

NEW JERSEY



REGISTER

IN THIS ISSUE—
“INDEX OF PROPOSED RULES”

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The New Jersey Register supplements the New Jersey Administrative Code. See the Index of Adopted Rules on Page 350 of the April 5 issue for the Registers that should be retained as an update to the Administrative Code.

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RULE PROPOSALS

OFFICE OF ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Distribution and Sale of Publications New Jersey Register and New Jersey Administrative Code

Proposed Repeal: N.J.A.C. 15:15-8.1 and 8.2

Authorized By: Howard H. Kestin, Director, Office of
Administrative Law.
Authority: N.J.S.A. 52:14F-5(f) and 52:14B-7(d).

Interested persons may submit in writing, data, views or
arguments relevant to the proposal on or before May 19, 1982.
These submissions, and any inquiries about submissions and
responses, should be addressed to:

Burton Weltman
Assistant Director for Rules Development
Office of Administrative Law
88 East State Street
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-142.

The agency proposal follows:

Summary

This notice of proposed rule repeals some unnecessary rules
concerning the distribution and sale of the New Jersey Register and
New Jersey Administrative Code. The subject matter of these rules
is entirely covered by statute (see N.J.S.A. 52:14B-7(d)). Copies
of the Register and Code will continue to be distributed free of
charge to the State Library, Governor's Office and other State
agencies.

NEW JERSEY REGISTER

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The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by Administrative Publications of the Office of Administrative Law. Subscription rates for this 30-volume, regularly updated set of all State administrative rules are available on request. The Code is sold either in the full set or in one to three volumes depending on the Department coverage desired.

Social Impact

This proposed repeal will have no social impact because the subject and substance of the rules are already contained in the statute. Repealing these rules will avoid any confusion that may exist.

Economic Impact

This proposed repeal will have no economic impact because the subject and substance of the rules are covered by statute. Currently, the OAL is reviewing its distribution list, and is limiting the number of free copies of the Register which will be sent to each State agency. These limits are being established for budgetary reasons, and are being established in consultation with the State agency heads. The proposed repeal of N.J.A.C. 15:15-8.1 and 8.2 is unrelated to this process.

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

[SUBCHAPTER 8. DISTRIBUTION AND SALE OF PUBLICATIONS

15:15-8.1 Distribution and sale of Register

(a) The Register shall be distributed upon written request to such State officials and such other public officials as the Director may designate, free of charge.

(b) Other persons may subscribe to the Register by check or money order made payable to "New Jersey Division of Administrative Procedure" at the then-current price as printed in the Register.

15:15-8.2 Distribution and sale of Code

(a) One complete set of Code, including the update service, shall be distributed free of charge to:

1. The Governor's office;
2. The State Library.

(b) Members of the Governor's Cabinet shall be provided the complete Code or portions thereof upon written request.

(c) Copies of the Code, or portions thereof, shall be available to other persons upon subscription by check or money order made payable to "New Jersey Division of Administrative Procedure" at prices to be determined by the Director.]

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

Flood Hazard Area Delineations Flood Delineations Along the North Branch River and a Portion of the Lamington River

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

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.
Authority: N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:16A-
50 et seq.
DEP Docket No.: 005-82-03

A **public hearing** concerning this rule will be held on May 19,
1982 at 10:00 A.M. at:

Bedminster Township Municipal Building
Hillside Avenue
Bedminster, New Jersey

Interested persons may submit in writing, data, views or
arguments relevant to the proposal on or before May 19, 1982.
These submissions, and any inquiries about submissions and
responses, should be addressed to:

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

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

This proposal is known as PRN 1982-127.

The agency proposal follows:

Summary

This proposed amendment provides for the application of rules
and regulations concerning the development and use of land in
designated floodways to portions of the North Raritan River and a
portion of the Lamington River, as described below. Regulations
of delineated flood hazard areas are designed to preserve flood
carrying capacity and to minimize the threat to the public safety,
health and general welfare.

Social Impact

This proposed delineation applies added flood protection to the
following areas within the Raritan River Basin: Borough of Far
Hills, and the Townships of Bedminster and Branchburg, all within
the County of Somerset.

Economic Impact

This proposed amendment will have only a minor economic
impact. The proposed delineation would more clearly define the
flood hazard area thus resulting in less requirements for flood
insurance. Minor reductions of property value could result by
restricting future development in the floodway and requiring
elevated construction designs in flood fringe areas. However,

minor property value diminution would be offset by the savings to
governmental bodies and private homeowners due to little or no
future rehabilitation and rescue expenditures from flood damage in
the delineated area.

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

7:13-1.11 Delineated floodways

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

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

**The flood hazard area of the North Branch Raritan River
(downstream) from its confluence with Chambers Brook
upstream to the Bedminster-Peapack Gladstone Township
Boundary solely within the Townships of Branchburg and
Bedminster and the Borough of Far Hills, all within the County
of Somerset; and the Lamington River from its confluence with
the North Branch Raritan River upstream 6,000 feet within the
Townships of Bedminster and Branchburg, Somerset County.**

(e)-(i) (No change.)

OFFICE OF ADMINISTRATIVE LAW NOTE: A map delineating
the flood hazard area described in this notice was submitted as part
of the Department's notice of proposed rule. This map can be
inspected at:

Office of Administrative Law
Administrative Filings
88 East State Street
CN 301
Trenton, New Jersey 08625

or

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

(b)

DIVISION OF WATER RESOURCES

Flood Hazard Area Delineations Flood Delineations Along the Upper Mullica River (Atsion Branch)

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

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.
Authority: N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:16A-
50 et seq.
DEP Docket No.: 006-82-03

A **public hearing** concerning this rule will be held on May 18,
1982 at 10:00 A.M. at:

Waterford Township Municipal Building
125 Auburn Avenue
Atco, New Jersey

Interested persons may submit in writing, data, views or
arguments relevant to the proposal on or before May 19, 1982.
These submissions, and any inquiries about submissions and
responses, should be addressed to:

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

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

This proposal is known as PRN 1982-128.

Office of Administrative Law
 Administrative Filings
 88 East State Street
 CN 301
 Trenton, New Jersey 08625

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

The agency proposal follows:

Summary

This proposed amendment provides for the application of rules and regulations concerning the development and use of land in designated floodways to portions of the Upper Mullica River (Atsion Branch). Regulations of delineated flood hazard areas are designed to preserve flood carrying capacity and to minimize the threat to the public safety, health and general welfare.

Social Impact

This proposed delineation applies added flood protection to the following areas within the Upper Mullica River (Atsion Branch) Basin: Townships of Medford and Shamong, Burlington County; and Township of Waterford, Camden County.

Economic Impact

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

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

7:13-1.11 Delineated floodways

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

(h) A list of delineated streams in the Mullica River follows:

The flood hazard area of the Upper Mullica River (Atsion Branch) from the Atsion Lake Dam at U.S. Route 206 upstream to the Jackson-Medford Road, an approximate distance of 8.8 miles, within the Townships of Medford and Shamong, Burlington County and the Township of Waterford, Camden County.

(i) (No change.)

OFFICE OF ADMINISTRATIVE LAW NOTE: A map delineating the flood hazard area described in this notice, and a brief study of the flood hazard area delineation were submitted as part of the Department's notice of proposed rule. This map can be inspected at:

(a)

BUREAU OF SOLID WASTE MANAGEMENT

**Fees
 Fee Schedule for Collection and Haulage**

Proposed Amendment: N.J.A.C. 7:26-4.7

Authorized By: Robert E. Hughey, Commissioner,
 Department of Environmental Protection.
 Authority: N.J.S.A. 13:1E-6 and 13:1E-18.
 DEP Docket No.: 001-82-01

A **public hearing** concerning this rule will be held on May 6, 1982 at 9:00 A.M. to close of comment at:
 Auditorium of the State Museum
 205 West State Street
 Trenton, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 10, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Edward J. Londres
 Assistant Director for Enforcement
 New Jersey Department of
 Environmental Protection
 Division of Environmental Quality
 CN-027
 Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-125.

The agency proposal follows:

Summary

The New Jersey Department of Environmental Protection requires annual registration and inspection fees for collector/haulers of solid and hazardous wastes. The current fee schedule is \$20.00 per vehicle for solid waste haulers and \$50.00 per vehicle for hazardous waste haulers (see N.J.A.C. 7:26-4.7).

A number of trucking firms that collect/haul hazardous wastes in New Jersey and throughout the nation have contacted the Department concerning the financial burden placed upon them in order to register all their vehicles in New Jersey. Officials from these firms have stated that large interstate trucking companies face duplicative registration requirements and fees which prevent their registration of large numbers of vehicles.

In order to encourage the registration of all vehicles that transport

hazardous wastes in New Jersey, the Department proposes to amend N.J.A.C. 7:26-4.7(b) by adding an optional fee schedule for registration of hazardous waste collector/haulers. This proposed option provides an annual fee of \$50.00 per vehicle up to 20 vehicles and a \$5.00 fee for each additional vehicle. To qualify, a registrant must elect this option at the time of its initial annual application. If the registrant does not do so, he/she must pay \$50.00 per vehicle for all vehicles.

The Department believes that the large interstate trucking firms which transport hazardous wastes are put at a disadvantage by the duplicative fee requirements they face from other states. The proposed rule will alleviate a great deal of the financial burden they face from current New Jersey requirements. The Department also believes that the proposal imposes the smallest fee which provides the Department with sufficient revenue to administer its registration and inspection program. The Department may be forced to manually register these collector/haulers who elect the proposed option and thus is faced with additional staff costs. The Department will continue to evaluate its entire registration program in the future and revise the fee schedule if appropriate.

The Department does not propose to change the fee requirements for solid waste collector/haulers. The large percentage of these collector/haulers operate their registered vehicles solely or primarily in New Jersey. Therefore, they face neither duplicative fee requirements nor a large fee for registration of vehicles rarely used in the State.

The technical justification for this regulatory action is contained in the Basis and Background document. The document is available from the person noted below.

Social Impact

This rule will benefit collector/haulers of hazardous wastes in New Jersey by making it less expensive to meet environmental standards. The current registration fee discourages the registration of large fleets of vehicles which collect/haul hazardous wastes in the State. The proposed rule will encourage the registration of these vehicles due to the lowering of the fees charged to a registrant of more than 20 vehicles. This will increase the effectiveness of the Department's registration requirements and also provide easier compliance by those companies or individuals who are currently prevented from registration of all their vehicles.

Economic Impact

At present, hazardous waste collector/haulers often avoid paying high registration fees by using unregistered vehicles in New Jersey or refusing to do business in the State. This amendment will substantially lower the annual fees for anyone who registers more than 20 vehicles to collect/haul hazardous wastes in New Jersey.

Many firms have suggested no registration fee or a further fee reduction than proposed. However, the Department must provide adequate registration and inspection of all collector/haulers who operate in New Jersey. The Department believes that the proposed fee structure will meet the bare administrative needs of this program. Therefore, the Department believes the economic impact and the consequences of the amendment are clearly justified.

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

7:26-4.7 Fee schedule for collection and haulage

(a) (No change.)

(b) For all hazardous waste collector/haulers, an annual registration and inspection fee shall be paid. [The fee shall be \$50.00 for each vehicle per year or part thereof.] The registration year shall extend from May 1 through April 30. **The registrant may elect either of the following fee schedules:**

- 1. \$50.00 for each vehicle per year or part thereof; or**
- 2. \$50.00 for each vehicle up to 20 vehicles and \$5.00 per additional vehicle per year or part thereof. If the registrant intends to register more than 20 vehicles, he/she must notify the**

Department with the initial application in order to qualify for the reduction of fee for additional vehicles.

(c) (No change.)

HEALTH

(a)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Proposed Amendments: N.J.A.C. 8:71

Authorized By: Drug Utilization Review Council, Robert G. Kowalski, Chairman.

Authority: N.J.S.A. 24:6E-6g.

A **public hearing** concerning this rule will be held on May 14, 1982 at 10:00 A.M. at:

Training Room A
1st Floor
Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey 08625

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 21, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Sol Mendell, Acting Director
Drug Utilization Review Council
Department of Health
CN 360
Trenton, New Jersey 08625
(609)984-2157

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

This proposal is known as PRN 1982-134.

The agency proposal follows:

Summary

The proposed additions will expand the List of Interchangeable (Generic) Drug Products. For example, drugs such as Acetaminophen/Codeine can now be substituted by pharmacists for the brand Tylenol/Codeine.

Social Impact

If a patient's physician approves of substituting a different brand name or a non-brand name drug product, the pharmacist may dispense a substituted drug if it reflects a lower cost to the consumer. The substitution can only occur if the drug is placed on the List of Interchangeable Drug Products. Thus, additions to the list expand the choice of the consumer.

Economic Impact

There will be an expanded opportunity for customers to save money on prescriptions through the use of generic medicines in place of name brand medicines. The extent of the savings due to these specific proposed additions cannot be quantitated.

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

CHAPTER 71 INTERCHANGEABLE DRUG PRODUCTS	
Acetaminophen/Codeine, 60 mg.	tab. P.D.
Acetaminophen/Codeine, 30 mg. & 60 mg.	tabs KV Pharm.
A.P.C./Codeine, 15 mg.	tab. Zenith
Beclomethasone Dipropionate Aerosol Inhalant	Glaxo
Butalbital/A.P.C. Cap.	Cord
Chloramphenicol, 250 mg. cap.	Zenith
Chlorthalidone tab., 25, 50 mg.	Abbott
Chlorzoxazone/Acetaminophen tab.	Chelsea
Cyclandelate cap., 200, 400 mg.	Zenith
Diphenoxylate with Atropine tab.	P.D., Zenith
Dihydroergotoxine Mesylate S/L tab. 0.5, 1.0 mg.	Zenith
Erythromycin Ethyl Succinate for Oral Suspension, 200 mg/5 ml	Barr
Erythromycin Ethyl Succinate Oral Suspension, 400 mg/5 ml	NPC
Erythromycin E.C. tab. 250 mg.	Abbott
Folic Acid tab. 1 mg	Zenith
Hydrochlorothiazide and Reserpine tab. 25 mg/.125 mg. & 50 mg/.125 mg.	Premo
Hydrocortisone, Neomycin, Polymixin B Sulfate Otic Solution	Drummer
Hydroxyzine HCL, Theophylline, Ephedrine Sulfate tab.	Bolar
Iodochlorhydroxyquin 3%, Hydrocortisone 1% Cream	Thames Pharm.
Isosorbide Dinitrate Oral tab. 20 mg., 30 mg.	Chelsea
Metronidazole tab. 250 mg.	Zenith
Nitrofurazone Soluble Dressing, 0.2%	Thames Pharm.
Spirinolactone tab. 25 mg.	Bolar, Zenith
Spirinolactone 25 mg., Hydrochlorothiazide 25 mg.	Danbury, Zenith
Sulfisoxazole tab. 500 mg.	Premo
Theophylline and Guafenesin Liquid	Bay
Tolbutamide tab. 500 mg.	P.D., Zenith
Trifluoperazine HCL tab. 1,2,5,10 mg.	Cord

Eric M. Perkins, Esq.
Administrative Practice Officer
Department of Higher Education
CN-542
225 West State Street
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-136.

