confusion with certain very large over-width vehicles which may need special escorts and/or permits while they use a roadway. Within this proposal, 102-inch vehicles shall instead be referred to as "102-inch standard trucks".

The Department received comments from 33 respondents regarding its June 2, 1986 proposed truck width rule. A review of the specific comments made in respect to the initial proposal is necessary. That proposal and subsequent comments form the background for this reproposal. Comments from the June 2, 1986 proposal have been compiled as an Appendix to this summary although not reproduced herein. Copies of this Appendix may be obtained from Mr. Charles Meyers, Administrative Practice Officer, N.J. Department of Transportation, CN 600, 1035 Parkway Avenue, Trenton, New Jersey, 08625. The Department's responses to specific comments are as follows:

COMMENT: The initial proposal would appear to reopen roads to truck traffic in cases where local vehicle weight restrictions have had the effect of prohibiting truck traffic.

RESPONSE: This specific comment was received in respect to County Route 510, South Orange Avenue. It is apparent that the Department did not make it sufficiently clear in its initial proposal that the regulation would not supersede existing vehicle regulations, such as weight postings, which could prove to be a controlling factor for a road or route. To ensure clarity that a Department proposal would not supersede such preexisting local truck regulation, additional clarifying language to this effect has been added in this proposal.

COMMENT: 102-inch standard trucks should be restricted to highway routes with travel lanes of at least 12 feet in width.

RESPONSE: While it is desirable to have 12 foot travel lanes for all vehicles, including 102-inch standard trucks, research does not show a lesser criteria, for example 11 foot lanes, to pose a demonstrable hazard to public safety. Other 102-inch-wide commercial vehicles, in particular some models of buses, have utilized less than 12 foot lanes for some time without experiencing significant problems. Although lane encroachment potential increases with the width of the vehicle, an absolute 12 foot lane width criteria for 102-inch standard trucks is viewed as unnecessarily restrictive.

COMMENT: For purposes of this regulation, defining a 10-foot lane width, when it is located on a 4-lane divided highway, as an 11-foot lane is unacceptable.

RESPONSE: Although lane encroachment potential is greater when lane width is diminished, the Department believes that within the context of a 4-lane divided highway, sufficient overall maneuvering room exists to preserve overall safe vehicle operation.

COMMENT: Access from designated through routes should be restricted to within one mile and only for the purposes of food, fuel, repairs or rest.

RESPONSE: Strictly speaking, this comment would limit 102-inch standard trucks for pick ups and deliveries to only those points located physically on the through network. The Department finds this restriction wholly unreasonable. The Department feels that a general access provision of one mile, in lieu of the two mile provision, would impair the overall viability of the network in respect to reasonable access, and impose economic hardships on the competitiveness of industry in the

State. The two mile provision is believed to provide an appropriate balance between permitting access and restricting off through travel by 102-inch standard trucks.

COMMENT: Numerous municipalities and elected representatives at the local and State level expressed concern over the use of local streets by 102-inch standard trucks. In broadly similar resolutions and letters, it was stated that use of such roadways by 102-inch-wide trucks would impair the free and safe passage of pedestrians and passenger vehicles, adversely affect residential neighborhoods, create congestion and adversely affect the public health, safety and welfare. The commentators went on to state that proposed N.J.A.C. 16:32-3.5, local routes, which require a municipality to conduct and obtain engineering studies, adopt local ordinances, and obtain the prior approval of the Department of Transportation in order to prohibit wide trucks along local roadways are unnecessarily costly, time consuming and burdensome. The commentators suggested that regulations should be promulgated prohibiting wide trucks from any local roadway, other than specially designated state highways and county roadways established and designated for such traffic, except for the sole purpose of pick-up and delivery or for access to facilities providing food, fuel, repairs and rest within two miles from such designated wide truck roadways.

RESPONSE: The "local routes" provisions previously proposed pertain to local regulation of 102-inch standard trucks by municipalities and counties. Municipalities in significant numbers have commented and recommended that these regulations should not be adopted. In light of these comments, the Department has decided to withdraw in its entirety the "local routes" portion from the initial proposal.

COMMENT: Use of local roads by wide trucks will result in higher local road maintenance costs.

RESPONSE: In respect to road wear and damage caused by trucks, the important factors are vehicle weight and axle loading. There is no reason to believe that the 102-inch standard trucks cause any more roadway damage than the existing 96-inch standard trucks of equal weight and axle design. Control of damage to roads attributed to trucks is best regulated by weight and axle configuration criteria and not by widths.

COMMENT: The burden should be put on the company seeking to use local streets for 102-inch standard vehicles to demonstrate the necessity of such routing.

RESPONSE: The use of local streets are controlled under the access provisions of N.J.A.C. 16:32-3.4. The provisions of this section would prevent the use of local streets for through movements and only permit movements of these vehicles for specified loading and unloading activities, and travel up to two roadway miles from a through route for purposes of pickup and delivery and for access to facilities providing food, fuel, repairs and rest. Any appearance of a 102-inch standard truck on a local street is subject to the provisions of this regulation and must be prepared to demonstrate the necessity for such routing.

COMMENT: Caution should be used in the consideration of allowing trucks wider than 96 inches to traverse the roadways because of potential hazards to vehicular and pedestrian traffic.

RESPONSE: The national standard for truck widths is now 102 inches. It was formerly 96 inches. The State is required to have a through network with reasonable access provisions for these 102-inch standard vehicles. It is difficult to easily distinguish visually between a 96-inch wide and 102-inch wide truck. It is possible for a 102-inch standard truck to pass unnoticed in a flow of 96-inch standard vehicles. An overly restrictive 102-inch standard would invite systematic abuse of any 102-inch-wide truck regulatory effort. Because of the widespread use of 102-inch vehicles and their increasing numbers, a balance must be made between route management which both provides for the public safety and yet does not promote systematic violations and use of off through-route roads by 102-inch standard vehicles. The Department believes it is necessary to have a through network, access provisions and provisions for network management which satisfactorily protect the public safety, meet federal requirements and meet the reasonable needs of industries dependent on truck transportation.

COMMENT: Local roads are generally designed and constructed to standards less than those of Interstate, State and County highways. Because of narrow lane widths, reduced shoulders and more frequent and sharper turns, use of local roads by 102-inch standard vehicles should be restricted or prohibited.

RESPONSE: The Department recognizes that local roads are constructed to lesser dimensional standards and that their use by 102-inch standard trucks should be controlled to ensure the greatest safety of the public. The Department has configured its proposals to put the flow of

through wide truck traffic on road systems which meet specific dimensional standards and criteria. These provisions restrict 102-inch standard truck traffic from local routes except when necessary for purposes of pickup and delivery and for access to facilities providing fuel, food, repairs and rest. The Department believes that these provisions provide a significant level of control and restriction of wide truck movement on local roads.

COMMENT: The June 2, 1986 proposal will encourage the use of illegal double 28 1/2 foot trailer combinations.

RESPONSE: The matter of 28 1/2 foot double trailer combinations constitutes a different enforcement issue. The Department believes that a 102-inch standard regulation would not impair enforcement of 28 1/2 foot double trailer combination restrictions.

COMMENT: 102-inch-wide trucks are important to air cargo operations, development associated with marine terminals and other centers of distribution and manufacturing.

RESPONSE: The Department concurs that 102-inch standard trucks are important to the state's airports, ports, distribution and manufacturing centers. Many standard cargo and shipping containers are designed for use exclusively on 102-inch width vehicles. The overall economic contribution of goods movement associated with 102-inch standard trucks is vital to the interests of the State.

COMMENT: In the southern portion of the State, and in particular south of a line from the Delaware Memorial Bridge to Brigantine, there is an insufficient network to service through route and terminal access needs.

RESPONSE: The Department recognizes that changes to the network may be necessary and is prepared to review proposed amendments. To improve circulation in rural areas as established under the Federal-Aid Highway Program Manual, Volume 4, Chapter 6, Section 3, a through network criterion of 10-foot lane widths with an 8-foot shoulder for 90 percent or more of the segment length is proposed.

GENERAL COMMENT: Several commentators identified specific routes or route segments as being, in their view, potentially deficient for wide trucks. Reasons cited include factors of grade, alignment, posted weight and height restrictions.

GENERAL RESPONSE: In responding to comments made for specific routes, the Department believes that route by route response is appropriate. For convenient reference, specific comments and responses are compiled below for each applicable county.

ESSEX COUNTY

Comment	Response
1. Rt. 508—Remove between Gregory and Main	Rt. 508—Will remain on the system. Posted 4 Ton weight restriction
2. Rt. 510—Remove between Pleasant Valley Way and Scotland Road	Will remain on the system Posted 11' 11" height restriction under Erie-Lackawanna R.R.

Note: All State, County, and Local ordinances that limit truck weights and heights will supersede the 102" truck regulations.

HUNTERDON

Comment	Response
1. Rt. 513—Remove bridge over Capoulin Creek (County Bridge AF-64)	Rt. 513—Remove the section between School House Road & Rt. 579 (lack of access south of bridge)
Rt. 513—Remove bridge over Capoulin Creek (County Bridge AF-64)	Rt. 579—Remove the section between Co. 615 & Rt. 513 (Lack of access south of bridge)
2. Rt. 519—Remove bridge over Milford Creek (County Bridge H-105)	Rt. 519—Remove the section between Stover Avenue & Warren Co. line (Lack of access south of bridge in Warren Co.)
3. Rt. 523—Remove bridge over Neshanic River (County Bridge Q-30)	Rt. 523—Will remain on system. Posted 10 ton weight restriction.
4. Rt. 523—Remove bridge over Pleasant Run (County Bridge R-116)	Rt. 523—Will remain on system. No posted weight restriction.

5. Rt. 518—Remove Lambertville Hill section	Rt. 518—Will remain on system. Meets established criteria.
6. Rt. 519—Remove Warren Glen Hill section	Rt. 519—See response 2.
7. Rt. 523—Remove Stockton Hill section at N.J. 29	Rt. 523—Will remain on the system. Meets established criteria.
8. Rt. 523—Remove Flatwoods section between Co. 629 & 620	Rt. 523—Will remain on the system. Meets established criteria.
9. Rt. 579—Remove Ely's Hill section at Rt. 523	Rt. 579—Will remain on system. Meets established criteria.
10. N.J. 12—Add to system	N.J. 12—Entire route will be added to the system. New Rural criteria.
11. N.J. 13—Add to system	N.J. 31—Entire section in Hunterdon Co. will be added to the system. New Rural criteria.

Note: All State, County, and Local ordinances that limit truck weights and heights will supersede the 102" truck regulations.

MORRIS

Comment	Response
1. N.J. 24—Remove between Essex Co. line and Warren Co. line	N.J. 24—Will remain on system. Meets established criteria. Posted 20 ton weight restrictions on Rt. 517/N.J. 24 section
2. Rt. 513—Remove between N.J. 24 and N.J. 23	Rt. 513—Will remain on system. Meets established criteria. Posted 12 ton and 15 ton weight restrictions.
3. Rt. 511—Remove between N.J. 10 and N.J. 23	Rt. 511—Will remain on system. Meets established criteria. Posted 15 ton weight restriction.
4. Rt. 511—Remove between Boonton Turnpike to Jacksonville Road	Rt. 511 Atl.—Will remain on system. Meets established criteria.
5. U.S. 202—Remove between I-287 and Boonton Turnpike	U.S. 202—Will remain on system. Meets established criteria. Posted 15 ton weight restriction.
6. U.S. 206—Add entire section in Morris County	U.S. 206—We are adding between the Somerset Co. line and the Chester-Mt. Olive Corporate line and between Flanders Road and I-80.

Note: All State, County, and Local ordinances that limit truck weights and heights will supersede the 102" truck regulations.

UNION

Comment	Response
1. Rt. 509—Remove entire section in Union County	Rt. 509—Will remain on system. Meets established criteria. No posted weight or height restrictions.
2. Rt. 509—Remove between Rt. 509 and N.J. 82	Rt. 509s—Will remain on system. Meets established criteria. Posted 18 ton weight restriction.
3. Rt. 512—Remove between the Morris Co. line and N.J. 24	Rt. 512—Will remain on system. Meets established criteria. No posted weight or height restrictions.
4. Rt. 514—Remove between Middlesex Co. line and Co. 616	Rt. 514—Remove the section between U.S. 1 & 9 and Bay Avenue. Roadway geometry does not meet criteria.

- | | |
|--|--|
| 5. Rt. 527—Remove between Somerset Co. line and N.J. 24 | Rt. 527—Will remain on system. Posted 15 ton weight restriction. Posted 12'-4" height restriction. |
| 6. Rt. 531—Remove between Middlesex Co. line and Morris Co. line | Rt. 531—Will remain on system. Posted 11'-5" height restriction. |

Note: All State, County, and Local ordinances that limit truck weights and heights will supersede the 102" truck regulations.

WARREN

- | Comment | Response |
|---|---|
| 1. Rt. 519—Remove the section in Pohatcong and Greenwich Twp. | Rt. 519—Remove between the Hunterdon Co. line and the C.R.R. of N.J. bridge at the Alpha Borough/Pohatcong Twp. Corp. line. (No access south of bridge). The Greenwich Twp. section will remain on the system. Posted 10'-16" height restriction. |
| 2. Rt. 521—Remove entire section from system | Rt. 521—Will remain on system. Meets established criteria. |

Note: All State, County, and Local ordinances that limit truck weights and heights will supersede the 102" truck regulations.

Each of the routes above was route checked by Department personnel.

Further analysis by the Department has resulted in the following changes. This proposal includes specific language that requires both 102-inch standard and double trailer combination trucks to enter and leave the state on their respective designated through network routes. For purposes of connecting Route 78 to the Pennsylvania State line, N.J.A.C. 16:32-1.1 has been amended to permit the temporary use, by double-trailer truck combinations, of Route 22 from the Route 22 and 78 interchange in Greenwich Township to the Pennsylvania State line. In the event of forced detours off the designated through network, explicit language has been added to provide that 102-inch standard trucks shall return to the designated through network by the first practicable route.

The Department found there was a demand for maps and descriptive graphics of the proposed network. This proposal includes a specific section pertaining to the requesting of maps from the Department. A \$5.00 fee is charged for each map.

A new section, N.J.A.C. 16:32-3.5, "Additions and deletions of through routes," has been added. This section spells out in more detail than the earlier proposal the process for proposing the addition and deletion of routes. The new language has been drafted to meet two needs. First, it became apparent in reviewing comments submitted concerning the routes contained in the June 2, 1986, proposal that both commentors and the Department would benefit from a clearer explanation of the kind of information the Department considers relevant to reviewing possible route additions and deletions. Second, as the proposal for local through routes, which was contained in the initial proposal, has been dropped, the Department believes that it will be necessary to place increased reliance, for purposes of system connectivity and adequacy, on route addition proposals made by interested parties.

The repropoed rule contains the following two general provisions governing the use of New Jersey streets and highways by 102-inch standard trucks:

First, there is established an integrated system of "through routes" which 102-inch standard trucks may use for all purposes. This system consists of most State highways and many county roads.

Second, there is an access provision permitting 102-inch standard trucks to reach most destinations off the system of through routes.

The Department believes that these provisions will satisfy the greatest part of the needs of commerce, while preserving reasonable safeguards for safety.

The Department solicits comments both as to the general regulatory system proposed and as to the inclusion or exclusion of specific routes.

Social Impact

This proposal is intended to minimize safety concerns related to the use of these vehicles. In addition, the amendments and new rules will

provide expanded opportunities for public participation in providing information concerning the suitability of specific highways and streets for wide trucks.

Economic Impact

This proposal will provide substantial economic benefits to New Jersey shippers and motor carriers by permitting them to utilize 102-inch wide equipment much more widely. This equipment offers superior efficiency for some kinds of loads and is rapidly becoming the interstate standard for moving these loads. Ability to use this equipment will also enhance New Jersey's position as a transportation center. The Department expects that these amendments and new rules will not lead to any increase in highway construction and maintenance costs because (1) existing truck weight limits are not affected and (2) the shippers and motor carriers most likely to use 102-inch-wide equipment are those moving "light and bulky" cargo which is normally well within legal weight limits.

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

CHAPTER 32
TRUCKSSUBCHAPTER 1. DESIGNATED ROUTES FOR [SPECIAL
CATEGORIES OF TRUCKS] **DOUBLE-
TRAILER TRUCK COMBINATIONS**

16:32-1.1 Double trailers

(a) Except as provided in N.J.A.C. 16:32-1.3, double-trailer truck combinations may be operated in New Jersey only on the following routes:

1. Interstate highways;
2. New Jersey Turnpike;
3. Atlantic City Expressway;
4. Route 42, from Interstate Route 295 to the Atlantic City Expressway;
5. Route 81;
6. Route 130, from Route 322 at Bridgeport to Interstate Route 295;
7. Route 322, from the Commodore Barry Bridge to Route 130;
8. Route 440, from the New Jersey Turnpike to Outerbridge Crossing.

(b) Double-trailer truck combinations operating on the New Jersey Turnpike and the Atlantic City Expressway are subject to the regulations of the New Jersey Turnpike Authority and the New Jersey Expressway Authority, respectively.

(c) **On a temporary basis only, until such time as Interstate Route 78 is open from Greenwich Township to the Pennsylvania State line, double-trailer truck combinations may be operated on Route 22 from the interchange with Interstate Route 78 to the Pennsylvania State line, subject to the provisions of this chapter.**

(d) **Notwithstanding any other provision of this chapter, double-trailer truck combinations shall enter and exit this State only on those specific routes designated for double-trailer truck combinations as authorized in this section.**

16:32-1.2 [Wide trucks] **Width restrictions**

[The maximum width of any truck combination operating on any highway in New Jersey is 96 inches, except that the maximum width permitted on the routes designated in N.J.A.C. 16:32-1.1 is 102 inches.] **The maximum width permitted on the routes designated in N.J.A.C. 16:32-1.1 and N.J.A.C. 16:32-1.3(g) is 102 inches, exclusive of mirrors and other safety devices.**

16:32-1.3 Reasonable access to terminals and other facilities

(a) Any person or terminal operator who wishes to gain access for double-trailer truck combinations [or trucks wider than 96 inches but not more than 102 inches in width] from the system designated in N.J.A.C. 16:32-1.1 to a terminal which is not located on that system must apply in writing for a letter of permission to the Chief, Bureau of Traffic Engineering, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625. The application should be specific as to the exact location of the terminal and the exact route or routes of access requested.

(b) The determination of reasonable access and the issuance of a letter of permission for access to a terminal will be made based on an overall review of all of the criteria set forth below which are general guidelines only and are not necessary of equal weight. Criteria number two, three and four [, in the case of double-trailer truck combinations, and criteria number two, three, four and six, in the case of trucks wider than 96 inches,] may be relaxed where the Department has made a determination, after a physical inspection of the requested route, that the surrounding

circumstances would permit safe travel by these vehicles along the proposed (or alternate) course of travel.

1.-5. (No change.)

[6. Trucks wider than 96 inches will, wherever possible, be confined to roadways with 12-foot lanes.]

[7.] 6. (No change in text.)

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

(e) The Department of Transportation retains the right to rescind permission for access should conditions change or should records indicate that the double-trailer truck combinations [or trucks wider than 96 inches] are causing specific traffic or safety problems.

(f) (No change.)

(g) A double-trailer truck combination [or truck wider than 96 inches] is permitted access from the system designated in N.J.A.C. 16:32-1.1 to facilities providing food, fuel, repairs and rest, within one mile roadway distance from the designated system except upon those roads, highways, streets, public alleys or other public thoroughfares which cannot safely accommodate a double-trailer truck combination [or a truck wider than 96 inches] and are so designated by the Department.

1. Designation of those roads upon which travel is prohibited shall be governed by the criteria outlined in paragraph (b) of this section where applicable.

2. Double-trailer truck combinations may only utilize those facilities which provide adequate ingress and egress without the need of backing onto or from a highway, street, road, public alley or other public thoroughfare.

(h) (No change.)

SUBCHAPTER 3. 102-INCH STANDARD TRUCKS

16:32-3.1 Definitions

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

“Household goods carrier” means a vehicle being used to transport household goods and effects to or from a private residence or to or from a place of storage.

“102-inch standard truck” means a truck greater than 96 inches but not greater than 102 inches in width, exclusive of mirrors and other safety devices.

16:32-3.2 General provisions

(a) 102-inch-standard trucks are permitted to operate in New Jersey only to the extent and under the conditions authorized by the rules in this chapter.

(b) For purposes of clarity, these rules do not supersede State regulations, municipal ordinances and county resolutions which may otherwise restrict or control the movements of trucks or other vehicles. An example of such a restriction is a maximum weight posting.

(c) Designation of any route in this chapter as a through route for 102-inch standard trucks is a designation which pertains to permissible widths only. Such designation does not always guarantee free movement of all 102-inch standard vehicles. Some 102-inch standard vehicle movements may be restricted on a route because of route or bridge weight restrictions and/or vertical clearance restrictions.

(d) 102-inch standard trucks may be permitted to detour off the designated through network only to the extent necessary to bypass road closings, and route restrictions such as weight or vertical clearance limits. 102-inch standard trucks shall return to the designated network as soon as practicable during a detour movement.

(e) Notwithstanding any other provision of this chapter, 102-inch standard trucks shall enter and exit the State only on those specific routes designated for 102-inch standard trucks as authorized in N.J.A.C. 16:32-3.3.

16:32-3.3 Through routes for 102-inch standard trucks

(a) The routes outlined in (c) below are designated through routes for 102-inch standard trucks. 102-inch standard trucks may travel freely for all purposes on these routes.

(b) The routes as outlined in (c) below were selected on the basis of the following criteria:

1. They are State and Interstate highways, county “500” series roads or, in limited cases, county “600” series roads.

2. They connect at both ends with other through routes (although spur routes are possible for geographic or other reasons).

3. They have travel lane widths of 11 feet or greater for 90 percent or more of the segment length. For purposes of this rule, lanes which are only 10 feet wide are counted as 11 feet wide when located on four-lane divided highways with shoulders.

4. Within rural areas, as established by the Federal Highway Administration under the Federal-Aid Highway Program Manual, Volume 4,

Chapter 6, Section 3, they may have 10-foot lane widths with an 8-foot shoulder for 90 percent or more of the segment length.

5. The general criteria within these rules may be superseded in particular instances by determinations made on the basis of engineering judgment.

(c) The following routes are designated as through routes for 102-inch standard trucks:

1. All State and Interstate highway routes with the exception of those listed under Appendix A.

2. All county “500” series roads with the exception of those listed under Appendix B.

3. Those county “600” series roads listed under Appendix C.

4. The New Jersey Turnpike, the Atlantic City Expressway and the Garden State Parkway south of Exit 105. Use of these routes is subject to the regulation of the New Jersey Turnpike Authority, the New Jersey Expressway Authority and the New Jersey Highway Authority, respectively.

16:32-3.4 Access from through routes

(a) Unless otherwise prohibited, 102-inch standard trucks are permitted to travel up to two roadway miles from any through route designated in N.J.A.C. 16:32-3.3 for purposes of pickup and delivery and for access to facilities providing food, fuel, repairs and rest, except upon those roads, highways, streets, public alleys or other public thoroughfares which cannot safely accommodate a truck wider than 96 inches and are so designated by the Department. Truck movements which are made under the authority of this subsection must conform to all other State regulations and to any local “truck route” restrictions which have been adopted and posted as provided in N.J.S.A. 40:67-16.1 et seq.

(b) Unless otherwise prohibited as provided in (a) above, 102-inch standard trucks in the following categories are permitted free access to points of loading and unloading:

1. Household goods carriers;

2. Truck tractor-semitrailer combinations in which the semitrailer has a length not to exceed 28 1/2 feet and which generally operates as part of a double-trailer truck combination.

16:32-3.5 Addition and deletion of through routes

(a) The Department anticipates that from time to time routes will be added to and deleted from the system of through routes set forth in N.J.A.C. 16:32-3.3. Additions and deletions will be proposed by the Department as amendments to these rules and will be based on:

1. Revised information on the geometric characteristics of specific roadways;

2. Roadway improvements;

3. Engineering investigations;

4. The need for suitable and adequate routes for through movements and access to points of loading and unloading;

5. Demonstrated safety problems;

6. Public comment;

7. The operating characteristics of 102-inch standard trucks;

8. Any other factors the Department feels are relevant.

(b) The Department encourages interested parties to submit proposals for additions and deletions to the system. Submissions should be made in writing to the Chief, Bureau of Traffic Engineering, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625. Submissions should be as specific as possible in regard to:

1. Identification of routes proposed for addition or deletion;

2. Information bearing on the criteria for review set forth in (a) above; and

3. Any other information that the party making the submission believes will be helpful to the Department in reviewing the proposed addition or deletion.

(c) Routes may be proposed for addition or deletion regardless of whether the roadway is under the jurisdiction of the State, a county, a municipality or an independent authority. The Department will review every submission made under this subsection and will determine whether or not to propose any amendment to the rules based on that submission. The Department will notify the party making the submission of its determination. The Department’s determination will be made on the written record only and will be final.

(d) This section is in addition to the provisions of N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-3.6, which entitle an interested person to petition the agency for a rule.

16:32-3.6 Maps

(a) The Department may, from time to time, prepare and distribute maps and graphic depictions of the designated through track network. Any map

or graphic depiction so prepared shall not be considered a regulatory description of the designated through truck network superseding or in lieu of the textual descriptions adopted in this chapter.

(b) Subject to their availability, maps and graphic depictions of the 102-inch standard truck designated through network may be obtained for a charge of \$5.00 each from the Department. Requests should be submitted to the Director, Division of Data Base Generation, 1035 Parkway Avenue, CN 600, Trenton, NJ, 08625. Payments should be made to the New Jersey Department of Transportation.