The agency proposal follows:

Summary

The amended regulations establish a formal process for the approval and licensing of higher education institutions offering courses and degree programs at locations other than the main campus of the institution. The proposal also repeals existing inconsistent regulations.

Rules concerning this subject were previously proposed in the January 4, 1982 Register at 14 N.J.R. 23(a). This reproposal is being undertaken due to substantive changes from the original noticing.

Social Impact

The formal licensing process proposed will insure the quality of academic offerings and the support facilities utilized by institutions of higher education in offering off campus instruction. Proper support facilities will protect students insuring that they will receive the educational services which they pay for.

Economic Impact

The cost to institutions of higher education of offering off campus programs may be increased by the proposed regulation due to the additional support facilities which may be required as a condition of licensure. Approved off-campus facilities may, however, in some cases become eligible for State support.

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

9:1-1.6 Summer, evening, [and extension work] **weekend, and off-campus work offered by all institutions**

[(a) Regulations concerning summer, evening and extension work are:]

(a) [1.] Summer, evening, [and extension work] **weekend, and off-campus work** shall be considered part of the total program of the institution and shall be judged by the criteria as used for the sessions and courses offered by the institution in the regular academic year.

[2. The establishment of off-campus centers or branches shall have prior approval of the Chancellor of Higher Education. Consideration for approval of off-campus centers shall include a statement justifying the need for such a center, as well as provisions for meeting the standards herein described. These shall include the adequacy of classroom, laboratory, and library facilities. Provisions for adequate administration and support staff, as well as the number and qualifications of regularly employed full-time faculty members, shall be part of the consideration.]

(b) **Off-Campus Location is a physical facility located at a place other than the institution's principal campus with no complete credit bearing certificate, diploma or degree programs and 15 or fewer courses for credit and 350 or fewer course enrollments for credit in any academic year. It requires no separate approval. However, offerings on such sites shall meet the standards set forth in (e) below.**

(c) **Extension Center is a physical facility located at a place other than the institution's principal campus with no complete**

HIGHER EDUCATION

(a)

BOARD OF HIGHER EDUCATION

**Licensing and Degree Standards
Licensing of Branch Campuses, Extension
Centers and Off Campus Locations**

**Proposed Amendments: N.J.A.C. 9:1-1.6 and
9:4-1.2 (superseding proposal of January
4, 1982 at 14 N.J.R. 23(a))
Proposed Repeal: N.J.A.C. 9:4-2.14**

Authorized By: Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.
Authority: N.J.S.A. 18A:3-14(c) and (m) and 18A:3-5.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 19, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

credit bearing certificate, diploma or degree programs but more than 15 courses for credit or more than 350 course enrollments for credit in any academic year. It requires approval by the Chancellor of Higher Education.

(d) Branch Campus is a physical facility located at a place other than the institution's principal campus offering one or more programs leading to a credit bearing certificate, degree or diploma (any number of courses and course enrollments per academic year). It requires approval by the Board of Higher Education.

(e) In requesting approval for Extension Centers and Branch Campuses, a formal request shall be submitted to the Department of Higher Education which shall include a statement justifying the need for the site and a description of proposed courses/programs. It shall also include evidence that the proposed courses/programs at the off-campus site are at least equivalent in quality to the comparable courses/programs on the main campus and that the institution has provided for effective monitoring and control for the maintenance of quality. Specifically, it shall include:

1. Evidence regarding the adequacy of classroom, laboratory, and library facilities;
2. Provisions for sufficient administration, support staff, and counseling; and
3. Evidence that the qualifications of faculty, a suitable ratio of which should be full-time employees of the institutions, are appropriate.

(f) Upon receipt of a request for approval of an Extension Center or a Branch Campus, the Department of Higher Education shall provide to all New Jersey institutions of higher education a summary of the request, to enable the institutions to inform the Department as to how they would be affected by the proposed Extension Center or Branch Campus. Extension Centers and Branch Campuses will be approved for a period of up to five years; reapproval at the end of this period will be considered following the submission by the institution of a new request for approval. An institution proposing to offer at a Branch Campus a degree program which has not been previously offered at the main campus shall submit the program for full Departmental review and Board of Higher Education approval required for any new program.

(g) Any existing Extension Center which has been operating but has not yet received approval by the Chancellor will be permitted to continue operating without such approval for a period no longer than five years from the effective date of this regulation. Any existing Branch Campus which has been operating but has not yet been approved by the Board of Higher Education must submit a formal request to the Board for approval within six months of the effective date of this regulation.

(h) Off-campus sites at which credit courses are offered by a college in conjunction with or under contract with a non-collegiate organization must be approved by the Chancellor regardless of the size or scope of the effort. If a complete degree, certificate, or diploma program is offered under such an arrangement, it must be approved by the Board of Higher Education under the same procedure as holds for any Branch Campus. The approval process will include a review of the college's adherence to the following standards:

1. Granting of academic credit:
 - i. A college may grant credit only at the level and only in those areas for which it has degree granting authority; for example, a college may not award post-baccalaureate credit if it does not have authority to award graduate degrees. Nor may it offer graduate or post-baccalaureate courses in a field (e.g., psychology) if such offerings are not acceptable in an authorized graduate degree program at that college.
2. Faculty:
 - i. The credentials of instructors used by the contracting

agency shall be reviewed and approved by the appropriate faculty of the college, and shall meet the college's standards for regular adjunct faculty, and the individual shall be granted adjunct status.

3. Sponsorship:
 - i. The courses shall be clearly and publicly identified as belonging to the college; i.e., both parties shall take appropriate steps to ensure that the public understands that the college assumes substantial responsibility for the course.

4. Amount of credit:
 - i. In determining the amount of credit to be granted for participation in a course offered by a contracting agency, the college shall adhere to the minimum definition of the credit hour as defined in N.J.A.C. 9:1-1.1. No more than 25 percent of a degree program shall be satisfied through such courses, except in the cases of arrangements between colleges and hospital-based programs in the health professions in which the clinical component of the program is provided by the hospital school. All course requirements with respect to student attendance, amount of class time, amount of outside work, standards for performance, and prerequisites shall be the same as for courses offered on campus. No more than one credit hour shall be granted for an experience compressed into one week's time or less.

5. Administration:
 - i. The college shall apply to these contract courses the same requirements it applies to its own courses with respect to class attendance and participation, student evaluation, course content and quality.

6. Support services:
 - i. The college shall insure that appropriate academic services are provided for students enrolled in such courses. These services shall include opportunities for access to library, laboratory facilities and computers, and advisement.

7. Tuition and fees:
 - i. The college shall determine that the combined tuition and fees charged to students are consistent with policies established by the appropriate governing body. The payment of additional costs not covered by student tuition and fees shall be negotiated by the college and contracting agency.

8. Governing board approval:
 - i. All contracts between the college and a contracting agency shall require the formal approval of the college governing board or its designee.

ii. All institutions shall submit a report to the Chancellor by December 1 which will include the following information for each off-campus site for the previous academic year:

- (1) The location of off-campus site;
- (2) The number of credit courses offered at the site for the academic year; and
- (3) The number of credit course enrollments at the site for the academic year.

(j) For the purposes of State fiscal support of off-campus instruction to eligible institutions where such support is provided for in State appropriations, only students enrolled at reported Off-Campus Locations or formally approved Extension Centers and Branch Campuses may be included in FTE enrollments for funding purposes, except that county colleges which offer only non-credit courses at such sites need not submit a report of activity at such sites through this reporting mechanism to be eligible for allowable State support.

(k) The Chancellor should be notified at the time an institution formally determines that there is no longer a need for approved off-campus sites and discontinues offerings at that site.

9:4-1.2 Establishment

- (a)-(b) (No change.)
- (c) A Branch Campus shall be defined as a physical facility removed from the main campus which offers full-time programs

and other courses of the main campus or which offers programs leading to degrees or diplomas or certificates without the substantial use of classroom facilities of the main campus.

(d) A community college may establish Branch Campuses in order to make community college programs more readily available to the community served by a college, if such branch is provided for in the college master plan approved by the Board of Higher Education.

(e) An Extension Center shall be defined as a physical facility utilized on a part-time basis, removed from the main campus which offers a limited number of courses applicable to a degree, certificate or diploma.

(f) Each community college shall request and receive prior approval of the Chancellor of Higher Education before establishing Extension Centers in off-campus facilities.]

9:4-2.14 [Definition of extension center] **(Reserved)**

[An extension center shall be defined as a physical facility removed from the main campus which offers the potential for the completion of any program leading to a degree, certificate or diploma, usually on a part-time basis.]

(a)

BOARD OF HIGHER EDUCATION

Licensing and Degree Standards Petitions from Out-of-State Institutions

Proposed Amendments: N.J.A.C. 9:1-6.1 and 6.4

Authorized By: Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.
Authority: N.J.S.A. 18A:3-14.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 19, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eric M. Perkins, Esq.
Administrative Practice Officer
Department of Higher Education
CN-542
225 West State Street
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-135.

The agency proposal follows:

Summary

The proposed amendments make two changes in the existing process for out-of-State institutions requesting approval to offer credit bearing courses in New Jersey. The first amendment clarifies the existing regulations to provide that consideration will be given to whether the proposed offering is in accord with the Statewide Plan for Higher Education. The second amendment increases the time period within which New Jersey institutions may submit proposals to offer comparable instruction in response to a proposal from an out-of-State institution.

Social Impact

The proposed amendments tie the Board of Higher Education approval process to the Statewide Plan, in furtherance of the Board's statutory planning and coordination responsibilities.

Economic Impact

The proposed amendments will increase the scope of the Board of Higher Education's review of petitions from out-of-State institutions. The cost of such increase will be included in the work product of current personnel at the Department level.

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

9:1-6.1 Review of petitions

The Board of Higher Education in its coordinating capacity will review all petitions from out-of-[s]State institutions to offer credit-bearing courses or degree programs in New Jersey from a statewide perspective. The Board will approve only those offerings that in the opinion of the Board meet [s]State standards for program quality, are fiscally viable, [and] serve a demonstrable need [.] , **and are in accordance with the Statewide Plan.** Whenever a course or program is approved by the Board for presentation within the [s]State by an out-of-[s]State institution, said offering shall not preclude the right of another institution within the [s]State to develop a similar program or course offering.

9:1-6.4 Department of Higher Education review procedures

(a) Petitions from out-of-[s]State institutions invited by in-[s]State parties to offer educational services in New Jersey:

1. Upon receipt of the petition, the Department of Higher Education will provide to all New Jersey institutions of higher education a summary of the petition's content and will invite the institutions to submit their comments and to indicate whether or not they wish and are prepared to offer comparable services. Those in-[s]State institutions that wish to offer comparable services may submit proposals to the Department within [30] **60** days after the Department's notification regarding the out-of-[s]State request. Proposals from in-[s]State institutions received within this time period will be forwarded immediately by the Department to the party requesting instructional services (as well as to the out-of-[s]State institutions).

i. Specifically with respect to a New Jersey high school seeking educational services, the high school shall inform the Department of Higher Education of its intent to seek an educational program prior to entering into negotiations for credit-bearing courses with an out-of-[s]State institution. The notice shall contain a detailed itemization of the services desired by the high school. After receipt of the notification, the Department shall provide copies of the notice to all New Jersey institutions of higher education and shall invite these institutions to submit their comments and to indicate both to the Department and to the high school, within [30] **60** days, whether they wish to try to meet the needs of the high school.

ii. (No change.)

2.-6. (No change.)

(b) (No change.)

HUMAN SERVICES

(a)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual Lost or Stolen Assistance Checks

Proposed Amendments: N.J.A.C. 10:81-6.17 and 7.18

Authorized By: George Albanese, Commissioner,
Department of Human Services
Authority: N.J.S.A. 44:7-6 and 4:10-3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 19, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-132.

The agency proposal follows:

Summary

This change defines the conditions under which a county welfare agency may refuse to issue a replacement for an assistance check which the payee claims was lost or stolen. It also states the payee's right to a fair hearing using expedited procedures when the agency declines and the payee claims to be without funds or resources.

Social Impact

This proposal would make it more difficult for those few recipients who would abuse the privilege of immediate replacement to obtain a substitute public assistance check. Provision is made so that legitimate claimants are not deprived. The major result should be an improvement in program integrity.

Economic Impact

Most cases of lost or stolen checks are eventually resolved but the dollar exchange is not always reconciled. The original check may never be negotiated. It may appear with a false endorsement and be dishonored. It may demonstrate an improper duplicate issuance and be recoverable in small amounts from future assistance grants. Cases that fit none of these categories represent a loss to the agency. All of them, whether the money is eventually recovered or not, represent an expenditure of administrative time and effort disproportionate to the percentage of assistance cases involved. Ultimately, the assistance cost saving to the agencies is expected to be small. The saving in administrative time should be reflected in the form of improved program operation rather than dollar savings.

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

10:81-6.17 Emergency fair hearings

(a) An emergency fair hearing for purposes of expediting the fair hearing procedure will be scheduled when:

1. The fair hearing request results from denial by the county welfare [board] **agency** of a request for emergency assistance made in accordance with the provisions of [Assistance Standards Handbook] **N.J.A.C. 10:82-5.10(c) or replacement of a lost or stolen check has been declined by the CWA in accordance with N.J.A.C. 10:81-7.18**, and the recipient family contends they are without funds or resources; and

2. (No change.)

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

10:81-7.18 Lost or stolen assistance checks

[The county welfare agency will issue a duplicate check within five working days of receipt of notification from the client that his or her assistance check has been lost or stolen, unless extraordinary circumstances are present and a longer period of time is approved by the Division of Public Welfare. The client shall complete an affidavit stating that he/she did not receive or endorse the check. The agency shall file a stop payment order with the bank.]

(a) Upon notification from a client that his/her assistance check has been lost or stolen, the CWA will immediately secure the clients' affidavit of the facts and circumstances and will file a stop-payment order with the bank. Within five working days the CWA will either issue a duplicate check or provide written notice that the check will not be replaced. The notice must be in the format of an adverse notice including information about both regular and emergency fair hearing rights and setting forth the reason(s) for the action. (See N.J.A.C. 10:81-6.2 and 6.17.)

(b) The CWA may decline to issue a replacement check when any of the following exists:

1. **The payee of the check fails or refuses to make a report to the local police about a stolen check or fails or refuses to cooperate in a police investigation.**

2. **The payee of the check fails or refuses to provide an affidavit of the facts and circumstances of the loss or theft.**

3. **The endorsement on the original check is certified to be that of the payee by a member of the N.J. State Police qualified to present expert testimony in handwriting analysis before the New Jersey courts.**

4. **The identification of the person cashing the original check as the payee or a representative of the payee is convincingly established by one or more mechanical or procedural methods such as a photograph, a videotape, or the recording of the number of an ID card at time of transaction provided the payee executes an affidavit attesting to the fact that his/her ID card has not been lost or stolen and remains in his/her possession.**

OFFICE OF ADMINISTRATIVE LAW NOTE: The following is the substance of a memorandum of inquiry sent to the Division of Public Welfare.

Pursuant to its statutory obligation to review proposed rules (N.J.S.A. 52:14B-5(c)(1), and N.J.S.A. 52:14F-5f), and to assist and advise agencies concerning their obligations under the Administrative Procedure Act (N.J.S.A. 52:14F-5h and N.J.S.A. 52:14F-5i), the Office of Administrative Law (OAL) raises the following concern with respect to the specific legal authority of the Division of Public Welfare (DPW) to adopt the proposed sections N.J.A.C. 10:81-6.17(a)1 and N.J.A.C. 10:81-7.18(a).

In the proposed amendments to N.J.A.C. 10:81-6.17(a)1 and N.J.A.C. 10:81-7.18(a), the Division of Public Welfare proposes to add a new category of cases to those which must be heard on an expedited basis. Expedited emergency hearing procedures were originally adopted by DPW in 1976, prior to the establishment of the OAL. R. 1976 d.144, 8 N.J.R. 287(b). With the enactment of P.L. 1978, c.67, the OAL has acquired jurisdiction over these hearing rules. The OAL will consider these proposals for inclusion

in the rules of special applicability to DPW cases which are currently being developed in cooperation with DPW.

(a)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual Veterans' Funeral Expenses

Proposed Amendment: N.J.A.C. 10:81-7.26

Authorized By: George Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 44:7-6 and 44:10-3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 19, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-133.

The agency proposal follows:

Summary

This change is not regulatory. It updates an informational reference for the county welfare agencies about the payment for funeral expenses currently available from the Veterans Administration (VA).

Social Impact

Since this proposal is not a change which alters the regulatory treatment of either VA or public assistance benefits, little or no social impact is foreseen.

Economic Impact

Since this proposal provides current information on VA burial benefits, some savings may be expected due to a decrease in the possibility of administrative error.

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

10:81-7.26 Payment of claims

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

(g) Veteran's benefits are as follows:

1. (No change.)

2. Amount of benefit:

i. Generally, payment toward a veteran's [burial] **funeral expenses will not exceed [\$250.] \$300.00. This payment is only available for a veteran who at the time of death was receiving or was eligible to receive a Veteran's Administration (VA pension or a service related disability compensation. [In addition,] [a] An amount not exceeding \$150.00 may be paid for any veteran, as a plot or interment allowance when the veteran is not buried in a national cemetery. A higher burial allowance is available if the death was service-connected.**

ii. (No change.)

3. (No change.)

(b)

DIVISION OF PUBLIC WELFARE

Assistance Standards Handbook Foster Care Rates

Proposed Amendment: N.J.A.C. 10:82-4.9

Authorized By: George Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 44:7-6 and 44:10-3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 19, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-131.

The agency proposal follows:

Summary

This change is not regulatory. It updates an informational reference for the county welfare agencies about the rates paid by the Division of Youth and Family Services for the foster care of children under supervision of that Division.

Social Impact

Since there is no change in regulation, little or no social impact is foreseen.

Economic Impact

Since there is no change in dollar flow, the only possible impact is that which might arise as an administrative saving by reason of having current information available in manual format.

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

10:82-4.9 Division of Youth and Family Services

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

(c) The basic monthly rates for foster care as established by the Division of Youth and Family Services are as follows:

1. Child under six years, \$[116.00] **160.00** per month;
2. Six through nine years, \$[122.00] **171.00** per month;
3. Ten through fourteen years, \$[132.00] **189.00** per month;
4. Fifteen years and over, \$[144.00] **200.00** per month.

(a)

DIVISION OF PUBLIC WELFARE

**Assistance Standards Handbook
Emergency House Furnishings Allowance**

Proposed Amendment: N.J.A.C. 10:82-5.10

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 44:7-6 and 44:10-3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 19, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-130.

The agency proposal follows:

Summary

This proposal deletes the specification that the price limits on house furnishings apply only to new items. The regulation applies only to emergency losses such as burn-outs. The county welfare agencies do not purchase house furnishings in other circumstances.

Social Impact

The Department expects little or no social impact because the CWAs, in applying the limits, are already constrained by the current price structure to the purchase of used items anyway. The proposal eliminates the myth involved in authorizing payment up to **almost** the stated allowance limit for used items or in buying used items as new.

Economic Impact

No economic impact is foreseen except, perhaps, an administrative saving in the paperwork which has been necessary to comply with the technical requirement.

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

10:82-5.10 Emergency assistance

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

(c) (No change.)

1.-3. (No change.)

4. Emergency house furnishings allowance: Allowances for those items deemed urgent and essential to the physical health and safety of the eligible unit shall not exceed the maximums listed below. [Furnishings to be authorized may be new items or available used items, if in good condition, on a selective basis. The maximum allowances stated below are applicable to new items; where satisfactory used items are available and purchase of same is specified by the county welfare agency, the allowances shall be proportionately less, to be determined in the sound and reasonable discretion of the county welfare agency.]

i. (No change.)

(No change in table.)

5. (No change.)

(d) (No change.)

(b)

DIVISION OF PUBLIC WELFARE

**Ruling 11
Tuition Aid**

Proposed Amendment: N.J.A.C. 10:109-1.4

Authorized By: George Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 44:7-6 and 44:10-3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 19, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-129.

The agency proposal follows:

Summary

The proposed amendment merely clarifies current language and more clearly defines the requirements necessary for employees to receive tuition aid.

Social Impact

There is no direct social impact associated with the proposal since it is merely a clarification of current language and is designed to ensure uniform application of policy.

Economic Impact

There is no economic impact associated with this proposal since it provides clarification of current regulatory language.

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

10:109-1.4 Components of the staff development and training program

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

(c) Tuition [Reimbursement] **Aid** is financial aid granted to an employee attending class part-time at an accredited institution. Release time may not exceed four hours per week per employee. If more than four hours per week is required, work schedules may be modified when feasible to accommodate the need but requires approval of the Director of the county welfare agency. If additional time is needed and the work schedule cannot be modified, a request for approval of the additional time must be made through the Division of Public Welfare.

1. (No change.)

2. Employees receiving tuition aid must be permanent full-time employees who have completed at least one year of **continuous** satisfactory service [on or before] **immediately preceding** the beginning date of the course(s) for which reimbursement is requested.

3.-5. (No change.)

(d) (No change.)

LAW AND PUBLIC SAFETY

(a)

ATTORNEY GENERAL

State Police Chemical Breath Testing

Proposed Amendment: N.J.A.C. 13:51

Authorized By: James R. Zazzali, Attorney General of
New Jersey.
Authority: N.J.S.A. 39:4-50.3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 19, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Attorney General James R. Zazzali
c/o Colonel Clinton L. Pagano,
Superintendent
Division of State Police
Attention: Breath Test Unit
P.O. Box 7068
W. Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-126.

The agency proposal follows:

Summary

The proposed rule deletes the existing text of N.J.A.C. 13:51 and replaces it with new language to accomplish necessary revision, updating and clarification of the terms and conditions applicable to Chemical Breath Test Operators, Coordinator/Instructors, the certification process, forms and methods by which the Attorney General certifies chemical breath test equipment and the methods for the use of these devices.

The new language will also assist the various courts in this State by providing definitions and clearer application of these rules and regulations thus avoiding potential misinterpretation.

The principal changes in the proposed language includes: definitions of terms; clarification of the method to certify an operator; what documents constitute certification; clearer time frames for certification, recertification and reinstatement; definition of suspension of an operator; detailed procedures for revocation of an operator's certification; a fuller description of training; a clearer definition of a Coordinator/Instructor; and clarification of the approved devices and methods for their use.

Social Impact

The social impact due to this revision in the chemical breath test procedures is anticipated to be negligible in that the changes are primarily technical in nature and seek to clarify language to avoid misunderstanding and/or misinterpretation.

Economic Impact

The economic impact from the revisions to these regulations is expected to be positive in that, although the revisions are primarily

technical in nature, the overall efficiency of operating and maintaining the chemical breath test system will be improved and strengthened.

Full text of existing 13:51 which is being deleted may be found in the New Jersey Administrative Code. Full text of the replacement text of 13:51 follows.

CHAPTER 51 CHEMICAL BREATH TESTING

SUBCHAPTER 1. BREATH TESTING OPERATORS

13:51-1.1 Purpose of subchapter

This subchapter prescribes the requirements for certification of a person to conduct chemical analysis of the breath of a person arrested pursuant to N.J.S.A. 39:4-50 et seq., the conditions under which certification can occur and the general rules for holders of certificates, pursuant to the statutory requirements of L. 1966, c. 142, Sec. 3, as amended by L. 1971, c. 273, Sec. 1, (C. 39:450.3); hereinafter denoted as N.J.S.A. 39:4-50.3.

13:51-1.2 Definitions

For the purpose of this chapter, and subchapters 1, 2, and 3 thereof, the terms set forth herein are defined as follows:

"Approved instrument" shall mean a device or instrument approved by the Attorney General at N.J.A.C. 13:51-3.5 for use in the chemical analysis of the breath of a person arrested pursuant to the provisions of N.J.S.A. 39:4-50, et seq.

"Approved methods" shall mean those steps or operations approved by the Attorney General at N.J.A.C. 13:51-3.6 for use in the chemical analysis of the breath of a person arrested pursuant to the provisions of N.J.S.A. 39:4-50, et seq. on an approved instrument.

"Approved school" shall mean police training academies and schools as approved by the Police Training Commission pursuant to N.J.S.A. 52:17B-67, et seq. It shall also include the Training Academy of the Division of State Police and any similar such academy, training center or school operated by or for the Department of Defense of the United States of America.

"Breath Test Coordinator/Instructor" is a person who meets the eligibility requirements as set forth at N.J.A.C. 13:51-2 and is duly appointed thereunder.

"Calendar year" shall mean all days of a year commencing and including January 1 of a specific year and continuing through to and including December 31 of the same year.

"Certification" shall mean the approval by the Attorney General of a person as an operator, as herein defined, and shall mean said person is qualified and competent to perform chemical breath test analysis utilizing an approved method and an approved instrument as defined in this subchapter and as set forth at N.J.A.C. 13:51-3 as authorized by N.J.S.A. 39:4-50.3.

"Operation of an approved instrument" shall mean operation of an approved instrument (as defined herein) by approved methods (as defined herein) for the operation of that approved instrument.

"Operator" shall mean a person who is certified as a Chemical Breath Test Operator to perform analysis of an arrested person's breath utilizing an approved method and an approved instrument, as defined in this subchapter and as set forth at N.J.A.C. 13:51-3 and pursuant to the provisions of N.J.S.A. 39:4-50.3.

"Operators certificate" shall mean a certificate issued under the authority of the Attorney General which bears the signatures or facsimile signatures of the Attorney General and the Superintendent of State Police.

"Organized police department" shall include all police and law enforcement agencies of the State of New Jersey; and all municipal and county police agencies of the various municipalities and counties of the State of New Jersey as established by law; and police agencies established by the laws of the United States of America within the Department of Defense.

“Recertification” shall mean the extension of the certification of an operator upon compliance with the training as required by this subchapter.

“Replica” shall mean a document which is an operator’s certificate as defined in this section and which shall bear the signatures or facsimile signatures of the Attorney General and the Superintendent of State Police and which is of a size that permits it to be carried in the pocket, purse, wallet, etc. and includes replacements thereof as set forth at N.J.A.C. 13:51-1.12(c).

“Satisfactory completion of training” shall mean demonstrated competence of operation of chemical breath test analysis methods and devices or instruments approved by the Attorney General as set forth at N.J.A.C. 13:51-3, maintenance of a passing course average and passing a written examination.

13:51-1.3 Certification

(a) No operator may conduct a valid analysis for the purpose of prosecution of an arrested person’s breath under the provisions of N.J.S.A. 39:4-50.3, unless such operator has been issued a valid operator’s certificate which is current at the time of the analysis of an arrested person’s breath and which attests that such operator is then qualified and competent to conduct such analysis utilizing an approved method and an approved instrument as set forth at N.J.A.C. 13:51-3.

(b) Certification of a person as an operator shall be by recommendation of the Superintendent of the State Police to the Attorney General upon the satisfactory completion of training as more fully set forth at N.J.A.C. 13:51-1.6.

13:51-1.4 Prerequisite for application for certification

An applicant for certification as an operator must be a sworn, full-time member of an organized police department for a minimum of one year after graduation from an approved school; except that members of a police or law enforcement agency of the Department of Defense of the United States of America may apply at any time after graduation from an approved school.

13:51-1.5 Application for operator’s certification

Application shall be made in writing to the Division of State Police by the Chief of Police or other executive head of the organized police department of which the applicant is a sworn full-time member.

13:51-1.6 Requirements for certification

(a) Initial certification requires satisfactory completion of training consisting of a minimum of five days of training prescribed and conducted by the Division of State Police. Such training shall include:

1. Instruction in the metric system;
2. Instruction in mathematical calculations as required;
3. Statutory and case law;
4. Instruction and training in the operation of the approved instrument;
5. Laboratory practice with air samples passed through test solutions of alcohol and air samples taken from human subjects;
6. A written examination and a test for competency.