APPENDIX A

The following State highway routes are not designated as through routes for wide trucks, although some of these routes may be usable by wide trucks under the access provisions of N.J.A.C. 16:32-3.4:

Route	Description	Mileage Point
US 9	between M.P. 0.00 in Cape May Co. and Steel Rd. in Middle Twp., Cape May Co. and between NJ 52 in Somers Pt. City, Atlantic Co. and US 30 in Absecon City, Atlantic Co. and between Co. 625 in Berkeley Twp., Ocean Co. and NJ 166 in Beachwood Boro., Ocean Co.	0.00 12.25 33.15 42.80 87.27 89.60
	Total US 9	24.23
NJ 13	between Hollywood Blvd. in Pt. Pleasant Boro. and Co. 632 in Pt. Pleasant Boro., Ocean Co.	0.00 0.58
	Total NJ 13	0.58
NJ 23	between Rt. 517 in Franklin Boro., Sussex Co. and Rt. 517 in Hamburg Boro., Sussex Co. and between NJ 94 in Hamburg Boro., Sussex Co. and Rt. 565 in Wantage Twp., Sussex Co. and between Rt. 519 in Wantage Twp., Sussex Co. and New York State Line in Montague Twp., Sussex Co.	31.83 34.40 35.50 38.52 47.20 52.53
	Total NJ 23	10.92
NJ 28	between Co. 633 in Bridgewater Twp., Somerset Co. and Chimney Rock Rd. in Bridgewater Twp., Somerset Co.	5.58 6.25
	Total NJ 28	0.67
NJ 29	between US 202 in Delaware Twp., Hunterdon Co. and Rt. 523 in Stockton Boro., Hunterdon Co.	20.00 22.45
	Total NJ 29	2.45
NJ 31	between US 206 in Trenton City, Mercer Co. and I-95 in Hopewell Twp., Mercer Co.	0.00 4.88
	Total NJ 31	4.88
NJ 33	between Nottingham Way in Hamilton Twp., Mercer Co. and Rt. 526 in Washington Twp., Mercer Co. and between US 130 in East Windsor Twp., Mercer Co. and Woodside Ave. in East Windsor Twp., Mercer Co.	2.30 7.48 12.44 15.77
	Total NJ 33	8.51
NJ 34	between NJ 79 in Matawan Boro. Monmouth Co. and US 9 on Old Bridge Twp., Middlesex Co.	22.40 26.79
	Total NJ 34	4.39
NJ 35	between Bay Ave. in Brick Twp., Ocean Co. and Delaware Ave. in Point Pleasant Beach Boro., Ocean Co. and between NJ 34 & NJ 70 in Wall Twp., Monmouth Co. and NJ 38 in Wall Twp., Monmouth Co.	8.81 12.51 16.05 20.25
	Total NJ 35	7.90
NJ 37	between NJ 70 in Lakehurst Boro., Ocean Co. and US 9 in Dover Twp., Ocean Co.	31.52 37.55
	Total NJ 37	6.03
NJ 38	between I-295 in Mt. Laurel Twp., Burlington Co. and Rt. 530 in Mt. Holly Twp., Burlington Co.	9.60 16.78
	Total NJ 38	7.18
NJ 41	between NJ 47 in Deptford Twp., Gloucester Co. and Rt. 544 in Deptford Twp., Gloucester Co. and between 544 in Runnemeade Boro., Camden Co. and NJ 168 in Runnemeade Boro., Camden Co.	0.00 3.91 4.18 4.95
	Total NJ 41	4.68
NJ 44	between Barbers Ave. in Logan Twp., Gloucester Co. and I-295 in West Deptford Twp., Gloucester Co. Note: Entire route is excluded	0.00 9.60
	Total NJ 44	9.60
NJ 45	between Co. 605 & 617 in Woodstown Boro., Salem Co. and NJ 77 in Harrison Twp., Gloucester Co.	10.12 17.39
	Total NJ 45	7.27
NJ 47	between Atlantic Ave. in Wildwood City, Cape May Co. and Co. 636 in Wildwood City, Cape May Co. and between the Maurice River Twp./Millville City Corporate Line, Cumberland Co. and US 40 in Franklin Twp., Gloucester Co. and between US 322 in Glassboro Boro., Gloucester Co. and Rt. 551 in Westville Boro., Camden Co.	0.00 0.75 36.08 52.36 62.29 74.75
	Total NJ 47	29.49
NJ 49	between I-295 in Pennsville Twp., Salem Co. and Co. 632 in Pennsville Twp., Salem Co.	0.00 6.20
	Total NJ 49	6.20
NJ 52	between Palen Ave. in Ocean City, Cape May Co. and US 9 in Somers Pt. City, Atlantic Co. Note: Entire route is excluded	0.00 2.74
	Total NJ 52	2.74
NJ 53	between NJ 10 in Parsippany Troy Hills Twp., Morris Co. and I-80 in Denville Twp., Morris Co.	1.55 4.50
	Total NJ 53	2.95
NJ 67	between NJ 5 in Fort Lee Boro., Bergen Co. and US 9W in Fort Lee Boro., Bergen Co. Note: Entire route is excluded	0.00 1.98
	Total NJ 67	1.98
NJ 70	between M.P. 10 in Evesham Twp., Burlington Co. and Rt. 541 in Medford Twp., Burlington Co. and between US 9 in Dover Twp., Ocean Co. and NJ 34 and 35 in Wall Twp., Monmouth Co.	10.00 13.90 49.88 59.84
	Total NJ 70	13.86
NJ 71	between Co. 49 in Manasquan Boro., Monmouth Co. and NJ 35 in Belmar Boro., Monmouth Co.	1.72 5.10
	Total NJ 71	3.38
I-78	between Henderson St. in Jersey City, Hudson Co. and the N.Y. State Line (Holland Tunnel), Hudson Co.	66.82 67.83
	Total I-78	1.01
NJ 79	between Hance Blvd. in Freehold Twp., Monmouth Co. and Rt. 516 in Matawan Boro., Monmouth Co.	2.45 11.88
	Total NJ 79	9.35
NJ 82	between Kingswood Rd. in Union Twp., Union Co. and NJ 439 in Union Twp., Union Co.	3.10 4.95
	Total NJ 82	1.85
NJ 88	between Rt. 623 in Lakewood Twp., Ocean Co. and NJ 35 in Point Pleasant Boro., Ocean Co.	2.20 9.84
	Total NJ 88	7.64
NJ 91	between US 1 in North Brunswick Twp., Middlesex Co. and Van Dyke Rd., in New Brunswick City, Middlesex Co. Note: Entire route is excluded	0.00 2.31
	Total NJ 91	2.31
NJ 94	between I-80 in Knowlton Twp., Warren Co. and Knowlton/Blairstown Corporate Line, Warren Co.	0.60 3.95
	Total NJ 94	3.35

NJ 109	between Jackson St. in Cape May City, Cape May Co. and US 9 in Lower Twp., Cape May Co. Note: Entire route is excluded	0.00 3.12
	Total NJ 109	3.12
US 130	between N. J. Turnpike in Pennsville Twp., Salem Co. and Co. 618 in Carneys Point Twp., Salem Co.	0.00 2.20
	Total US 130	2.20
NJ 147	between Walnut Ave. in North Wildwood City, Cape May Co. and US 9 in Middle Twp., Cape May Co.	0.00 4.20
	Total NJ 147	4.20
NJ 156	between Rt. 524 in Hamilton Twp., Mercer Co. and US 130 in Hamilton Twp., Mercer Co.	0.57 1.21
	Total NJ 156	0.64
NJ 159	between Co. 614 Spur in Fairfield Boro., Essex Co. and US 46 in Fairfield Boro., Essex Co.	0.55 1.35
	Total NJ 159	0.80
NJ 161	between Allwood Rd. in Clifton City, Passaic Co. and Van Houten Ave. in Clifton City, Passaic Co. Note: Entire route is excluded	0.00 1.10
	Total NJ 161	1.10
NJ 163	between US 46 in Knowlton Twp., Warren Co. and US 46 in Knowlton Twp., Warren Co. Note: Entire route is excluded	0.00 0.46
	Total NJ 163	0.46
NJ 166	between US 9 in Beachwood Boro., Ocean Co. and Co. 4 in Dover Twp., Ocean Co. and between NJ 37 in Dover Twp., Ocean Co. and US 9 in Dover Twp., Ocean Co.	0.80 1.28 2.00 3.75
	Total NJ 166	2.23
NJ 169	between New York State Line in Bayonne City, Hudson Co. and Rt. 501 in Bayonne City, Hudson Co.	0.00 0.80
	Total NJ 169	0.80
NJ 170	between US 206 in Mansfield Twp., Burlington Co. and US 206 in Mansfield Twp., Burlington Co. Note: Entire route is excluded	0.00 0.75
	Total NJ 170	0.75
NJ 171	between Raritan River Railroad in New Brunswick City, Middlesex Co. and Albany St. in New Brunswick City, Middlesex Co.	1.05 2.80
	Total NJ 171	1.75
NJ 173	between Still Valley Rd. in Greenwich Twp., Warren Co. and Bethlehem Ave. in Bloomsbury Boro., Hunterdon Co. and between Co. 614 in Union Twp., Hunterdon Co. and Co. 635 in Union Twp., Hunterdon Co. and between Rt. 513 in Clinton Town, Hunterdon Co. and I-78 in Clinton Town, Hunterdon Co.	0.36 3.35 8.16 9.82 13.46 14.38
	Total NJ 173	5.57
NJ 175	between River Rd. in Ewing Twp., Mercer Co. and NJ 29 in Ewing Twp., Mercer Co.	1.78 2.92
	Total NJ 175	1.14
NJ 179	between Old York Rd. in West Amwell Twp., Hunterdon Co. and US 202 in East Amwell Twp., Hunterdon Co.	1.22 5.58
	Total NJ 179	4.36
NJ 183	between Co. 601 in Stanhope Boro., Sussex Co. and US 206 in Stanhope Boro., Sussex Co.	0.97 2.12
	Total NJ 183	1.15
NJ 184	between US 9 in Woodbridge Twp., Middlesex Co. and Carlock Ave. in Perth Amboy City, Middlesex Co.	0.45 1.13
	Total NJ 184	0.68

US 202	between US 206 in Bedminster Twp., Somerset Co. and Rt. 525 in Bernardsville Boro., Somerset Co. and between Rt. 511 Alt. in Lincoln Park Boro., Morris Co. and NJ 23 in Wayne Twp., Passaic Co. between I-287 in Parsippany-Troy Hills Twp., Morris Co. and I-287 in Boonton Town, Morris Co.	31.74 37.15 60.54
	Total US 202	8.70
NJ 444	between NJ 36 in Tinton Falls Boro., Monmouth Co. and the NY State Line in Montvale Boro., Bergen Co.	106.30 172.43
	Total NJ 444	66.13
NJ 495	between the NJ Turnpike in Jersey City, Hudson Co. and the New York State Line	0.00 3.58
	Total NJ 495	3.58
	Total mileage of ineligible sections:	292.76

APPENDIX B

The following county "500" series routes are not designated as through routes for wide trucks, although some of these routes may be usable by wide trucks under the access provisions of N.J.A.C. 16:32-3.4:

Route	Description	Mileage Point
RT 501	between NJ 184 in Woodbridge Twp., Middlesex Co. and the N.Y. State Line	6.96 9.76
	Total Rt. 501	2.80
RT 503	between Empire Blvd. in Moonachie Twp., Bergen Co. and the S. Hackensack/Hackensack Corp. Line and between Grove St. in Hillsdale Boro., Bergen Co. and the N.Y. State Line in Montvale Twp., Bergen Co.	1.36 3.49 14.03 17.72
	Total Rt. 503	5.82
RT 504	between Main Rd. in Montvale Twp., Morris Co. and West Parkway in Pequannock Twp., Morris Co. and between 19th St. in Paterson City, Passaic Co. and NJ 20 in Paterson City, Passaic Co.	0.00 3.54 15.14 15.55
	Total Rt. 504	3.95
RT 512	between Rt. 513 in Califon Boro., Hunterdon Co. and Railroad Ave. in Far Hills Boro., Somerset Co. and between US 202 in Far Hills Boro., Somerset Co. and the Morris Co. County Line and between M.P. 24.73 in Passaic Twp., Morris Co. and M.P. 25.39 in Passaic Twp., Morris Co.	0.00 13.70 14.27 21.22 24.73 25.39
	Total Rt. 512	21.31
RT 513	between NJ 12 in Frenchtown Boro., Hunterdon Co. and Rt. 579 in Franklin Twp., Hunterdon Co. and between NJ 31 in Clinton Twp., Hunterdon Co. and Rt. 517 in Washington Twp., Morris Co. and between M.P. 26.14 in Washington Twp., Morris Co. and the Chester Twp. Corp. Line and between a no name road in W. Milford Twp., Passaic Co. and Co. 696 in W. Milford Twp., Passaic Co.	0.00 7.52 13.66 26.01 26.14 28.55 59.95 61.53
	Total Rt. 513	23.86
RT 514	between US 202 in E. Amwell Twp., Hunterdon Co. and Berry St. in Franklin Twp., Somerset Co. and between Mary Ave. in Woodbridge Twp., Middlesex Co. and US 9 in Woodbridge Twp., Middlesex Co. and between US 1&9 in Rahway City, Union Co. and Bay Ave. in Elizabeth City, Union Co.	0.00 22.74 32.96 34.36 38.50 43.11
	Total Rt. 514	28.75
RT 514 Spur I	between NJ 31 in Raritan Twp., Hunterdon Co. and US 202 in Raritan Twp., Hunterdon Co. and between Co. 613 in Raritan Twp., Hunterdon Co. and Rt. 514 in Raritan Twp., Hunterdon Co.	0.00 0.40 2.43 4.29
	Total 514 Spur I	2.26

RT 515	between NJ 94 in Vernon Twp., Sussex Co. and the N.Y. State Line	10.77 13.08	RT 532	between Rt. 541 in Medford Lakes Twp., Burlington Co. and US 206 in Tabernacle Twp., Burlington Co.	0.00 4.03
	Total Rt. 515	2.31		and between Rt. 563 in Woodland Twp., Burlington Co. and NJ 72 in Woodland Twp., Burlington Co.	15.39 19.45
RT 517	between Rt. 523 in Tewksbury Twp., Hunterdon Co. and Rt. 513 in Washington Twp., Morris Co.	0.00 9.39		Total Rt. 532	8.09
	Total Rt. 517	9.39	RT 533	between Mercer Mall in Lawrence Twp., Mercer Co. and US 206 in Princeton Twp., Mercer Co.	8.22 10.82
RT 519	between NJ 29 in Delaware Twp., Hunterdon Co. and the C.R.R. of NJ Bridge in Pohatcong Twp., Warren Co.	0.00 27.25		and between US 206 in Montgomery Twp., Somerset Co. and Rt. 527 in Bound Brook Boro., Somerset Co.	17.24 32.13
	and between Co. 661 in Frelinghuysen Twp., Hunterdon Co. and M.P. 62.65 in Fredon Twp., Sussex Co.	55.03 62.65		Total Rt. 533	17.49
	Total Rt. 519	34.87	RT 534	between Warwick Rd. in Deptford Twp., Gloucester Co. and the Camden Co. Line	4.09 6.89
RT 519	between M.P. 0.61 in Kingwood Twp., Hunterdon Co. Spur and Rt. 519 in Kingwood Twp., Hunterdon Co.	0.61 4.55		Total Rt. 534	2.80
	Total Rt. 519 Spur	3.94	RT 536	between Winslow Rd. in Monroe Twp., Gloucester Co. and Co. 706 in Winslow Twp., Camden Co.	24.27 27.26
RT 520	between Texas Rd. in Old Bridge Twp., Middlesex Co. and Amboy Rd. in Marlboro Twp., Monmouth Co.	2.06 3.90		and between Co. 720 in Winslow Twp., Camden Co. and NJ 73 in Winslow Twp., Camden Co.	27.62 30.60
	and between NJ 18 in Marlboro Twp., Monmouth Co. and a stream in Marlboro Twp., Monmouth Co.	4.26 6.61		Total Rt. 536	5.97
	Total Rt. 520	4.19	RT 536	between US 322/NJ 42 in Monroe Twp., Gloucester Co. Spur and Camden Co. Line	0.32 1.50
RT 521	between NJ 94 in Blairstown Twp., Warren Co. and Mashipacong Rd. in Montague Twp., Sussex Co.	6.35 41.47		and between NJ 73 in Waterford Twp., Camden Co. and the Burlington Co. Line	8.57 9.03
	Total Rt. 521	35.12		Total Rt. 536 Spur	1.64
RT 521	between Rt. 521 in Sandyston Twp., Sussex Co. Spur and a road at M.P. 2.77	0.00 2.77	RT 537	between US 206 in Springfield Twp., Burlington Co. and Co. 670 in Springfield Twp., Burlington Co.	22.09 24.58
	Note: Entire route is not eligible			and between Overbrook Dr. in Freehold Twp., Monmouth Co. and School Rd. East in Colts Neck Twp., Monmouth Co.	54.66 55.15
	Total Rt. 521 Spur	2.77		and between Wayside Rd. in Tinton Falls Boro., Monmouth Co.	62.34
RT 522	between NJ 27 in S. Brunswick Twp., Middlesex Co. and Co. 679 in S. Brunswick Twp., Middlesex Co.	0.00 6.34		and M.P. 62.63 in Tinton Falls Boro, Monmouth Co.	62.63
	Total Rt. 522	6.34		Total Rt. 537	3.27
RT 524	between Rt. 539 in Washington Twp., Mercer Co. and Clarksburg Rd. in Millstone Twp., Monmouth Co.	7.88 14.78	RT 538	between US 322 in Woolwich Twp., Gloucester Co. and Rt. 581 in S. Harrison Twp., Gloucester Co.	0.00 6.12
	Total Rt. 524	6.90		and between the Elk Twp./Franklin Twp. Corp. Line Gloucester Co.	14.17
RT 524	between Rt. 524 in Howell Twp., Monmouth Co. Spur I and Rt. 524/547 in Howell Twp., Monmouth Co.	0.00 3.74		and US 322 in Monroe Twp., Gloucester Co.	25.01
	Note: Entire route is not eligible.			Total Rt. 538	16.96
	Total Rt. 524 Spur I	3.74	RT 539	between the Monmouth Co./Mercer Co. County Line and Perrineville Rd. in E. Windsor Twp., Mercer Co.	48.36 49.38
RT 525	between Logan Rd. in Bridgewater Twp., Somerset Co. and I-78 in Bernards Twp., Somerset Co.	1.89 6.20		Total Rt. 539	1.02
	and between the Dead River in Bernards Twp., Somerset Co. and Mt. Airy Rd. in Bernards Twp., Somerset Co.	6.82 8.21	RT 543	between Cedar Lane in Florence Twp., Burlington Co. and Co. 628 in Mansfield Twp., Burlington Co.	21.93 22.97
	and between I-287 in Bernards Twp., Somerset Co. and Rt. 510/NJ 24 in Mendham Boro, Morris Co.	9.74 17.05		Total Rt. 543	1.04
	Total Rt. 525	13.01	RT 545	between Co. 667 in Pemberton Twp., Burlington Co. and the Pemberton Twp./New Hanover Twp. Corp. Line, Burlington Co.	0.28 1.55
RT 526	between Village Rd. in W. Windsor Twp., Mercer Co. and Rt. 535 in W. Windsor Twp., Mercer Co.	1.80 3.33		and between the Springfield Twp./Chesterfield Twp. Corp. Line, Burlington Co.	7.09
	Total Rt. 526	1.53		and M.P. 7.64 in Chesterfield Twp., Burlington Co.	7.64
RT 527	between M.P. 49.67 in Franklin Twp., Somerset Co. and Co. 619 in Franklin Twp., Somerset Co.	49.67 51.11		and between M.P. 13.00 in Bordentown Twp., Burlington Co. and US 206 in Bordentown Twp., Burlington Co.	13.00 13.81
	Total Rt. 527	1.44		Total Rt. 545	2.63
RT 527	between Rt. 512 in Bernards Twp., Somerset Co. Spur and US 202 in Bernardsville Boro., Somerset Co.	3.92 8.55	RT 548	between NJ 47 in Maurice River Twp./Cumberland Co. and NJ 49 in Upper Twp., Cape May Co.	0.00 9.18
	Total Rt. 527 Spur	4.63		Note: Entire route is not eligible	
RT 529	between US 22 in Green Brook Twp., Somerset Co. and Rt. 527 in Watchung Boro., Somerset Co.	8.63 10.56		Total Rt. 548	9.18
	Total Rt. 529	1.93	Rt 549	between Dugesne Blvd. in Brick Twp., Ocean Co. and NJ 70 in Brick Twp., Ocean Co.	8.33 8.98
RT 530	between Hough St. in Pemberton Boro., Burlington Co. and Anderson St. in Pemberton Twp., Burlington Co.	6.48 7.49		and between Dunbeck Rd. in Brick Twp., Ocean Co. and Co. 621 in Howell Twp., Monmouth Co.	12.97 16.46
	and between Columbus Rd. in Pemberton Twp., Burlington Co.	12.50		Total Rt. 549	4.14
	and S. Main St. in So. Toms River Boro., Ocean Co.	33.87	RT 549	between NJ 88 in Pt. Pleasant Boro., Ocean Co. Spur I and Rt. 549 in Brick Twp., Ocean Co.	0.00 3.94
	Total Rt. 530	22.38		Note: Entire route is not eligible.	
				Total Rt. 549 Spur I	3.94

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PROPOSALS

RT 550	between NJ 47 in Maurice River Twp., Cumberland Co. and US 9 in Dennis Twp., Cape May Co. Note: Entire route is not eligible.	0.00 15.86
	Total Rt. 550	15.86
RT 550 Spur	between NJ 47 in Dennis Twp., Cape May Co. and Rt. 550 in Dennis Twp., Cape May Co. Note: Entire route is not eligible.	0.00 4.84
	Total Rt. 550 Spur	4.84
RT 552	between M.P. 1.48 in Upper Deerfield Twp., Cumberland Co. and M.P. 1.82 in Upper Deerfield Twp., Cumberland Co. and between Rt. 553 in Upper Deerfield Twp., Cumberland Co. and the Atlantic Co. County Line	1.48 1.82 2.89 21.28
	Total Rt. 552	18.73
RT 552 Spur	between Wade Blvd. in Millville City, Cumberland Co. and Rt. 552 in Vineland City, Cumberland Co.	0.95 3.40
	Total Rt. 552 Spur	2.45
RT 553	between Cherry St. in Commercial Twp., Cumberland Co. and Church St. in Downe Twp., Cumberland Co. and between Reeves Rd. in Fairfield Twp., Cumberland Co. and Co. 705 in Upper Deerfield Twp., Cumberland Co. and between Rt. 540 in Pittsgrove Twp., Salem Co. and Monogahela Creek in Deptford Twp., Gloucester Co.	0.28 4.68 20.10 21.80 26.83 45.59
	Total Rt. 553	24.86
RT 557	between NJ 47 in Dennis Twp., Cape May Co. and NJ 50 in Estell Manor Twp., Atlantic Co.	0.00 12.72
	Total Rt. 557	12.72
RT 561	between M.P. 17.73 in Mullica Twp., Atlantic Co. and US 30 in Hammonton Twp., Atlantic Co. and NJ 73 in Winslow Twp., Camden Co. and Florence Ave. in Berlin Boro., Camden Co.	17.73 20.28 32.49 35.29
	Total Rt. 561	5.35
RT 561 Alt.	between M.P. 0.00 in Galloway Twp., Atlantic Co. and Rt. 575 in Galloway Twp., Atlantic Co. and between Old Rt. 561 Alt. in Galloway Twp., Atlantic Co. and Co. 614 in Galloway Twp., Atlantic Co.	0.00 6.02 7.15 10.23
	Total Rt. 561 Alt.	9.10
RT 561 Spur	between US 322 in Folsom Boro., Atlantic Co. and the Atlantic City Expressway in Winslow Twp., Camden Co. Note: Entire route is not eligible.	0.00 6.02
	Total Rt. 561 Spur	6.02
RT 565	between US 206 in Frankfort Twp., Sussex Co. and NJ 23 in Wantage Twp., Sussex Co.	0.00 9.40
	Total Rt. 565	9.40
RT 567	between Rt. 514 in Hillsborough Twp., Somerset Co. and M.P. 3.66 in Branchburg Twp., Somerset Co.	0.00 3.66
	Total Rt. 567	3.66
RT 569	between Rt. 533 in Lawrence Twp., Mercer Co. and US 206 in Lawrence Twp., Mercer Co.	0.00 1.98
	Total Rt. 569	1.98
RT 571	between Rt. 524 in Millstone Twp., Monmouth Co. and S. Rockdale Rd. in Roosevelt Boro., Monmouth Co.	26.86 29.12
	Total Rt. 571	2.26
RT 575	between Rt. 561 Alt. in Galloway Twp., Atlantic Co. and US 9 in Port Republic Twp., Atlantic Co.	16.78 21.20
	Total Rt. 575	4.42
RT 577	between NJ 24 in Springfield Twp., Union Co. and Bleeker St. in Millburn Twp., Essex Co. and between the S. Orange/W. Orange Corp. Line, Essex Co. and Gregory Pl. in W. Orange Town, Essex Co.	3.21 3.73 8.05 8.98
	Total Rt. 577	1.45

RT 579	between Mt. Airy Rd. in Hopewell Twp., Mercer Co. and Rt. 523 in Raritan Twp., Hunterdon Co. and between NJ 12 in Raritan Twp., Hunterdon Co. and Rt. 513 in Franklin Twp., Hunterdon Co. and between Co. 614 in Alexandria Twp., Hunterdon Co. and NJ 173 in Greenwich Twp., Warren Co.	8.93 19.25 22.05 27.90 33.48 37.30
	Total Rt. 579	19.99
	Total 500 Route Mileage that is not eligible	427.54
	Total 500 Route Mileage that is eligible	1683.81

APPENDIX C

The following county "600" series roads are designated as through routes
for wide trucks:

Co. 601	US 9 in Middle Twp., Cape May Co. Co. 619 in Avalon Boro., Cape May Co.	0.00 3.80 3.80
Co. 606	US 206 in Trenton, Mercer Co. NJ 33 in Hamilton Twp., Mercer Co.	0.00 3.66 3.66
Co. 607	Long Beach Twp./Beach Haven Boro. C/L, Ocean Co. 4th St. in Long Beach Twp., Ocean Co.	1.22 17.98 16.76
Co. 609	Rt. 553 in Fairfield Twp., Cumberland Co. NJ 49 in Bridgeton City, Cumberland Co.	0.00 2.93 2.93
Co. 609	Rt. 527 in New Brunswick City, Middlesex Co. Rt. 514 Spur in Piscataway Twp., Middlesex Co.	0.00 0.57 0.57
Co. 610	Rt. 539 in Barnegat Twp., Ocean Co. NJ 72 in Barnegat Twp., Ocean Co.	0.00 2.15 2.15
Co. 615	Co. 673 in Sayreville Boro., Middlesex Co. NJ 35 in South Amboy City, Middlesex Co.	10.66 12.17 1.51
Co. 616	NJ 35 in Ocean Twp., Monmouth Co. NJ 71 in Asbury Park City, Monmouth Co.	0.00 1.25 1.25
Co. 618	Rt. 551 in Carney's Point Twp., Salem Co. US 130 in Carney's Point Twp., Salem Co.	0.00 0.91 0.91
Co. 619	Middle Twp./Stone Harbor C/L, Cape May Co. Co. 623 in Ocean City, Cape May Co.	2.83 19.83 17.00
Co. 623	US 9 in Upper Twp., Cape May Co. Co. 619 in Ocean City, Cape May Co.	0.00 2.03 2.03
Co. 625	US 9 in Dennis Twp., Cape May Co. Co. 619 in Sea Isle City, Cape May Co.	0.00 2.78 2.78
Co. 629	NJ 152 in Longport Boro., Atlantic Co. US 40/322 in Atlantic City, Atlantic Co.	0.00 5.40 5.40
Co. 629	US 9 in Middle Twp., Cape May Co. Co. 619 in Stone Harbor, Cape May Co.	0.00 4.20 4.20
Co. 638	NJ 18 in Tinton Falls Boro., Monmouth Co. Rt. 547 in Tinton Falls Boro., Monmouth Co.	1.40 2.24 0.84
Co. 649	NJ 24 in Milburn Twp., Essex Co. Rt. 508 in Livingston Twp., Essex Co.	0.00 4.02 4.02
Co. 656	Co. 623 in Ocean City, Cape May Co. 4th St. in Ocean City, Cape May Co.	0.00 3.24 3.24

Co. 657 US 9 in Stone Harbor Boro., Cape May Co.	0.00
NJ 47 in Middle Twp., Cape May Co.	5.86
	5.86
Co. 673 Rt. 535 in Sayreville Boro., Middlesex Co.	0.00
Co. 615 in Sayreville Boro., Middlesex Co.	0.61
	0.61
Total 600 Route Mileage Eligible	79.52

(a)**NEW JERSEY TRANSIT CORPORATION****Reduced Fare Transportation Program for the Elderly and Handicapped****Proposed Readoption with Amendments: N.J.A.C. 16:73**

Authorized By: New Jersey Transit Corporation,
Jerome C. Premo, Executive Director.

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

Proposal Number: PRN 1986-519.

Submit comments by January 14, 1987 to:

Albert R. Hasbrouck, III
Assistant Executive Director
New Jersey Transit Corporation
P.O. Box 10009
Newark, NJ 07101

The agency proposal follows:

Summary

In accordance with the sunset provisions of Executive Order No. 66(1978), the New Jersey Transit Corporation (hereinafter "NJ TRANSIT") proposes to readopt N.J.A.C. 16:73-1.1 through 16:73-3.2, NJ TRANSIT'S Reduced Fare Transportation Program for the Elderly and Handicapped.

These subchapters are scheduled to expire on February 16, 1987. The provisions of Executive Order No. 66(1978) require that NJ TRANSIT review periodically its present regulations to determine their continuing usefulness. Accordingly, NJ TRANSIT has reviewed its Reduced Fare Transportation Program for the Elderly and Handicapped and has found them to be reasonable, proper and necessary.

N.J.A.C. 16:73 contains the regulations governing the reduced fare transportation program.

Specifically, Subchapter 1 describes the general provisions of the Reduced Fare Transportation Program. Subchapter 2 describes identification and registration of participants in the Program.

Subchapter 3 describes the agreements for services and payment which are entered into with those carriers that participate in the Program.

Subchapter 4 is reserved at this time.

Social Impact

The readoption of these regulations will cause no change in the impact on senior citizens and handicapped persons. The regulations will continue to provide NJ TRANSIT a mechanism to provide a reduced fare transportation program to eligible senior citizens and handicapped persons.

Economic Impact

The readoption of these regulations will not cause a change in the economic impact on the participants or the participating autobus carriers. Eligible senior citizens and handicapped persons will continue to pay reduced fares for bus and rail transportation.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 16:73.

Full text of the amendments to the proposed readoption follows (additions shown in boldface **thus**).

16:73-1.1 Definitions

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

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

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

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

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

TREASURY-GENERAL**(b)****DIVISION OF PENSIONS****Police and Firemen's Retirement System
Loan Revaluations****Proposed Repeal and New Rule: N.J.A.C. 17:4-4.4**

Authorized By: Anthony Ferrazza, Secretary, Police and Firemen's Retirement System.

Authority: N.J.S.A. 43:16A-13(7).

Proposal Number: PRN 1986-511.

Submit comments by January 14, 1987 to:

Peter J. Gorman, Esq.
Administrative Practice Officer
Division of Pensions
20 West Front Street
CN 295
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed new rule provides that interest will be charged upon a member's unpaid loan balance. Under the current rule, there is a grace period of eight months when no interest is charged if a member is off the payroll. The proposed new rule will impose interest upon the outstanding loan balance without the eight months grace period. If at the end of the scheduled loan period, there is a balance due of less than \$10.00, it will be written off; if the balance due is \$10.00 or more, the member will be assessed that amount.

Social Impact

The proposed new rule will affect members of the Police and Firemen's Retirement System who go off the payroll with an outstanding loan balance.

Economic Impact

The proposed new rule will affect members of the Police and Firemen's Retirement System who go off the payroll with an outstanding loan balance. Under the current rule, such loan balances would not accrue interest for eight months. Under the proposed rule, interest will accrue without a grace period.

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

17:4-4.4 [Revaluation] Loan tolerance

[(a) If a member is off the payroll for a period of eight months or less, any outstanding loan will have the ending date of the loan extended to cover the period off the payroll.

(b) In the event the member is off longer than eight months, the loan will be revalued and an additional interest charge made.]

Interest will be calculated on a periodic basis on the unpaid loan balance. If scheduled payments are not paid timely, interest will be accrued and added to the remaining outstanding loan balance. If, at the end of the loan schedule, there is a balance of less than \$10.00, it will be written off. If the balance is equal to or greater than \$10.00, the member will be assessed.

(a)

STATE INVESTMENT COUNCIL

Common Pension Fund C

Proposed Repeal and New Rules: N.J.A.C. 17:16-38

Authorized By: State Investment Council, Roland M. Machold,
Director, Division of Investment.

Authority: N.J.S.A. 52:18A-91.

Proposal Number: PRN 1986-517.

Submit comments by January 14, 1987 to:

Roland Machold, Director
Division of Investment
349 West State Street
CN 290
Trenton, New Jersey 08625

The agency proposal follows:

Summary

N.J.A.C. 17:16-38 establishes a pool for the purpose of investing in short-term investments and providing for the issuance of certificates of ownership purchased by the participating pension funds.

The rules are being repealed since new rules covering this area are being proposed.

The proposed new rules would create a common fund for short-term investments (with maturities of less than one year) for the pension and annuity funds of the State. The new common fund would require investments in South Africa-free companies in compliance with P.L. 1985, c. 308. The subchapter sets fiduciary standards and procedures for Common Pension Fund C. The subchapter is comprised of the following sections:

17:16-38.1 defines and explains the Fund.

17:16-38.2 sets forth standards for participation in the Fund.

17:16-38.3 explains how income of Fund is distributed.

17:16-38.4 specifies permitted investments under New Jersey Law maturing within one year and conforming to the South Africa divestiture law.

17:16-38.5 states that each unit of participation represents an equal beneficial interest in the Fund.

17:16-38.6 sets the net asset value per unit of participation in the Fund at \$1.00, except where Net Income Available for Distribution might be negative and would reduce the net asset value per unit proportionately.

17:16-38.7 states that the valuation of units of participation shall be determined at the beginning of each business day, based on factors at the close of the previous day.