(b) Certification of an applicant upon an approved instrument other than that which the applicant was previously trained and certified, requires that the applicant be a certified breath test operator and whose certification is both current and valid and requires satisfactory completion of training consisting of a minimum of two days of training prescribed and conducted by the Division of State Police. Such training shall include:

1. Statutory and case law, instruction and training in the operation of the approved instrument;
2. Laboratory practice with air samples passed through test solutions of alcohol;
3. A written test and a test for competency.

(c) A person who has received a post graduate degree from an

institution of higher education in the field of chemistry or biochemistry or a person licensed as a doctor of medicine shall be deemed to have met the requirements of satisfactory completion of training and may be recommended for certification, provided said person also passes a test for competency in the operation of the approved instrument as administered by a Breath Test Coordinator/ Instructor of the Division of State Police.

(d) Recertification of an operator whose certification is not subject to suspension for any reason or revoked requires satisfactory completion of training consisting of a minimum one day of training as prescribed and conducted by the Division of State Police. Such training shall include:

1. Statutory and case law;
2. Instruction and training in the operation of the approved instrument;
3. Laboratory practice with air samples passed through test solutions of alcohol;
4. A written examination and a test for competency.

(e) Reinstatement and recertification of an operator whose certification is suspended pursuant to N.J.A.C. 13:51-1.8(a) and to whom the requirements as set forth at N.J.A.C. 13:51-1.8(b) apply requires satisfactory completion of training as set forth at N.J.A.C. 13:51-1.6(d).

(f) Reinstatement and special recertification of an operator whose certification is suspended pursuant to N.J.A.C. 13:51-1.8(a) and to whom the requirements as set forth at N.J.A.C. 13:51-1.8(c) apply requires satisfactory completion of training consisting of a minimum of three days of training prescribed and conducted by the Division of State Police. Such training shall include:

1. Statutory and case law;
2. Instruction and training in the operation of the approved instrument;
3. Laboratory practice with air samples passed through test solutions of alcohol;
4. A written examination and a test for competency.

13:51-1.7 Duration of certification

(a) An operator’s certification will be documented by the issuance of a certificate and replica which shows that said operator has completed the required course of training, including the date of the course completion and type of approved instrument upon which the operator has been certified. Said certification as evidenced by the certificate and replica shall be valid throughout the remainder of the calendar year corresponding to the date of course completion and shall remain valid throughout the next two calendar years.

(b) An operator’s certification will be deemed continued as valid upon the satisfactory completion of training for recertification as described at N.J.A.C. 13:51-1.6(d). Recertification shall be valid throughout the remainder of the calendar year corresponding to the completion date of the recertification course and shall remain valid throughout the next two calendar years.

(c) The certification of an operator which has been suspended pursuant to N.J.A.C. 13:51-1.8(a) and who has been reinstated and recertified pursuant to N.J.A.C. 13:51-1.8(b) or N.J.A.C. 13:51-1.8(c) will be deemed to be valid for all purposes as of and from the date of reinstatement and recertification. This reinstatement and recertification shall thereafter be valid throughout the remainder of the calendar year corresponding to the date of reinstatement and recertification and shall remain valid throughout the next two calendar years.

(d) The recertification and/or reinstatement and recertification of an operator pursuant to N.J.A.C. 13:51-1.6(d), N.J.A.C. 13:51-1.6(e) or N.J.A.C. 13:51-1.6(f), whichever applies, is considered validated when the replica is signed and dated by a Breath Test Coordinator/Instructor.

13:51-1.8 Suspension and reinstatement of operator’s certification

(a) The certification of an operator will be automatically

suspended on the date set for expiration of the operator's present valid certification as set forth at N.J.A.C. 13:51-1.7 if said operator has not satisfied the requirement for recertification as set forth at N.J.A.C. 13:51-1.6(d) before the expiration of said valid certification.

(b) An operator whose certification is suspended for failing to be recertified as set forth at N.J.A.C. 13:51-1.6(d) and who has been automatically suspended for less than one year from the date of the automatic suspension must attend and satisfy the requirements of the reinstatement and recertification course as set forth at N.J.A.C. 13:51-1.6(e) conducted by the Division of State Police. Reinstatement and recertification under this subsection must be completed before one year from the date of automatic suspension otherwise the operator must satisfy the requirements as set forth at N.J.A.C. 13:51-1.8(c).

(c) An operator whose certification is suspended for failing to be recertified as set forth at N.J.A.C. 13:51-1.6(d) or N.J.A.C. 13:51-1.6(e) and who has been automatically suspended for one year or more from the date of the automatic suspension must attend and satisfy the requirements of a reinstatement and special recertification course as set forth at N.J.A.C. 13:51-1.6(f) conducted by the Division of State Police.

(d) Any test conducted to analyze a person's breath pursuant to procedures and methods contained in this chapter by an operator whose certification is suspended or automatically suspended, at the time such test is conducted, shall be considered invalid for presentation in evidence or testimony in a court of law or administrative hearing.

13:51-1.9 Revocation of certificate

(a) The Attorney General may revoke an operator's certification after consideration of a request or recommendation for revocation by the Superintendent of State Police.

(b) A request or recommendation for revocation will be made to the Attorney General when an operator is determined to be ineffective or incompetent by the Superintendent of State Police.

(c) A request or recommendation that an operator's certification be revoked must be in writing and addressed to the Superintendent of State Police and must state the reason(s) for the request or recommendation for revocation. The replica certificate of the operator who is the subject of the request or recommendation must accompany the request or recommendation for revocation unless it is otherwise unobtainable.

(d) The following persons are authorized to initiate a request or recommendation for revocation:

1. A Breath Test Coordinator/Instructor; or
2. Chief of Police of the organized police department of which the operator is a sworn member; or
3. Executive head of the organized police department of which the operator is a sworn member.

(e) Upon receipt of a request or recommendation for revocation, the Superintendent of State Police shall cause a written Notice of Suspension to be delivered to the operator who is the subject of the request or recommendation. A copy of the Notice of Suspension shall also be delivered to the Chief of Police or executive head of the organized police department of which the operator is a sworn member. The Notice of Suspension shall state:

1. The effective date of suspension;
2. The reason(s) revocation has been requested or recommended;
3. The name and title of the person originating the request or recommendation for revocation; and
4. Information that the operator may request a hearing on the request or recommendation for revocation by serving the Superintendent of State Police with written notice of such request within 30 days of the date the notice of suspension was signed and dated by the Superintendent of State Police.

(f) Failure to request a hearing as set forth at N.J.A.C. 13:51-1.9(c) within the time allotted shall be considered an absolute waiver of any right to a hearing.

13:51-1.10 Hearing and determination on a request or recommendation for revocation

(a) The purpose of a hearing is to assist the Superintendent of State Police in arriving at a determination on the request or recommendation for revocation as set forth at N.J.A.C. 13:51-1.9(b). Where no hearing is conducted the Superintendent of State Police may make his determination based on the written documentation supplied in the request or recommendation to revoke or other materials supplied in support or opposition thereto.

(b) The hearing will be conducted by the Superintendent of State Police or by an officer designated by him. The hearing officer may, at his discretion, cause the operator to be given a written or oral examination or a competency test or any combination of such tests to arrive at a determination. Such tests may be given by a Breath Test Coordinator/Instructor or other person so designated by the Superintendent or the hearing officer.

(c) Upon conclusion of the hearing or review when no hearing is requested, the Superintendent of State Police will recommend, in writing, to the Attorney General whether the operator's certification should be revoked, including the reasons to support such recommendation; or if the operator's certification should be reinstated and the reasons in support thereof. Reinstatement may be conditioned upon the suspended operator satisfying certain training or other requirements. The Attorney General shall determine, in his sole discretion, what conditions or other requirements must be met before reinstatement can become effective.

(d) An operator recommended for reinstatement with conditions or other requirements as set forth at N.J.A.C. 13:51-1.10(c), who fails to satisfy and successfully complete said conditions or other requirements within a reasonable period of time, may be recommended by the Superintendent of State Police to the Attorney General for revocation of the operator's certification.

13:51-1.11 Restoration of revoked certifications

The Attorney General may restore a revoked certification when he is satisfied that the cause for revocation has been removed. An operator whose certification is revoked may apply for a new operator's certification after the expiration of 12 months from the date of revocation, or final judgment thereon, whichever is later. Application shall be pursuant to the provisions of N.J.A.C. 13:51-1.4 and N.J.A.C. 13:51-1.5, but shall be subject to review by the Superintendent of State Police. The applicant must complete the training as set forth at N.J.A.C. 13:51-1.6(a); but may not commence such training until any other requirements imposed by the Superintendent of State Police are satisfied. Upon satisfactory completion of training and any other prerequisites, the Superintendent of State Police may recommend certification of the applicant to the Attorney General.

13:51-1.12 Return, loss and/or replacement of replica

(a) If an operator's certification is suspended or revoked pursuant to N.J.A.C. 13:51-1.9 and/or N.J.A.C. 13:51-1.10, or if the operator resigns, retires or leaves the police department for any reason, it shall be the responsibility of the Chief of Police or another executive head of the organized police department or law enforcement agency where the operator serves or served to retrieve the replica certificate from the operator and return the same to the Division of State Police with a notation of the reason for the return.

(b) If a replica has been lost or is otherwise in need of replacement, the operator or chief of police or other executive head of the organized police department of which the operator is a member shall notify the Breath Test Unit of the Division of State Police in writing of such loss or need of replacement. Lost replicas must be reported immediately.

(c) A replica will be replaced for an operator when the operator's replica has been lost and duly reported as lost, pursuant to N.J.A.C. 13:51-1.12(b) or is otherwise in need of replacement. The replacement replica will bear the date of issuance of the replacement and bear the signatures or facsimile signatures of the Attorney

General and the Superintendent of State Police. The reverse side of the replacement replica will show the date of the operator's original certification and the date of the operator's most recent recertification.

13:51-1.13 Administration

Administrative files will be maintained by the Division of State Police and will include the present and past status of all persons certified as operators.

SUBCHAPTER 2. BREATH TEST COORDINATOR/INSTRUCTORS

13:51-2.1 Eligibility requirements

(a) To be eligible as a Breath Test Coordinator/Instructor a person must be a sworn member of the New Jersey State Police, hold a current and valid Breath Test Operators Certificate and be a holder of:

1. A certificate in police training issued by the New Jersey Police Training Commission; or
2. An instructor certificate issued by the United States Armed Forces; or
3. Certification from a duly accredited school of education; or
4. Instructor certificate issued by the Division of State Police, Training Bureau.

(b) The Attorney General may waive the instructor certification requirement, if he is satisfied such person has equivalent background and experience to instruct breath test applicants and operators.

(c) The Attorney General's approval will be in the form of a letter to the person approved as a Breath Test Coordinator/Instructor and will be reflected on the operator's replica certificate by the words Breath Test Coordinator/Instructor.

13:51-2.2 Training and functional qualifications

(a) A Breath Test Coordinator/Instructor will have specialized training as prescribed by the Division of State Police and have the knowledge to properly perform the following functions:

1. Preparation and checking of chemicals used for testing;
2. Presentation of the scientific theory of approved instruments and approved methods;
3. Inspection and maintenance of approved instruments;
4. Instruction in courses for operators and applicants;
5. Make a request or recommendation for revocation of an operators certification;
6. Validate replica certificates held by certified breath test operators as provided at N.J.A.C. 13:51-1.7 (Duration of certification).

SUBCHAPTER 3. APPROVED INSTRUMENTS AS METHODS OF CHEMICAL BREATH TESTING

13:51-3.1 Purpose of subchapter

The provisions of this subchapter set forth the instruments and methods approved by the Attorney General for the chemical analysis of the breath of a person arrested pursuant to the provisions of N.J.S.A. 39:4-50, et seq. and L. 1966 c. 142 as amended by L. 1971 c. 273 (C. 39:4-50.3) hereinafter denoted N.J.S.A. 39:4-50.3.

13:51-3.2 Application for approval

(a) The Superintendent of State Police is designated by the Attorney General as the official to whom all applications for approval of instruments, methods and operational functions shall be made.

(b) Primarily, evaluation will be dependent upon test results reflecting reliability for satisfactory specificity, precision and accuracy. The instrument and component parts necessary for operation shall be supplied at the expense of the applicant.

(c) Any evaluating reports by the applicant or independent investigating groups shall be forwarded with the instrument along with operating servicing and maintenance manuals, schematic drawings and other detailed information.

(d) Upon completion of evaluation of an instrument method and/or operational function, the Superintendent shall recommend approval or rejection of the same to the Attorney General. The Attorney General, upon review of the recommendations, shall approve or reject the instrument method and/or operational function pursuant to law. (N.J.S.A. 39:4-50.3)

13:51-3.3 Training Breath Test Coordinator/Instructors

(a) Upon approval of an instrument, method and/or operational function as described in N.J.A.C. 13:51-3.2, factory personnel shall train an initial class consisting of Breath Test Coordinator/Instructors (see N.J.A.C. 13:51-2) at the expense of the applicant.

(b) The initial training course shall include the history of the instrument, nomenclature of the operational controls, detailed operating instructions, nomenclature of all parts and their functions, maintenance and repair of the instrument and class participation in the operation of the device including laboratory practice with air passed through test solutions of alcohol of strengths known and unknown to the class participants.

13:51-3.4 Periodic inspection of approved instruments

Periodic inspection of all approved instruments used in this State in connection with the prosecution of a person pursuant to the provisions of N.J.S.A. 39:4-50 et seq. shall be made by a Breath Test Coordinator/Instructor. The results of such periodic inspections shall be recorded on forms provided by the Superintendent of State Police and the originals thereof shall be maintained by the Division of State Police.

13:51-3.5 Approved instruments for performing chemical analysis of a person's breath

(a) The Breathalyzer, Model 900 is an instrument approved by the Attorney General pursuant to L. 1966 c. 142, Sec. 3, as amended by L. 1971 c. 273, Sec. 1 (C. 39:4-50.3) and this subchapter, for the testing of a person's breath by chemical analysis.

(b) The Breathalyzer Model 900A, is an instrument approved by the Attorney General pursuant to L. 1966 c. 142, Sec. 3, as amended by L. 1971 c. 273, Sec. 1 (C. 39:4-50.3) and this subchapter, for the testing of a person's breath by chemical analysis.

(c) The Dominator Albreath is an instrument approved by the Attorney General pursuant to L. 1966 c. 142, Sec. 3 as amended by L. 1971 c. 273, Sec. 1 (C. 39:4-50.3) and this subchapter, for the testing of a person's breath by chemical analysis.