17:16-38.8 specifies how daily income per participating unit is calculated.

17:16-38.9 specifies that daily income per participating unit will be reinvested automatically.

17:16-38.10 sets standards for admission and withdrawal of participating units.

17:16-38.11 states that the regulation may be amended by the State Investment Council.

17:16-38.12 sets forth guidelines for liquidation.

17:16-38.13 sets forth guidelines for any error correction.

Social Impact

The new rules have an important social impact because they establish standards for the fiduciary relationship which exists between the Division of Investment and the participating pension funds. It is necessary to have clearly established procedures which govern the administration of the fund. Furthermore, the establishment of the new fund helps carry out the South Africa divestment program mandated by P.L. 1985, c. 308.

The purpose of the fund covered by the repealed rules was to provide an investment vehicle for short-term investments of the State administered pension funds. This function has been assumed by the State of New Jersey Cash Management Fund and a proposed new fund which has been approved by the State Investment Council.

Economic Impact

The repeal of the rules will have no economic impact and will serve to eliminate redundant regulations.

The substance of the new rules themselves have no independent economic impact and the adoption of the rules will not impose any negative impact upon the State or any member of the public. No costs past, present or future, are involved in the implementation of the new rules. The rules are intended to maximize efficient management of the funds which are

under the jurisdiction of the Division of Investment and conform to prudent standards established by Council rules and State law.

The Division of Investment, through its director, manages the fund. The Division of Pensions is affected through administration of the fund. The Division of Budget and Accounting records participation representing net capital contributions to the fund and the income generated.

Full text of the proposed repeal may be found in the New Jersey Administrative Code at N.J.A.C. 17:16-38.

Full text of the proposed new rules follows.

SUBCHAPTER 38. COMMON PENSION FUND C

17:16-38.1 Common Pension Fund C defined

Pursuant to Chapter 270, P.L. 1970 there is created in the Division of Investment, Department of the Treasury, a common trust fund, to be known as Common Pension Fund C (the Fund), in which may be deposited the surplus moneys of the State administered pension and annuity funds.

17:16-38.2 Participation in Common Pension Fund C

(a) Participation in Common Pension Fund C by State pension and annuity funds, representing net capital contributions to the fund together with any income thereon, shall be evidenced by proper entries setting forth ownership units in the records of the Division of Pensions, Department of the Treasury.

(b) Contributions to Common Pension Fund C by the participating funds shall be made in cash.

17:16-38.3 Distribution of income

All income, as calculated under N.J.A.C. 17:16-38.8, of Common Pension Fund C shall be invested in units of participation in accordance with N.J.A.C. 17:16-38.9 and such units may be withdrawn in accordance with N.J.A.C. 17:16-38.10.

17:16-38.4 Permissible investments

(a) The Director may invest the assets of Common Pension Fund C in fixed-income and debt securities which are permitted under the provisions of N.J.S.A. 52:18A-89, subject to any applicable provisions of the regulations of the State Investment Council, and which mature within one year.

(b) All investments must conform to the investment guidelines established by N.J.S.A. 52:18A-89.1 et seq. (P.L. 1985, c. 308, South African divestiture) for pension and annuity funds.

17:16-38.5 Units of participation

(a) Each unit of participation shall represent an equal beneficial interest in the Fund and no unit shall have priority or preference over any other.

(b) Each unit of participation shall be valued at the Net Asset Value Per Unit as is set forth in N.J.A.C. 17:16-38.6.

17:16-38.6 Valuation

The Net Asset Value Per Unit of participation shall remain at \$1.00, except only in an instance where Net Income Available for Distribution might be negative, in which case the Net Asset Value Per Unit would be reduced by each participant's proportionate share of such negative amount.

17:16-38.7 Date of valuation

The valuation of the fund shall be determined at the opening of business on each business day, and shall be based on realized gains or losses, accruals, and amortization as of the close of the previous day as set forth in N.J.A.C. 17:16-38.8.

17:16-38.8 Calculation of daily income per participating unit

The income due to the participants in Common Pension Fund C shall be calculated daily. For the purpose of this calculation, net income available for distribution shall equal the sum of daily interest income, daily discount income, realized gain on sales, and amortized discount, from which sum shall be deducted the sum of realized loss on sales, and amortized premium. Such net income available for distribution shall then be divided by the number of outstanding participating units to determine the daily income per participating unit.

17:16-38.9 Reinvestment of daily income per participating unit

(a) The aggregate of daily income per participating unit on total units owned by each participant will be reinvested automatically in additional units at a price of \$1.00 per unit and such new units will be credited to the respective accounts of all of the participants in proportion to their holdings of participating units immediately prior to the determination of net income available for distribution.

(b) In the reinvestment of aggregate daily income as described in (a) above, fractional units may be issued representing fractions of a dollar, but no units will be issued representing fractions of one cent, nor will cash dividends be transmitted.

(c) Participating funds may obtain cash by redemption of units in accordance with N.J.A.C. 17:16-38.10.

17:16-38.10 Admission and withdrawal of participating units

(a) Admission to or withdrawal from the Fund shall be permitted on any business day. Admissions prior to noon will receive credit for net income available for distribution for such day if such admissions remain in the Fund through the close of such day. Withdrawals from the Fund will receive credit for net income available for distribution only as of the close of the day next preceding such withdrawal.

(b) All admissions and withdrawals will be made in cash.

17:16-38.11 Amendments

This subchapter may be amended from time to time by the State Investment Council. Any amendment adopted by such Council shall be binding upon all participating funds. An amendment shall become effective, unless otherwise provided for therein, on the date it is published in the New Jersey Register pursuant to the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

17:16-38.12 Liquidation

(a) The Director, Division of Investment, subject to the approval of the State Investment Council and the State Treasurer, may, upon two months' notice, liquidate Common Pension Fund C. In the event of such liquidation, the owners of the units shall share proportionately, according to units owned, in each investment held by the Fund. When such proportionate distribution is impracticable in the judgment of the Director, he may instead distribute on liquidation, cash or temporary investments held by the common fund.

(b) No liquidation will be effected without the approval by the State Investment Council of a plan of distribution of the assets of the Fund.

17:16-38.13 Guidelines on error correction

(a) Any error in the statement of daily income to participants which is less than either one-third of a true calculation of such income, or \$100,000, whichever is greater, may be adjusted over future daily income of the Fund in such a manner as may be approved by the Director of the Division of Investment.

(b) Any error in excess of such amount may be adjusted.

1. In such a manner as may be approved by the State Investment Council, or

2. Through the restatement of income on days the error occurred, by charge against income on future days.

OTHER AGENCIES

CASINO CONTROL COMMISSION

(a)

Gaming Schools

Advertising: Record Keeping

Proposed Amendment: N.J.A.C. 19:44-17.11

Authorized By: Casino Control Commission,

Theron G. Schmidt, Executive Secretary

Authority: N.J.S.A. 5:12-63(c) and 5:12-69(a).

Proposal Number: PRN 1986-520.

Submit comments by January 14, 1987 to:

Carol R. Jacobsen

Assistant Counsel, Legal Division

Casino Control Commission

3131 Princeton Pike Office Park

Building No. 5, CN-208

Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 19:44-17.11 abolishes the requirement that gaming schools submit copies of all advertising to the Commission for approval prior to broadcast or publication. Instead, the proposal would require that gaming schools maintain a file containing copies of all advertisements which would include a record of the date and method of broadcast or publication.

Social Impact

It is not anticipated that the proposed amendment will have any social impact, as the standards pertaining to the content of advertising by gaming schools will remain unchanged.

Economic Impact

Some decrease in administrative costs is anticipated for gaming schools and the Commission as a result of the elimination of the prior approval requirement, since gaming schools would no longer have to approve copies of all advertising. The proposal should have no discernible effect on the public.

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

19:44-17.11 [Prior approval] **Record keeping**

[(a) Unless the commission shall otherwise determine, all proposed advertisements shall be submitted in writing to the commission prior to the broadcast or publication of such material; however, any advertisement that is identical to or contains only minor changes in the specifics of any previously approved advertisement shall not be required to be resubmitted for approval. Said specifics shall include, but not be limited to, instructors' names and class types, dates, times and locations.]

[(b)](a) Each gaming school licensee shall maintain a record of all its advertisements which shall include, at a minimum, the following:

1. A description of the advertisement;

[2. The date approved by the commission;] and

[3.]2. The date and method of broadcast or publication.

(b)

Casino Hotel Alcoholic Beverage Control General Regulations Concerning Operating Conditions of Licensees

Proposed Amendment: N.J.A.C. 19:50-1.6

Authorized By: Casino Control Commission,

Theron G. Schmidt, Executive Secretary.

Authority: N.J.S.A. 5:12-69(a), 70(q), 103(d) and (e).

Proposal Number: PRN 1986-513.

Submit comments by January 14, 1987 to:

Seth H. Brilliant

Assistant Counsel

Casino Control Commission

Boardwalk at Tennessee Avenue

Atlantic City, NJ 08401

The agency proposal follows:

Summary

N.J.A.C. 19:50-1.6(l) provides that prophylactics and contraceptive devices may not be sold on premises licensed for the sale or consumption of alcoholic beverages. This regulation parallels former N.J.A.C. 13:2-23.8 (repealed July 3, 1980), a regulation of the New Jersey Division of Alcoholic Beverage Control (ABC), which provided that:

No licensee, except bona-fide pharmacies to the extent that they may be duly authorized by law, shall sell, distribute or possess, or allow, permit or suffer the sale or distribution, or the possession for the purpose of sales or distribution of any prophylactic against venereal disease or any contraceptive or contraceptive device, either chemical or mechanical, or possess, allow, permit or suffer any mechanical device for such sale or distribution, in or upon the licensed premises or any other premises used in connection therewith.

During the time that the foregoing ABC regulation was in effect, it was a disorderly persons offense to sell prophylactics "without just cause." N.J.S.A. 2A:170-76 formerly provided that:

Any person who, without just cause, utters or exposes to the view of another, or possesses with intent to utter or expose to the view of another, or to sell the same, any instrument, medicine or other thing, designed or purporting to be designed for the prevention of conception or the procuring of abortion, or who in any way advertises or aids in advertising the same, or in any manner, whether by recommendation for or against its use or otherwise, gives or causes to be given, or aids in giving any information how or where any such instrument, medicine or other thing may be had, seen, bought or sold, is a disorderly person.

On September 1, 1979, N.J.S.A. 2A:170-76 was repealed; the ABC prophylactic regulation, N.J.A.C. 13:2-23.8, was repealed on July 3, 1980. The repeal of the ABC regulation does not repeal the Commission regulation, nor is the Commission required to repeal its regulation as a result of the ABC repeal. However, pursuant to N.J.S.A. 5:12-70(q) and N.J.S.A. 5:12-103(d) and (e), the Commission's alcoholic beverage regulations are to be consistent with ABC regulations unless it finds that the uniqueness of casino operations and the public interest require otherwise. Such a departure from existing ABC regulations does not appear to be required at this time.

Social Impact

The proposed amendment will have no direct social impact on the general public or the regulatory agencies involved. Casino hotel alcoholic beverage licensees are benefitted to the extent that the amendment clarifies the position of the Commission in this matter, which will now parallel that of the ABC.

Economic Impact

The proposed amendment may have a minor beneficial economic impact upon casino hotel alcoholic beverage licensees, which will no longer

be prohibited from selling these items on liquor-licensed premises. There is no economic impact upon the general public or the regulatory agencies involved.

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

19:50-1.6 General regulations concerning operating conditions of licensees

(a)-(k) (No change.)

(l) (**Reserved**) [No casino hotel alcoholic beverage licensee, except bona-fide pharmacies to the extent that they may be duly authorized by law, shall sell, distribute or possess, or allow, permit or suffer the sale or distribution, or the possession for the purpose of sale or distribution of any prophylactic against venereal disease or any contraceptive or contraceptive device, either chemical or mechanical, or possess, allow, permit or suffer any mechanical device for such sale or distribution, in or upon the licensed premises or any other premises used in connection therewith.]

(m)-(y) (No change.)

RULE ADOPTIONS

BANKING

(a)

DIVISION OF BANKING

Eligibility of Proposed Interstate Acquisitions

Adopted New Rule: N.J.A.C. 3:13-4

Proposed: October 6, 1986 at 18 N.J.R. 1982(a).

Adopted: November 19, 1986 by Mary Little Parell,

Commissioner, Department of Banking.

Filed: November 20, 1986 as R.1986 d.475, **with technical and substantive changes not requiring additional public notice and comment** (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 17:9A-371 and N.J.S.A. 17:1-8.

Effective Date: December 15, 1986.

Expiration Date: November 17, 1991.

Summary of Public Comments and Agency Responses:

No comments received.

Summary of changes between proposal and adoption:

The Department determined that it was not necessary to require an applicant to submit information on the total commercial bank deposits in the State in which the out-of-state bank holding company is located, therefore, paragraph 5 of N.J.A.C. 3:13-4.3(a) has been eliminated. The definition of commercial bank deposits is also deleted. An error in the definition of the phrase "reciprocal legislation" when it was transcribed from the law into the proposed rule has been corrected.

Paragraph 8, now recodified as paragraph 7, of N.J.A.C. 3:13-4.3(a) as originally proposed, had been a paraphrasing of certain requirements that an applicant would have to meet. It was paraphrased from the law at N.J.S.A. 17:9A-371a(3). To eliminate any confusion as to which requirement controls, the provision as originally proposed has been deleted with a direct reference to the requirements in the law substituted.

Paragraph 9, now recodified as paragraph 8, of N.J.A.C. 3:13-4.3(a) calls for supplying information on a controlling bank holding company. This provision is modified to clarify that the information is needed to make a determination of control and eligibility.

New paragraphs 9 and 10 have been added, at N.J.A.C. 3:13-4.3(a), to merely require the applicant to apprise the Commissioner of any other acquisitions it may have in process or that it may become a party to in the future.

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

CHAPTER 13. BANK HOLDING COMPANIES

SUBCHAPTER 4. DETERMINATION OF ELIGIBILITY OF PROPOSED INTERSTATE ACQUISITION

3:13-4.1 Purpose and scope

This subchapter requires an out-of-state bank holding company, which desires to acquire and retain control of a bank or banks located in New Jersey, to file an application with the Department of Banking. The application will contain sufficient information for the Commissioner to determine that the applicant is an eligible bank holding company located in a state which the Commissioner has found to be an eligible state which has reciprocal legislation in effect, has deposits within the prescribed deposit limitations and, therefore, the applicant would be eligible to proceed with obtaining all necessary approvals relative to the proposed acquisition. The determination shall also reflect any limitations or restrictions that shall be placed upon the out-of-state bank holding company's acquisition of banks or bank holding companies located in this State.

3:13-4.2 Definitions

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

"Bank", "bank holding company" and "control" shall have the meanings set forth in the federal "Bank Holding Company Act of 1956," 70

Stat. 133 (12 U.S.C. 1841 et seq.); provided, however, the term "bank" shall not include a state or federally chartered mutual or capital stock savings bank and shall not include an institution which limits its activities to the conduct of activities that may be performed by a trust company (including activities of a fiduciary, agency or custodial nature) as those activities are permitted by the Board of Governors of the Federal Reserve System under section 4 of the federal "Bank Holding Company Act of 1956" 70 Stat. 135 (12 U.S.C. 1843).

"Banking subsidiary" means a bank or bank holding company, more than 50 percent of the stock of which is controlled by a bank holding company.

"Central-Atlantic Region" means the states of New Jersey, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia.

["Commercial bank deposits" means the total domestic deposits in commercial banks in each state according to the most recent statistics of the Federal Deposit Insurance Corporation or the Federal Reserve System or, if those statistics are not available, from sources designated by the Commissioner.]

"Commissioner" means the Commissioner of Banking of New Jersey.

"Eligible state" means any state which meets either or both of the following conditions:

1. Any state in the Central-Atlantic Region, when at least three of those states (in addition to New Jersey), each of which has at least \$20,000,000,000 in commercial bank deposits, have reciprocal legislation in effect; and

2. Any state or territory of the United States, when at least 13 states in addition to New Jersey (for this purpose the District of Columbia is included as a state, but all other territories are excluded), at least four (other than New Jersey) of which are among the 10 states (other than New Jersey) with the largest amount of commercial bank deposits, have reciprocal legislation in effect.

"Eligible bank holding company" means a bank holding company:

1. Located in an eligible state which has reciprocal legislation in effect, other than New Jersey;

2. Which is not directly or indirectly controlled by a bank holding company which is not located in an eligible state; and

3. Which has at least 75 percent of the total aggregate deposits of its banking subsidiaries in banking subsidiaries located in an eligible state or eligible states.

"Location" or "located" when referring to a bank means the state in which the amount of aggregate deposits of all of its offices in that state is greater than the amount of aggregate deposits of all its offices in any one other state or foreign jurisdiction.

"Location" or "located" when referring to a bank holding company means the state in which the amount of aggregate deposits of all of its banking subsidiaries in that state is greater than the amount of aggregate deposits of all of its banking subsidiaries in any one other state or foreign jurisdiction.

"Out-of-state bank holding company" means a bank holding company which is not located in New Jersey.

"Reciprocal legislation" means statutory law of a state of the United States (including the District of Columbia) which authorizes or permits a bank holding company located in New Jersey to acquire banks or bank holding companies located in that state on terms and conditions substantially the same as the terms and conditions pursuant to which a bank holding company located in that state may acquire banks or bank holding companies located in that state. The fact that the law of that other state imposes limitations or restrictions on the acquisition of banks or bank holding companies located in that state by a bank or bank holding company located in New Jersey shall not necessarily mean that the law of that state is not reciprocal legislation; provided, however, that if the law of the other state limits acquisitions by a bank or bank holding company located in **that state by a bank holding company located in** New Jersey to banks or bank holding companies which are not in competition with banks or bank holding companies located in or chartered by that state or to banks or bank holding companies which do not have customary banking deposit and commercial loan powers, the law of that other state shall not be reciprocal legislation. If the reciprocal legislation of that other state imposes limitations or restrictions on the acquisition

or ownership of a bank or bank holding company located in New Jersey, substantially the same limitations and restrictions shall be applicable to the eligible bank holding company located in that other state with respect to its acquisition of banks or bank holding companies located in New Jersey.

3:13-4.3 Content of application

(a) Any out-of-state bank holding company proposing to acquire and retain control of a bank or bank holding located in New Jersey pursuant to N.J.S.A. 17:9A-370 et seq. shall submit an application for determination of compliance with the requirements of N.J.S.A. 17:9A-371 to the Department of Banking, which application shall contain the following information:

1. Name and location of the out-of-state bank holding company proposing to acquire a bank, banks or bank holding company located in New Jersey.

2. Name and location of the New Jersey bank, banks or bank holding company to be acquired.

3. Certified copies of:

i. The board resolution of the out-of-state bank holding company authorizing the proposed acquisition of the New Jersey bank, banks or bank holding company located in New Jersey; and

ii. The board resolution of the bank, banks or bank holding company approving the proposed acquisition.

4. A schedule reflecting the name, location and total aggregate deposits of each banking subsidiary of the out-of-state bank holding company, as of the last call date.

[5. The total commercial bank deposits in the state in which the out-of-state bank holding company is located, as of the last call date.]

*[6.]*5.* Copies of the current reciprocal legislation of each of the states in which a banking subsidiary of the out-of-state bank holding company is located.

*[7.]*6.* A listing of any limitations or restrictions on the acquisition or ownership of a bank or bank holding company in the state in which the out-of-state bank holding company is located that would be imposed on a bank holding company located in New Jersey if it proposed to acquire a bank or bank holding company in that state.

*7.*8. A certification that the acquisition of control of the bank or banks located in New Jersey will not result in the out-of-state bank holding company exceeding the limitations on stock ownership imposed by subsection (a) of section 2 of P.L. 1957, c.70 (N.J.S.A. 17:9A-345). Such certification shall include a schedule which reflects the aggregate average deposits of the bank or banks, located in New Jersey, which are controlled or which are to be controlled by the out-of-state bank holding company. The schedule should reflect both a dollar total and percentage ratio to the aggregate average deposits of all depository institutions in the State of New Jersey, as set forth in subsection (a) of section 2 of P.L. 1957, c.70 (N.J.S.A. 17:9A-345).]* *A certification that at the time of the acquisition, the acquisition will comply with the limitations and provisions set out in N.J.S.A. 17:9A-371a(3).*

*8.*9.]* Name and location of the controlling bank holding company, if the out-of-state bank holding company is directly or indirectly controlled by a bank holding company. *If this condition exists, the controlling bank holding company shall complete such information as is prescribed in the application so that the Commissioner may determine that the controlling bank holding company is an eligible bank holding company.*

9. In the event that the applicant has formally filed for the acquisition of any additional banking subsidiaries with the State of New Jersey or with any other state or federal agency, the applicant shall submit such additional information as is prescribed in the application so that the Commissioner may consider the impact of such additional acquisitions on his or her determination.

10. The applicant shall acknowledge that it will notify the Commissioner in the event it subsequently obtains or divests control of any bank or bank holding company, or if another bank or bank holding company obtains control of the applicant.

3:13-4.4 Determination of eligibility

(a) Within 30 days after receipt of *[an]* *a completed* application for determination of compliance with the requirements of N.J.S.A. 17:9A-371, the Commissioner shall issue a determination regarding:

1. Whether or not the out-of-state bank holding company is an eligible bank holding company.

2. Whether the out-of-state bank holding company has more than 50 percent of the total aggregate deposits of its banking subsidiaries in banking subsidiaries located in an eligible state or states, each of which has reciprocal legislation in effect.

3. Whether the acquisition would be in compliance with the stock ownership and deposit limitations of subsection (a) of section 2 of P.L. 1957, c.70 (N.J.S.A. 17:9A-345).

4. Whether any limitations or restrictions on acquisition or ownership shall be applicable with respect to the proposed transaction.

3:13-4.5 Filing fee

(a) The following fees shall be paid to the Commissioner relative to the application called for in N.J.A.C. 3:13-4.3:

1. Filing of application: \$1,500;

2. Issuance by the Commissioner of a determination that the proposed acquisition would be in compliance with the requirements of N.J.S.A. 17:9A-371, if it were consummated and approved by all applicable persons and/or regulatory authorities: \$100.00.

COMMUNITY AFFAIRS

(a)

NEW JERSEY COUNCIL ON AFFORDABLE HOUSING

Substantive Rules: Inclusionary Development and Affirmative Marketing

Adopted New Rules: N.J.A.C. 5:92-14 and 15

Adopted Amendments: N.J.A.C. 5:92-1.3 and 5:92-10.4

Proposed: October 20, 1986 at 18 N.J.R. 2083(b).

Adopted: November 19, 1986 by Council on Affordable Housing, Arthur R. Kondrup, Chairman.

Filed: November 20, 1986 as R.1986 d.479, with substantive and technical changes not requiring additional public notice (see N.J.A.C. 1:30-4.3).

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

Effective Date: December 15, 1986.

Expiration Date: June 16, 1991.

Summary of Public Comments and Agency Responses:

The Fair Housing Act provides a method to enable every municipality in the State to determine with specificity and to provide for its fair share of its region's low and moderate income housing needs. On July 14, 1986 the Council adopted its initial substantive rules, to implement the statutory purpose through criteria and guidelines which assess regional need, fair share, and the adequacy of municipal measures. Further, recognizing the need to review the rules to meet changing needs, and aware of the existence of a variety of issues bearing on the question of affordable housing, some raised by concerned individuals and public interest groups, the Council created a series of task forces to conduct research on specific topics. The task forces, which were comprised of Council members and other experts in the field of low and moderate income housing, made recommendations to the Council. The recommendations received extensive analysis by the Council, and were refined into a proposal. This adoption deals with: requirements governing a construction schedule for low and moderate income housing within inclusionary developments; requirements as to bedroom mix and range of affordability of low and moderate income housing; rules governing age restricted units; rental housing rules; and affirmative marketing requirements within inclusionary developments.

COMMENT: The proposed rules are not necessary. The Council should let market forces dictate issues such as bedroom mix, price stratification and the amount of rental housing produced.

RESPONSE: During the public hearings that preceded the adoption of N.J.A.C. 5:92-1 et seq., the Council received numerous comments regarding the necessity of supplemental rules that clarified the Council's position on various issues. The Council views the proposed rules as necessary to ensure that the widest spectrum of low and moderate income households benefits as a result of the Fair Housing Act.

COMMENT: The proposed rules are very specific and apparently provide little tolerance of variation. Requiring all municipalities to conform their policies precisely to the Council's accomplishments nothing of substance; is potentially burdensome to local governments; and conflicts with the important objective of allowing local government flexibility within broad policy ranges.

RESPONSE: During the public hearings prior to the adoption of N.J.A.C. 5:92-1 et seq., there was considerable commentary pertaining to the need for the Council to address the issues in the proposed rules. The Council, before promulgating these rules, carefully weighed the need for them versus the danger of overregulation. It is difficult to know a priority if a rule is unnecessarily burdensome to municipalities, developers or interested parties. However, the Council feels that these rules are necessary and are not burdensome.

COMMENT: The Council should waive its bedroom distribution requirements where it is demonstrated that the distribution does not reflect lower income household sizes within the region or when the distribution is clearly inappropriate for age restricted units.

RESPONSE: The waiver provision within the Council's rules (N.J.A.C. 5:92-13) applies to all the Council's regulations. The Council shall invoke waiver provisions only when the facts provided to the Council clearly demonstrate the need to do so.

COMMENT: Does the bedroom mix apply to rental units?

RESPONSE: The bedroom mix applies to all inclusionary developments. If an inclusionary development includes low and moderate rental and for sale housing units, the appropriate bedroom percentages may be applied to the total count of low and moderate income units within the inclusionary development.

COMMENT: N.J.A.C. 5:92-14.3, regulating age restrictions of inclusionary developments should be revised to allow flexibility for individual municipalities or housing regions. Permitting no more than 20 percent of a fair share obligation (after credits and adjustments, less any units transferred under a regional contribution agreement) to be restricted for senior citizens is arbitrary.

RESPONSE: The 20 percent figure based on the proposed rule was derived from the 1980 statewide percentage of low and moderate income households 65 years or older as presented in *Mount Laurel II: Challenge and Delivery of Low Cost Housing*. Yet the term senior citizen is commonly defined as individuals 62 years or older. With this expanded definition of senior citizen, the 20 percent "cap" is insufficient to accommodate the need. Thus the Council has decided to increase the "cap" to a more reasonable 25 percent.

The Council decided that it was not necessary to develop a more flexible standard because, if, in fact there is a greater demand for senior citizen housing in various areas of the State, there is nothing in the proposed rules that would preclude senior citizen low and moderate income households from obtaining housing units not restricted within inclusionary developments. The Council feels that the age restriction rule allows municipalities to safeguard the special needs of senior citizens without requiring them to do so. By proposing a standard consistent with the Statewide need for elderly low and moderate income housing need, the rule does not sacrifice the housing needs of the young, couples and families.

COMMENT: N.J.A.C. 5:92-14.3 should be amended to provide an age cutoff for age-restricted housing at no lower than 62 years of age.

RESPONSE: The Council has decided to allow municipalities the flexibility to decide how they will age restrict units.

COMMENT: The goal of the range of affordability for purchased housing (N.J.A.C. 5:92-14.2) is a desirable one. However, there should be some flexibility such that, if a household within a specific range of income and household size is not available for a housing unit priced according to the Council's pricing schedule, the builder should be able to substitute another low or moderate income family otherwise qualified for the unit.

RESPONSE: If no eligible purchaser can be found within the pool of applicants, the pool may be expanded provided that low income units are purchased by low income households and moderate income units are purchased by moderate income households. The expansion of the pool of potential purchasers shall not affect the pricing of low and moderate income units.

COMMENT: The meaning of N.J.A.C. 5:92-14.2(c) is unclear and should be clarified.

RESPONSE: The Council has amended this rule to clarify its original intent. N.J.A.C. 5:92-14.2(c) requires that municipalities give priority to households that conform to the pricing stratification delineated in N.J.A.C. 5:92-14.2(b). If such households are not available or cannot qualify for the housing, then housing units in a distinct pricing stratification may be offered to other low or moderate income households provided that low income units are offered to low income households and moderate income units are not offered to "market" buyers.

COMMENT: N.J.A.C. 5:92-14.2 pertaining to range of affordability for purchased housing, does not provide sufficient opportunities for low income units.

RESPONSE: The proposed rule is intended to provide affordable housing to the widest possible spectrum of low and moderate income households. However, the rule recognizes the problems low income households have in qualifying for mortgages, raising a downpayment and paying for closing costs. Due to these difficulties, the Council did not think it was realistic to require purchased housing to be priced so as to be affordable to those households earnings less than 40 percent of median income. However, it should be noted that the Council has recognized the need of very low income households by requiring a rental housing component of municipalities and by allowing municipalities to accommodate their housing obligations through alternative living arrangements that are a more realistic economic alternative to very low income households.

COMMENT: The proposed pricing stratification is inconsistent with the proposed affirmative marketing program (N.J.A.C. 5:92-15.2). While the marketing regulations call for random selection of eligible applicants, the pricing stratification just about eliminates random selection, unless the random selection is to take place in the three low income categories and the six moderate income categories.

RESPONSE: The proposed rule recommends but does not require random selection. N.J.A.C. 5:92-15.2(f) provides for selection of low and moderate income households for available low and moderate income units. The rule requires selection from two pools of eligible households for initial occupancy of low and moderate income units. It does not require separate pools for each price stratification as delineated in N.J.A.C. 5:92-14.2.

COMMENT: The range of affordability rule should explicitly provide that a municipality seeking to provide for a broader range of affordability may do so.

RESPONSE: The Council may waive the pricing stratification regulations to allow a broader range of affordability if it determines that it is appropriate.

COMMENT: The provision of a one and a third credit for each rental unit may be considered an unjustified dilution of regional need.

RESPONSE: In developing this provision, the Council carefully considered the need for rental housing and the best means of addressing this need. The Council decided that the best way to achieve the goal of providing rental housing for lower income households was to provide a system of incentives. The Council believes that it has provided such incentives to developers by presumptively requiring higher densities and lower set-asides for rental housing as compared to purchase housing. Since the 15 percent set-aside for rental housing is one-third less than the 20 percent set-aside for purchase housing, such a provision would likely result in one-third more total housing being constructed in a municipality as a result of rental housing. As an incentive for municipalities to cooperate with rental housing efforts, the Council decided to offer the increased credit so that rental housing could be constructed in a community with no greater impact than purchase housing. The Council views the need for rental housing important enough to provide for this one and a third credit.

COMMENT: The proposed rule on rental housing seems to imply that a developer can be prevented from offering rental housing once the mandatory provisions of the rule are satisfied. This should not be the intent of the Council.

RESPONSE: It is clearly not the intent of the Council to prevent developers from offering rental housing.

COMMENT: Does the proposed rental housing regulation apply to conditional use zoning only or does it authorize a zoning provision permitting only lower income set-aside units offered for rent? If municipalities can zone exclusively for rental housing they could receive extra credit despite the fact that the municipality had no way of proving that any responsible developer would actually be interested in constructing the rental units.

RESPONSE: The proposed rental housing regulation does not allow municipalities to zone specifically for low and moderate income rental units. Municipalities may, for example, construct their own rental units or provide developers the opportunity to develop such housing through conditional use zoning. However, no municipality is eligible for the extra one-third credit until the rental units have been constructed and occupied.

COMMENT: There should be no rental housing component because the Fair Housing Act presumes that owner-occupied housing will be constructed.

RESPONSE: The Council does not accept the premise that the Fair Housing Act presumes any form of ownership for low and moderate income housing. The Council recognizes that not all low and moderate income households can qualify for purchase housing due to problems related to mortgage qualification, downpayments and closing costs. Thus,

the Council views the rule pertaining to rental housing as necessary to create sufficient opportunities for low and moderate households.

COMMENT: If a municipality chooses to transfer its rental housing obligation via a regional contribution agreement, it should not be forced to create new rental units as part of the agreement.

RESPONSE: The intent of the rule is to address the need for rental housing in housing regions by creating additional rental opportunities.

COMMENT: The threshold that triggers a mandatory rental housing component is illogical and arbitrary.

RESPONSE: The rule recognizes that certain economies of scale are necessary to construct and maintain rental housing. The Council's discussion of this matter indicates that the thresholds (20 percent of 125) within the rule are reasonable and consistent with the New Jersey Housing and Mortgage Finance Agency's definition of a housing project.

COMMENT: The proposed affirmative marketing rule should allow municipalities to reserve more than 50 percent of the housing units within inclusionary developments for households that live and/or work within the municipality.

RESPONSE: The Supreme Court has clearly indicated that low and moderate income housing should be available to all low and moderate income households within a region. The proposed affirmative marketing rule is consistent with the direction provided by the Supreme Court.

COMMENT: The affirmative marketing rules should apply to units created from previously vacant structures as well as new construction.

RESPONSE: The Council agrees with this position and this is the intent of the rule.

COMMENT: The housing regions are too large for an affirmative marketing program. Municipal efforts at affirmative marketing should be limited to a 25 minute commute.

RESPONSE: The Fair Housing Act defines a housing region to include at least two and no more than four contiguous counties. Thus, the Act specifically directed the Council away from a commutershed response to the low and moderate income housing problem. The Council believes that all households within a housing region should have an opportunity to obtain affordable housing produced within inclusionary developments.

COMMENT: The proposed rule relating to occupancy preference, N.J.A.C. 5:92-15.1 et seq., is inflexible and administratively unworkable.

RESPONSE: The Council believes the rule is flexible and workable in that it only requires an initial reservation of housing units for two pools of applicants. If the housing units are not committed after exhausting either pool, the municipality can offer the housing units to other income eligible applicants.

COMMENT: The Council should delete N.J.A.C. 5:92-15.2(c) that seemingly allows municipalities to set a different standard of affirmative marketing for projects of less than 25 units of low and moderate income housing.

RESPONSE: The Council recognizes that the cost of its affirmative marketing regulations may be prohibitive in smaller developments.

COMMENT: There appears to be no rationale for the density and set-aside provisions within the proposed rental housing rule. The density and set-aside provisions should be negotiated between the developer and the municipality.

RESPONSE: The density and set-aside provisions were developed by the Council after analyzing the costs versus revenues of producing rental housing. Thus analysis, which included the tax implications of developing rental housing, as well as the costs of constructing and maintaining rental units, indicated that the financial losses associated with rental units required a higher minimum density and a lower maximum set-aside than purchased housing.

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

5:92-1.3 Definitions

"Inclusionary development" means a residential housing development in which a substantial percentage of the housing units is provided for a reasonable income range of low and moderate income households. The term may also mean housing developments comprised completely of low and moderate income units.

"Priority" means a system of selecting applicants.

"Restricted" means restricted for occupancy by a class of individuals by virtue of legally enforceable conditions contained within a deed or other duly recorded document.

5:92-10.4 General provisions

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

(c) Within inclusionary developments, low and moderate income housing units shall be built in accordance with the following schedule:

Minimum Percentage of Low and Moderate Income Units Completed	Percentage of Market Housing Units Completed
0	25
10	25 + 1 unit
50	50
75	*[90]**75*
100	*[100]**90*
...	*100*

SUBCHAPTER 14. INCLUSIONARY DEVELOPMENTS

5:92-14.1 Bedroom distribution

(a) Municipalities shall devise and provide for within their housing element, a method which establishes the following distribution of the number of bedrooms contained within an inclusionary development:

1. At a minimum, 35 percent of all low and moderate income units shall be two bedroom units; and

2. At a minimum, 15 percent of all low and moderate income units shall be three bedroom units; and

3. No more than, 20 percent of all low and moderate income units may be efficiency units.

5:92-14.2 Range of affordability for purchased housing

(a) Municipalities shall provide within their housing element that the average price of low and moderate income units within an inclusionary development be, as best as practicable, affordable to households at 57.5 percent of median income as contained in N.J.A.C. 5:92-12.4.

(b) In devising a range of affordability for purchased housing, as required in (a) above, municipalities shall provide, as best as practicable, for the following distribution of prices for every 20 low and moderate income units:

Proposed Pricing Stratification	
Low	1 at 40 through 42.5 percent
	3 *[and]* *at* 42.6 through 47.5 percent
	6 at 47.6 through 50 percent
Moderate	1 at 50.1 through 57.5 percent
	1 at 57.6 through 64.5 percent
	1 at 64.6 through 68.5 percent
	1 at 68.6 through 72.5 percent
	2 at 72.6 through 77.5 percent
	4 at 77.6 through 80 percent

(c) For initial occupancy, priority shall be given to households *[within a particular income category with flexibility based on NJ Housing and Mortgage Finance Agency affordability controls criteria]* *that fall within the median income categories delineated in (b) above*.

5:92-14.3 Age restricted units within an inclusionary development

Municipalities may provide that certain units within an inclusionary development be restricted for occupancy to residents who have attained a specified age. Municipalities shall age restrict no more than *[20]* *25* percent of their fair share obligation as calculated after credits and adjustments have been granted, less any units transferred under a Regional Contribution Agreement.

5:92-14.4 Rental housing

(a) After crediting, after adjustments and after subtracting indigenous need, if a municipality's fair share obligation is 125 or more, that municipality's housing element shall contain a rental housing component.

(b) Municipalities that are required to include within their housing element a rental housing component, shall provide the opportunity that 20 percent of the units calculated pursuant to (a) above, be rental units. This opportunity may be in the form of conditional use zoning.

(c) Within zones designated for rental inclusionary developments, the Council shall presumptively require a 15 percent maximum set-aside and a minimum gross density of 7.8 units per acre. The Council may modify the set-aside or density requirements based on tax abatements granted by the municipality; government subsidy of a rental project; and/or any other action by the municipality that makes the provision of rental housing realistically possible.

(d) All municipalities, including those not required to develop a rental housing component, shall receive a one and a third unit credit, for each rental unit constructed and occupied in their municipality, until such time

that the constructed rental housing units are in excess of 20 percent of the municipal fair share calculated after crediting, after adjustments and after indigenous need.

(e) No municipality shall be required to construct rental housing that is in excess of 20 percent of its fair share, after crediting, after adjustments and after providing for indigenous need.

(f) Municipalities that choose to transfer the rental housing component via a Regional Contribution Agreement shall do so by creating new rental units in the receiving municipality.

SUBCHAPTER 15. AFFIRMATIVE MARKETING WITHIN INCLUSIONARY DEVELOPMENTS

5:92-15.1 Occupancy preference

For all low and moderate income housing units provided in inclusionary developments, municipalities shall establish occupancy such that initially, no more than 50 percent of the units are made available to income eligible households that reside in the municipality or work in the municipality and reside elsewhere.

5:92-15.2 Affirmative Marketing Program

(a) Municipalities shall have primary responsibility for developing and implementing an Affirmative Marketing Program that addresses the occupancy preference requirements in N.J.A.C. 5:92-15.1. Municipalities shall either require developers and/or sponsors of low and moderate income housing to market, screen, offer occupancy and select income eligible households accordingly; perform this responsibility themselves; establish an agency to perform on their behalf and/or enter into an agreement with outside agents.

(b) Municipalities shall provide the Council on Affordable Housing with an Affirmative Marketing Program that addresses occupancy preference required in N.J.A.C. 5:92-15.1, subject to Council review and certification. This Affirmative Marketing Program shall identify representative groups operating in the municipality and its respective housing region (for example, community based and civic organizations, council of churches, welfare and social service agencies, etc.). Further, the program shall require that any developers and/or sponsors of projects with 25 or more low and moderate income housing units actively market these units to appropriate representative groups, as is specified in the Affirmative Marketing Program.

(c) Municipalities shall identify minimum and appropriate affirmative marketing requirements for projects of less than 25 units of low and moderate income housing.

(d) The Affirmative Marketing Program shall commence at least 90 days before issuance of either temporary or permanent certificates of occupancy, and shall continue until all low and moderate income housing units are under contract of sale and/or lease.

(e) For initial occupancy priority, households shall be screened for occupancy preference as required in N.J.A.C. 5:92-15.1. These households shall be offered contracts of sale and/or lease first and before other income eligible households. When 50 percent of the housing units have been purchased or leased, according to N.J.A.C. 5:92-15.1 the remaining income eligible applicants, not yet under contract, shall be pooled and offered contracts.

(f) Within all rounds of applicant selection, random selection of eligible applicants should prevail.

(g) Municipalities shall prepare progress reports on an 18 month cycle from the date of substantive certification. These reports shall be made available to the public and filed with the Council on Affordable Housing. These reports shall provide an analysis of the actual characteristics of households occupying low and moderate income units compared to the occupancy preference in N.J.A.C. 5:92-15.1.

(h) Three and six years from substantive certification, municipalities shall prepare summary reports of their affirmative marketing programs. These reports shall expand upon previous progress reports by assessing the aggregate and up-to-date effectiveness of the programs. If applicable, municipalities shall recommend improvements to redress their record of occupancy preference to reflect requirements as in N.J.A.C. 5:92-15.1.

5:92-15.3 Exemption from occupancy preference and Affirmative Marketing Program

(a) Municipalities which do not have a reallocated present and prospective need shall be exempt from occupancy preferences as contained in N.J.A.C. 5:92-15.1 and related Affirmative Marketing Program requirements as contained in N.J.A.C. 5:92-15.1-2.

(b) Where the affirmative marketing regulations of the U.S. Department of Housing and Urban Development, the N.J. Department of

Community Affairs and/or the N.J. Housing & Mortgage Finance Agency are applicable, the Council shall adhere to their affirmative marketing regulations of these agencies.

ENVIRONMENTAL PROTECTION (a)

Hazardous Waste Criteria, Identification and Listing Adopted Amendments: N.J.A.C. 7:26-8.14, 8:15 and 8.16

Proposed: May 19, 1986 at 18 N.J.R. 1037(a).

Adopted: November 20, 1986 by Richard T. Dewling,
Commissioner, Department of Environmental Protection.

Filed: November 20, 1986, as R.1986 d.474 with substantive and
technical changes not requiring additional public notice and
comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 13:1D-9 and 13:1E-6.

Effective Date: December 15, 1986.

Expiration Date: November 4, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

The deletion of the second sentence in N.J.A.C. 7:26-8.16(a) as proposed and the addition of N.J.A.C. 7:26-8.16(b) upon adoption is necessary for the Department's regulations to remain equivalent to the Federal Environmental Protection Agency regulations, as required under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 et seq.

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

7:26-8.14 Hazardous waste from specific sources

Industry	EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Organic Chemicals	K111	Product washwaters from the production of dinitrotoluene via nitration of toluene	(C,T)
	K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene	(T)
	K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene	(T)
	K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene	(T)
	K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene	(T)
	K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine	(T)

7:26-8.15 Discarded commercial chemical products, off-specification species, containers, and spill residues thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded:

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

(f) The following commercial chemical products or manufacturing chemical intermediates, referred to in (a), (b), and (d) above, are identified as toxic wastes (T) unless otherwise designated. These wastes and their corresponding EPA Hazardous Waste Numbers are:

Hazardous Waste Number	Substance
...	
U328	2-Amino-1-methylbenzene
U353	4-Amino-1-methylbenzene
U328	o-Toluidine
U353	p-Toluidine

7:26-8.16 Hazardous constituents

(a) The hazardous constituents criteria for listing hazard wastes (see N.J.A.C. 7:26-8.6) are listed below. *[Test methods approved by the Department shall be used in determining whether the waste in question contains a given hazardous constituent.]*

...	
C500	Benzene, 2-amino-1-methyl (o-Toluidine)
C501	Benzene, 4-amino-1-methyl (p-Toluidine)
...	
C502	2,4-Toluenediamine
C503	2,6-Toluenediamine
C504	3,4-Toluenediamine
C505	Toluenediamine N.O.S.

(b) Test methods contained in Appendix III to 40 CFR Part 261 or otherwise approved by the Department shall be used in determining whether the waste in question contains a given hazardous constituent.

OAL NOTE: See related Notice of Proposal at 18 N.J.R. 792(a), which assigns Waste Code Numbers to the hazardous constituents.

(a)

**Hazardous Waste Criteria, Identification and Listing
Delisting Procedure**

Adopted Amendment: N.J.A.C. 7:26-8.17

Proposed: July 7, 1986 at 18 N.J.R. 1335(a).

Adopted: November 20, 1986 by Richard T. Dewling,

Commissioner, Department of Environmental Protection.

Filed: November 20, 1986, as R.1986 d.473, **without change**.

Authority: N.J.S.A. 13:1D-9, 13:1E-6.

Effective Date: December 15, 1986.

Expiration Date: November 4, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

7:26-8.17 Delisting procedure

(a) Any person seeking to exclude a waste at a particular generating facility from the lists in N.J.A.C. 7:26-8.13, 8.14 or 8.15 may petition for a regulatory amendment under this section, and shall satisfy the following requirements:

1. The petitioner shall demonstrate to the satisfaction of the Department that the waste produced by a particular generating facility does not meet any of the criteria under which the waste was listed as a hazardous waste and, in the case of an acutely hazardous waste listed under N.J.A.C. 7:26-8.8(a)2, that it also does not meet the criterion of N.J.A.C. 7:26-8.8(a)3; and

2. Based on a complete application, the Department shall determine, where there is a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A waste which is so excluded may still, however, be a hazardous waste by operation of N.J.A.C. 7:26-8.9, 8.10, 8.11 or 8.12.

(b) (No change in text.)

(c) If the waste is listed with codes "I", "C", "R", or "E":

1. The petitioner shall show that the waste does not exhibit the relevant characteristic for which the waste was listed as defined in N.J.A.C. 7:26-8.9, 8.10, 8.11, or 8.12 using any applicable test methods prescribed therein. The petitioner also shall show that the waste does not exhibit any of the other characteristics defined in N.J.A.C. 7:26-8.9, 8.10, 8.11 or 8.12 using any applicable test methods prescribed therein.

2. Based on a complete application, the Department shall determine, where there is a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A waste which is so excluded, however, still may be a hazardous waste by operation of N.J.A.C. 7:26-8.9 through N.J.A.C. 7:26-8.12.

(d) If the waste is listed with code "T":

1. The petitioner must demonstrate that:

i. The waste does not contain the constituent or constituents as defined in 40 CFR Appendix VII that caused the Department to list the waste, using the appropriate test methods prescribed in 40 CFR 261 Appendix III; or

ii. Although containing one or more of the hazardous constituents (as defined in 40 CFR 261 Appendix VII) that caused the waste to be listed, the waste does not meet the criterion of N.J.A.C. 7:26-8.8(a)3 when considering the factors referenced therein.

2. Based on a complete application, the Department shall determine, where there is a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste; and

3. The petitioner shall demonstrate that the waste does not exhibit any of the characteristics defined in N.J.A.C. 7:26-8.9, 8.10, 8.11, or 8.12 using any applicable test methods prescribed therein;

4. A waste which is so excluded, however, still may be a hazardous waste by operation of N.J.A.C. 7:26-8.9 through 8.12.

(e) If the waste is listed with the code "H":

1. The petitioner shall demonstrate that the waste does not meet both of the following criteria:

i. The criterion of N.J.A.C. 7:26-8.8(a)2; and

ii. The criterion of N.J.A.C. 7:26-8.8(a)3 when considering the factors referenced therein.

2. Based on a complete application, the Department shall determine, where there is a reasonable basis to believe that additional factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste; and

3. The petitioner shall demonstrate that the waste does not exhibit any of the characteristics defined in N.J.A.C. 7:26-8.9, 8.10, 8.11, or 8.12 using any applicable test methods prescribed therein;

4. A waste which is so excluded, however, still may be a hazardous waste by operation of N.J.A.C. 7:26-8.9 through 8.12.

(f) (No change in text.)

(g) Each petition shall include:

1.-16. (No change.)

17. Petitions shall be submitted in duplicate to:

Director

Division of Waste Management

New Jersey Department of Environmental Protection

CN 028

Trenton, NJ 08625

(h) (No change in text.)

(i) (No change in text.)

(j) (No change in text.)

(k) To the maximum extent practicable, the Department shall, within 12 months after receiving a complete application to exclude a waste generated at a particular facility from being regulated as a hazardous waste, publish in the New Jersey Register a proposal to grant or deny a petition. The Department shall grant or deny such a petition within 24 months after receiving a complete application.

(l) The Department shall give public notice of proposed delistings by publication in the New Jersey Register. A period of at least 30 days shall be allowed for public comment. Public hearings will be scheduled, if in the discretion of the Department, the public comment has raised issues affecting the public health and safety, and/or the environment. Public comments will be reviewed and answered in the final notice. A proposed delisting will become effective upon publication of the final notice in the New Jersey Register.

HEALTH**(a)****HOSPITAL REIMBURSEMENT****Procedural and Methodological Regulations****Financial Elements and Reporting****Adopted Amendments: N.J.A.C. 8:31B-3.38, and 4.66**

Proposed: September 22, 1986 at 18 N.J.R. 1911(a).

Adopted: November 17, 1986, by Molly Joel Coye, M.D.,

M.P.H., Commissioner, Department of Health (with approval of the Health Care Administration Board).

Filed: November 20, 1986 as R.1986 d.477, with portions not adopted.

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5b and 26:2H-18d.

Effective Date: December 15, 1986.

Operative Date: January 1, 1987.

Expiration Date: October 15, 1990.

Summary of Public Comments and Agency Responses:

COMMENT: Two organizations fully support the proposed billing change which would avoid bills in excess of the inlier rate.

RESPONDENTS: Health Insurance Association of America, Garden State Hospitalization Plan.

RESPONSE: The Department agrees that until the rate setting system is revised to better address outlier billing, this interim measure will eliminate inequitable rates.

COMMENT: The change will require costly software changes which will be appealed as a legal change.

RESPONDENTS: New Jersey Hospital Association, Alexian Brothers Hospital, Community Memorial Hospital, The General Hospital Center of Passaic, Jersey Shore Medical Center, Mercer Medical Center, Overlook Hospital.

RESPONSE: The proposed change should not require more than a simple change in the existing logic (if/then statement) already required for billing of transfer patients. The cost of implementing is expected to be negligible since neither hospitals nor payers have provided any concrete evidence to substantiate this claim.

COMMENT: The existing appeal process is adequate to handle the modest number of low outlier appeals.

RESPONDENTS: Alexian Brothers Hospital, Clara Maass Medical Center, Community Memorial Hospital, The General Hospital of Passaic, Hackensack Medical Center, Jersey City Medical Center, Jersey City Medical Center, Jersey Shore Medical Center, Mercer Medical Center, Montclair Community Hospital, Newark Beth Israel Medical Center, Overlook Hospital, Raritan Bay Medical Center, Robert Wood Johnson University Hospital, New Jersey Hospital Association.

RESPONSE: The current appeal process is already burdened with other DRG appeals which cannot be avoided by a simple billing change. Both Department of Health and Utilization Review staff are involved in the current appeal process. There is the risk that certain payers, especially self-pay patients, will not be aware of or follow through on an appeal.

The obvious, most equitable, and direct solution is to eliminate low outlier problems.

COMMENT: The cost to implement this change will exceed any benefits to be derived.

RESPONDENTS: Alexian Brothers Hospital, Clara Maass Medical Center, Community Memorial Hospital, Jersey Shore Medical Center, Newark Beth Israel Medical Center, Overlook Hospital, Raritan Bay Medical Center, New Jersey Hospital Association.

RESPONSE: The ultimate solution to this problem will occur when there is a comprehensive change in the Inpatient Rate Setting system. There is no question that the outlier per diem methodology eliminated several larger problems but created other smaller problems, for example, low outlier billing. Until the Department can address the whole system, this billing provision provides an equitable and reasonable interim solution.

COMMENT: The hospital will be entitled to the higher per diem; therefore, there is no gain to the system. In the interim, hospital cash flow is reduced.

RESPONDENTS: Dover General Hospital and Medical Center, The General Hospital Center at Passaic, The Hospital Center at Orange.

RESPONSE: Hospitals that receive the Length of Stay adjustment will not receive the higher amount at Final Reconciliation. Most hospitals are expected to receive that adjustment; therefore, any adverse cash flow resulting from this billing change can be addressed through a minor revision to the Length of Stay adjustment.

COMMENT: The respondent is concerned that the per diems do not reflect the reasonable costs to treat these cases and recommends that the Department recalculate the specific excess per diems.

RESPONDENT: Blue Cross and Blue Shield of New Jersey.

RESPONSE: As stated previously, these per diems represent *average* costs for treating patients in the low Length of Stay category. A recalculation for only specific DRG's would not be a workable solution. This change is only an interim measure; a future comprehensive system change will address the problem permanently.

COMMENT: This change will be costly for hospitals to establish and administer.

RESPONDENTS: Hackensack Medical Center, Jersey City Medical Center, Mercer Medical Center, Montclair Community Hospital, Overlook Hospital, Raritan Bay Medical Center.

RESPONSE: The computer logic necessary to implement this change is very similar to the transfer logic already incorporated into the present outlier methodology. Accordingly, it does not appear likely that this change would be more difficult to implement and administer and the Department has not received evidence supporting the contention of associated high costs.

COMMENT: Interim cash flow relief is requested due to undercollections associated with this change.

RESPONDENTS: Hackensack Medical Center, Mercer Medical Center, The Hospital Center at Orange.

RESPONSE: The Department considers this to be a reasonable request and would make a provision to include this in the hospital mark-up factors upon notification by hospitals indicating estimated volume of cases and dollar value.

COMMENT: The proposal will require substantial manual adjustments since most computerized billing systems cannot accommodate this change.

RESPONDENT: The Hospital Center at Orange.

RESPONSE: The Department believes this is not true since the change would be similar to the current transfer logic which is included in present computerized systems. Any system which manually addresses transfer billing can also handle low outlier billing in the same manner.

COMMENT: This billing requirement will be time consuming to administer.

RESPONDENT: Montclair Community Hospital.

RESPONSE: As mentioned previously, this change can be accomplished through the computerized billing system. Therefore, once the programming change is made, this requirement would be fully implemented. If performed manually, the volume of low outlier cases should not be prohibitive.

COMMENT: This change could cause hospitals to be in an undercollection position for reasons beyond its control.

RESPONDENT: Raritan Bay Medical Center.

RESPONSE: As stated previously, provision would be made for interim cash flow relief through the mark-up factor which would eliminate the undercollection problem associated with this change.

COMMENT: The cost and administrative effort necessary to implement this proposal does not support making this change.

RESPONDENT: Raritan Bay Medical Center.

RESPONSE: It has not been established that the implementation would be difficult or costly, especially in comparison to the inequities to individual payers and patients which would be mitigated by this change.

COMMENT: The proposed change would shift the responsibility for these cases from present to future payers and patients.

RESPONDENT: Raritan Bay Medical Center.

RESPONSE: The same statement can be made concerning the LOS adjustment which the hospitals supported but the magnitude of this low per diem adjustment is decidedly less than the LOS adjustment. However, the intended result of this shift is to relieve the burden on individual payers and patients for these cases and the appeals process, in general.

Had the bill been adjudicated through the appeals process, the net effort would be the same, that is, future payers would pay the difference while the hospital remains whole.

AGENCY NOTE: Additional amendments to the Procedural and Methodological Regulations, N.J.A.C. 8:31B-3.58 and Appendix II, as published in the proposal, were not approved for adoption by the Health Care Administration Board, and therefore are not adopted.

Full text of the adoption follows.

8:31B-3.38 Derivation from Preliminary Cost Base

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

(c) Basic rate order:

1. (No change.)

2. The five outlier categories will have rates and/or per diems included on the Schedule of Rates as follows:

i. (No change.)

ii. Low length of stay—The billing rate is limited to either the lower of the inlier rate per case or the sum of the acute days multiplied by the low per diem. For DRG's with three or fewer low length of stay outlier cases in the base year, the standard low length of stay per diem is the rate.

iii.-v. (No change.)

3. (No change.)

(d) (No change.)

8:31B-4.66 Administrative items

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

(d) Non-Capital Interest Expenses (interest other than interest on Capital Facilities or Major Moveable Equipment) is excluded from Costs related to Patient Care since short-term borrowing, etc. is addressed through the Financial Element Working Capital Requirements (see N.J.A.C. 8:31B-4.46 (Case C)).

(e) (No change.)

PUBLIC HEALTH COUNCIL

(a)

Local Health Development Services

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

Adopted New Rule: N.J.A.C. 8:52

Adopted Repeal: N.J.A.C. 8:51-1 through 8:51-6

Proposed: August 18, 1986 at 18 N.J.R. 1690(a).

Adopted: November 10, 1986 by Evelyn Geddes, Chairperson, Public Health Council.

Filed: November 20, 1986 as R.1986 d.476 with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

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

Effective Date: December 15, 1986.

Operative Date: January 1, 1987.

Expiration Date: December 15, 1991.

Summary of Public Comments and Agency Responses:

Seventeen comments were received. Commentors included five local health department health officers, six other local health department employees, the New Jersey Food Council, New Jersey Nutrition Council, New Jersey Society of Public Health Educators, the Camden County Freeholder Director, Assemblywoman Kalik and a professor at Rutgers University. Comments and responses are as follows:

COMMENT: The proposal requires the local health department to conduct a "Community Health Profile." Such an analytical tool can be very costly and time consuming. It also requires a level of expertise which may not be readily available within local boards of health. It seems more appropriate that the New Jersey Department of Health conduct the statistical analysis or provide the required expert technical assistance.

RESPONSE: The Community Health Profile has been developed by the Department of Health and approximately 75 percent of the document information will be provided to local health departments who will com-

plete the profile. Technical assistance will be provided to those requesting it and training sessions will be held to explain the potential uses of the profile.

COMMENT: The proposed regulations seem to preclude the authority of the elected officials to establish an agency structure. Specifically the proposal states that the "health officer" shall be the "chief administrative officer." In Camden County it has been found beneficial to have a professional administrator handle the health issues. The proposal would alter the current structure.

RESPONSE: N.J.S.A. 26:3A-14 specifies that "Every local health agency shall be administered by a full time health officer . . ." Inasmuch as the health officer is appointed by the board to oversee the provision of services required by state statute or regulation, the Department believes that referring to the health officer as the chief administrative officer of the board or authority is in keeping with the intent of the statute. Local agency structures which preclude a health officer from administering the local health agency by removing certain responsibilities and control may be considered in violation of Title 26.

COMMENT: Improved Pregnancy Outcome and Health Services for Older Adults are two newly identified core services. The standards for these two services appear to exceed the elective services currently being provided by Camden County. A very conservative estimate is that the county would need an additional \$50,000 to meet the standards. Will the State guarantee the provision of funds for these new mandates? While these are vital services, revenue sources must be identified.

RESPONSE: The two newly proposed core services, Improved Pregnancy Outcome and Health Services for Older Adults may in fact require additional local funds without any increase of state dollars. Please take note that these services are not mandated to be provided to the entire population of pregnant women and the elderly but rather to target groups of these populations. It is unfortunate that sufficient funding is not available to support across the board public health services. It becomes necessary therefore to identify those service areas that are of priority. The two proposed activities have been designated as core, that is to say, mandated services, and it may be necessary to reallocate resources from other programmatic areas to support these services. The Community Health Profile will provide data to assist local health agencies in assessing health needs and will be helpful in identifying the level of need for these services.

COMMENT: The proposed waiver process does not include an appeal procedure when a waiver has been denied.

RESPONSE: An appeal process for denied waivers will be established and will be indicated when the revised standards are adopted.

COMMENT: The functions of the health officer under N.J.A.C. 8:52-2 contradict Camden County's administrative policies for supervision of employees and budget preparation. The wording should be changed to reflect the various organizational structure of the local health department.

RESPONSE: N.J.S.A. 26:3A2-19 specifies that the county health officer shall prepare the budget subject to the advice of the county board of health. With regard to supervising employees, it is well recognized that not all employees will report directly to the health officer. However, employees engaged in the provision of health services should ultimately be responsible to the health officer, who by law (N.J.S.A. 26:3A2-14), is charged with administering the local health agency.

COMMENT: The proposed regulations will have a significant impact on services delivered by county and municipal health departments. As a result of the significance of these regulations, the public comment period should be extended to all local governments to do an adequate analysis on the fiscal impact. Since state funds are limited, it is urgent that State and local officials clearly understand the impact of the change in the regulations. The proposed regulations have the potential of significantly impacting on the tax revenues of local governments. As a result, it is recommended that a committee representing county and municipal governing officials and public health administrators be appointed to provide fiscal analysis.