(d) The Alco-Tector is an instrument approved by the Attorney General pursuant to L. 1966 c. 142, Sec. 3 as amended by L. 1971 c. 273, Sec. 1 (C. 39:4-50.3) and this subchapter, for the testing of a person's breath by chemical analysis.

(e) The Breathalyzer, Model 1000, is an instrument approved by the Attorney General pursuant to L. 1966, c.142, Sec. 3, as amended by L. 1971, c. 273, Sec. 1 (C. 39:4-50.3) and this subchapter, for the testing of a person's breath by chemical analysis.

13:51-3.6 Approved methods for performing chemical analysis of a person's breath utilizing an approved instrument

(a) The Breathalyzer Model 900 and 900A, both being approved instruments, have been determined to contain functional and operational components that are the same or perform the same or similar operations or functions and operate utilizing the same principal or theory of chemical breath analysis and utilize the same chemical compounds interchangeably in the analysis process. The term "Breathalyzer" as utilized in this chapter shall mean both the Breathalyzer Model 900 and Model 900A.

1. Any operator or Breath Test Coordinator/Instructor whose

certificate specifies Breathalyzer is deemed trained and certified on the Breathalyzer Model 900 and Breathalyzer Model 900A.

2. A Breathalyzer check off list may be used with this device and may be prepared by either the manufacturer of the Breathalyzer or the organization using the Breathalyzer. The check off list, if used, shall contain, at least, the following items:

- i. Preparation:
 - (1) Turn Switch to "on"; wait until thermometer shows 50 degrees Centigrade plus or minus three degrees;
 - (2) Gauge reference ampoule and place in left hand holder;
 - (3) Gauge test ampoule; open; insert bubbler and connect to outlet.
- ii. Purge:
 - (1) Turn to "take"; flush; turn to "analyze";
 - (2) When red empty signal appears, wait 90 seconds, turn on light, balance.
- iii. Analysis:
 - (1) Set scale Pointer on start line;
 - (2) Turn to "take"; take breath sample; turn to "analyze";
 - (3) When red empty signal appears, wait 90 seconds, turn on light, balance;
 - (4) Record answer; dispose of test ampoule; turn to "off".

(b) The Dominator Albreath, being an approved instrument, has been determined to contain operational and functional components that are the same or perform the same or similar operations or functions as the Breathalyzer as described in (a) above. It is further determined that this instrument operates upon the same principal or theory as the Breathalyzer and utilizes the same chemical compounds in the analysis process as the Breathalyzer.

1. The steps of operation in the check off list applicable to the Breathalyzer as found in (a)2 above shall also apply to the operation of the Dominator Albreath when a check off list is employed.

(c) The Alco-Tector, being an approved instrument, has been determined to operate on the same basic principal or theory and utilizes the same chemical compounds in the analysis process as the Breathalyzer as described in (a)1 above.

1. An operational check off list may be used with this device and may be prepared by either the manufacturer of the Alco-Tector or the organization using the Alco-Tector. The check off list, if used and prepared by an organization other than the manufacturer herein, shall contain, at least, the following information:

- i. Preparation:
 - (1) Turn switch to "on", depress standby button, wait for thermometer to reach operating temperature of 120 to 130 degrees Fahrenheit;
 - (2) Gauge reference ampoule and place in left holder;
 - (3) Gauge test ampoule, open, insert bubbler, connect to outlet.
- ii. Purge:
 - (1) Depress purge button number 1 for flush, wait 30 or 45 seconds, depress bubbler button number 2;
 - (2) When red empty signal appears, wait 90 seconds, depress balance button number 3 and balance.
- iii. Analysis:
 - (1) Set blood alcohol pointer on start line;
 - (2) Depress sample button number 4, take breath sample, depress bubbler button number 5, record time;
 - (3) When red empty signal appears, wait 90 seconds, depress real button number 6 and balance;
 - (4) Record answer; dispose of test ampoule, depress number 1 button for 30 to 45 seconds, depress number 2 button until red light appears, depress standby button.
- (d) The Breathalyzer, Model 1000, being an approved instrument, has been determined to operate on the same basic principal or theory and utilize the same chemical compounds in the analysis process as the Breathalyzer as described in (a) above. In addition, the Breathalyzer Model 1000 also incorporates computerized operational programming with digital electronic display or paper printout of the chemical analysis results.

1. An operational check list may be used with this device and may be prepared by the manufacturer of the Breathalyzer Model 1000

or the organization using the Breathalyzer Model 1000. The check off list, if used, shall contain, at least, the following information:

- i. Advance switch to "Reset" and allow "Wait" light to go out;
- ii. Gauge Reference Ampoule and insert into left hand ampoule holder;
- iii. Gauge Test Ampoule, open, insert in right hand holder, insert bubbler, connect to outlet and close cover;
- iv. Insert ticket, if applicable, and advance switch to "Run" position;
- v. Take breath specimen when "Sample" and "Blow" illuminate; record time;
- vi. Return switch to "Rest" position at conclusion of analysis.

PUBLIC UTILITIES (a)

BOARD OF PUBLIC UTILITIES

Petition for Rulemaking Suspension of Rates Pursuant to N.J.S.A. 48:2-21

Petitioner: Department of the Public Advocate, Division of Rate Counsel

Authority: N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-3.6.

Take Notice that on March 5, 1982 the Department of the Public Advocate petitioned the Board of Public Utilities to propose rules which would apply to the ratemaking problems arising from the action of the Board of Public Utilities in suspending for eight months the increased rates proposed by a utility at the outset of a rate case (see N.J.S.A. 48:2-21).

For further information concerning this petition for rulemaking, contact:

David McGee, Esq.
Board of Public Utilities
1100 Raymond Boulevard
Newark, New Jersey 07102

This is a notice of petition for a rule filed pursuant to N.J.S.A. 52:14B-4(f) as implemented by N.J.A.C. 1:30-3.6.

(See 14 N.J.R. 395(d), This Issue.)

OTHER AGENCIES

(b)

CASINO CONTROL COMMISSION

Applications: Forms Personal History Disclosure Form 2A

Proposed Amendment: N.J.A.C. 19:41-7.14 (superseding proposal of January 18, 1982 at 14 N.J.R. 98(b))

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.
Authority: N.J.S.A. 5:12-63(c) and 5:12-70(a).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 19, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert J. Genatt
 Director, Legal Division
 Princeton Pike Office Park
 Building No. 5
 CN-208
 Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-139.

The agency proposal follows:

Summary

This proposal supersedes the proposal known as PRN 1982-46, and published in the January 18, 1982 Register at 14 N.J.R. 98(b). Personal History Disclosure Form 2A has been substantially reorganized, and several substantive changes have been made to the form as originally proposed.

N.J.A.C. 19:41-7.14 requires all applicants, licenses, registrants or persons required to be qualified under the Casino Control Act to complete and submit all appropriate application, registration, business enterprise disclosure and personal history disclosure forms as directed by the Casino Control Commission or Division of Gaming Enforcement. There is no change in the wording of this regulation proposed. However, the regulation is followed by an Office of Administrative Law Note which states:

Personal History Disclosure Form Number 4 was adopted but is not reproduced herein. Information on this form may be obtained from the Casino Control Commission, 379 West State Street, Trenton, New Jersey 08625.

The note is misleading in that it suggests that only Personal History Disclosure Form 4 has been adopted. In fact a variety of forms referred to in the regulation have been adopted and the present proposal is to repeal one of those forms, Personal History Disclosure Form 2, and replace it with Personal History Disclosure Form 2A. The commission requests that the Office of Administrative Law change the above-quoted note to read:

The forms referred to in this regulation have been adopted but are not reproduced herein. Information on any form may be obtained from the Casino Control Commission, Princeton Pike Office Park, Building No. 5, CN-208, Trenton, New Jersey 08625.

The Casino Control Commission, therefore, pursuant to its authority under N.J.S.A. 5:12-63(c) and 5:12-70(a), proposes to repeal Personal History Disclosure Form 2, adopted pursuant to N.J.A.C. 19:41-7.14, and to adopt in its place Personal History Disclosure Form 2A.

The proposed Form 2A, while considerably shorter than the present Form 2, is still over 20 pages long, and the Commission perceives no need to publish it in full.

Social Impact

The proposed Form 2A, like the present Form 2, will have to be filled out by all applicants for casino employee licenses. (See N.J.S.A. 5:12-90.) However, the proposed Form 2A is considerably shorter, simpler and less demanding than the present Form 2. Completion of Form 2A will require less time and effort than is the case with Form 2. The proposed Form 2A has been designed to make the minimum demands upon casino employee license applicants while at the same time supplying the Casino Control Commission and the Division of Gaming Enforcement with sufficient initial information to commence the mandatory investigation of all applicants, which is necessary for an informed decision on their fitness for licensure.

Economic Impact

The proposed change does not affect the fees connected with the license applications and should not affect the administrative time and effort needed to rule on such applications. There is, therefore, no perceived economic impact.

A summary of the proposal follows:

1. There is no change in the existing text of N.J.A.C. 19:41-7.14 (Form of Application). However, Personal History Disclosure Form 2, which was originally filed and adopted on December 15, 1977, as part of R. 1977 d.475, is hereby proposed for repeal. A new form, Personal History Disclosure Form 2A, is proposed to replace Form 2.

OFFICE OF ADMINISTRATIVE LAW NOTE: Proposed Personal History Disclosure Form 2A was submitted as part of this notice of proposed rule but is not reproduced herein. Copies of this form can be obtained from:

Casino Control Commission
 Princeton Pike Office Park
 Building No. 5
 CN-208
 Trenton, New Jersey 08625

or

Office of Administrative Law
 Administrative Filings
 CN-301
 Trenton, New Jersey 08625

Too, in response to the request of the Casino Control Commission, the Office of Administrative Law will amend its "note" at 19:41-7.14 to read as follows:

NOTE: Personal History Disclosure Forms 1, 2, and 3, a Casino Hotel's Facilities Statement, and a Statement of Gaming School Proposal were adopted by the Casino Control Commission as part of R.1977 d.475, effective December 15, 1977. Too, Personal History Disclosure Form 4 was adopted by the Commission as part of R.1978 d.175, effective May 25, 1978. These Forms, the Statement and the Proposal, are not reproduced herein, but can be obtained from:

Casino Control Commission
 Princeton Pike Office Park
 Building No. 5
 CN-208
 Trenton, New Jersey 08625

or

Office of Administrative Law
 Administrative Filings
 CN-301
 Trenton, New Jersey 08625

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION

**Accounting and Internal Controls
 Licensee's System of Internal Control; Patrons'
 Cash Deposits**

**Proposed Amendments: N.J.A.C. 19:45-1.3
 and 1.24**

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.
 Authority: N.J.S.A. 5:12-63(c) and 5:12-70(l) (m) and (n).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 19, 1982.

These submissions, and any inquiries about submissions and responses, should be addressed to:

Deno Marino, Manager
Financial Evaluation Unit
Casino Control Commission
3131 Princeton Pike, Bldg. No. 5
Lawrenceville, New Jersey 08625

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

This proposal is known as PRN 1982-137.

The agency proposal follows:

Summary

The proposed amendments were published in the January 8, 1981 Notice of the New Jersey Register cited at 13 N.J.R. 47(c). At the Commission's public meeting of February 11, 1981 the Commission adopted the proposals with certain changes. These changes were not clearly defined at the time the notice of adoption was forwarded to the Office of Administrative Law. Therefore, this proposal serves only to clarify the changes which were adopted by the Commission at its public meeting of February 11, 1981.

Social Impact

No significant social impact is anticipated with these amendments.

Economic Impact

No significant economic impact is anticipated with these amendments.

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

19:45-1.3 Licensee's system of internal control

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

(d) The submission required by (a)[and(c)]above shall be accompanied by a report of an independent certified public accountant licensed to practice in New Jersey stating that the submitted system [or changes thereto] conforms in all respects to the standards of internal control set forth in the Casino Control Act and this regulation or in what respects the system [or changes thereto] **does** not conform.

19:45-1.24 Procedure for acceptance, accounting for and redemption of patrons cash deposits

(a) (No change.)

(b) A file for each patron shall be prepared manually or by computer prior to the acceptance of a cash deposit from a patron by a general cage cashier and such file shall include, at a minimum, the following:

1. The name of the patron; [accompanied by the signature of the general cashier indicating examination of the identification credentials;]

2.-4. (No change.)

(c)-(q) (No change.)

(a)

CASINO CONTROL COMMISSION

Rules of the Games

Craps

Proposed Amendment: N.J.A.C. 19:47-1.6

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.

Authority: N.J.S.A. 5:12-63(c) and 5:12-70(f).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 19, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael A. Santaniello
Deputy Director, Operations
Division of Financial
Evaluation and Control
3131 Princeton Pike Office Park
Bldg. No. 5, CN-208
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-138.

The agency proposal follows:

Summary

This proposed regulation would require casinos that decide to offer the so-called "double odds" option in craps to advise patrons in the casino of this option by posting signs in approved locations on the casino floor.

Social Impact

As with the economic impact, it is expected that the social impact will be minimal. From a social perspective, this regulation is designed to provide information to craps players as to casinos that offer a more favorable option on Pass, Don't Pass, Come and Don't Come Bets.

Economic Impact

It is anticipated that the economic impact of this regulation will be relatively minimal. Since this regulation will require the casinos to post signs on the gaming floor, it will involve the costs of obtaining and posting these signs which will obviously have a certain minimal economic impact on both the casinos and sign manufacturers. Additionally, it may have an uncertain economic impact on the players-at-large since this regulation would provide them with information that they could utilize in determining at which casino they should play craps.

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

19:47-1.6 Supplemental wagers made after come out roll in support of pass, don't pass, come and don't come bet (taking and laying odds)

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

(e) Any casino offering "double odds" in craps shall post signs within its casino room advising the patrons of this option provided that the location, size and language contained on such signs are submitted to and approved by the Commission or its authorized designee.

RULE ADOPTIONS

OFFICE OF ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Withdrawal of Request for Hearing

Administrative Correction: N.J.A.C. 1:1-17.2
(see 14 N.J.R. 4(b), 14 N.J.R. 335(b))

Take notice that N.J.A.C. 1:1-17.2, concerning withdrawal of requests for a hearing, was adopted with **two technical changes** as follows (see January 4, 1982 Register at 4(b) and April 5, 1982 Register at 335(b)):

1. In N.J.A.C. 1:1-17.2(b), "withdrwal" should be "withdrawal";
2. In N.J.A.C. 1:1-17.2(c), "remove" should be "reopen".

BANKING

(b)

DIVISION OF BANKING

Interest Rates

Class II Installment Loan Interest Rate and Small Business Loan Interest Rate

Adopted Repeal: N.J.A.C. 3:6-7 and 3:6-9

Proposed: February 16, 1982 at 14 N.J.R. 182(a).

Adopted: April 1, 1982 by Michael M. Horn,
Commissioner, Department of Banking.

Filed: April 2, 1982 as R.1982 d.126, **without change**.

Authority: N.J.S.A. 17:1-8.1, 17:9A-53C and 17:9A-59.27.

Effective Date: April 19, 1982.

(c)

DIVISION OF BANKING

Reserve Requirements

Nonmember Commercial Banks; "Immediate Liabilities" and "Time Liabilities"

Adopted Repeal: N.J.A.C. 3:8-3 and 3:8-4

Proposed: February 16, 1982 at 14 N.J.R. 183(a).

Adopted: April 1, 1982 by Michael M. Horn,
Commissioner, Department of Banking.
Filed: April 2, 1982 as R.1982 d.125, **without change**.

Authority: N.J.S.A. 17:1-8.1, 17:9A-48 and 17:9A-49.

Effective Date: April 19, 1982.

EDUCATION

(d)

STATE BOARD OF EDUCATION

Teacher Education and Academic Credentials Revocation of Certificate

Adopted Amendments: N.J.A.C. 6:11-3.7

Proposed: January 18, 1982 at 14 N.J.R. 73(a).

Adopted: March 3, 1982 by New Jersey State Board of
Education, Fred G. Burke, Commissioner, Department
of Education.

Filed: April 1, 1982 as R.1982 d.122, **with technical and substantive changes** not requiring additional public notice and comment.

Authority: N.J.S.A. 18A:4-15 and 18A:6-38.

Effective Date: April 19, 1982.

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

6:11-3.7 Revocation of certificate

(a) (No change from proposal.)

(b) (No change from proposal.)

1. (No change from proposal.)

i. **Upon the decision of the Commissioner of Education, cases contested before the commissioner, **[involving]** **resulting in** loss of tenure or dismissal of a teacher or teaching staff member for inefficiency, incapacity, conduct unbecoming a teacher, or other just cause, **[will]** **shall** be forwarded to the State Board of Examiners for determination of possible revocation. The State Board of Examiners, after review of **[all basic facts]** **the record,** shall determine by public vote whether or not **[facts, if true, are sufficient]** **the offense as proven is of such a nature as** to warrant revocation consideration, or dismissal of the case. In such cases where the decision of the State Board of Examiners is to move for revocation of certification, the Secretary of the State Board of Examiners **[will]** **shall** issue an order to show cause **and shall issue a statement of charges upon which revocation will be considered, which shall not preclude the subsequent inclusion of new findings,** and **[will]** **shall** notify the certificate holder that an answer must be filed with the State Board of Examiners **[within]** **no later***

than* 20 days from the receipt of *[the petition]* *that notice*. After an answer has been filed on behalf of the certificate holder, the board *[will]* *shall* refer the case to the Office of Administrative Law for a hearing in accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq. *and N.J.S.A. 52:14F-1 et seq.*).

ii. *[Upon court action under N.J.S.A. 2C:51-2.a which provides:]* *Upon knowledge of any criminal conviction, the county superintendent of schools or the chief school administrator shall notify the Commissioner of Education directly of such a criminal conviction involving a certificate holder, as described in N.J.S.A. 2C:51-2.a.* *[A person holding any public office, position, or employment, elective or appointive, under the government of this State or any agency or political subdivision thereof, who is convicted of an offense shall forfeit such office or position if:

(1) He is convicted under the laws of this State of an offense involving dishonesty or of a crime of the third degree or above or under the laws of another state or of the United States of an offense or a crime which, if committed in this State, would be such an offense or crime;

(2) He is convicted of an offense involving or touching such office, position or employment; or

(3) The Constitution or a statute other than the code so provides." Upon knowledge of such a criminal conviction, the county superintendent of schools or the chief school administrator shall notify the Commissioner of Education directly of such a criminal conviction involving a certificate holder.]* The Secretary of the State Board of Examiners, upon being notified in writing by the Commissioner of Education of such a criminal conviction or guilty plea involving a certificate holder, whether such knowledge comes as a result of a notification by the county superintendent of schools or chief school administrator or otherwise, *[will]* *shall* communicate with the court to obtain the judgment of conviction, copy of testimony and other evidence for presentation of the case before the State Board of Examiners. The Secretary of the State Board of Examiners *[will]* *shall* issue an order to show cause *and shall issue a statement of charges upon which revocation will be considered, which shall not preclude the subsequent inclusion of new findings,* and *[will]* *shall* notify the certificate holder that an answer must be filed with the State Board of Examiners *[within]* *no later than* 20 days from the receipt of *[the petition]* *that notice*. After an answer has been filed on behalf of the certificate holder, the board *[will]* *shall* refer the case to the Office of Administrative Law for a hearing, in accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq. *and N.J.S.A. 52:14F-1 et seq.*).

iii. Upon the filing of a petition *by any person* for revocation of a certificate with the State Board of Examiners against a certificate holder pursuant to (a) above *[.]* *:*

(1) (No change from proposal.)

(2) The Secretary of the State Board of Examiners *[will]* *shall* notify the certificate holder that an answer must be filed with the State Board of Examiners *[within]* *no later than* 20 days from the receipt of *[the petition]* *that notice*.* [After an answer has been filed on behalf of the certificate holder, in accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), the board will determine that a contested matter exists and refer the case to the Office of Administrative Law for a hearing.]* *Upon timely filing of an answer, the board shall determine whether a matter is a contested case. Each contested case shall be referred to the Office of Administrative Law for a hearing in accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.).*

2. After the State Board of Examiners has acted upon the initial decision of the administrative law judge in accordance

with N.J.S.A. 18A:6-38*, *where the decision of the board has resulted in revocation of a certificate, the Secretary of the State Board of Examiners *[will]* *shall* notify the following:

i.-iii. (No change from proposal.)

3. (No change from proposal.)

(a)

STATE BOARD OF EDUCATION

Pupil Transportation Transportation to Related Activities

Adopted New Rule: N.J.A.C. 6:21-10.4

Proposed: December 21, 1981 at 13 N.J.R. 914(a).

Adopted: March 3, 1982 by State Board of Education,
Fred G. Burke, Secretary.

Filed: April 1, 1982 as R.1982 d.121, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:4-15, 18A:39-20.1 and 18A:39-21.

Effective Date: April 19, 1982.

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

6:21-10.4 Transportation to related activities

District boards of education may authorize the use of private vehicles for the transportation of public school pupils to and from related school activities, in accordance with policy and regulations adopted by the district board of education. The policy should clearly stipulate the procedures under which such transportation shall take place *safely*, including provision for appropriate *and adequate* insurance coverage and approval of activities and drivers.

(b)

STATE BOARD OF EDUCATION

School Facility Planning Services Final Plans Submission; Inspection Fees

Adopted Amendments: N.J.A.C. 6:22-1.14 and 1.19

Proposed: January 18, 1982 at 14 N.J.R. 74(a).

Adopted: March 3, 1982 by State Board of Education,
Fred G. Burke, Secretary.

Filed: April 1, 1982 as R.1982 d.119, **without change**.

Authority: N.J.S.A. 18A:4-15 and 18A:18A-16.

Effective Date: April 19, 1982.

(a)

STATE BOARD OF EDUCATION

Health, Safety and Physical Education
Testing for Tuberculosis Infection

Adopted Amendment: N.J.A.C. 6:29-4.2

Proposed: December 21, 1981 at 13 N.J.R. 914(b).
Adopted: March 3, 1982 by State Board of Education,
Fred G. Burke, Secretary.

Filed: April 1, 1982 as R.1982 d.120, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:4-15, 18A:16.2 and 18A:40-16.

Effective Date: April 19, 1982.

Operative Date: September 1, 1982.

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

6:29-4.2 Testing for tuberculosis infection

(a) The following are rules of the State Department of Education concerning testing for tuberculosis infection by [school] district[s] **boards of education** for implementation of N.J.S.A. 18A:16-2 and 40-16.

1. (No change from proposal.)

2. [An intradermal tuberculin test shall be given to the following pupils enrolled in elementary and secondary schools, including the New Jersey School for the Deaf. (These are minimum requirements.)

i. All pupils in the eighth grade;

ii. All pupils in special classes who are 13 years of age;

iii. All newly-enrolled pupils entering at or above the eighth grade, or who are 13 years of age or older, with no valid record of a previous intradermal tuberculin test;

iv. Any additional grades of classes recommended by the State Department of Health because of special risk.] **The only pupils who shall be tested are those in grades and schools identified and/or under circumstances specified by the State Department of Health based upon the high incidence of tuberculosis or reactor rates in the communities or population groups concerned.**

3.-4. (No change from proposal.)

5. **All tuberculin reactors as defined in (a)4 above shall be referred to the family physician and appropriate official health agency for necessary follow-up.** The following [rules] shall constitute standards for referral:

i. (No change from proposal.)

ii. [All doubtful reactions to a multiple puncture tuberculin test (i.e., those showing two or more mm. of induration in the absence of vesiculation) shall be followed with an intradermal Mantoux test, using five tuberculin units for stabilized PPD tuberculin.] If the reaction to the Mantoux **intradermal tuberculin test** ***[shows]*** [is doubtful (] ***is doubtful** (***five to nine mm. of induration[)]*)**, it shall be repeated at a different site on the forearm. If the result of the second Mantoux **intradermal tuberculin test** is also **five to nine mm. of induration** [doubtful], ***[T]**t*he individual shall be recorded as tuberculin negative[;].**

[iii.] If the result of the Mantoux test **shows** [is positive (] 10 or more mm. of induration[)], The individual shall be recorded as a [poitive] tuberculin reactor, and no further tuberculin testing is required[;].

[iv. All positive tuberculin reactors shall be referred to the family physician and appropriate official health agency for necessary follow-up.

iii.-iv. (No change from proposal.)

6.-10. (No change from proposal.)

11. The reporting of the testing for evidence of tuberculosis infection [in] **by each [school] district board of education** shall be as follows:

i. The name and address, grade (of pupils), age and school of all newly discovered [positive] tuberculin reactors, chest X-ray results and prescription of preventive therapy are to be reported immediately upon discovery to the New Jersey State Department of Health, and to the local health department ***[of]* *or*** local tuberculosis control center, on a special form provided by this purpose so that the appropriate tuberculosis control measures can be instituted;

ii. At the end of the annual tuberculosis testing program **for staff and in [each] grades and schools [district] as specified by the New Jersey State Department of Health**, the following information shall be reported to the [county superintendent of schools, the New Jersey State Department of Education,] New Jersey State Department of Health, and the local health department ***[of]* *or*** tuberculosis control center, with one copy to be retained by the [local school] district **board of education**.

(1)-(4) (No change from proposal.)

(b)

STATE BOARD OF EDUCATION

Area Vocational and Private Schools
Local Area Vocational School Districts:
Definition of "Technical Education"

Adopted Amendment: N.J.A.C. 6:46-1

Proposed: January 4, 1982 at 14 N.J.R. 9(b).

Adopted: March 3, 1982 by State Board of Education,
Fred G. Burke, Secretary.

Filed: April 1, 1982 as R.1982 d. 118, **without change**.

Authority: N.J.S.A. 18A:4-15, 18A:4-10, 18A:7A-1 et seq. and 18A:54-6.

Effective Date: April 19, 1982.

ENVIRONMENTAL PROTECTION

(c)

DIVISION OF COASTAL RESOURCES

Coastal Resource and Development Policies

Adopted Amendments: N.J.A.C. 7:7E-3.10,
3.30, 3.33, 3.37, 4.10, 5.5, 8.7, 8.16 and
8.17

Adopted New Rule: N.J.A.C. 7:7E-4.11

Proposed: September 10, 1981 at 13 N.J.R. 565(a).

Adopted: March 15, 1982 by Robert E. Hughey,

Commissioner, Department of Environmental Protection.
Filed: March 24, 1982 as R.1982 d.114, **with substantive changes** not requiring additional public notice and comment.

Authority: N.J.S.A. 13:1D-9, 13:19-16 and 17, 13:9A-2 and 12:5-3.

Effective Date: April 19, 1982.

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

7:7E-3.10 Marina*[s]* *[Moorings]*

(a) Definition

Marina*[s]* *[moorings]* are areas of water that provide mooring, docking and boat maneuvering room as well as access to land and navigational channels for recreational boats. Typically maintenance dredging is required to preserve water depth.

(b) Policy

1. Any use that would detract from existing or proposed recreational boating use in marina*[s]* *[mooring areas]* is discouraged.
2. (No change from proposal.)

(c) (No change from proposal.)

7:7E-3.30 Coastal bluffs

(a) Definition

A coastal bluff is a steep slope (**greater than 15 percent**) of consolidated (rock) or unconsolidated (sand, gravel) sediment that is formed by wind and water erosion forces, and which is adjacent to the shoreline or demonstrably associated with shoreline processes. **The waterward limit of a coastal bluff is a point 25 feet waterward of the toe of the bluff face, or the mean high water line, whichever is nearest the toe of the bluff. The landward limit of a coastal bluff is the landward limit of the area likely to be eroded within 50 years*, or a point 25 feet landward of the crest of the bluff, whichever is farthest inland (see Figure 17)*** [A bluff is composed of three main features (see Figure 17): (1) the toe or the interface of the beach or other bottom area (water, wetlands, etc.), (2) the face of the slope, and (3) the crest of the top of the slope where the bluff becomes the flat tableland. The waterward limit of the bluff is the toe buffer, which extends 25' waterward of the toe of the bluff face. The inland limit is the first cultural feature, such as a road or structure. The term "cliff" will be used as a synonym for bluff, and the same policies will apply, although the cliff face is typically steeper than the bluff face, presenting an almost vertical surface.] Steep S[s]lopes ([Section] N.J.A.C. 7:7E-3.33) are isolated inland areas with slopes greater than 15 percent. All steep slopes associated with shoreline processes, i.e. adjacent to the shoreline or contributing sediment to the system, will be considered bluffs.

(b) (No change from proposal.)