RESPONSE: The need for public health services varies in each of the 113 local health jurisdictions in New Jersey.

A fiscal analysis of the impact of the proposed standards would only be applicable to that local health jurisdiction and would not provide relevant information on the impact of the other 112 local health jurisdictions in New Jersey. The Department does not believe therefore that this is a practical recommendation.

There were five health officers on the Minimum Standards Revision Committee and comments were received from many others. The great majority expressed the belief that the standards are desirable, realistic and achievable.

The Revision Committee and the Department have solicited comment on the revised standards since the spring of 1986 when a draft was released. In view of the relatively few comments received and the extensive input received throughout the revision process, the Department did not believe it necessary to extend the comment period. However, comments received past the published deadline were accepted.

COMMENT: Inspecting public bathing facilities twice during the operating season on a general routine basis is excessive. A pre-inspection prior to the operating season is already required. It is felt that three inspections during an operating season appears to be excessive and unnecessary. Due consideration should be given to reduce this inspection requirement.

RESPONSE: The pre-operations inspection required under the new Recreational Bathing Standards only applies to new facilities or change of ownership. The bathing inspection program policy is such that if a facility warrants a pre-operational inspection and that inspection is conducted within two weeks of the operating season that it shall serve as one of the two inspections required under minimum standards.

In the event that the seasonal demand for inspecting these facilities is beyond the resources of a local health department, it may consider the possibility of making application for a waiver or modification of this program standard.

COMMENT: Eliminate emphasis on services to the medically indigent for the Infants and Preschool Children and Ambulatory Health Care Activities.

RESPONSE: The Department believes the placement of emphasis on services to the medically indigent, who typically are at greater risk of illness and disease, is appropriate.

COMMENT: The education component of the health services for older adults activity should be expanded to include smoking, exercise, eye care, and foot care.

RESPONSE: The standards are minimum requirements to be provided by all local health departments. A local health department may elect to provide additional services as public health needs dictate.

COMMENT: The requirement for quarterly reports of nursing services should be eliminated since the statistics for nursing services are included in individual program activity statistics.

RESPONSE: The comment has been considered and accepted. Quarterly reports will not be required for nursing services.

COMMENT: The standards do not specify which activities must be performed by licensed sanitarians.

RESPONSE: The delineation of the responsibilities of sanitarians is best addressed by the licensing statutes and regulations which are now under revision. The Department will also consider issuing an administrative policy addressing which activities listed in Minimum Standards shall be performed by sanitarians.

COMMENT: Social Services is not included in the proposed rules as a separate activity although components of social services are addressed under activities such as Infants and Preschool Children and Improved Pregnancy Outcome.

RESPONSE: The decision not to include social work as an elective activity does not preclude the local health jurisdiction from providing a program in this area if local needs warrant this function being performed by the local health department. Nor is the absence of this activity or any other activity from the listing an indication of its unimportance or lack of need. However, since very few local health departments provide direct social services, the Committee determined that the most appropriate method of dealing with this issue was to incorporate relevant social service elements into the core activities, including Administrative Services, of the proposed standards.

COMMENT: N.J.A.C. 8:52-3.4(a)8 gives new authority to local boards of health to initiate food recalls.

RESPONSE: This was not the intent of the proposal. The potential for misinterpretation exists; therefore this subsection has been reworded to clarify the intent which is for local boards of health to provide assistance to the Department of Health, upon request, in conducting food recalls and recall effectiveness checks.

COMMENT: Seven individuals expressed concern that the proposed standards do not mandate nutrition services by qualified nutrition practitioners when seven of the twenty-one of the mandated activities include a requirement for some nutrition education.

RESPONSE: The intent of the standards regarding nutrition is to integrate general nutrition information into appropriate services provided by local health departments such as Infants and Preschool Children, Cancer, Diabetes, Cardiovascular Disease Services, and others. The Department of Health provides appropriate general nutrition information

in its Child Health Conference Manual and Adult Health Services Guidelines. This information can be provided to clients during intake and counseling by nurses and other professional staff. Where an individual has special dietary needs requiring special assistance, referrals should be made to appropriate nutrition providers. It was not considered feasible to mandate that local boards of health provide individual dietary counseling and hire nutritionists on staff of each local health department.

N.J.A.C. 8:52-1.6 was clarified to include that portion of the modification or waiver process which offers the local health agency an opportunity for review.

N.J.A.C. 8:52-1.7 was amended to more clearly outline the responsibilities of the local health agencies in regard to N.J.S.A. 26:3A2-21 and to standards adopted by the Department of Environmental Protection pursuant to the County Environmental Health Act.

N.J.A.C. 8:52-1.8 was amended to include the title of Field Representative, Health Education.

N.J.A.C. 8:52-3.6 was amended to include housing, to conform more closely with the model Public Health Nuisance Code of New Jersey.

N.J.A.C. 8:52-7.15 was amended on adoption to conform with rules on the licensure of home health agencies (see proposal at 18 N.J.R. 2287(a), N.J.A.C. 8:52-7.8(a)1.).

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

CHAPTER 52 RECOGNIZED PUBLIC HEALTH ACTIVITIES AND MINIMUM STANDARDS OF PERFORMANCE FOR LOCAL BOARDS OF HEALTH IN NEW JERSEY

SUBCHAPTER 1. GENERAL PROVISIONS

8:52-1.1 Purpose

The purpose of this chapter is to establish minimum standards of performance for recognized public health activities and to designate those public health activities to be provided by all local boards of health in order to protect and improve the health of New Jersey residents.

8:52-1.2 Scope

Each local board of health is required to establish and maintain a program to meet the minimum standards of performance for each activity designated as core as defined in this chapter. No such minimum standard shall be construed as authorizing a lesser standard than that prescribed by statute or regulation or as empowering or requiring a local health agency to act in matters solely under the jurisdiction of a State, county or municipal agency.

8:52-1.3 Compliance

A local board of health that is determined by the Department to be deficient in meeting "Minimum Standards of Performance . . ." for mandated public health activities shall submit a plan of correction to the Department as directed. Failure to implement the provisions of the approved plan of correction shall result in action by the Department of Health in accordance with N.J.S.A. 26:3A2-11.

8:52-1.4 Definitions

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

"Community Health Profile" means health planning document which examines the health status as well as the social, economic and demographic risk factors of the community to determine public health problems and needs within a local health jurisdiction.

"Department of Health" means the New Jersey Department of Health.

"Full-time health officer" means a holder of a license as a health officer issued by the State Department of Health who is employed by a local board of health to function during all the working hours of the regularly scheduled work week of the governmental unit to which the local health agency is attached and not regularly employed during the working hours of that scheduled work week in other activities for which he receives remuneration.

"Local board of health", as defined in N.J.S.A. 26:1A-1 and N.J.S.A. 26:3-1, shall be the enforcement, policy and rule making body with respect to Local Health Services provided by local health agencies under N.J.S.A. 26:3A2-1 et seq.

"Local health agency" means a municipal, county, regional or other governmental agency conducting a public health program pursuant to law.

"Local Health Service Plan" means a multi year public plan prepared by a local health agency which identifies specific program goals and objectives to address the public health problems and needs identified in the community health profile and the activities mandated by N.J.A.C. 8:52.

"Recognized public health activities" are those activities which either have been provided by local boards of health or which are reasonable activities to be provided by local boards of health to meet the public health needs of the local health jurisdiction. Recognized public health activities are classified as either Core or Elective as defined in these rules.

"Core activities" means those recognized public health activities which are mandatory for local boards of health in all municipalities. The activities designated as Core represent those which are considered necessary for the provision of basic public health services.

"Elective activities" means those recognized public health activities which the local board of health may choose to provide based on special health needs identified within the jurisdiction of the local health agency and available resources.

8:52-1.5 Contractual services

A core or elective recognized public health activity meeting the standards prescribed in N.J.A.C. 8:52 may be planned and offered directly by the local board of health or by a person or agency under contract to the board, provided that the contract specifies that services provided shall be in accordance with N.J.A.C. 8:52 and shall not violate State statute or regulation.

8:52-1.6 Modification or waiver of program standard

(a) A local health agency may apply in writing to the Department of Health, Health Aid Services Program to obtain a modification or waiver of a program standard when:

1. The Community Health Profile indicates that the local health jurisdiction does not contain a high risk population sufficient to warrant the provision of a particular program services; or

2. The local health agency can demonstrate that the public health needs with respect to a given activity are being adequately met by other health care providers serving the local health jurisdiction; or

3. The local health agency can demonstrate to the satisfaction of the Department of Health that an alternative method exists to providing services in a manner which meets the intent of N.J.A.C. 8:52 and is appropriate to the public health needs of the local health jurisdiction; or

4. The local health agency can demonstrate that a significant unmet health need exists within the local health jurisdiction and resources are not available to adequately address all mandated public health needs.

(b) The Department of Health may allow a local health agency to provide certain mandated activities at a lesser level of service than is required by these standards in order to focus additional resources on critical health issues.

(c) Authorization to provide mandated activities at a lesser level of service shall be granted for a period of one year and shall be thoroughly reevaluated if documented requests are received for an extension of the authorization.

(d) The decision of the Department of Health regarding the request for a modification or waiver of standard shall be rendered in writing within 45 days of receipt and shall outline the conditions upon which the request is approved or denied. ***If the request is not approved, the Department of Health shall outline the procedure by which the decision may be reviewed.***

8:52-1.7 *County* Environmental Health *[Plan]* *Activities*

[The County Health Department and/or other Certified Health Agency listed in the Environmental Health Plan shall retain the responsibility to provide the following public health activities under direction of the Department of Environmental Protection: air pollution, water pollution, noise pollution, and solid waste. The Standards for these activities will be promulgated by the Department of Environmental Protection as prescribed by the County Environmental Health Act (N.J.S.A. 26:3A-21) and will no longer appear in N.J.A.C. 8:52.] ***Local health agencies shall comply with applicable provisions of the County Environmental Health Act (N.J.S.A. 26:3A-21) and the standards adopted by the Department of Environmental Protection pursuant to the Act.***

8:52-1.8 Personnel

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

1. A degree of Master of Public Health in health education or Master of Arts or Master of Science in health education from a program accredited by the Council on Education for Public Health; or

2. A Master's degree in a related field which includes or is supplemented by the successful completion of course work in four of the six following areas: health education theory, education program planning and evaluation, educational processes, social and behavioral sciences, research methodology, and public health administration; or

3. A Bachelor's degree which includes or is supplemented by the successful completion of course work ***[if]* *in*** four of the six following areas: health education theory, education program planning and evaluation, educational processes, social and behavioral sciences, research methodology, and public health administration and completed three years of local health department experience in health education under the guidance of a qualified Master's person as specified in (a) 1 or 2 above; or

[4. A Bachelor's degree who receives consultation and guidance from a qualified Master's person as specified in (a) 1 or 2 above.]

[b) A Field Representative, Health Education is a person with a Bachelor's degree who receives consultation and guidance from a qualified Master's person as specified in (a) 1 or 2 above.

[(b)]**[c) A public health nurse director shall be a registered professional nurse currently licensed in New Jersey who has completed a Master's Degree program accredited by the National League for Nursing with a nursing major in supervision, teaching, consultation or administration and advanced study in a clinical specialty; or has completed a Master's program in public health in an institution accredited by the American Public Health Association, and five years of experience in public health nursing, one year of which shall have been a supervisory ***[experience]* *capacity***.

[(c)]**[d) A public health nurse supervisor shall be a registered professional nurse currently licensed in New Jersey who has completed a baccalaureate degree program approved by the National League for Nursing for public health nursing preparation and three years of experience in public health nursing ***experience*** under qualified nursing supervision.

SUBCHAPTER 2. ADMINISTRATION: CORE ACTIVITIES

8:52-2.1 Administrative services

(a) Administrative mechanisms shall be established to manage the activities of the local health agency.

(b) The general structure and organization of the board of health or authority shall be in accordance with the following:

1. The local health department shall have a board of health or an authority as prescribed in N.J.S.A. Title 26:3-1 related to the chosen organizational structure of the local health department and appropriate to the existing form of local government; and

2. Shall have legal responsibility for the local health department, shall be the policy making body for the agency, shall assure that efficient and effective administration of the agency is provided; and

3. Shall hold meetings as prescribed in N.J.S.A. Title 26:3-12 and provide documentation of such meeting through minutes; and

4. Shall notify the commissioner of any changes in health officer coverage, or of public health activities 30 days prior to the change.

(c) The health officer shall function as the chief administrative officer to the board or authority, and shall be accountable to that board or authority.

(d) The health officer, as authorized by the board of health or authority, shall be the responsible agent for all public health services and activities of the local health agency and shall:

1. Direct and supervise all employees of the local health department inclusive of those employees providing contractual services;

2. Plan, manage and implement the programmatic components of the local health agency and prepare the budget;

3. Develop and maintain a system of evaluation for all public health services and activities of the local health department;

4. Maintain administrative relationships and communication with support services and community resources such as hospitals, emergency medical services providers, government agencies, voluntary organizations and other health care providers to promote inter-agency cooperation and effective allocation of health resources;

5. Enforce all public health laws, regulations and ordinances and ensure appropriate disposition of all enforcement action;

6. Provide for open lines of communication within the organization;

7. Develop a referral directory and implement a referral log or file for health services provided by other agencies to community residents;

8. Oversee the completion of the Community Health Profile and the implementation of the Local Health Service Plan as requested by the Department of Health;

9. Determine and define the health needs and priorities of the community based upon analyses and interpretation of health statistics and other pertinent information; and

10. Maintain proper records in accordance with the local health agency records retention schedule as promulgated by the New Jersey State Department of Education, Bureau of Archives and History, Records Committee. (See N.J.A.C. 15:3-3.8.)

(e) Public health services and activities of the local health department shall include, but not be limited to, programs in the following functional areas:

1. Administrative Services;
2. Environmental Health;
3. Communicable Disease;
4. Maternal and Child Health; and
5. Adult Health Services.

(f) All Public Health Services and activities of the Local Health Agency shall be carried out in compliance with the following:

1. Public Health services and activities of the local health department shall be provided on an ongoing scheduled basis to meet the needs of residents within the jurisdiction of the local health department.

2. Public health services and activities of the local health department shall comply with all applicable state and local laws and regulations.

3. The local health department shall be so organized that clear lines of responsibility, authority and accountability are present and functioning to assure an integrated continuum of public health services and activities.

4. All professional personnel of the local health department shall be licensed, certified or authorized as required to provide recognized public health services and activities.

5. A written report of the entire public health program approved by the board or authority of the local health department shall be submitted to the Commissioner annually according to format established by the Department of Health.

6. The local health department shall have a written contractual agreement for services and activities listed in these standards which are not provided directly by the local health department. This contractual service agreement shall be entered into only with a licensed, certified or otherwise approved facility, individual or service organization.

(g) A policy and procedure manual shall be developed, and approved by the board or authority, as a guide for the organization and operation of the local health agency and shall be accessible to all employees of the Agency.

(h) Individual medical and/or health records in the possession of local health department shall be kept in confidence and not be revealed or disclosed in any manner except to the individual or his authorized representative, the Department of Health, or as otherwise authorized by law.

(i) A coordinated program shall be provided for staff education and development which should include attendance at seminars, workshops, conferences, inservice programs, and/or formal courses to improve employees' skills and knowledge in accordance with their professional needs.

(j) Laboratory services shall be provided by facilities licensed under P.L. 1975, Clinical Laboratory Improvement Act (N.J.A.C. 8:45) as needed to comply with individual activity standards.

(k) A coordinated vital records and statistics program shall be conducted as required by law.

(l) The following support services shall be provided:

1. Physical facilities in compliance with applicable State and local regulations pertaining to:

- i. Building;
- ii. Zoning;
- iii. Fire; and
- iv. Safety;

2. Space adequate for offices and clinics to operate efficiently.

3. Office equipment that enables personnel to function competently and efficiently.

4. Transportation for field personnel as needed.

8:52-2.2 Health promotion

(a) A structured program shall be provided by the Health Educator ***or Field Representative, Health Education***, in accordance with community health education needs, which shall include health components for Alcohol Abuse Control, Drug Abuse Control, Smoking Prevention and Cessation, Nutrition, ***[Accident Prevention]* *Injury Control***, and Physical Fitness and Exercise and shall include the following:

1. An assessment of health education needs and identification of target populations based on information from the New Jersey Department of Health Community Health Profile and other relevant health related data;

2. Written health education program plans with measurable objectives for the six components in (a) above, based on the Health Promotion Guidelines, ***contained in the Adult Health Services Guidelines*** and other identified health education needs.

3. Identification and involvement of local leadership in the planning, implementation, and maintenance of needed health education services and programs to include collaboration with other agencies serving the community where such opportunities exist, and consultation with content specialists in the six required components in (a) above; and other areas as needed.

4. Application of appropriate health education interventions to provide for the effective implementation of health education programs (i.e., community development, skill development, simulation, peer group discussion, behavior modification, lecture, media awareness, programmed learning, individual instruction, etc.);

5. Integration of a health education component into health department programs and services, covering the six required promotion topics in (a) above;

6. Consultation and training in the application of health education techniques for the professional staff of the health department; and

7. Evaluation and report of the degree of success in achieving predetermined health education objectives.

8. The health educator ***or Field Representative, Health Education*** shall serve as a community health information resource.

8:52-2.3 Public health nursing services

(a) Provision of public health nursing services shall include the following:

1. The services of a public health nurse director or supervisor to assess, plan, implement and evaluate public health nursing services in accordance with community health needs;

2. Up-to-date written objectives, policies and procedures developed in cooperation with the health officer, for each activity in which there is nursing participation which relate to the overall goals of the local health agency;

3. The maintenance and use of individual, family and other service records according to current professional standards;

4. Orientation inservice and continuing education programs for nursing staff;

5. ***[Quarterly and annual]* *Annual*** reports of services rendered which include pertinent statistics and descriptive narrative as related to objectives;

6. Integration, in conjunction with the health educator, of the relevant components of the health promotion program into all activities involving public health nursing services.

(b) All recognized public health nursing activities must meet the minimum standards of performance outlined in N.J.A.C. 8:52 for those activities.

SUBCHAPTER 3. ENVIRONMENTAL HEALTH—CORE ACTIVITIES

8:52-3.1 Recreational bathing

(a) The local board of health shall:

1. Conduct a sanitation and safety program at public bathing places (that is, swimming pools, lakes, rivers and ocean bathing places), based upon the current "Recreational Bathing" regulations contained in the State Sanitary Code (see N.J.A.C. 8:26);

2. Inspect, using an inspection form designed by the Department of Health, each public bathing place at least twice during the operating season, make follow-up inspections when deficiencies are found, and take necessary enforcement actions;

3. Assure sanitary surveys of natural bathing areas as indicated by bacterial counts and/or epidemiological evidence;

4. Inspect public spas and/or whirlpools at least yearly in accordance with the provisions of the Recreational Bathing regulations (N.J.A.C. 8:26);

5. Conduct investigation within 24 hours of all deaths and serious injuries and report such occurrences as outlined in the Recreational Bathing Regulations (N.J.A.C. 8:26) on a form developed by the Department of Health.

8:52-3.2 Campgrounds

(a) The local board of health shall:

1. Conduct a sanitation and safety program for campgrounds based upon State law and Chapter II of the State Sanitary Code (N.J.A.C. 8:22-1).

2. Inspect each campground at least annually to insure compliance; conduct follow-up inspections and initiate enforcement action as necessary.

8:52-3.3 Youth camps

(a) The local board of health shall conduct a youth camp sanitation and safety program (N.J.A.C. 8:25) and shall:

1. Inspect each youth camp once prior to opening;
2. Perform necessary follow-up inspections at the request of Environmental Health Services; and,
3. Submit copies of each inspection to Environmental Health Services, Department of Health.

8:52-3.4 Food surveillance

(a) The local board of health shall maintain surveillance of retail food establishments, food and beverage vending machines and shall:

1. Conduct a retail food establishment program based upon State laws and regulations, including Chapter 12 of the State Sanitary Code and local ordinances, if applicable (N.J.A.C. 8:24);
2. Inspect retail food establishments using forms approved by the Department of Health at least once a year, inspect vending machines dispensing potentially hazardous foods at least once a year and those dispensing non-potentially hazardous foods on a complaint basis or as required by local ordinance;
3. Initiate appropriate enforcement action to secure compliance with State law and local ordinance; collect and prepare evidence for legal action; follow a protocol for taking appropriate enforcement actions to secure compliance (such as abatement letters, administrative hearing, summons, court actions and condemnations);
4. Maintain food establishment and vending machines files at the local health agency office containing inspection reports, food sample reports, and reports of enforcement actions taken and other pertinent data associated with the program;
5. Provide for, or conduct training courses for food service supervisors using curricula approved by the Department of Health such as the Food Manager's Certification Program;
6. Collect samples and provide for laboratory analyses of any food suspected of being associated with a foodborne illness or, as necessary, any food suspected of being adulterated, misbranded or unwholesome;
7. Embargo all food known or suspected of being adulterated, misbranded, unwholesome or associated with foodborne illness within the meaning of local ordinance or State law.
8. Assist the Department of Health ***[in instituting recalls of foods, contaminated, adulterated or misbranded, and assist in conducting recall effectiveness checks;] * upon request in conducting recalls and recall effectiveness checks of foods found to be contaminated, adulterated or misbranded;*** and,

9. Condemn and supervise the destruction or otherwise dispose of food which is adulterated, misbranded, unwholesome or associated with foodborne illness within the provisions of local ordinance or State law.

8:52-3.5 Occupational health (Operative January 1, 1989)

(a) The local board of health shall conduct an occupational health program operative January 1, 1989, and shall:

1. Maintain a comprehensive profile of all employers in each designated four digit Standard Industrial Classification (SIC) operating in local jurisdiction. This profile should utilize Department of Labor and Right to Know ***[date] *data*** filed (see N.J.A.C. 8:59) and include for each employer:

Name of company, SIC Code,
Address of company,
Number of employees,
Major product or service,
Right to Know Data—DEP/DOH,
History of emergency calls,
History of complaints;

2. Maintain a list of all information and/or agency occupational health resources and make appropriate referrals in response to requests for information or complaints;

3. Train or obtain at least one staff person in Occupational Health and Industrial Hygiene ***through a continuing education program provided or made available by the Occupational Health Program of the Department of Health*.**

4. Conduct initial and follow-up interviews, utilizing standardized procedures and forms developed by the Department of Health, upon receipt of reports of occupational disease cases (N.J.A.C. 8:57-1.13); and

5. Conduct preliminary surveys in response to reported occupational diseases or referrals from the Department of Health, using standardized forms provided by the Department of Health to record observations and collect information. (These standardized forms shall be forwarded to the Department of Health Occupational Health Program for follow-up).

(b) Although this core activity does not become operative until January 1, 1989, the local boards of health shall consider it an elective activity, upon the promulgation of these rules.

8:52-3.6 Public health nuisances

(a) The local board of health shall conduct a public health nuisance program to include the following:

1. Investigations of public health nuisances including but not limited to noxious weeds, ***housing,*** solid waste and insects and rodents, which shall be conducted in accordance with applicable State laws and local ordinances, which are at least equivalent to the "Weed Control Code of New Jersey", the "Solid Waste Code of New Jersey", and the "Public Health Nuisance Code of New Jersey" (which are model codes available from the Department of Health);
2. Conduct complaint investigations and surveys to identify nuisances, and through appropriate follow-up, ensure abatement in accordance with State law and local ordinances;
3. Maintain and make available educational information on the prevention and abatement of public health nuisances; and,
4. Maintain current files on all public health nuisances which shall include the investigation, follow-up, abatement and enforcement action taken in each instance.

SUBCHAPTER 4. COMMUNICABLE DISEASES: CORE ACTIVITIES

8:52-4.1 Reportable diseases

(a) The local board of health shall conduct a program for the surveillance, investigation and control of reportable diseases and shall:

1. Document episodes of reportable diseases including occupational diseases and/or incidents and transmit the information to the State and other agencies as required by Chapter Two, Reportable Diseases (N.J.A.C. 8:57-1) of the State Sanitary Code and N.J.S.A. 26:4;
2. Conduct prompt investigations of reportable illnesses as well as unusual manifestations of disease not listed as reportable in Chapter 2 of the State Sanitary Code (N.J.A.C. 8:57-1) and institute appropriate control measures, and promptly report all findings to the Department of Health.
3. Disseminate and exchange information relative to outbreaks of disease with physicians, hospitals, boards of education, and other responsible health agencies as appropriate; and,
4. Analyze reported data to provide a basis upon which to plan and evaluate an effective program for the prevention and control of infectious diseases.

8:52-4.2 Immunization

(a) The local board of health shall promote and provide immunizations for protection against childhood vaccine-preventable diseases and shall:

1. Promote and provide primary and booster immunizations to preschool and school age children for protection against diseases in accordance with current recommendations of the Department of Health;
2. Assist all schools, with an emphasis on preschool facilities, in implementing and enforcing the immunization requirements contained in Chapter 14, of the State Sanitary code (N.J.A.C. 8:57-4) by providing immunization services and conducting periodic surveys and representative record audits every three years;
3. Secure prompt reporting of vaccine-preventable disease as required by Chapter Two of the State Sanitary Code (N.J.A.C. 8:57-1.2); and,
4. Maintain important information forms (consent forms) for individuals receiving State-issued vaccines according to State directives.

8:52-4.3 Rabies and zoonosis control

(a) The local board of health shall conduct a program for the control of rabies and other zoonoses and shall:

1. Require rabies vaccination of dogs to comply with current rabies statutory requirements and encourage the vaccination of cats, and provide for rabies vaccination clinics at least once a year;
2. Ensure that a report of an annual canvass of all dogs owned, kept, or harbored within the limits of the respective municipality is received by the local board of health by September 1st of each year;
3. Inspect, kennels, pets shops, shelters and pounds, to ensure compliance with the State laws and regulations prescribed by the Department of Health, and ensure that licenses issued to these facilities are in compliance with existing laws;

4. Report and investigate animal bites, ensure that persons bitten are advised to see a physician, quarantine biting animals as indicated and report immediately to the Department of Health clinically suspicious cases of rabies in animals as determined by a veterinarian, ensure availability of impounding facility where biting animals may be appropriately quarantined and observed for rabies;

5. Ensure that heads of animals that have died within 10 days after biting a person are delivered immediately to the Department of Health Laboratory for examination (Unwanted dogs or cats or any other animal which has bitten a human may be sacrificed immediately and the head promptly delivered to the New Jersey Department of Health Laboratory for examination);

6. Provide an organized program for control of stray dogs and other animals;

7. Inspect annually, or more often if necessary, records of dealers in psittacine birds as required by Chapter Three of the State Sanitary Code (N.J.A.C. 8:23); and,

8. Initiate appropriate enforcement actions to secure compliance with the State rabies statutes, collect and prepare evidence for legal action.

8:52-4.4 Tuberculosis control

(a) The local board of health shall control the spread of tuberculosis and shall:

1. Ensure that all of the tuberculosis control services or services elements listed in the "Guidelines for Ambulatory or Outpatient Tuberculosis Control" (available at the New Jersey Department of Health) are available and accessible to all persons living within the jurisdiction of the local agency;

2. Secure prompt reporting of tuberculosis and transmit reports as required by the State Sanitary Code (N.J.A.C. 8:57-1.2) and encourage the reporting of suspects;

3. Ensure effective treatment and continuing medical supervision of suspect and diagnosed cases of tuberculosis;

4. Ensure that contacts are identified and brought to examination, diagnostic conclusion, and treatment in accordance with the policy of the Department of Health;

5. Ensure the provision of preventive therapy in accordance with current recommendations of the Department of Health;

6. Ensure reporting of the current status of diagnosed cases of tuberculosis in accordance with the policy of the Department of Health using forms provided by the State;

7. Provide for the discharge from tuberculosis supervision of patients whose treatment has been completed in accordance with current recommendations by the Department of Health;

8. Provide for testing using currently approved intradermal tuberculin tests, of pupils, teachers, employees, and volunteers in the non-public schools, and for follow-up of those in both the public and non-public schools as recommended in the current edition of "School Tuberculin Testing in New Jersey", published by the Department of Health; and,

9. Analyze reported data to provide a basis upon which to plan and evaluate an effective program for the prevention and control of tuberculosis.

8:52-4.5 Sexually transmitted diseases

(a) The local board of health shall control sexually transmitted diseases and shall:

1. Provide for medical services for all persons seeking medical care for Sexually Transmitted Disease (STD);

2. Secure prompt reporting of any case of STD and forward reports immediately to the Department of Health, Communicable Disease Field Program, as required by Chapter Two of the State Sanitary Code (N.J.A.C. 8:57-1.2);

3. Provide interview and investigation services to priority STD cases ***in accordance with the policy established by the Department of Health*** and report results of these services on appropriate forms provided by the Department;

4. Provide counselling to all patients infected with STDs and treated ***[and]* *at* public health department STD clinics**, to include, but not be limited to, disease prevention, sex partner referral, need for follow-up testing, and appropriate action to take when symptoms appear;

5. Provide public education services to the community or target population; and,

6. Analyze reported data and provide a basis upon which to plan and evaluate an effective program for the prevention and control of sexually transmitted diseases.

SUBCHAPTER 5. MATERNAL AND CHILD HEALTH—CORE ACTIVITIES

8:52-5.1 Infants and preschool children

(a) The local board of health shall provide health supervision for infants and preschool children and shall:

1. Provide child health conferences for comprehensive preventive health care of infants and preschool children, with particular emphasis on the medically indigent, based upon the current Department of Health publication, "Guidelines For the Child Health Conference";

2. Prepare a Child Health Service Report (MCH20) for each session, and submit promptly on at least a monthly basis to the Maternal and Child Health Program in the New Jersey Department of Health;

3. Maintain an informational and outreach service to encourage physicians, hospitals and social agencies to refer families to the child health conference, women, infants and children supplemental Food Program (WIC) and the public health nursing agency; and,

4. Provide for information and guidance on physical, emotional, nutritional, and cognitive development of infants and preschool children through child health conferences and home nursing visits.

8:52-5.2 Childhood lead poisoning

(a) The local board of health shall provide for the prevention and control of lead poisoning in young children and shall:

1. Conduct a program, the major components of which shall include:

- i. Case identification,
- ii. Medical management,
- iii. Environmental surveillance, and
- iv. education in conformance with N.J.S.A. 24:14A-1 et seq. and Chapter XIII of the State Sanitary Code (N.J.A.C. 8:51-7.7);

(Also, a current issue of "Preventing Lead Poisoning in Children, a statement by the Centers for Disease Control" and findings of the New Jersey Physician Task Force on Lead Poisoning shall be used as guidelines for program delivery as appropriate.)

2. Develop a program plan based on elements in 1. above and on the degree of risk in the community as identified through the "Community Health Profile" and "Community Hazard Score for Lead Poisoning in Children" issued by the Department of Health;

3. Conduct case finding efforts among children one through five years of age by annual blood testing in accordance with approved collection techniques in such settings as child health conferences, WIC clinics, day care centers, nursery schools and door-to-door in high risk neighborhoods, with testing priority given to children at highest risk including:

- i. Those one through three years of age;
- ii. Those residing in or frequenting housing units or other sites where lead-based paint may be present;
- iii. Those whose parents or other household members may be occupationally or otherwise exposed to lead sources;
- iv. Those at increased risk of exposure to lead sources for whatever reason;

v. Those with a history of pica or increased lead absorption; and

4. Assure that a confirmed positive test result based on current risk classification standards is immediately referred to medical supervision and that a child so referred shall receive on-going, medical management as appropriate;

5. Conduct environmental surveillance among patient cases identified and

i. Provide staff capable of conducting environmental investigations;

ii. Assure that, simultaneous with referral for medical attention, an environmental investigation will be initiated to identify the probable source(s) of lead exposure and to ensure the expedient and safe removal of the lead hazard(s);

iii. Assure that along with the owner of the property wherein the child resides, the parent or guardian of the child shall be notified in writing and kept abreast as to the findings of the environmental investigation and subsequent surveillance;

iv. Ensure that during periods when actual renovation work is underway, the affected child or children are removed from the premises; and

6. Provide a program of education directed toward parents, the general public, physicians and other health personnel regarding lead intoxication, sources of lead in the environment and control measures and

i. Assure the provision of appropriate counseling and instruction to parents of lead intoxicated children and to parents of children at risk by trained professional personnel; and

ii. Assure the provision of adequate in-service training and continuing education of program personnel.

8:52-5.3 Improved pregnancy outcome

(a) The local board of health shall reduce infant mortality by improving access to prenatal care and related services ***in accordance with guidelines established by the Department of Health*** and shall:

1. Maintain an information and referral system for those requesting family planning, or prenatal and WIC services, to include:
 - i. A file of all providers of such services in the jurisdiction; and
 - ii. An active referral file;
2. Maintain a liaison with prenatal clinic services, family planning clinics, WIC school nurses, school health educators, and others;
3. Provide public health nursing services as requested by agencies for prenatal follow-up to high risk women who are determined to be medically indigent, to include, at a minimum:
 - i. Pregnancy counseling,
 - ii. Prenatal information,
 - iii. Follow-up of all referred positive pregnancy tests to promote initiation of prenatal care in the first trimester as requested by agencies,
 - iv. Nursing support and education through prenatal and postpartum home nursing visits as needed, and
 - v. Referrals as appropriate to WIC or other nutrition services, social services, and family planning services;
4. Establish and maintain a community outreach and education program targeting high risk women including adolescents to encourage and facilitate early entrance into prenatal care; and,
5. Cooperate with the Department of Health, Newborn Biochemical Screening Program to locate and secure repeat specimens from infants when the sample cannot be obtained through the normal channels of a hospital and/or physician.

SUBCHAPTER 6. ADULT HEALTH SERVICES: CORE ACTIVITIES

8:52-6.1 Cancer services

(a) The local board of health shall provide cancer prevention for populations at high risk according to criteria outlined in the Department of Health publication "Adult Health Services Guidelines" and as identified through the Community Health Profile and shall:

1. Provide screening personnel to meet the criteria for staffing as specified in the "Adult Health Services Guidelines";
2. Establish a coordinated plan for counseling, referral and follow-up of all persons with non-negative screening results;
3. Provide screening services yearly for three percent of women ages 15 to 34 and the three percent ***of*** women ***of*** ages 35 to 64 who are at high risk for cervical cancer.
4. Provide education services yearly for five percent of women ages 15 to 34 and five percent of women 35 and older to receive instruction in these particular areas:
 - i. The risk factors for cervical cancer and breast cancer;
 - ii. The importance of the Pap Smear in the early detection of cervical cancer (in accordance with the American Cancer Society Guidelines on cervical cancer screening);
 - iii. The importance of comprehensive breast cancer screening which includes mammography at intervals specified by the American Cancer Society Guidelines and a physical breast examination by a health care professional;
 - iv. Breast self examination as one component in a total health care awareness program; and
 - v. Dietary and lifestyle modification to reduce the risks of breast and cervical cancer;
5. Provide yearly instruction to three percent of individuals over age 40 in these particular areas:
 - i. The risk factors for colon/rectal cancer;
 - ii. The importance of compliance with the guidelines on colon/rectal cancer prescribed in Department of Health Adult Health Services Guidelines; and
 - iii. Dietary and lifestyle modification to reduce the risk of colon/rectal cancer.
6. Provide annual reports to the State on the demographic characteristics of populations receiving screening and/or educational services and the results of these screening programs.
7. Serve as a community resource to disseminate information available from the State on types of screening services available.
8. Provide for cancer-related continuing education for nursing and other program personnel at least once every three years. Include current cancer-related information in the orientation of all newly-hired cancer program staff to be involved in Cancer Services.

9. Offer smoking prevention and cessation programs as defined in the "Adult Health Services Guidelines" (N.J.A.C. 8:52-6).

8:52-6.2 Diabetes services

(a) The local board of health shall provide for diabetes education services per the Department of Health "Adult Health Services Guidelines" and shall:

1. Conduct public education related to diabetes and its risk factors such as age, obesity, and family history;
2. Conduct diabetes risk assessment on all adult clients who utilize clinical or hypertension or cancer screening services, and counsel, refer, and follow-up clients where appropriate;
3. Educate or appropriately refer known diabetics to available diabetes-related education and other community resources (such as ophthalmologist, podiatrist, etc.); and,
4. Provide for diabetes-related continuing education for nursing and other program staff at least once every three years, and include current diabetes-related information in the orientation of all newly-hired staff to be involved in Diabetes Services.

8:52-6.3 Cardiovascular disease services

(a) The local board of health shall provide cardiovascular disease control services according to the Department of Health "Adult Health Services Guidelines" and shall:

1. Provide hypertension screening services yearly to five percent of the high risk population;
2. Provide cardiovascular risk factor assessment and counseling on all individuals screened for hypertension and include the following areas:
 - i. Family history of cardiovascular disease;
 - ii. Smoking;
 - iii. Excessive cholesterol intake;
 - iv. Obesity;
 - v. Diabetes; and
 - vi. Exercise, and counsel, refer and follow-up clients where appropriate;
3. Provide cardiovascular health education programs for the general public;
4. Provide cardiovascular health education programs for hypertensive individuals;
5. Provide for cardiovascular-related continuing education for nursing and other program staff at least once every three years, and include current cardiovascular-related information in the orientation of all newly-hired staff to be involved in cardiovascular disease services.

8:52-6.4 Health services for older adults

(a) The local board of health shall provide for a health program at locations selected by the health department which identifies the health needs of adults age 65 and older, and shall:

1. Provide a health needs assessment yearly on three percent of the non-institutionalized elderly in accordance with "Guidelines for Health Services for Older Adults" ***contained in the Adult Health Services Guidelines*** (available at the New Jersey Department of Health);
2. Provide education on alcohol abuse and medication management;
3. Follow-up and make referrals as appropriate for abnormal screening results or for needs identified in the individual's history and/or intake;
4. Assure participation at service sites through advance notification (for example; publicity);
5. Provide for gerontology related continuing education for staff at least once every three years, and include current gerontology related information in the orientation program for all new staff providing these services; and
6. Provide immunizations (for example; influenza and pneumococcal vaccines) at the discretion of the local health agency in accordance with the Immunization Practices Advisory Committee of the U.S. Public Health Service.

SUBCHAPTER 7. ELECTIVE ACTIVITIES

8:52-7.1 Provision of elective activities

(a) The Department of Health strongly recommends that the local boards of health meet the standards outlined in this subchapter for any elective activity undertaken.

(b) If all elements of an elective activity are not provided, the local board shall be able to demonstrate to the satisfaction of the Department of Health that the elements which are provided are in accordance with good public health practice and, if applicable, recognized medical procedures.

8:52-7.2 Emergency medical services

(a) The local board of health shall participate in the provision of emergency health services and shall:

1. Evaluate the existing emergency health care system with regard to communication services, staffing patterns, training of emergency personnel, record keeping, and equipment, including vehicles;
2. Encourage training of volunteer emergency workers and inspection of equipment in accordance with current state recommendations and guidelines;
3. Work with appropriate agencies, groups and individuals involved in the emergency health care system to improve problem areas identified by the system evaluation; and,
4. Work with volunteer services to inform the general public of emergency phone numbers and practical first aid tips for first responders to be practiced until more knowledgeable personnel arrive.

8:52-7.3 Institutional sanitation

(a) The local board of health shall conduct a general sanitation program in institutions and shall:

1. Assure the provision of a program of general sanitation in institutions, including but not limited to, hospitals, *[nursing homes, extended care facilities]* ***long-term care facilities***, *[boarding homes for sheltered care]* ***residential health care facilities*** and schools, based upon State laws and regulations and local ordinance;
2. Assure that at least annually inspections are conducted either through the appropriate State agency(ies), with local staff or through joint, State/local cooperation, and ensure that the necessary follow-up, surveillance and enforcement actions are taken; and
3. Provide periodic educational programs as appropriate to the staff of institutions concerning sanitation, safety and hygiene in the institutional environment.

8:52-7.4 Ambulatory health care for children

(a) The local board of health shall provide comprehensive ambulatory health care for *[medically indigent]* children ***with particular emphasis on the medically indigent*** and shall:

1. Provide for expanding the role of the child health conference beyond the care of healthy children of infant and preschool age in conformance with the current Department of Health "Standards for Licensure of Ambulatory Care Facilities" (N.J.A.C. 8:43A), to include the care of these children as well as older children, in illness and in health;
2. Provide, through agreement with a community health facility, that is, hospital or health center, for 24 hour emergency coverage for patients registered with the Ambulatory Health Care program for children.
3. Provide for examination, immunization, laboratory services, diagnosis, treatment and follow-up for all infants and children receiving these services;
4. Provide for consultation with and/or referral to a nutritionist, (WIC), health educator, social worker or other ancillary medical personnel, as indicated;
5. Provide for home visits by public health nurses and community health aides; and,
6. Establish a referral system from school health programs to the ambulatory health care facility to ensure proper medical follow-up for students without a known health provider, as needed.

8:52-7.5 Dental health; children

(a) The local board of health prevent and correct dental disease in children and shall:

1. Promote a fluoride mouthrinse program for elementary schools in cooperation with the Dental Program of the Department of Health;
2. Provide preventive dental health education including the health hazards of smoking and smokeless tobacco;
3. Provide dental health services for dentally indigent children within the limits of available resources which may include but is not limited to,
 - i. Examination;
 - ii. Oral and radiographic diagnosis;
 - iii. Dental prophylaxis, scaling, and fluoride treatment;
 - iv. Periodontal evaluation; and
 - v. Complete restorations, endodontic therapy, extractions, and prosthetic appliances necessary for proper dental and speech functions; and
4. Promote fluoridation of public water supply.

8:52-7.6 Family planning

(a) The local board of health shall provide family planning information and services to those who voluntarily participate in a program and shall:

1. Provide family planning services based upon the current Department of Health publication, "New Jersey Standards for Family Planning Services, Personnel and Program Standards";
2. Provide family planning services in keeping with good medical practice and ethical concepts of the individual patient;
3. Provide education and information on family planning to those who desire it.
4. Provide in-service training programs for health personnel;
5. Provide services and/or referral for problems in childlessness and other health problems;
6. Provide each program participant receiving family planning services with adequate medical supervision by a licensed physician; and,
7. Establish and maintain an adolescent pregnancy prevention program to target this high risk population working through schools, prenatal clinics, WIC, and community agencies.

8:52-7.7 Obstetrics

(a) The local board of health shall provide public health obstetrical services and shall:

1. Provide a prenatal-postpartum service with a formal affiliation to a designated maternity service hospital in cooperation, where possible, with a health center or other appropriate health care facility, based upon the current Department of Health publication, "Standards for Licensure of Ambulatory Care Facilities" and "MCH Program Prenatal Care Guidelines";
2. Provide all necessary support services to insure proper prenatal care and to insure safe and properly supervised delivery of patients;
3. Maintain informational and outreach services to encourage private physicians, hospitals and social agencies to refer appropriate cases to the prenatal clinic and WIC services;
4. Provide information and guidance on physical and emotional aspects of pregnancy through:
 - i. Home nursing visits;
 - ii. Nursing conferences;
 - iii. Expectant parent's classes; or
 - iv. Other educational and psychological counselling efforts as needed.
5. Investigate registered births not attended by a physician or a midwife, and provide public health nursing follow-up of these births; and,
6. Provide and maintain procedures for proper referral of high risk patients to appropriate levels of medical care as well as other agencies to meet their needs.

8:52-7.8 School health

(a) The local board of health shall provide school health services to children and shall:

1. Ensure that the school provides the services of a school physician who is licensed by the Board of Medical Examiners;
2. Provide school health services within the financial resources of the local health agency, based upon written health policies which are reviewed annually and signed by the school physician, which will, at a minimum, include:
 - i. Maintenance of a cumulative health record for each pupil, utilizing form NJDE 915-2, including a comprehensive health appraisal completed prior to school entrance into any grade level;
 - ii. Performance of a medical examination including dental screening by the family physician or school physician at least every three years and record the findings on the pupil's cumulative health record (form NJDE 915-2);
 - iii. Review by the public health nurse of all reports of examinations performed by private physicians and recording of the pertinent findings on the pupil's cumulative health record (form NJDE 915-2);
 - iv. Follow-up of deficiencies found in the health appraisal and screening procedures;
 - v. Formal vision screening performed at school entry, annually on all pupils K-12, and any new pupils as specified in School Health: A Guide for Health Professionals, 1981, American Academy of Pediatrics;
 - vi. Formal hearing screening performed at school entry, on all pupils in grades K, 1, 3, 6, 9, 12, and any new pupils as specified in School Health: A Guide for Health Professionals, 1981, American Academy of Pediatrics;
 - vii. Scoliosis screening performed annually on all pupils 10 through 18 years of age unless the parent or guardian requests in writing that the student be excused from examination;
 - viii. Tuberculin testing of pupils, employees, and volunteers and follow-up as recommended by the current edition of "School Tuberculin Testing in New Jersey" and/or directives published by the Department of Health. Parental consent is required for tuberculin testing; and

ix. Medical policies covering first aid treatment and emergency orders.
3. Ensure that the school provide adequate physical facilities, materials and equipment for the health program which shall include, but not be limited to,

i. Adequate heat, lighting, ventilation, and quiet for screenings and exams;

ii. Easy access to toilet and sink facilities;

iii. A telephone;

iv. Vision acuity screening materials (Snellen E., titmus, etc.);

v. Audiometer; and

vi. First aid supplies.

4. Provide sanitary inspection of the school's toilets, washrooms, cafeterias, food vending machines, water supply and sewage disposal systems in accordance with local and State regulations; and,

5. Promote a fluoride mouthrinse program for elementary schools in cooperation with the Dental Program of the Department of Health.

8:52-7.9 Alcoholism control

(a) The local board of health shall provide a planned alcoholism control program and shall:

1. Identify the alcoholism problem in the community, establish objectives and priorities for treatment activities, and evaluate efforts consistent with the "County Comprehensive Alcoholism Plan";

2. Involve local leadership in community action through:

i. Development of local interest and support to address the problems of alcoholism control;

ii. Preparation of a local plan for comprehensive alcoholism services, providing for the allocation of resources and personnel, the coordination of existing services, and the initiation of needed services;

iii. Maintenance of linkages with alcoholism service providers, especially The Division of Alcoholism, the local councils on alcoholism, mental health and health care professionals, and other local agencies.

3. Provide information and referral services for alcoholics and their families;

4. Promote and support prevention and treatment activities approved by the Department of Health; and,

5. Promote the efforts of service agencies to meet the standards for alcoholism programs established by the Joint Commission on Accreditation of Hospitals.

8:52-7.10 Ambulatory *[medical care]* ***health care for adults***

(a) The local board of health shall provide comprehensive *[health care services to the medically indigent population]* ***ambulatory health care services to adults with particular emphasis on the medically indigent population,*** and shall:

1. Provide comprehensive health services which shall include but not be limited to: screening, examination, treatment, laboratory diagnosis, and health education for all eligible patients, in conformance with the current "Department of Health Standards for Licensure of Ambulatory Care Facilities";

2. Provide, through agreement with a hospital or another appropriate health provider, emergency coverage on a 24 hours basis for all patients registered with the program;

3. Provide for a medical referral system, public health nursing follow-up, and/or consultation services such as a nutritionist, patient health educator, social worker or other ancillary medical personnel, as needed; and,

4. Provide for outreach services through the agency resources as well as those available in the community.

8:52-7.11 Drug abuse control

(a) The local board of health shall provide a planned drug abuse control program and shall:

1. Identify the drug abuse problem in the community, establish objectives and priorities for the educational and treatment activities and evaluate efforts;

2. Involve local leadership in community action through:

i. Development of local interest and support to address the problems of drug abuse;

ii. Preparation of a local plan for comprehensive drug abuse services, providing for the allocation of resources and personnel, the coordination of existing services, and the initiation of needed services;

iii. Maintenance of linkages with drug abuse service providers, especially, the Division of Alcoholism, Division of Narcotic and Drug Abuse Control, local prevention and treatment agencies, and other health and mental health professionals;

3. Provide information and referral services for drug abusers and their families;

4. Promote and support prevention and treatment activities approved by the Department of Health; and,

5. Promote the efforts of local service agencies to meet minimum standards for drug abuse programs established by federal and State agencies.

8:52-7.12 Nutrition

(a) The local board of health shall administer a planned community nutrition program and shall:

1. Identify and evaluate needs with the health educator, and shall establish priorities for community nutrition programs;

2. Work cooperatively with existing community agencies such as WIC to coordinate, integrate, and develop nutritional services and educational programs;

3. Conduct or participate in in-service education and consultation with professional staff within the local board of health as well as other related community and voluntary organizations;

4. Provide diet information or counseling service to individuals with dietary problems; and

5. Work with the health educator and with illness prevention programs to promote desirable eating habits and to achieve good nutritional status.

8:52-7.13 Dental health; adults

(a) The local board of health shall prevent and correct dental disease in adults and shall:

1. Provide appropriate preventive dental health education including the health hazards of smoking and smokeless tobacco; and,

2. Provide services for dentally indigent adults within the limits of available resources, which may include but is not limited to:

i. Examination;

ii. Oral and radiographic diagnosis;

iii. Formation of treatment plan;

iv. Dental prophylaxis, scaling and fluoride treatment;

v. Periodontal evaluation; and,

vi. Complete restorations, endodontic therapy, extractions and prosthetic appliances necessary for proper dental and speech functions.

8:52-7.14 Vision, hearing and speech

(a) The local board of health shall provide for vision screening, and/or hearing and speech screening services and shall:

1. Provide eye health screening as follows;

i. Screening for early glaucoma in people 35 years of age and over;

ii. Vision acuity screening (other than school population) by a method approved by the Department of Health;

iii. Follow-up of all abnormal screening results with a written referral outlining any abnormal screening results to the family physician or other source of eye health care designated by the patient.

iv. Public health nursing follow-up as needed.

2. Provide hearing screening and/or services:

i. Audiometric screening;

ii. Follow-up of all abnormal screening results, a written referral outlining any abnormal screening results to the family physician, or other source of health care designated by the patient;

iii. Provide public health nursing follow-up as needed.

iv. Provide diagnostic testing by licensed personnel as required by law for suspected hearing defects in a hospital, health department, health center or other approved setting; and,

3. Provide speech services as follows:

i. Speech screening;

ii. Referral of individuals with positive findings to the family physician or other source of health care designated by the patient, or, provision of therapy for speech disorders;

iii. Public health nursing follow-up as needed;

iv. Diagnostic testing by licensed personnel as required by law for suspected speech defects in a hospital, health department, health center or other approved setting.

8:52-7.15 Home health care

(a) The local board of health shall provide home health care with public health nursing services as needed for individuals with acute or chronic diseases and/or disability and shall:

1. Provide home health care services based upon the current Department of Health publication "Standards for Licensure of Home Health Agencies" (N.J.A.C. 8:42*[-1]*);

2. Provide public health nursing guidance, therapeutic, and rehabilitation services in the home to individuals referred by physicians, hospitals, case registers and various community agencies;

3. Provide homemaker-home health aide services as needed, either directly or through contract with a licensed home health agency or home care service agency. ***The homemaker-home health aide shall have completed a training program approved by the Department, and while providing direct patient services shall have with him or her an identification card issued annually by the Department.***

4. Make appropriate referrals to community agencies.

HUMAN SERVICES

(a)

DIVISION OF PUBLIC WELFARE

Medicaid Only Manual

Liquidation of Resources

Adopted Amendment: N.J.A.C. 10:94-4.2

Adopted Repeal: N.J.A.C. 10:94-4.3

Proposed: March 17, 1986 at 18 N.J.R. 542(a).

Adopted: November 20, 1986 by Drew Altman, Ph.D.,

Commissioner, Department of Human Services.

Filed: November 21, 1986 as R.1986 d.481 **without change**.

Authority: N.J.S.A. 44:7-87.

Effective Date: December 15, 1986.

Operative Date: January 1, 1987.

Expiration Date: January 6, 1991.

Summary of Public Comments and Agency Responses:

One letter was received from a county welfare agency director expressing several concerns.

COMMENT: While the commenter is not questioning the directive to county welfare agencies (CWAs) to secure verification as to the existence or nonexistence of a client's resources, he observes that this cannot currently be accomplished, in many instances, without charges being imposed for each clearance by the source supplying such documentation. The commenter suggests that policy be established that requires the furnishing of documentation without any charge or at a set reasonable rate.

RESPONSE: Although the Department is cognizant of the cost factors involved in obtaining the necessary verification data, the problem is essentially a fiscal issue that continues to be separately addressed and is not within the scope of the amended regulations, which set forth the requirement to secure verification.

COMMENT: The repeal of the policy which allows the establishment of eligibility for Medicaid, pending the liquidation of resources, will result in the denial of vital services to some applicants of Medicaid Only.

RESPONSE: The Department does recognize that some individuals will be adversely affected by the repeal of this policy, however, this revision to Medicaid eligibility rules is necessary to comply with Federal rules as interpreted by the United States Department of Health and Human Services, Health Care Financing Administration (HCFA). In its Medicaid State Operations Letter #85-5, dated January 29, 1985, HCFA, the Federal agency responsible for the administration of the Medicaid program, views the practice of extending eligibility pending liquidation of a resource to be a form of unauthorized conditional eligibility.

Full text of the adoption follows.

10:94-4.2 Countable resources

(a) (No change.)

(b) Verification of resources: If verification is required in accordance with the provisions of N.J.A.C. 10:94-4.1(d)3, the CWA shall proceed in the following manner:

1. (No change in text.)

2. (No change in text.)

3. The CWA shall verify the existence or nonexistence of any cash, savings or checking accounts, time or demand deposits, stocks, bonds, notes receivable, or any other financial instrument or interest. Verification shall be accomplished through contact with financial institutions, such as banks, credit unions, brokerage firms, and savings and loan associations. Minimally, the CWA shall contact those financial institutions in close proximity to the residence of the applicant or the applicant's relatives and those institutions which currently provide or previously provided services to the applicant.

(c) (No change in text.)

10:94-4.3 (Reserved)

CORRECTIONS

(b)

THE COMMISSIONER

Referral of Handicapped Children for Adult Educational Services

Adopted New Rules: N.J.A.C. 10A:17-9

Proposed: October 20, 1986 at 18 N.J.R. 2102(a).

Adopted: November 20, 1986 by William H. Fauver,

Commissioner, Department of Corrections.

Filed: November 21, 1986 as R.1986 d.480, **without change**.

Authority: N.J.S.A. 30:1B-6e, N.J.S.A. 30:1B-10, P.L. 1986 c. 32 (N.J.S.A. 18A:46-18.2 et seq.).

Effective Date: December 15, 1986.

Expiration Date: December 15, 1991.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

CHAPTER 17

SOCIAL SERVICES

SUBCHAPTERS 1 THROUGH 8. (RESERVED)

SUBCHAPTER 9. REFERRAL OF HANDICAPPED CHILDREN FOR ADULT EDUCATIONAL SERVICES

10A:17-9.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings.

"Multidisciplinary treatment team" means an evaluation team consisting of a psychologist, a learning disability teacher consultant, a social worker and any other professional who may be involved in the evaluation or treatment of a child in a state facility.

"Student" means those individuals between the ages of 18 and 21 years, residing in a state facility which is operated by, or under contract with the state, who have not received a high school diploma and who have been determined eligible for special education.

"Age 21" means the attainment of the 21st birthday before July 1.

10A:17-9.2 Referral process

(a) The Multidisciplinary Team at a state facility shall provide written notice to the parent or legal guardian of a student who is placed in the facility when the student attains the age of 18, or, if the student is over the age of 18 when placed in the facility, that the student is not entitled to receive tuition free education services after the age of 21.

(b) Educationally handicapped pupils attaining age twenty-one during the school year shall be provided required services for the balance of that school year.

(c) Written notice shall describe in detail the parent's or guardian's opportunity to consent to having the student's name or other relevant information forwarded in a report to the Office of Educational Services and the Commissioner of the Department of Corrections for the purpose of determining whether the student will need educational services after the age of 21 and, if so, recommend possible adult educational services consistent with N.J.A.C. 6:28.

(d) Upon the written consent of the parent or legal guardian, the Multidisciplinary Team shall forward the student's name and other relevant information in a report to the Office of Educational Services, Department of Corrections, for the development of a recommendation for adult educational services. A copy of this report shall be forwarded, by the Office of Educational Services to the Commissioner of the Department of Corrections and the Commissioner of the Department of Education.

(e) The report shall contain such information as defined in N.J.A.C. 6:28, which contributes to the evaluation of the student's handicapping condition, including but not limited to:

1. Results of physical and psychological examinations;

2. Relevant information presented by the parent or legal guardian and teacher;

3. Most recent individualized education plan; and,

4. Results of the most recent examinations and evaluations performed.

(f) The Multidisciplinary Team is not required to perform any examinations or evaluations not otherwise required by law.

(g) The Office of Educational Services, Department of Corrections, in consultation with the Commissioner of the Department of Education or his designee, shall determine whether a student will need adult educational services and, if the need will exist, shall recommend appropriate educational programs operated or approved by the Departments of Corrections and Education which may be available when the student attains the age of 21.

(h) The Commissioner of the Department of Corrections may conduct an evaluation of the student to determine if adult educational services will be needed.

(i) The recommendation for all programs shall be made available to the parent or guardian of the student no later than six months before the student attains the age of 21.

(j) If the Commissioner of the Department of Corrections determines that the student will not require adult educational services, the Commissioner of the Department of Corrections, or his or her designee, shall notify the student's parent or guardian in writing of the determination no later than six months before the student attains the age of 21.

(k) The Office of Educational Services, Department of Corrections, shall compile and submit an annual report, to the Departments of Corrections and Education on October 1, 1987 and thereafter on or before October 1 of each year, which shall not contain individually identifying information. The annual report shall contain:

1. The number of cases submitted to the Office of Educational Services;
2. The type and severity of the handicapping condition involved in each case; and

3. Any other necessary information.

INSURANCE

(a)

DIVISION OF ADMINISTRATION

Requirements for Filing a Downward Deviation in Currently Approved Rates

Adopted New Rule: N.J.A.C. 11:1-16

Proposed: October 6, 1986 at 18 N.J.R. 1998(a).

Adopted: November 20, 1986 by Kenneth D. Merin,
Commissioner, Department of Insurance.

Filed: November 20, 1986 as R.1986 d.478, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e) and 17:29A-1 et seq.

Effective Date: December 15, 1986.

Expiration Date: February 3, 1991.

Summary of Public Comments and Agency Responses:

The Department received comments on its proposed new rule concerning downward deviations in currently approved rates from Prudential Insurance Company and the Department of the Public Advocate, Division of Rate Counsel. The insurer expressed agreement with the Department's view that this proposed rule would benefit the insurance marketplace in New Jersey by encouraging competition, while safeguarding the interests of consumers. This writer believed that the procedure set forth in N.J.A.C. 11:1-16.2(a)3 which permits companies to automatically withdraw rate decreases and to assume prior approved rates without regulatory review, provides insurers with a degree of comfort and encourages rate reductions whenever possible. The Public Advocate, however, while supporting the concept of streamlining the approval process for downward rate deviations, nevertheless felt that the public interest was not adequately protected by the proposed regulation. The Public Advocate's specific comments and recommendations, and the Department's responses thereto follows:

COMMENT: The Public Advocate suggested amending N.J.A.C. 11:1-16.2(a)1. to: 1. Require simultaneous notification of a proposed rate decrease to the Department of the Public Advocate, Division of Rate

Counsel as well as to the Insurance Commissioner; and 2. Require the filing insurer to explain, not merely state, the basis for the proposed rate decrease.

RESPONSE: The Department recognizes the importance of duplicate notification of a proposed rate decrease to the Office of the Public Advocate and to the Insurance Commissioner. Pursuant to N.J.A.C. 11:1-2 et seq., which presents the guidelines to be followed by insurers as to the submission of filings of rates, manual rules, policy forms and rating plans, filers already are required to make duplicate submissions to the Public Advocate. Accordingly, reiteration of this requirement in N.J.A.C. 11:1-16 is unnecessary.