(c) Rationale

Coastal bluffs are most prominent in New Jersey along the Delaware River at Roebling and Florence and along the Raritan Bay at Aberdeen Township and Atlantic Highlands. They have a significant function in storm damage prevention and flood control, by eroding in response to wave action and resisting erosion caused by wind and rain runoff. Bluff erosion is also an important source of beach sediment where the coastal bluff faces an open water body. Disturbance of coastal bluffs which undermines their natural resistance to wind and rain erosion increases the risk of their collapse and causes cuts in the bluff. This increases danger to structures at the top of the bluff and reduces the bluff's ability to buffer upland areas from coastal storms. Vegetation helps stabilize bluffs and can reduce the rate of erosion caused by wind and rain runoff. A ***minimum*** construction setback on the tableland is required to protect life and property, and reaffirms the setback requirement of the Erosion Hazard Area Policy (*N.J.A.C.* 7:7E-3.24).

7:7E-3.33 Steep slopes

(a) (No change from proposal.)

(b) Policy

[Development on steep slopes greater than 15% is prohibited, unless the regrading of a very small part of a site (typically, less than 5%) is essential to the overall landscaping plan for the site, in which case the grading shall be done to less than a 10% slope.

Man-made steep slopes above the slope at which the sediments normally stabilize (angle of repose) shall either be regraded to a slope at least 20% below the angle of repose, or stabilized and planted with native woody vegetation.]

Development on steep slopes is discouraged unless their use is essential *for* *[to]* a reasonable use of the site. If some development of steep slopes meets that standard, then the development must:

1. Produce minimum feasible site disturbance*[*]*,*

2. Provide for maximum feasible vegetation of the steep slope, especially with native woody vegetation*[*]*,*

3. Be consistent with the natural contour of the site to the maximum extent feasible *[*], and]*,*

4. Include limited stabilization measures, if necessary, such as terracing and paving, that are consistent with the natural or pre-development character of the entire site, to the maximum extent practicable*[*]*,*

5. Meet the Resource Policies for Runoff and Soil Erosion and Sedimentation (see N.J.A.C.* 7:7E-8.7 and 7:7E-8.8).

(c) (No change from proposal.)

7:7E-3.37 Endangered or Threatened Wildlife or Vegetation Species Habitats

(a) Definition

[Land, Water's Edge, or Water] Areas known to be [the habitat of] **inhabited on a seasonal or permanent basis by*, or to be critical at any stage in the life cycle of,*** any wildlife (fauna) or vegetation (flora) identified as "endangered" or "threatened" species on official F[f]ederal or S[s]tate lists of endangered or threatened species, or under active consideration for S[s]tate or *[national]* ***Federal*** listing, are considered for S[s]pecial A[areas]. The definition also includes a sufficient buffer area to insure continued survival of the species. **DEP-Division of Fish, Game and Wildlife** intentionally restricts dissemination of data showing the geographic distribution of these species habitats, in order to protect the habitats.

(b) Policy

Development that would adversely affect [the habitats of endangered or threatened species] **an Endangered or Threatened Wildlife or Vegetation Species Habitat** is prohibited[.] **unless *adequate]* habitat *adequate to assure the survival of the species within the region surrounding the site* is preserved, *or created, if appropriate for the species,]*** either on or off site. **These areas preserved *[or created]* as habitat must be appropriately managed in accordance with a plan approved by the Division of Coastal Resources with the advice of DEP's Endangered and Non*[-G]ame Species* [Office] Project* within the Division of Fish, Game and Wildlife.** [DEP will review proposals on a case-by-case basis.]

(c) Rationale

To insure continuing viability of the preserved *[or created]* habitat, an active or passive management program must be formulated by the applicant and approved by the Division of Coastal Resources. *This program may take place on or off site. Examples of programs undertaken in response to permit conditions include creation of a protected beach-dune habitat for least terns in Brigantine, and preservation and enhancement of a habitat for pine and corn snakes in Berkeley Township.*

ADOPTIONS

ENVIRONMENTAL PROTECTION

7:7E-4.10 Man-[modified] *made* harbor

(a) Definition

Man-[modified] made* harbors are semi-enclosed or protected water areas which have been developed for boat mooring or dockage. This general water area type includes Marinas (*N.J.A.C.*7:7E-3.10), Ports (*N.J.A.C.* 7:7E-3.11), semi-enclosed water bodies created by man-made jetties or similar structures, fishing ports and harbors, and lagoons (see *N.J.A.C.*7:7E-3.18).

(b) Policy (No change from proposal.)

(c) Rationale

Man-[modified] *made* Harbors were created or modified for the purpose of facilitating navigation, for commercial or recreational purposes. They are disturbed water features, often with dredged bottoms and bulkheaded shorelines. They are essential to the coastal economy and to meeting recreational needs, and should be maintained for commercial or recreational boating use.

WATER AREA POLICY SUMMARY TABLE: No change from proposal except as follows:

- 1. "Man-modified Harbors" is changed to "Man-made Harbors".
- 2. For "Sand, Gravel Extraction" use, Man-made Harbors becomes "Conditionally acceptable" (c).
- 3. For "Overhead Lines" use, Man-made Harbors becomes "Conditionally Acceptable" (c).

7:7E-4.*[10]* *11* Acceptability conditions for uses

(a)-(h) (No change from proposal.)

(i) Filling

1. (No change from proposal.)

2. Acceptability conditions.

(i)-(iii) (No change from proposal.)

(iv) Filling is acceptable at the *landward* end of lagoons when flushing is poor, and water quality is significantly degraded. * This usually pertains only to the deep water in the lagoon. Shallow areas will not, in general, have low oxygen concentrations.*

3. (No change from proposal.)

(j)-(s) (No change from proposal.)

7:7E-5.5 Development Potential

(a) (No change from proposal.)

(b) Residential Development Potential.

1. (No change from proposal.)

2. (No change from proposal.)

(i)-(ii) (No change from proposal.)

(iii) Infill - [At least 50% of the boundary length of the site is either immediately adjacent to, or directly across a railroad or public road from any of the following types of development:]

A majority of the perimeter of the site, excluding wetlands or surface water areas, is adjacent to or across a public road or railroad from land that is developed, or a majority of the land within 1,000 feet of the site, is developed. Developed land, for infill purposes *for determination of high, medium, or low potential*, means:

- residential development at densities of at least one dwelling unit per acre
- commercial development
- industrial development, including warehouses
- schools and other public institutions
- ballfields
- public park areas developed for recreational use
- transportation facilities including train stations and airfields.

[Site boundaries adjacent to wetlands or surface water shall not be included when making infill determinations. (See Figure 24)]

3.-5. (No change from proposal.)

(c)-(f) (No change from proposal.)

7:7E-8.7 Runoff

(a) (No change from proposal.)

(b) Policy

(i)-(vi) (No change from proposal.)

(vii)[In designing the site plan, including detention and retention facilities, the s]Stormwater runoff calculations shall be developed and used in designing the site plan, including retention basins and storm drains based on 24 hour storms of [25] at least 10 years and 100 years frequencies, using standard methods of calculation, such as the so-called "Rational Method" or the SCS Tabular Method of Determining Peak Discharge, as defined in U.S. Department of Agriculture, Soil Conservation Service, Urban Hydrology for Small Watersheds, Technical Release No. 55, January 1975. Stormwater runoff calculations shall be based on 24 hour storms of at least 10 years frequency in designing *storm drains and of at least 100 years frequency in designing* detention basins. Site plans shall make maximum use of overland swales and minimum use of closed pipes.

(c) (No change from proposal.)

7:7E-8.16 Solid Waste

(a) (No change from proposal.)

(b) Policy

Large-scale residential developments (*N.J.A.C.* 7:7E-8.2i) and commercial developments, including hotels and restaurants*, * with over 300 parking spaces**[,]* or a seating capacity over 150 persons* shall develop source separation and recycling plans, unless it can be demonstrated that such plans are not economically feasible.

(c) (No change from proposal.)

7:7E-8.17 Energy Conservation

(a) (No change from proposal.)

(b) Policy

Coastal development shall incorporate energy conservation techniques and alternative sources of energy, including passive and active solar *[power]* *energy* and wind turbines, to the maximum extent practicable.

New high rise buildings shall be situated and designed to minimize shadows on existing and potential active and passive solar energy systems, to the maximum extent practicable.

(c) (No change from proposal.)

OFFICE OF ADMINISTRATIVE LAW NOTE: The changes upon adoption which are reproduced in this notice have been codified according to the format in which the proposal was originally submitted to the OAL, and distributed to the public by the Department of Environmental Protection.

These rules have been recodified by the Office of Administrative Law according to its established guidelines for entry into the New Jersey Administrative Code.

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Shellfisheries

Hard Clam Relay

Adopted Amendment: N.J.A.C. 7:25-15.1

Proposed: October 8, 1981 at 13 N.J.R. 645(b).
Adopted: March 11, 1982 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.

Filed: March 29, 1982 as R.1982 d.117, **with substantive changes** not requiring additional public notice and comment.

Authority: N.J.S.A. 50:1-5.

Effective Date: April 19, 1982.

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

7:25-15.1 Relay of hard clams

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

(d) Any person applying for permit 5a must have acquired a special relay lease from the Department for three one-half acre plots of shellfish cleansing grounds on which the relayed shellfish are to be deposited by the means hereinafter set forth. No person shall hold more than one **relay** lease.

1. (No change from proposal.)

i.-iii. (No change from proposal.)

iv. [one foot by one foot (1' x 1') s] Signs having a white background with legible black lettering, giving the participants ***[first initial]* [and] *[, last name and]*** special relay [leased lot] **permit** number, shall be placed and maintained (amidships) on both sides of the participant's harvest boat while participating in any phase of the program.

v.-vi. (No change from proposal.)

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

(h) The Department shall establish a schedule of dates when the Special Restricted or Condemned Waters shall be opened to participants in this program from the harvest of clams.

1. (No change from proposal.)

2. It is the intention of the Department to operate this program on a [weekly] **regular** basis [every Monday through Friday] ***[from sunrise to]* [1350] *[1330 hours]*** for a period [no longer than 6 months of the year] ***at at times* to be determined by the Department with the advice of the Shellfish Council.** Dates for the program shall be dependent upon the degree of participation in the program and upon water temperatures over the leased relay lots that will assure adequate purging of contaminants from the shellfish. Program rules are subject to change on the basis of findings that show that continuation may jeopardize the well-being of the shellfish resources and/or the health, safety or welfare of the public at large.

(i)-(k) (No change from proposal.)

(a)

PINELANDS COMMISSION

Pinelands Comprehensive Management Plan

Adopted Amendments: N.J.A.C. 7:50

Proposed: September 10, 1981 at 13 N.J.R. 569(a).

Adopted: January 8, 1982 by New Jersey Pinelands Commission, Terrence D. Moore, Executive Director.

Filed: April 2, 1982 as R.1982 d.131, **with technical and substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:18A-1 et seq.

Effective Date: April 19, 1982.

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

7:50-4.27 Commission review following preliminary approval
(a) (No change from proposal.)

(b) Notice of decision and hearing: Within [thirty] **30** days following receipt of any notice of preliminary approval issued pursuant to N.J.A.C. 7:50-4.25(d) the Executive Director shall give notice of his determination by [certified] ***certified*** mail to the applicant and the clerk of the local permitting agency which granted such preliminary approval. If the Executive Director determines that the preliminary approval should be reviewed by the Commission, the notice shall indicate that either the applicant or the local permitting agency may, within [twenty-one] **21** days of mailing of such notice, request that a hearing be held before an Administrative Law Judge pursuant to the procedures established by N.J.A.C. 7:50-4.81 for the purpose of reviewing such preliminary approval.

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

7:50-4.30 Commission review following final local approval
(a) (No change from proposal.)

(b) Notice of decision and hearing: Within 15 days following receipt of any notice of final determination given pursuant to N.J.A.C. 7:50-4.25(e), the Executive Director shall give notice of his determination by [certified] ***certified*** mail to the applicant and the clerk of the local permitting authority which granted such approval. Such notice shall set a date, time and place for public hearing as required by N.J.A.C. 7:50-4.31.

(c) (No change from proposal.)

7:50-4.42 General requirements

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

(d) Exceptions for national defense **are** [is] as follows:

1. Notwithstanding any provision of this Plan if the commander of a military installation determines that [strict] compliance with the provisions of this Plan, [approved] **the installation master plan** or a memorandum of agreement **with a military** installation would [prevent achievement of] **be incompatible** with the installation's [national defense mission or other national security requirements] **mission, safety or other national defense requirements,** the installation commander shall ***[certify such fact to]* ***notify***** the commission ***[in writing]*** [setting forth the basis of his determination].

2. Upon receipt by the Commission of such ***[certification]* ***notification*****, [strict] compliance with any provision of this Plan shall be deemed to be waived.

3. (No change from proposal.)

(e) **State agency plans:**

1. Any agency of the State of New Jersey may submit to the Commission for review and approval a comprehensive plan of its existing and planned land use, resource management, and development activities within the Pinelands. Such plans shall:

i. (No change from proposal.)

ii. Set forth the character, location and magnitude of development ***[and resource management programs]*** within the Pinelands;

iii. Be adequate to ensure that all development of land ***[and resource management programs]*** in the Pinelands are carried out in conformance with N.J.A.C. 7:50-5 and 6 provided, however, that alternative or additional techniques may be included if consistent with the goals and objectives of this Plan:

iv. Prescribe standards for capital improvement siting, design, and construction, including those necessary to ensure that adequate and necessary support facilities will be available to serve permitted development and proposed uses of land ***[including resource management programs]*;**

v.-vii. (No change from proposal.)

2. Upon Commission approval of such plan, the Commission shall review proposed development *[and resource management programs]* in accordance with the standards of this Plan as modified by specific provisions of the approved agency plan.

3. (No change from proposal.)

7:50-5.30 Minimum standards for transferring and clustering residential development rights in [Forest] Protection Area municipalities

[As part of the master plan or land use ordinances a municipality with jurisdiction over land in Forest Areas must include a provision allowing the clustering or residential development rights from any parcel of land located in a Forest Area in the municipality to area within the municipality that] Each municipality *with land in the Protection Area* shall establish within *[the protection Area]* *said area* a mechanism to transfer or cluster development rights granted pursuant to N.J.A.C. 7:50-4.55 provided, however, that Forest Areas and Agricultural Production Areas shall not be designated to receive rights transferred from other management areas. No municipality shall be required to plan for or accept such rights emanating from beyond its jurisdiction. If a municipality elects to institute a clustering program, the area in which clustering is to occur must contain at least 500 acres of contiguous land which is accessible to areas of existing growth and development and which does not exhibit any of the following characteristics:

1.-11. (No change from proposal.)