With respect to providing an explanation of the basis for the downward deviation, the "Summary" section accompanying the Department's proposal of N.J.A.C. 11:1-16 stated that a request for the rate decrease must be accompanied by a statement explaining the basis for the decrease and an agreement that the decrease will remain in effect for at least six months from the effective date. The Department construes the meaning of N.J.A.C. 11:1-16.2(a)1 to reflect this intent.

COMMENT: The Public Advocate also pointed out certain examples of unclear language throughout the proposed rule. For instance he found the term "currently approved rate level" to be confusing and assumed that the Department's intent was to permit the insurer to return to rates previously in effect immediately preceding the current decrease. He claimed the language should be changed to clarify the intent. Another example of unclear language found by this commenter was the reference in N.J.A.C. 11:1-16.2(a)1 to a "Rate Filing." The commenter was unsure what constituted a rate filing and suggested that the Department be supplied with detailed information including financial data in order to fully evaluate a proposed rate.

RESPONSE: The Department concurs with the commenter's analysis of the intent underlying the use of the language "currently approved rate level" and has amended the rule to clarify this intent. In order to clarify the meaning of a "rate filing," the term "rates" will be used when applicable to the rate level.

However, the Department disagrees with the commenter's contention that filings for downward rates decreases pursuant to this rule must contain detailed information, including financial data, in order to fully evaluate a proposed rate. In the Department's view, requiring insurers to submit such information removes the incentive for using the deviation procedure and therefore is contrary to the rule's purpose, which is to promote price competition.

COMMENT: The commenter also recommended an amendment to clarify the 20 percent cap on downward deviations contained in proposed N.J.A.C. 11:1-16.2(a)2. The commenter claimed that it is unclear from the language of the provision whether a rate reduction greater than 20 percent for a specific coverage would be permitted as long as the overall rate level for the given line does not decrease by more than 20 percent. By permitting such a decrease the commenter argued, greater flexibility would be provided to the insurers in structuring their deviations while maintaining the overall financial constraints stated in the proposed rule.

RESPONSE: The Department construes the language of N.J.A.C. 11:1-16.2(a)2 to provide a decrease in rates of up to 20 percent from the previously approved rate level. As long as the decrease in the overall rate level by line or coverage, as applicable is not greater than 20 percent, insurers have flexibility in structuring the deviation.

COMMENT: The commenter suggested modifying the proposed rule by eliminating the automatic withdrawal of the insurer's decrease. Under the Public Advocate recommendation, the insurer would still be required to file a notice of withdrawal of its decrease or any portion thereof at least 30 days prior to the date of its proposed withdrawal. However, the Commissioner would be authorized, within 15 days after receipt of this notice to issue an Order disapproving the filing if he finds that the resulting increase in rates is inconsistent with applicable statutory standards.

RESPONSE: The Department disagrees with this suggestion. The automatic withdrawal of the rate decrease afforded insurers is one of the streamlined procedures contained in the rule which may be used by companies to maintain a competitive advantage. Removal of this provision would have a chilling effect on insurer willingness to utilize the procedure and thereby undercut the purpose of the rule.

With respect to the criteria applicable to determining the appropriateness of permitting a downward deviation, the Commissioner's primary concern for insurers utilizing the streamlined procedures of this rule is the possible impact of the decrease on the financial condition of the insurer. For this reason, the Commissioner will only find unacceptable a decrease in rates which have a tendency to imperil the insurer's financial

condition. The standards that rates not be excessive, inadequate or unfairly discriminatory are already set forth in the statutes, and, of course, insurers consider these standards in any rate making activity, including downward deviations implemented pursuant to this rule.

In connection with the Public Advocate's comments in this area, it should be noted that the Department is considering possible amendments to N.J.A.C. 11:1-16. One of the considerations may affix a time limit on the insurer's ability to automatically withdraw a downward deviation in rates affected under the streamlined provisions of this rule and may require the insurer to obtain prior approval from the Commissioner to increase its rates.

COMMENT: Finally, the Public Advocate questioned whether the concept of "pancaking" was permitted in the proposed rule. The commenter cited the following examples: Suppose an insurer, under the proposed rule, implements a 5 percent decrease on January 1. On July 1, the insurer seeks an additional 5 percent decrease under the proposed rule. Then, on February 1 of the following year, the insurer seeks to increase its rates. Can the insurer increase its rates to the rates in effect on June 30 of the preceding year or to the rates that were in effect prior to the initial rate decrease on January 1 of the preceding year?

Also, if the insurer which implemented a 5 percent rate decrease on January 1 seeks an additional 5 percent decrease on May 15 of the same year, is the insurer barred from implementing that rate decrease because the initial rate decrease has not been in effect for a six month period?

RESPONSE: As has been previously indicated, the intent of the rule is to permit insurers to return to the previously approved rate level from which it initially deviated. With regard to the second scenario presented by the commenter, the insurer would be permitted to effect an additional decrease in its rate subject to the overall 20 percent limitation set forth in the rule.

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

SUBCHAPTER 16. REQUIREMENTS FOR FILING A DOWNWARD DEVIATION IN CURRENTLY APPROVED RATES

11:1-16.1 Purpose and scope

(a) The purpose of this subchapter is to promote competition among insurers for the benefit of the insurance consuming public by permitting

insurers subject to N.J.S.A. 17:29A-1 et seq. to effect expeditiously certain decreases in ***[a rate filing]* *rates*** currently approved by the Department when, in an insurer's judgment, economic or competitive reasons or conditions warrant such a decrease.

(b) A further purpose is to enable an insurer to return to ***[the currently]* *its previously*** approved rate level without delay or regulatory review when, in its judgment, the conditions or reasons for the decrease no longer pertain.

(c) This subchapter shall apply to every property and liability insurer which makes its own rates and to every member or subscriber of a rating organization on whose behalf rate filings are made pursuant to the provisions of N.J.S.A. 17:29A-1 et seq. For the purpose of this subchapter, the term "insurer" shall include all such independent insurers and rating organization members or subscribers who are subject to the provisions of N.J.S.A. 17:29A-1 et seq.

11:1-16.2 Filing requirements

(a) Any insurer, subject to the provisions of N.J.S.A. 17:29A-1 et seq., to effect a decrease in rates currently approved by the Commissioner, shall comply with the following filing requirements:

1. The insurer by a rate filing shall notify the Commissioner of Insurance at least 30 days prior to the date it wants to put into effect a decrease in rates currently approved for it by the Commissioner. In such rate filing, the insurer shall state the basis for the decrease in rates and its agreement that the decrease in ***[rate filing]* *rates*** shall remain in effect for at least six months from the effective date. Within a 15-day period following the filing of such a proposed decrease in rates, the Commissioner will notify the insurer of the unacceptability of the filing for a decrease in rates. The Commissioner will only find unacceptable a decrease in rate filing if, in his opinion, the decrease in rates may have a tendency or capacity to imperil the financial condition of the filing insurer.

2. The decrease in ***[rate filing]* *rates*** may be up to 20 percent from the ***rates*** currently approved ***[rates]* *for use by the insurers*** and must apply to all policyholders either by coverage or line of insurance.

3. After a filing has been in effect for six months or more, an insurer may automatically withdraw its decrease or any portion thereof by so notifying the Commissioner of Insurance at least 30 days prior to the withdrawal date.

EMERGENCY ADOPTION

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Homestead Rebate Act

Extension of Time to File Homestead Rebate Claim

Adopted Emergency Amendment and Concurrent Proposal: N.J.A.C. 18:12-7.12

Emergency Amendment Adopted: November 26, 1986 by

John R. Baldwin, Director, Division of Taxation.

Gubernatorial Approval (N.J.S.A. 52:14B-4(c)): November 26, 1986.

Emergency Amendment Filed: December 1, 1986 as R.1986
d.482.

Authority: N.J.S.A. 54:4-3.80 and 54:50-1.

Emergency Amendment Effective Date: December 1, 1986.

Emergency Amendment Expiration Date: January 30, 1987.

Concurrent Proposal Number: PRN 1986-532.

Submit comments by January 14, 1987 to:

John R. Baldwin, Director

Division of Taxation

50 Barrack Street, CN 240

Trenton, New Jersey 08625

This amendment 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. 1:30-4.5). Concur-

rently, the provisions of this emergency amendment are being proposed for readoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

The agency emergency adoption and concurrent proposal follows:

Summary

To respond to the imminent peril, N.J.A.C. 18:12-7.12 has been amended on an emergency basis to ensure that approximately 325,000 persons be given additional time to file an Application for Homestead Rebate. Without this adoption, a large number of persons would forfeit their right to a homestead rebate. This additional time is given to people who for some reason did not file their application prior to December 1, 1986.

Social Impact

This Emergency Adoption will affect approximately 350,000 property owners who failed to file a timely application for homestead rebate.

Economic Impact

The economic impact upon the general treasury of the State of New Jersey will approximate 325,000 applications. The total amount of money involved could reach \$65 million at a maximum but should be somewhat less.

Full text of the emergency adoption and concurrent proposal follows (additions indicated in boldface thus).

18:12-7.12 Extension of filing date

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

(k) **The time for property owners to file their applications for a homestead rebate payable in 1987 pursuant to P.L. 1976, c. 72, including applications by shareholders in cooperative associations and those residing in properties of certain mutual housing corporations, has been extended to March 2, 1987.**

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

(a)

Amendment to Atlantic County Water Quality Management Plan

Public Notice

Take notice that an amendment to the Atlantic County Water Quality Management (WQM) Plan has been submitted for approval. This amendment provides for the expansion of the sewer service area in Galloway Township to include Block 891, Lots 3.01, 3.02, 4, 5, 6, and 9 excluding environmentally sensitive areas from the proposed development. The area of expansion is the proposed site for the future development of a 129 room hotel known as the Hampton Inn.

This notice is being given to inform the public that a plan amendment has been proposed for the Atlantic County WQM Plan. All information dealing with the aforesaid WQM Plan, and the proposed amendment is located at the Department of Regional Planning and Development, County Office Building, 1333 Atlantic Avenue, Atlantic City, New Jersey 08401, and New Jersey Department of Environmental Protection, Division of Water Resources, Bureau of Water Resources Management Planning, 3rd Floor, 401 East State Street, CN-029, Trenton, New Jersey 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 James M. Rutala, the Director of County Planning at the County Office Building address cited above; and to George Horzempa, Bureau of Water Resources Management Planning, at the NJDEP address cited above. All comments must be submitted within 30 days of the date of this public notice. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered. The Planning Board shall issue a recommendation on the WQM Plan Amendment to the County Executive and the Chairman of the Board of Chosen Freeholders. In addition, adoption of the amendment shall be by ordinance by the Atlantic County Board of Chosen Freeholders. The NJDEP must review the amendment prior to final adoption into the State Water Quality Management Plan.

(b)

Amendment to Mercer County Water Quality Management Plan

Public Notice

Take notice that Horizon Center Limited Partnership has petitioned Mercer County to amend the Mercer County Water Quality Management (WQM) Plan. This amendment, "An Amendment Concerning the Application of Wetlands Policy for Horizon Center, Hamilton Township (Water Quality Management Plan Section 4.5.1.1)" would provide for the filling of wetlands of Edges Brook for the construction of a roadway within the proposed Horizon Center office/warehouse development in Hamilton Township, New Jersey.

This notice is being given to inform the public that a plan amendment has been proposed for the Mercer County WQM Plan. All information dealing with the aforesaid WQM Plan, and the proposed amendment is located at the Mercer County Planning Division, Room 412, 640 South Broad Street, P.O. Box 8068, Trenton, New Jersey 08650; and the NJDEP, Division of Water Resources, Bureau of Water Resources Management Planning, 3rd Floor, 401 East State Street, CN-029, Trenton, New Jersey 08625. It is available for inspection between 8:30 A.M. and 4:00 P.M., Monday through Friday.

The Mercer County Planning Board will hold a **public hearing** on the proposed WQM Plan amendment. The public hearing will be on Wednesday, January 14, 1987 at 8:30 A.M. in Room 211 of the Mercer County Administration Building, 640 South Broad St., Trenton, New Jersey.

Interested persons may submit written comments on the amendment to the Secretary, Mercer County Planning Board at the address cited above; and to George Horzempa, Bureau of Water Resources Management Planning, at the NJDEP address cited above. All comments must be submitted within 30 days following the public notice publication date or

until 15 days following the public hearing(s), whichever is later. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by the County Planning Board and the County Executive with respect to this amendment request. In addition, if the amendment is adopted by Mercer County, the NJDEP must review the amendment prior to final adoption. The comments received in reply to this notice and to the public hearing will also be considered by the NJDEP during its review. Mercer County and the NJDEP thereafter may approve and adopt this amendment without further notice.

(c)

Amendment to Mercer County Water Quality Management Plan

Public Notice

Take notice that K. Hovnanian Companies of New Jersey, Inc. has petitioned Mercer County to amend the Mercer County Water Quality Management (WQM) Plan. This amendment, "An Amendment Concerning the Application of Wetlands Policy for Society Hill at Hopewell (Water Quality Management Plan Section 4.5.1.1)" would provide for the filling of wetlands for the construction of a roadway in Lawrence Township, New Jersey.

This notice is being given to inform the public that a plan amendment has been proposed for the Mercer County WQM Plan. All information dealing with the aforesaid WQM Plan, and the proposed amendment is located at the Mercer County Planning Division, Room 412, 640 South Broad Street, P.O. Box 8068, Trenton, New Jersey 08650; and the NJDEP, Division of Water Resources, Bureau of Water Resources Management Planning, 3rd Floor, 401 East State Street, CN-029, Trenton, New Jersey 08625. It is available for inspection between 8:30 A.M. and 4:00 P.M., Monday through Friday.

The Mercer County Planning Board will hold a **public hearing** on the proposed WQM Plan amendment. The public hearing will be on Wednesday, January 14, 1987 at 8:30 A.M. in Room 211 of the Mercer County Administration Building, 640 South Broad St., Trenton, New Jersey.

Interested persons may submit written comments on the amendment to the Secretary, Mercer County Planning Board at the address cited above; and to George Horzempa, Bureau of Water Resources Management Planning, at the NJDEP address cited above. All comments must be submitted within 30 days following the public notice publication date or until 15 days following the public hearing(s), whichever is later. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by the County Planning Board and the County Executive with respect to this amendment request. In addition, if the amendment is adopted by Mercer County, the NJDEP must review the amendment prior to final adoption. The comments received in reply to this notice and to the public hearing will also be considered by the NJDEP during its review. Mercer County and the NJDEP thereafter may approve and adopt this amendment without further notice.

(d)

Amendment to Mercer County Water Quality Management Plan

Public Notice

Take notice that K. Hovnanian Companies of New Jersey, Inc. has petitioned Mercer County to amend the Mercer County Water Quality Management (WQM) Plan. This amendment, "An Amendment Concerning the Application of Wetlands Policy for Willow Wood at Hamilton Township (Water Quality Management Plan Section 4.5.1.1)" would provide for the filling of 0.13 acres of wetlands and a mitigation program creating 0.29 acres of new wetlands at the "Willow Wood" (Lot 5, Block S-540), Hamilton Township, New Jersey.

This notice is being given to inform the public that a plan amendment has been proposed for the Mercer County WQM Plan. All information dealing with the aforesaid WQM Plan, and the proposed amendment is located at the Mercer County Planning Division, Room 412, 640 South

Broad Street, P.O. Box 8068, Trenton, New Jersey 08650; and the NJDEP, Division of Water Resources, Bureau of Water Resources Management Planning, 3rd Floor, 401 East State Street, CN-029, Trenton, New Jersey 08625. It is available for inspection between 8:30 A.M. and 4:00 P.M., Monday through Friday.

The Mercer County Planning Board will hold a **public hearing** on the proposed WQM Plan amendment. The public hearing will be on Wednesday, January 14, 1987 at 8:30 A.M. in Room 211 of the Mercer County Administration Building, 640 South Broad St., Trenton, New Jersey.

Interested persons may submit written comments on the amendment to the Secretary, Mercer County Planning Board at the address cited above; and to George Horzempa, Bureau of Water Resources Management Planning, at the NJDEP address cited above. All comments must be submitted within 30 days following the public notice publication date or until 15 days following the public hearing(s), whichever is later. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by the County Planning Board and the County Executive with respect to this amendment request. In addition, if the amendment is adopted by Mercer County, the NJDEP must review the amendment prior to final adoption. The comments received in reply to this notice and to the public hearing will also be considered by the NJDEP during its review. Mercer County and the NJDEP thereafter may approve and adopt this amendment without further notice.

(a)

Amendment to Northeast Water Quality Management Plan

Public Notice

Take notice that on August 20, 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 Northeast Water Quality Management Plan was adopted by the Department. This amendment will allow for the expansion of the Verona Township's sewer service area to include the West Essex Highland Development located in West Orange.

(b)

Amendment to Tri-County Water Quality Management Plan

Public Notice

Take notice that an amendment to the Tri-County Water Quality Management (WQM) Plan has been submitted for approval. This amendment would allow the filling of less than one acre of wetlands for two road crossings for the proposed Sturbridge Woods subdivision located in Voorhees Township, Camden County.

This notice is being given to inform the public that a plan amendment has been developed for the Tri-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 Water Resources Management Planning, 3rd Floor, 401 East State Street, 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 Horzempa, Bureau of Water Resources Management Planning, at the NJDEP address cited above. All comments must be submitted within 30 days of the date of this public notice. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by NJDEP with respect to the amendment request.

Any interested person may request in writing that NJDEP hold a nonadversarial public hearing on the amendment. 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. Horzempa 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.

(c)

Amendment to Tri-County Water Quality Management Plan

Public Notice

Take notice that on October 7, 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 Tri-County Water Quality Management Plan was adopted by the Department. This amendment will allow a new leachate treatment facility to be constructed as part of the Burlington County Solid Waste Management Facilities Complex in Florence and Mansfield Townships. The leachate treatment facility will treat leachate from the Burlington County landfill and the Florence Land Recontouring, Inc., landfill. The leachate treatment facility will also handle sanitary waste from all buildings associated with the Burlington County landfill, and leachate from the County co-composting facility. The leachate treatment facility will have a capacity of approximately 28,000 gallons per day. The creation of 2.3 acres of wetlands on approved sites adjacent to existing wetlands will serve as mitigation for encroachment of 2.3 acres of wetlands due to the construction of this project. This amendment will also designate the Burlington County Board of Chosen Freeholders as the Wastewater Management Agency for this facility.

(d)

Surface Water Quality Standards: Delaware River

Take notice that the Department of Environmental Protection has decided that the existing surface water classifications and uses for the Delaware River and Estuary, from River Mile 117.81 to River Mile 54.5, including SE2 tributaries, will be retained.

This action is based on the *Use Attainability Analysis of the Delaware River Estuary*, October 1985, Delaware River Basin Commission. The Federal Clean Water Act, 33 USC 1215 et al, requires the State, at least once every three years, to review the State Surface Water Quality Standards and to make appropriate modifications to these standards. For all water bodies which do not have all the uses described in Section 101(a)(2) of the Federal Clean Water Act as designated uses, the Federal Water Quality Standards Regulations, 40 CFR 131, require a use attainability analysis to document that the missing uses cannot be attained. The Section 101(a)(2) uses have generally been referred to as fishable, swimmable. In fact, the Section 101(a)(2) uses provide for protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water.

New Jersey completed the last triennial review of its Surface Water Quality Standards in May 1985. These were subsequently amended, based on the results of a use attainability analysis of the waters of the New York Harbor Complex, in July 1985. The current action is the result of completion of a similar analysis that indicates that the existing designated uses are currently correct, but may be upgraded after 1988 upon completion of upgrading of some major water pollution control facilities.

A **public hearing** on this proposal was held on August 13, 1986. Comments were solicited and the public comment period was open until August 20, 1986. No one appeared at the public hearing and no comments were received on this proposal.

(e)

Surface Water Quality Standards Lower Cuckels Brook

Take notice that the Department of Environmental Protection is extending until January 14, 1987 the period for submission of written comments on the petition from the Somerset Raritan Valley Sewerage Authority to reclassify Lower Cuckels Brook for less restrictive uses. The original notice was published on October 6, 1986 in the New Jersey Register at 18 N.J.R. 2061(a). Please refer to that notice for further information.

Interested persons may submit written comments on the petition to:
Dr. Shing-Fu Hsueh
Bureau of Water Quality Standards and Analysis
Division of Water Resources
Department of Environmental Protection
Box CN 029
Trenton, NJ 08625

Complete copies of the report containing the documentation in support of the petition may be examined at:

Alexander Library, Rutgers University, New Brunswick, NJ
Newark Public Library, Newark, NJ
New Jersey State Library, Trenton, NJ
Somerset County Library, Somerville, NJ; and
Office of Administrative Law
Quakerbridge Plaza, Bldg. No. 9
Quakerbridge Road
Trenton, NJ

HEALTH

(a)

NARCOTIC AND DRUG ABUSE CONTROL Schedules of Controlled Dangerous Substances Notice of Publication

Authorized By: Molly Joel Coye, M.D., State Commissioner of Health.

Authority: N.J.S.A. 24:21-3.

Take notice that the Commissioner of Health, pursuant to the authority of N.J.S.A. 24:21-3 to provide annually a list of substances subject to the New Jersey Controlled Dangerous Substances Act, sets forth the schedules as found in the New Jersey Administrative Code at N.J.A.C. 8:65-10.1 through 8:65-10.8 inclusive and any supplements thereto and further acknowledges that list to be the controlled dangerous substances so controlled.

Copies of the schedules may be obtained from the Office of Administrative Law, CN 049, Trenton, New Jersey 08625-0049 or reviewed in

the Office of Drug Control, New Jersey State Department of Health, CN 362, 129 East Hanover Street, Trenton, New Jersey 08625-0362, administered by Lucius A. Bowser, R.P., M.P.H., Chief (609-984-1308).

This notice in the New Jersey Register complies with the requirement of N.J.S.A. 24:21-3d. mandating annual publication of the list of controlled dangerous substances.

LAW AND PUBLIC SAFETY

(b)

DIVISION OF MOTOR VEHICLES

Bulk Commodities Application

Public Notice

Take notice that Glenn R. Paulsen, Director, Division of Motor Vehicles pursuant to the authority of N.J.S.A. 59:5E.11 hereby lists the name and address of an applicant who has filed an application for a common carriers Certificate of Public Convenience permit to engage in the business of transporting bulk commodities in intrastate commerce.

COMMON CARRIER (NON-GRANDFATHER)

Bulk Transfer & Transportation Inc.

P.O. Box 312

Little Ferry Road & Bergen Turnpike

Ridgefield Park, NJ 07660

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.

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 November 3, 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.1986 d.100 means the one hundredth rule adopted in 1986.

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: OCTOBER 20, 1986.

NEXT UPDATE WILL BE DATED NOVEMBER 17, 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. 2935 and 3032	December 16, 1985	18 N.J.R. 1327 and 1432	July 7, 1986
18 N.J.R. 1 and 128	January 6, 1986	18 N.J.R. 1433 and 1504	July 21, 1986
18 N.J.R. 129 and 234	January 21, 1986	18 N.J.R. 1505 and 1640	August 4, 1986
18 N.J.R. 235 and 376	February 3, 1986	18 N.J.R. 1641 and 1726	August 18, 1986
18 N.J.R. 377 and 446	February 18, 1986	18 N.J.R. 1727 and 1862	September 8, 1986
18 N.J.R. 447 and 506	March 3, 1986	18 N.J.R. 1863 and 1978	September 22, 1986
18 N.J.R. 507 and 582	March 17, 1986	18 N.J.R. 1979 and 2078	October 6, 1986
18 N.J.R. 583 and 726	April 7, 1986	18 N.J.R. 2069 and 2148	October 20, 1986
18 N.J.R. 727 and 868	April 21, 1986	18 N.J.R. 2149 and 2234	November 3, 1986
18 N.J.R. 869 and 1018	May 5, 1986	18 N.J.R. 2235 and 2344	November 17, 1986
18 N.J.R. 1019 and 1122	May 19, 1986	18 N.J.R. 2345 and 2408	December 1, 1986
18 N.J.R. 1123 and 1222	June 2, 1986	18 N.J.R. 2409 and 2472	December 15, 1986
18 N.J.R. 1223 and 1326	June 16, 1986		

N.J.A.C. CITATION

ADMINISTRATIVE LAW—TITLE 1

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

PROPOSAL NOTICE (N.J.R. CITATION)

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

DOCUMENT NUMBER

R.1986 d.468

ADOPTION NOTICE (N.J.R.CITATION)

18 N.J.R. 2381(a)

(TRANSMITTAL 24, dated October 20, 1986)

AGRICULTURE—TITLE 2

2:6-1	Sale and use of animal biologics	18 N.J.R. 2151(a)
2:71-2.2—2.7	Jersey Fresh Quality Grading Program	18 N.J.R. 2347(a)
2:76-5.3	Cost-share assistance for soil and water conservation projects	18 N.J.R. 1981(a)
2:76-6.15	Acquisition of development easements: deed restrictions	18 N.J.R. 513(a)
2:90-1.3	Soil erosion and sedimentation control	18 N.J.R. 2081(a)

(TRANSMITTAL 44, dated October 20, 1986)

BANKING—TITLE 3

3:11-11.13	Leeway investments: confidentiality of approval process	18 N.J.R. 1224(a)		
3:13-1	Registration of bank holding companies	18 N.J.R. 1434(a)	R.1986 d.459	18 N.J.R. 2324(a)
3:13-2, 3	Bank holding company: reporting requirements and examination charges	18 N.J.R. 1763(a)	R.1986 d.458	18 N.J.R. 2325(a)
3:13-4	Bank holding companies: interstate acquisitions	18 N.J.R. 1982(a)	R.1986 d.475	18 N.J.R. 2441(a)
3:21-2.1	Credit union parity	18 N.J.R. 2237(a)		
3:41	Cemeteries: disinterment and reinterment of human remains	18 N.J.R. 1642(a)		

(TRANSMITTAL 34, dated July 21, 1986)

PERSONNEL (CIVIL SERVICE)—TITLE 4

4:1-2.1, 5.2, 11.2, 16, 24	Separations, demotions, layoffs; review and appeals	18 N.J.R. 450(a)		
4:1-8.4	Promotional examinations	18 N.J.R. 591(a)	R.1986 d.469	18 N.J.R. 2381(b)
4:1-12.18	Disposition of certification by appointing authority	18 N.J.R. 1642(b)		
4:1-15	Assignments and transfers	18 N.J.R. 592(a)		
4:1-18	Workweek programs	18 N.J.R. 1764(a)		
4:1-26	Supplemental compensation on retirement	18 N.J.R. 2152(a)		
4:2-15.1	Assignments and transfers	18 N.J.R. 592(a)		
4:2-16	Separations and demotions	18 N.J.R. 450(a)		
4:2-18	Workweek programs	18 N.J.R. 1764(a)		
4:2-26	Supplemental compensation on retirement	18 N.J.R. 2152(a)		
4:3-16	Separations and demotions	18 N.J.R. 450(a)		
4:4	State employees' awards program	18 N.J.R. 1766(a)		
4:5	Supplemental compensation on retirement	18 N.J.R. 2152(a)		

(TRANSMITTAL 31, dated June 16, 1986)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
COMMUNITY AFFAIRS—TITLE 5				
5:11-2.1	Uniform Fire Code enforcement and relocation assistance	17 N.J.R. 2938(a)		
5:18-2.5, 2.7, 2.11, 2.14, 3.2, 4.1, 4.7, 4.9-4.13, 4.17, 4.18	Uniform Fire Code: Fire Safety Code	18 N.J.R. 1225(a)		
5:18A-2.3, 4.3, 4.4	Fire Code Enforcement	18 N.J.R. 1225(a)		
5:23-2.23, 7.57	Barrier-Free Subcode	18 N.J.R. 2348(a)		
5:23-3.2	Subcode exceptions	18 N.J.R. 757(a)	R.1986 d.448	18 N.J.R. 2194(a)
5:23-3.4, 3.20	Uniform Construction Code: mechanical subcode	18 N.J.R. 2083(a)		
5:23-3.15	Plumbing subcode	18 N.J.R. 2237(b)		
5:23-7	Barrier Free Subcode: access for physically handicapped and aged	18 N.J.R. 757(a)	R.1986 d.448	18 N.J.R. 2194(a)
5:91-1.2, 1.3, 2.1, 3.1, 5.1, 7.1, 13.3, 13.4	Council on Affordable Housing: procedural rules	18 N.J.R. 1643(a)		
5:80-21	Housing and Mortgage Finance: single family loans	18 N.J.R. 2238(a)		
5:92-1.3, 10.4, 14, 15	Council on Affordable Housing: inclusionary development and affirmative marketing	18 N.J.R. 2083(b)	R.1986 d.479	18 N.J.R. 2442(a)

(TRANSMITTAL 45, dated September 22, 1986)

DEFENSE—TITLE 5A

(TRANSMITTAL 1, dated May 20, 1985)

EDUCATION—TITLE 6

6:8	Thorough and Efficient System of Free Public Schools	18 N.J.R. 1984(a)		
6:11-12.11	Speech-language specialist endorsement	18 N.J.R. 1994(a)		
6:11-12.24	Teacher-coordinator certification in Work Experience Career Exploration Program	18 N.J.R. 1995(a)		
6:21-10	Pupil transportation in small private vehicles	18 N.J.R. 2155(a)		
6:28-3.4, 3.5	Special education	18 N.J.R. 1771(a)		
6:29-4.4	Children with HIV infection and school attendance	18 N.J.R. 1509(a)	R.1986 d.445	18 N.J.R. 2206(a)
6:29-8.1, 8.2	Audiometric screening	18 N.J.R. 1996(a)		
6:46	Area Vocational Technical and Private Schools: waiver of Executive Order No. 66 (1978) sunset provision	18 N.J.R. 1996(b)		
6:46-1	Area vocational technical schools	18 N.J.R. 1511(a)		

(TRANSMITTAL 45, dated October 20, 1986)

ENVIRONMENTAL PROTECTION—TITLE 7

7:1-6	Disposal of solid waste	18 N.J.R. 883(a)		
7:2-11	Natural Areas System	18 N.J.R. 2349(b)		
7:2-11.22	Bear Swamp East natural area: public hearing	18 N.J.R. 532(a)		
7:7-1, 2, 3, 4, 6	Coastal Permit Program	18 N.J.R. 2156(a)		
7:7-2.1	CAFRA facilities	18 N.J.R. 1772(a)	R.1986 d.461	18 N.J.R. 2326(a)
7:7-2.2	Monmouth County wetlands maps	18 N.J.R. 2162(a)		
7:9-4.14	Water quality criteria for Mainstem Delaware River Zones	18 N.J.R. 1435(a)		
7:9-13	Sewer connection bans	18 N.J.R. 2163(a)		
7:11-3	Use of water from Delaware and Raritan Canal and Spruce Run/Round Valley Reservoir Complex	18 N.J.R. 1330(a)		
7:13-7.1	Floodway delineations along East Branch of Stony Brook, South Branch of Rockaway Creek, and Whale Pond Brook	18 N.J.R. 1239(a)		
7:13-7.1	Floodway delineations in Montgomery Township and Rocky Hill	18 N.J.R. 1334(a)	R.1986 d.460	18 N.J.R. 2327(a)
7:13-7.1(d)	Flood hazard delineations for Raritan River and Peters Brook	18 N.J.R. 600(a)		
7:13-7.1(d)	Redelineation of Wolf Creek in Hackensack Basin	18 N.J.R. 2355(a)		
7:13-7.1(d)	Redelineation of Holland Brook in Somerset County	18 N.J.R. 1866(a)		
7:13-7.1(d)	Redelineation of North Branch Raritan River in Somerset County	18 N.J.R. 1866(b)		
7:13-7.1(e)	Redelineation of Henderson Brook in Passaic River	18 N.J.R. 2169(a)		
7:14A-1, 2, 3, 5, 10, 12	New Jersey Pollutant Discharge Elimination System	18 N.J.R. 2085(a)		
7:14A-1.9, 12	Sewer connection bans	18 N.J.R. 2163(a)		
7:14A-6.16	Disposal of solid waste	18 N.J.R. 883(a)		
7:22-1, 2, 8	Wastewater treatment facilities: State matching grants	18 N.J.R. 1869(a)		
7:22-3	Wastewater Treatment Fund procedures	18 N.J.R. 1875(a)		
7:22-4	Wastewater Treatment Trust procedures	18 N.J.R. 1883(a)		
7:22-5	Determination of allowable costs: Wastewater Treatment Fund and Trust	18 N.J.R. 1891(a)		
7:22-6	Pinelands Infrastructure Trust Fund procedures	18 N.J.R. 1896(a)		
7:22-7	Determination of allowable costs: Pinelands	18 N.J.R. 1904(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
7:25-6	1987-88 Fish Code	18 N.J.R. 1644(a)		
7:25-18A.4	Sale of striped bass	18 N.J.R. 2170(a)		
7:26-1.4, 2, 2A, 2B, 5, 12.11, 12.12	Disposal of solid waste	18 N.J.R. 883(a)		
7:26-1.4, 7.5, 7.7, 8.13	Waste oil	18 N.J.R. 878(a)		
7:26-2.9	Closure and post-closure of sanitary landfills	18 N.J.R. 252(a)		
7:26-2.9	Closure and post-closure of sanitary landfills	18 N.J.R. 924(a)		
7:26-2.9	Closure and post-closure care of sanitary landfills	18 N.J.R. 2170(b)		
7:26-6.5	Interdistrict and intradistrict solid waste flow	18 N.J.R. 1773(a)		
7:26-6.5	Interdistrict and intradistrict solid waste flow	18 N.J.R. 2171(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)		
7:26-8.14, 8.15, 8.16	Hazardous waste criteria, identification and listing	18 N.J.R. 1037(a)	R.1986 d.474	18 N.J.R. 2445(a)
7:26-8.17	Hazardous waste delisting procedure	18 N.J.R. 1335(a)	R.1986 d.473	18 N.J.R. 2446(a)
7:26-9.1, 9.3, 10.4, 10.8, 11.4, 12.1, 12.2	Hazardous waste management	18 N.J.R. 2356(a)		
7:26-15	Recycling Grants and Loans Program	18 N.J.R. 2358(a)		
7:26-16A.1, 16A.2	Filing of disclosure statements by solid and hazardous waste licensees subject to A-901	18 N.J.R. 2172(a)		
7:26-17	Scales at solid waste facilities	18 N.J.R. 1154(a)		
7:27-16.1, 16.3	Air pollution control: Stage II vapor recovery	18 N.J.R. 1867(a)		
7:28-14	Therapeutic radiation installations	18 N.J.R. 1157(a)		
7:28-19.2, 19.3, 19.4, 19.6, 19.9, 19.10, 19.12	Licensure of orthopedic and urologic x-ray technologists	18 N.J.R. 2361(a)		
7:28-42.1	Workplace exposure to radio frequency radiation	18 N.J.R. 1166(a)		
7:50	Pinelands Comprehensive Management Plan	18 N.J.R. 2239(a)		

(TRANSMITTAL 47, dated October 20, 1986)

HEALTH—TITLE 8

8:2-1	Birth certificates	18 N.J.R. 2278(a)		
8:8-1.2, 5.5, 6.2	Screening of human blood	18 N.J.R. 2280(a)		
8:21-2.41	Sale of striped bass	18 N.J.R. 2174(a)		
8:21-4	Control of new drugs and Laetrile use	18 N.J.R. 2363(a)		
8:21-5	Foods, drugs, cosmetics, devices: order to remove from sale and recall	18 N.J.R. 1361(b)		
8:21-5	Order to remove from sale and recall of foods, drugs, cosmetics, and devices: extension of proposal comment period	18 N.J.R. 1715(b)		
8:26-3.9, 5.6, 5.7, 5.9, 7.6, App.	Public recreational bathing	18 N.J.R. 2281(a)		
8:31-25.1	Mobile intensive care: administration of medications	18 N.J.R. 602(a)		
8:31-26.3, 26.4	Home health agencies: employee physicals; child abuse and neglect	18 N.J.R. 2283(a)		
8:31-30.1	Health facilities construction: plan review fees	18 N.J.R. 795(a)		
8:31B-2.2, 3.51, 3.57, 3.73, 4.40	Hospital reimbursement: Same Day Surgery services	18 N.J.R. 1908(a)		
8:31B-3.27, 4.42	Hospital reimbursement: capital facilities allowance	18 N.J.R. 1912(a)		
8:31B-3.38, 3.58, App. II, 4.66	Hospital reimbursement: malpractice costs	18 N.J.R. 1911(a)	R.1986 d.477	18 N.J.R. 2447(a)
8:31B-3.41, 4.15, 4.38, 4.39	Hospital reimbursement: uncompensated care	18 N.J.R. 2283(b)		
8:31B-3.72	Hospital reimbursement: periodic adjustments	18 N.J.R. 1917(a)		
8:31B-3.73, App. IX	Hospital reimbursement: cost/volume methodology	18 N.J.R. 2284(a)		
8:31B-3.76-3.82	Hospital reimbursement: URO performance evaluation; post-billing denial of payments	18 N.J.R. 150(b)		
8:31C-1	Residential alcoholism treatment facilities: cost accounting and rate evaluation	18 N.J.R. 1918(a)		
8:33H-2.1, 3.2, 3.3, 3.5, 3.8, 3.10	Long-Term Care Policy Manual	18 N.J.R. 2095(a)		
8:41-8	Mobile intensive care: administration of medications	18 N.J.R. 602(a)		
8:42	Licensure of home health agencies	18 N.J.R. 2287(a)		
8:43E-1	Hospital Policy Manual	18 N.J.R. 825(a)		
8:51-1—6	Standards for local boards of health	18 N.J.R. 1690(a)	R.1986 d.476	18 N.J.R. 2448(a)
8:52	Standards for local boards of health	18 N.J.R. 1690(a)	R.1986 d.476	18 N.J.R. 2448(a)
8:60-1.1, 4.2-4.8, 5.2, 5.4-5.7, 6.1, 6.3, 6.11	Asbestos licenses and permits	18 N.J.R. 156(a)		
8:65-10.1, 10.2	Reschedule Dronabinol from Schedule I to II	18 N.J.R. 1774(a)	R.1986 d.457	18 N.J.R. 2327(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
8:71	Generic drug list additions (see 18 N.J.R. 417(a), 984(b), 1102(b), 1382(a), 1463(a), 1957(b))	17 N.J.R. 2842(a)	R.1986 d.442	18 N.J.R. 2208(a)
8:71	Generic drug list additions: public hearing (see 18 N.J.R. 1381(a), 1463(b), 1957(a))	18 N.J.R. 537(a)	R.1986 d.406	18 N.J.R. 2015(a)
8:71	Generic drug list additions (see 18 N.J.R. 1955(b))	18 N.J.R. 1167(a)	R.1986 d.443	18 N.J.R. 2208(b)
8:71	Generic drug additions	18 N.J.R. 1775(a)		
8:71	Interchangeable drug products	18 N.J.R. 2100(a)		
8:71	Interchangeable drug products	18 N.J.R. 2101(a)		

(TRANSMITTAL 44, dated October 20, 1986)**HIGHER EDUCATION—TITLE 9**

9:1-1.4	Submission of financial statements by independent special purpose and theological institutions	18 N.J.R. 2364(a)		
9:1-6.1	Approval of courses-for-credit offered by out-of-state institutions	18 N.J.R. 2365(a)		
9:2-5	Management of computerized information	18 N.J.R. 799(a)		
9:4	Policies and procedures for community colleges	18 N.J.R. 1439(a)	R.1986 d.466	18 N.J.R. 2382(a)
9:7-9	Carl D. Perkins Scholarship Program	18 N.J.R. 2174(b)		
9:11-1.2	Student residency	18 N.J.R. 1777(a)		
9:12-1.5, 2.3	Educational Opportunity Fund Program	18 N.J.R. 801(b)		

(TRANSMITTAL 34, dated October 20, 1986)**HUMAN SERVICES—TITLE 10**

10:2	County Human Services Advisory Councils	18 N.J.R. 1777(b)		
10:12-3	Referral of handicapped students for adult educational services	18 N.J.R. 1997(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)	R.1986 d.449	18 N.J.R. 2209(a)
10:51-1, App. B, C	Pharmaceutical services manual	18 N.J.R. 1780(a)		
10:51-2.2, 2.3, 2.6	Pharmaceutical Services Manual: pharmacy claims	18 N.J.R. 1674(a)	R.1986 d.465	18 N.J.R. 2387(a)
10:52-1.5, 1.17	Out-of-state inpatient hospital services	18 N.J.R. 538(a)		
10:60-2.2, 2.3, 3.1	Personal care assistant services	18 N.J.R. 2365(b)		
10:61-1, 2	Independent laboratory services	18 N.J.R. 540(a)		
10:62-1, 2, 3	Vision Care Manual	18 N.J.R. 1246(a)		
10:63-3.2, 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)		
10:66-2, 3	Independent clinic services	18 N.J.R. 541(a)		
10:66-3	Independent clinic transportation services: HCPCS codes	18 N.J.R. 1252(a)		
10:68-2	Chiropractor billing procedures	18 N.J.R. 810(a)		
10:81-3.17, 3.18, 5.9, 5.10	PAM: AFDC eligibility, WIN status, LLR reevaluation	18 N.J.R. 1513(a)	R.1986 d.440	18 N.J.R. 2211(a)
10:81-3.18	PAM: exemption from WIN registration	18 N.J.R. 2301(a)		
10:81-3.34	PAM: temporary absence of child from home	18 N.J.R. 1675(a)		
10:81-7.29	Retroactive funeral payments	18 N.J.R. 2176(a)		
10:81-11.18	PAM: child support guidelines	18 N.J.R. 2178(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)	R.1986 d.471	18 N.J.R. 2388(a)
10:82-2.3, 2.4, 4.3	ASH: AFDC eligibility requirements	18 N.J.R. 928(a)	R.1986 d.470	18 N.J.R. 2388(b)
10:85-3.2	GAM: exemption from work requirement and unemployability	18 N.J.R. 2183(a)		
10:85-3.3	GAM: Medically Needy eligibility	18 N.J.R. 1781(a)		
10:85-4.9	Retroactive funeral payments	18 N.J.R. 2176(a)		
10:85-8.4	GAM: information concerning PAAD	18 N.J.R. 1343(b)		
10:87-2.21	Mandatory verification: correction			18 N.J.R. 2391(b)
10:89-2.2, 2.3, 3.4	Home Energy Assistance	18 N.J.R. 1676(a)	R.1986 d.450	18 N.J.R. 2328(a)
10:94-4.2, 4.3	Medicaid eligibility and nonliquid resources	18 N.J.R. 542(a)	R.1986 d.481	18 N.J.R. 2457(a)
10:100-3.10	Retroactive funeral payments	18 N.J.R. 2176(a)		
10:121-2	Adoption subsidy	18 N.J.R. 24(a)		
10:121A-2.2	Certification period for adoption agencies	18 N.J.R. 1923(a)		
10:132	Youth and Family Services: court actions and proceedings	18 N.J.R. 1924(a)		

(TRANSMITTAL 45, dated October 20, 1986)**CORRECTIONS—TITLE 10A**

10A:5-5.2	Involuntary placement to Protective Custody: correction to adopted rule			18 N.J.R. 2218(a)
10A:9	Classification of inmates	18 N.J.R. 1649(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
10A:16	Medical and health services	18 N.J.R. 1662(a)		
10A:17-9	Referral of handicapped children for adult educational services	18 N.J.R. 2102(a)	R.1986 d.480	18 N.J.R. 2457(b)

(TRANSMITTAL 14, dated October 20, 1986)**INSURANCE—TITLE 11**

11:1-16	Filing of rate decreases	18 N.J.R. 1998(a)	R.1986 d.478	18 N.J.R. 2458(a)
11:1-20, 22	Cancellation and nonrenewal of commercial policies	18 N.J.R. 2301(b)		
11:1-24	Credit cards and payment of insurance premiums	18 N.J.R. 1999(a)		
11:2-19.2	Continuing education	18 N.J.R. 44(a)		
11:2-20	License renewal: continuing education requirement	17 N.J.R. 2962(a)		
11:3-16	Pre-proposal: Private passenger automobile rate filings	18 N.J.R. 1083(a)		
11:3-22	Automobile coverage option survey	18 N.J.R. 1344(b)	R.1986 d.463	18 N.J.R. 2329(a)
11:4-16.6	Daily hospital room and board coverage	18 N.J.R. 608(a)		
11:4-16.8	Medicare information brochure	18 N.J.R. 2103(a)		
11:4-20	Coverage of the handicapped	18 N.J.R. 44(b)		
11:4-21	Limited death benefit policies	18 N.J.R. 1085(a)		
11:4-23.8	Medicare information brochure	18 N.J.R. 2107(a)		
11:5-1.3	Real estate licensing qualifications	18 N.J.R. 1782(a)		
11:5-1.15	Advertising by real estate licensees	18 N.J.R. 1679(a)		
11:5-1.16	Obligations of real estate licensees	18 N.J.R. 1677(a)		
11:5-1.16, 1.23	Public hearing: Obligations of real estate licensees	18 N.J.R. 2113(a)		
11:5-1.23	Obligations of real estate licensees	18 N.J.R. 1680(a)		
11:5-1.23	Obligations of real estate licensees	18 N.J.R. 2112(a)		
11:5-1.25	Sales of interstate properties	18 N.J.R. 1678(a)		
11:5-1.28	Certification as approved real estate education instructor	18 N.J.R. 1681(a)		
11:5-1.30	Sponsoring of real estate license applications	18 N.J.R. 2000(a)		
11:12	Legal services insurance	18 N.J.R. 1782(b)	R.1986 d.462	18 N.J.R. 2330(a)
11:12	Pre-proposal: Legal services insurance	18 N.J.R. 1783(a)		
11:17-1	Surplus lines insurance guaranty fund surcharge	18 N.J.R. 1173(a)		

(TRANSMITTAL 41, dated October 20, 1986)**LABOR—TITLE 12**

12:15-1.3	Unemployment compensation and temporary disability: 1987 maximum weekly benefits	18 N.J.R. 1787(a)	R.1986 d.451	18 N.J.R. 2330(b)
12:15-1.4	Unemployment compensation: 1987 taxable wage base	18 N.J.R. 1787(b)	R.1986 d.452	18 N.J.R. 2330(c)
12:15-1.5	Unemployment compensation: 1987 contribution rate for governmental entities	18 N.J.R. 1788(c)	R.1986 d.456	18 N.J.R. 2331(a)
12:15-1.6	Base week earnings for claim eligibility	18 N.J.R. 1787(c)	R.1986 d.453	18 N.J.R. 2331(b)
12:15-1.7	Alternate earnings test	18 N.J.R. 1788(a)	R.1986 d.454	18 N.J.R. 2331(c)
12:16-19.1	Charging of unemployment benefits to employer's account	18 N.J.R. 1682(a)		
12:16-20.1	Work relief and work training programs: exempt employment	18 N.J.R. 1683(a)		
12:17-2.2, 2.4	Unemployment compensation claims and verification of Social Security numbers	18 N.J.R. 1683(b)		
12:17-3.1, 4.1, 4.2	"Week of partial unemployment" defined	18 N.J.R. 1684(a)		
12:235-1.6	Workers' compensation: 1987 maximum weekly benefit	18 N.J.R. 1788(b)	R.1986 d.455	18 N.J.R. 2331(d)

(TRANSMITTAL 33, dated October 20, 1986)**COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A**

12A:10-1	Award of contracts to small, female-owned and minority businesses	18 N.J.R. 2306(a)		
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(TRANSMITTAL 1, dated September 22, 1986)**LAW AND PUBLIC SAFETY—TITLE 13**

13:27	Rules of Board of Architects	17 N.J.R. 2851(b)		
13:27-8.12	Continuing education in landscape architecture	18 N.J.R. 2367(a)		
13:30-2.16	Continuing education in dental hygiene and dental assisting	18 N.J.R. 2113(b)		
13:30-8.6, 8.15	Practice of dentistry and referral fees	18 N.J.R. 1515(a)		
13:30-8.16	Dental X-rays and use of lead shield	18 N.J.R. 2113(c)		
13:31-1	Board of Examiners of Electrical Contractors	18 N.J.R. 2113(d)		
13:35-1.5	Practice by medical school graduates in hospital residency programs	18 N.J.R. 2184(a)		
13:35-6.10	Ambulatory care facilities: advertising and solicitation practices	18 N.J.R. 1788(d)	R.1986 d.467	18 N.J.R. 2390(a)
13:36-1.9	Itemization of funeral expenses	18 N.J.R. 2186(a)		
13:37-6.3	Nursing procedures: administration of renal dialysis treatment	18 N.J.R. 398(b)		
13:39A-1.4	Licensure of physical therapists: fees and charges	18 N.J.R. 1177(a)		
13:39A-2.2	Authorized practice by physical therapist	18 N.J.R. 1177(b)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
13:39A-2.2, 3.3	Electromyographic testing by licensed physical therapist: public hearing	18 N.J.R. 1684(b)		
13:39A-3.3	Physical therapy: unlawful practices	18 N.J.R. 1178(a)		
13:39A-5.2—5.4, 5.6—5.9	Physical therapy educational credentials and examination standards	18 N.J.R. 1179(a)		
13:39A-6	Temporary licensure of physical therapists	18 N.J.R. 1179(b)		
13:40-5.1	Preparation of land surveys	18 N.J.R. 2367(b)		
13:45A-2	Motor vehicle advertising practices	17 N.J.R. 2861(a)	Expired	
13:45A-6.2	Unlawful automobile sales practices	18 N.J.R. 2115(a)		
13:45A-24	Sale of grey market merchandise	17 N.J.R. 2866(a)	Expired	
13:46-1A.1, 1A.2, 5.19, 12.4	Boxing: weight classes, age limitations, health safeguards	18 N.J.R. 1789(a)		
13:46-3.1	Bandage specifications for boxer's hands	18 N.J.R. 1924(b)		
13:46-4.7, 4.25	Licensure of boxers	18 N.J.R. 1924(c)		
13:46-8.19	Point system scoring in boxing contests	18 N.J.R. 1515(c)	R.1986 d.444	18 N.J.R. 2211(b)
13:46-8.25, 11.10	Compensation for boxing referees, judges and timekeepers	18 N.J.R. 1925(a)		
13:46-21.2	Compensation of wrestling referees	18 N.J.R. 1790(a)		
13:47-6.19	Prohibited prizes in games of chance	18 N.J.R. 1180(a)		
13:47-14.3	Rental of premises for bingo	18 N.J.R. 1180(b)		
13:47B-1.22	Approaches for vehicle scales	18 N.J.R. 2116(a)		
13:60	Motor carrier safety	18 N.J.R. 2311(a)		
13:70-3.42	Thoroughbred racing: workmen's compensation insurance	18 N.J.R. 2116(b)		
13:70-3.47	Thoroughbred racing: Coggins test	18 N.J.R. 401(a)		
13:70-29.29—29.34	Thoroughbred racing: refunds of advance wagers	18 N.J.R. 2368(a)		
13:71-6.1	Harness racing: workmen's compensation insurance	18 N.J.R. 2117(a)		
13:71-6.24	Harness racing: Coggins test	18 N.J.R. 402(b)		
13:71-21.8	Harness racing: purse deductions	18 N.J.R. 1516(a)		

(TRANSMITTAL 47, dated October 20, 1986)

PUBLIC UTILITIES—TITLE 14

14:3-7.12A	Residential electric and gas service during heating season	18 N.J.R. 2315(a)		
14:18-1.2, 11.21, 3	CATV: franchise renewals	18 N.J.R. 1181(a)		

(TRANSMITTAL 29, dated September 22, 1986)

ENERGY—TITLE 14A

14A:3-4.4	Thermal efficiency standards: operative date	_____	_____	18 N.J.R. 2391(a)
14A:3-4.4	Energy subcode: thermal efficiency standards	18 N.J.R. 2349(a)		
14A:13	Energy conservation in State buildings	18 N.J.R. 2187(a)		
14A:21-1.2, 2.2, 2.3, 3.4—3.7, 5.2, 6.1, 6.2, 7.1, 7.2, 7.5—7.7, 8.1—8.3, 9.4, 10.1, 11.2, 11.3	Home Energy Savings Program	18 N.J.R. 2001(a)		

(TRANSMITTAL 21, dated September 22, 1986)

STATE—TITLE 15

15:5	State Museum	18 N.J.R. 2368(b)		
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(TRANSMITTAL 18, dated October 20, 1986)

PUBLIC ADVOCATE—TITLE 15A

(TRANSMITTAL 1, dated March 20, 1978)

TRANSPORTATION—TITLE 16

16:28-1.10	Speed limits on U.S. 46 in Morris County	18 N.J.R. 2117(b)		
16:28-1.24	Speed rates on Frontage Roads 1 and 2 in Paterson	18 N.J.R. 2190(a)		
16:28-1.44	Speed limits on Route 27 in Middlesex County	18 N.J.R. 2117(c)		
16:28-1.92	Speed limits on Route 169	18 N.J.R. 1790(b)	R.1986 d.446	18 N.J.R. 2212(a)
16:28-1.98	Speed limits on Route 52 in Cape May and Atlantic Counties	18 N.J.R. 2118(a)		
16:28A-1.7, 1.25, 1.47, 1.71, 1.97	No parking zones along U.S. 9, Routes 35, 147, 67, and U.S. 1 Alternate	18 N.J.R. 2316(a)		
16:28A-1.22, 1.104	No parking zones along Route 31 and U.S. 40-322	18 N.J.R. 2318(a)		
16:28A-1.32, 1.107	Bus stops along U.S. 46 in Mountain Lakes and Route 175 in Ewing Township	18 N.J.R. 2190(b)		
16:28A-1.45, 1.57, 1.58	No parking zones along Route 94, U.S. 206 and U.S. 206-94 in Newton	18 N.J.R. 2319(a)		
16:28A-1.47	Parking on Route 147 in Cape May County	18 N.J.R. 2118(b)		
16:29-1.26, 1.63	No passing zones on Route 72, Ocean County, and Route 45, Gloucester County	18 N.J.R. 2119(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
16:29-1.36	No passing zones on Route 147 in Cape May County	18 N.J.R. 2119(b)		
16:29-1.65	No passing zones on Route 166 in Ocean County	18 N.J.R. 2119(c)		
16:30-1.9	One-way traffic on U.S. 206-94 in Newton	18 N.J.R. 2319(b)		
16:30-5.3	DOT parking along Route 52 in Ocean City	18 N.J.R. 2191(a)		
16:31-1.23	No left turn on Route 38 in Mount Laurel	18 N.J.R. 2319(c)		
16:32-1.2, 1.3, 3	Designated routes for double trailers and wide trucks	18 N.J.R. 1184(b)		
16:49-1.3	Transportation of hazardous materials	18 N.J.R. 933(a)		
16:49-1.3, 1.4, 1.5, 1.6, 2.1	Transportation of hazardous materials	18 N.J.R. 1791(a)	R.1986 d.447	18 N.J.R. 2212(b)
16:53D-1.1	Zone of rate freedom	18 N.J.R. 2376(a)		

(TRANSMITTAL 45, dated October 20, 1986)

TREASURY-GENERAL—TITLE 17

17:1-1.10	Reconciliation of pension accounts	18 N.J.R. 2377(a)		
17:1-2.37	Alternate Benefit Program: transmittal of employee contributions	18 N.J.R. 1256(a)		
17:1-4.4	Enrollment schedule for State-administered retirement systems	18 N.J.R. 2320(a)		
17:2-2.4, 3.1, 5.2	Enrollment in PERS	18 N.J.R. 2320(b)		
17:2-3.7	PERS contributory coverage termination: correction			18 N.J.R. 2391(c)
17:3-5.5	Teachers' Pension and Annuity Fund: optional purchases of eligible service	18 N.J.R. 2120(a)		
17:3-6.1	Teachers' Pension and Annuity Fund: filing of retirement application	18 N.J.R. 1517(b)		
17:4-2.6, 5.1, 5.2	Enrollment in Police and Firemen's Retirement System	18 N.J.R. 2321(a)		
17:4-6.1	Police and Firemen's Retirement System: retirement applications	18 N.J.R. 1795(a)		
17:5-5.1	State Police Retirement System: filing of retirement application	18 N.J.R. 1520(a)	R.1986 d.439	18 N.J.R. 2216(a)
17:7-1.4	Prison Officers' Pension Fund: election of commission members	18 N.J.R. 1352(b)		
17:7-3.1	Prison Officers' Pension Fund: retirement applications	18 N.J.R. 1796(a)		
17:12-6	Award of contracts to small, female-owned and minority businesses	18 N.J.R. 2306(a)		
17:16-32.11	Common Pension Fund A: distribution of realized appreciation	18 N.J.R. 2377(b)		
17:16-36.11	Common Pension Fund B: distribution of realized appreciation	18 N.J.R. 2378(a)		
17:20-4.4, 5.1, 6.2, 6.4	Lottery Commission rules	18 N.J.R. 1927(a)		
17:30	Urban Enterprise Zone Authority	18 N.J.R. 2191(b)		

(TRANSMITTAL 42, dated October 20, 1986)

TREASURY-TAXATION—TITLE 18

18:5-3.6	Purchase of cigarette revenue stamps	18 N.J.R. 2378(b)		
18:7-4.5, 4.6, 5.5	Corporation business tax: indebtedness, interest, and offsets	18 N.J.R. 2004(b)		
18:7-11.16	Corporation business tax: returns filed by S corporations	18 N.J.R. 1686(b)	R.1986 d.464	18 N.J.R. 2332(a)
18:12-7.12	Homestead rebate: extension of time to file	Emergency	R.1986 d.482	18 N.J.R. 2460(a)
18:24-1.1	Sales and use tax forms	18 N.J.R. 2192(a)		
18:24-1.2	Sales and Use Tax: "periodicals"	18 N.J.R. 1928(a)		
18:26-8.7	Transfer inheritance tax waiver	18 N.J.R. 1520(b)	R.1986 d.441	18 N.J.R. 2216(b)
18:26-12.2	Representation of estates	18 N.J.R. 2321(b)		

(TRANSMITTAL 37, dated July 21, 1986)

TITLE 19—OTHER AGENCIES

19:8-1.8	Bus use of Parkway service areas	18 N.J.R. 2120(b)		
19:8-2.12	Emergency service rates on Parkway	18 N.J.R. 2120(c)		
19:17-2.1, 3.1-4.5	PERC: Appeal Board procedure	18 N.J.R. 1521(a)		
19:25-1.7, 7.2, 7.3, 7.4	Surplus campaign funds	18 N.J.R. 1359(a)		
19:75-1.1, 2.1, 2.2, 2.3, 3.1, 5.4, 6.1, 6.2, 7.1, 7.2, 7.4, 9.2, 9.4	Atlantic County Transportation Authority: bus management program	18 N.J.R. 1688(a)		

(TRANSMITTAL 34, dated September 22, 1986)

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

19:40-1.2	Slot machine jackpot payouts	18 N.J.R. 2005(a)		
19:41-9.7	Fee for casino hotel alcoholic beverage license	18 N.J.R. 1687(a)		
19:41-9.7	Alcoholic beverage licenses	18 N.J.R. 2379(a)		
19:44-8.3	Minibaccarat training	18 N.J.R. 2322(a)		

(CITE 18 N.J.R. 2472)

NEW JERSEY REGISTER, MONDAY, DECEMBER 15, 1986

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
19:45-1.1, 1.37, 1.40, 1.40A	Slot machine jackpot payouts	18 N.J.R. 2005(a)		
19:45-1.32, 1.43	Hard count room procedures	18 N.J.R. 1929(a)		
19:46-1.16, 1.18, 1.20	Gaming equipment and evidence of cheating or tampering	18 N.J.R. 2121(a)		
19:46-1.26	Slot machine jackpot payouts	18 N.J.R. 2005(a)		
19:50-1.3	Alcoholic beverage licensees	18 N.J.R. 2379(a)		
19:50-1.6	Security of alcoholic beverages	18 N.J.R. 2323(a)		

(TRANSMITTAL 27, dated October 20, 1986)