7:50-6.66 Resource extraction standards

(a) Resource extraction operations shall be approved only if the applicant can demonstrate that the proposed resource extraction operation:

1.-7. (No change from proposal.)

8. Will be carried out in accordance with an extraction schedule which depicts the anticipated sequence, as well as anticipated length of time that each [portion] *[25]* *20* acre unit of the parcel proposed for extraction will be worked.

HEALTH

(a)

THE COMMISSIONER

List of Animal Repellants

Adopted New Rule: N.J.A.C. 8:21-3.23

Proposed: January 18, 1982 at 14 N.J.R. 79(a).
 Adopted: March 30, 1982 by Shirley A. Mayer, M.D.,
 M.P.H., Commissioner, Department of Health.
 Filed: April 2, 1982 as R.1982 d.123, **without change.**

Authority: N.J.S.A. 24:21-1 and 2C:39-6(h).

Effective Date: April 19, 1982.

(b)

COMMUNITY HEALTH SERVICES

Controlled Dangerous Substances Transfer of CDS Prescription Information Between Pharmacies (Schedules III-IV); Amend Schedules I, III, IV and V

Adopted Amendments: N.J.A.C. 8:65-7.14, 7.18, 10.1, 10.3 and 10.4

Proposed: February 16, 1982 at 14 N.J.R. 195(a).
 Adopted: March 30, 1982 by Shirley A. Mayer, M.D.,
 M.P.H., Commissioner, Department of Health.
 Filed: April 2, 1982 as R.1982 d.124, **without change.**

Authority: N.J.S.A. 24:21-3.

Effective Date: April 19, 1982.

(c)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Adopted Amendments: N.J.A.C. 8:71

Proposed: January 4, 1982 at 14 N.J.R. 22(a).
 Adopted: March 19, 1982 by Drug Utilization Review
 Council, Robert G. Kowalski, Chairman.
 Filed: March 24, 1982 as R.1982 d.115, with a portion
 of the proposal **not adopted** but still pending, and a
 portion of the proposal **not adopted.**

Authority: N.J.S.A. 24:6E-6g.

Effective Date: April 19, 1982.

The following proposed drugs with their acceptable manufacturers were **adopted**:

Acetaminophen/codeine tabs. 15, 60 mg.	Drummer
Allantoin, aminacrine, sulfanilimide, vaginal cream	Lemmon
Bethanechol C1 tabs. 50 mg	Bolar
Cyproheptadine HCl tabs. 4 mg	Danbury, PAR, Superpharm
Diphenoxylate and atropine tabs.	Premo
Fluocinolone Acetonide cream 0.025%, 0.01%	Thames Pharm.
Glutethimide tab. 500 mg	Premo
Hydrocortisone cream 0.5%, 1.0%	Thames Pharm.
Nitroglycerin topical oint. 2%	Byk-Gulden
Propoxyphene HCl caps 65 mg	Halsey
Pseudoephedrine tab. 60 mg	Drummer
Selenium sulfide lotion 2 1/2%	Thames Pharm.
Triamcinolone Acetonide cream 0.5%, 0.1%, 0.025%	Thames Pharm.

The following drug product and its manufacturer, noticed in the original proposal, was **not adopted**.

Sulfasalazine tabs. 50mg	Premo
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The following drug products and their manufacturers, noticed in the original proposal, were **not adopted but are still pending**.

Chlorthalidone tabs. 25, 50 mg	KV, Danbury, Lederle
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Dexamethasone tabs. 0.5, 0.75, 1.5, 4 mg	Organon, Rowell
Dexamethasone tabs. 0.75 mg	Bolar
Dexamethasone tabs. 0.25, 0.50, 0.75, 1.5 mg	Bolar
Furosemide tabs. 20, 40 mg	Cord, Mylan
Hydrochlorothiazide tabs. 25, 50 mg	Lederle
Hydrochlorothiazide tabs. 50 mg	Steri-med
Hydroxyzine Pamoate caps. 25, 50, 100 mg	Bolar
Penicillin V Potassium tabs. 250, 500 mg	Beecham
Penicillin V Potassium for Solution 125, 250 mg	Beecham
Spirinolactone tabs. 25 mg	Barr, Chelsea
Spirinolactone 25 mg/Hydrochlorothiazide 25 mg	Chelsea

HIGHER EDUCATION

Authority: N.J.S.A. 18A:71-47(b) and 18A:71-48.
Effective Date: April 19, 1982.

(d)

STUDENT ASSISTANCE BOARD

**Public Tuition Benefits Program
Eligibility Criteria**

**Adopted Amendments: N.J.A.C. 9:7-5.1,
5.2, 5.4, 5.5 and 5.9**

Proposed: January 4, 1982 at 14 N.J.R. 28(a).
Adopted: March 26, 1982 by Student Assistance Board,
Luis Nieves, Chairman.
Filed: April 2, 1982 as R.1982 d.127, **with substantive
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:71-26.8 and 77 (P.L. 1981
c.300).

Effective Date: April 19, 1982.

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

9:7-5.4 Public institutions

Tuition benefits are available to eligible students at the following
public institutions of higher education located in New Jersey.

County Colleges	State Colleges	Rutgers University and NJ Institute of Technology
...		...
Commissions	(No change from proposal.)	*College of Engineering*
Sussex		*College of Nursing*
Warren		*College of Pharmacy*
...		...
		Mason Gross School of the Arts
		...

HIGHER EDUCATION

(a)

BOARD OF HIGHER EDUCATION

**State College Personnel Policies
Limitations for Professional Classification**

Adopted Amendment: N.J.A.C. 9:2-2.12

Proposed: February 1, 1982 at 14 N.J.R. 121(b).
Adopted: March 19, 1982 by Board of Higher Education,
T. Edward Hollander, Chancellor and Secretary.
Filed: April 2, 1982 as R.1982 d.130, **without change**.

Authority: N.J.S.A. 18A:3-14(h) and 18A:3-15.

Effective Date: April 19, 1982.

(b)

BOARD OF HIGHER EDUCATION

**Alternate Benefits Program
Designation of Eligible Participants**

Adopted Amendment: N.J.A.C. 9:2-4.1

Proposed: January 4, 1982 at 14 N.J.R. 26(a).
Adopted: March 19, 1982 by Board of Higher Education,
T. Edward Hollander, Chancellor and Secretary.
Filed: April 2, 1982 as R.1982 d.128, **without change**.

Authority: N.J.S.A. 18A:66-170 and 18A:66-172.

Effective Date: April 19, 1982.

(c)

STUDENT ASSISTANCE BOARD

**Tuition Aid Grant Program
1982-1983 Award Table**

Adopted Amendment: N.J.A.C. 9:7-3.1

Proposed: February 1, 1982 at 14 N.J.R. 122(a).
Adopted: March 26, 1982 by Student Assistance Board,
Luis Nieves, Chairman.
Filed: April 2, 1982 as R.1982 d.129, **without change**.

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Long Term Care Services Manual Ownership of Special Medical Equipment

Adopted Amendment: N.J.A.C. 10:63-1.4

Proposed: December 7, 1981 at 13 N.J.R. 877(a).
Adopted: March 12, 1982 by George J. Albanese,
Commissioner, Department of Human Services.
Filed: March 23, 1982 as R.1982 d.110, **without change.**

Authority: N.J.S.A. 30:4D-6b(6)(12) and 30:4D-7.
Effective Date: April 19, 1982.

TRANSPORTATION

(b)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Routes US 9, 22 and Route 93

Adopted Amendments: N.J.A.C. 16:28A-1.7, 1.13 and 1.68

Proposed: February 16, 1982 at 14 N.J.R. 199(a).
Adopted: March 23, 1982 by David W. Gwynn, Chief
Engineer, Transportation Operations and Local Aid for
Anne P. Canby, Commissioner.
Filed: March 24, 1982 as R.1982 d.116, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and
39:4-139.
Effective Date: April 19, 1982.

(c)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route 28

Adopted Amendment: N.J.A.C. 16:28A-1.19

Proposed: February 1, 1982 at 14 N.J.R. 138(a).
Adopted: March 15, 1982 by Anne P. Canby,
Commissioner, Department of Transportation.
Filed: March 23, 1982 as R.1982 d.111, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and
39:4-139.

Effective Date: April 19, 1982.

(d)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route US 206

Adopted Amendment: N.J.A.C. 16:28A-1.57

Proposed: February 1, 1982 at 14 N.J.R. 139(a).
Adopted: March 15, 1982 by Anne P. Canby,
Commissioner, Department of Transportation.
Filed: March 23, 1982 as R.1982 d.112, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and
39:4-139.

Effective Date: April 19, 1982.

(e)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route US 9W and Route 67

Adopted Amendments: N.J.A.C. 16:28A-1.61 and 1.71

Proposed: February 1, 1982 at 14 N.J.R. 139(b).
Adopted: March 15, 1982 by Anne P. Canby,
Commissioner, Department of Transportation.
Filed: March 23, 1982 as R.1982 d.113, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and
39:4-139.

Effective Date: April 19, 1982.

OTHER AGENCIES

(a)

ELECTION LAW ENFORCEMENT COMMISSION

Questions and Answers Concerning the Requirements for Financial Disclosure by Lobbyists and Legislative Agents

Lobbying Rules: N.J.A.C. 19:25-8 (Adopted, December 7, 1981 at 13 N.J.R. 895(d))

According to the Election Law Enforcement Commission, the following questions and answers are intended to serve as an interpretive statement of the Commission's policies administering the requirements of financial disclosure by lobbyists and legislative agents. The questions and answers which follow have been selected as representative of the most frequently posed questions to the Commission. Additionally, they are designed to provide examples of the application of the Commission's regulations which have the general applicability. The staff of the Election Law Enforcement Commission is available to answer any additional questions which may arise. Organizations or individuals seeking guidance as to their filing requirements are urged to take advantage of the Commission's Advisory Opinion program (see N.J.A.C. 19:25-14).

THRESHOLD

1. Q. What form, if any, is required to be filed by a lobbyist organization with total expenditures less than \$2,500?

A. Lobbyist and legislative agents are not required to file any report unless they receive receipts of more than \$2,500 or makes expenditures of more than \$2,500 in any calendar year for the purposes of lobbying. See Commission Regulation N.J.A.C. 19:25-8.4. However, a lobbyist or legislative agent that wishes on a voluntary basis to file a statement or letter to the effect that its receipts or expenditures are under threshold may do so.

2. Q. How much of the Form L-1 must be completed by a lobbyist organization that spends less than \$2,500 for lobbying and employs a Legislative Agent whose lobbying time does not exceed 10 percent of his total employment time or 180 hours?

A. Neither the lobbyist nor the legislative agent has any filing requirement. The lobbyist has not expended more than \$2,500. The employee does not meet the definition of "legislative agent" because neither 10 percent of his time or a total of 180 hours was spent lobbying on behalf of the employer lobbyist. See definition of "legislative agent", N.J.A.C. 19:25-8.2.

3. Q. If a lobbying organization comes in just under the \$2,500 threshold and does not file, can it expect to hear from ELEC?

A. Possibly, as part of the Commission's compliance review. As part of that function the Commission may contact an organization to insure that consideration of possible filing obligation has been made. In addition, random audits may be conducted with individuals or others who engage in lobbying activity to verify reporting representations or the lack of any reporting requirement.

4. Q. Does the \$2,500 threshold apply to the Form L-2 designations?

A. Yes. Form L-2 is for the use of lobbyists who make no other lobbying expenditure besides retaining a non-employee, outside legislative agent. The Form L-2 permits the Commission to accept the report filed by the outside legislative agent as the report of the lobbyist. However, if the lobbyist did not exceed the threshold amount of expenditures, it has no obligation to file any report.

5. Q. If a company has an employee who does lobbying but does not need the "legislative agent" test of 10 percent or 180 hours, but that employee is registered with the Attorney General as a legislative agent, does the company have to file a report if no other employee does any other kind of lobbying and no lobbyist is hired?

A. If the company is under the \$2,500 threshold, it has no obligation to file any report. The fact that the employee is registered with the Attorney General and therefore has received a "red badge" authorizing lobbying in the State House does not in itself create a filing requirement with ELEC.

6. Q. A firm in the business of lobbying on behalf of its client, in this case trade associations, finds that several of these associations have Executive Directors who have registered with the Attorney General for "red badges". Most of the Directors made no communication to legislators, while the others appeared to be well below the 10 percent threshold established for legislative agents. Are the clients or the legislative agents required to file either the Form L-1 or L-2?

A. The filing obligations of the client trade associations depend on whether or not they exceeded the threshold. The use of the Form L-2 would depend on whether or not the client trade association relied exclusively on the outside legislative agent firm. However, since none of the Executive Directors exceeded the threshold for legislative agents, none of them have to file a report.

7. Q. Does a firm in the business of lobbying have to report only clients who meet the \$2,500 threshold?

A. The lobbying firm has a filing responsibility as a legislative agent that is separate from that of the client. Therefore, presuming that the lobbying firm itself is over threshold, it must identify all fees it received for the purposes of lobbying whether or not any of the clients were not over the threshold.

EXPRESS COMMUNICATIONS

8. Q. Please define direct lobbying as opposed to general government affairs activities?

A. Neither the term "lobbying" or "general affairs" is defined in the regulations. For lobbying to be reportable it must expressly relate to direct, express and intentional communication with legislators for the specific purpose of affecting legislation. General government affairs activities could cover a range of actions and expenditures. However, to the extent that general government activities are part of a process that leads to lobbying communication, they are reportable.

9. Q. Schedule A of Form L-1 requires a lobbyist to disclose lobbying expenditures. Do those expenditures reflect direct and express lobbying expenses, or all "government affairs" related expenditures?

A. All "government affairs" related expenditures that have a causal relationship to lobbying communications must be included. Specific examples of expenditures that are reportable are illustrated in some of the following questions.

10. Q. If a Legislative Agent talks with a legislator for one half hour but spends the whole day, including travel to Trenton and waiting time, does he report one half hour worth his salary or the entire day?

A. The purpose of the travel and the waiting time was to make the lobbying communication, and therefore the salary for the entire day must be included in the total pro rata share of the legislative agent's salary that is reported.

11. Q. During a day in which the Legislature is in session, an agent spends most of the day monitoring legislation and only one hour communicating with legislators. Is the entire day reportable?

A. Yes.

12. Q. A legislative agent travels to Trenton, spends the afternoon in the State House, engages in conversation with various legislators on one or more specific legislative topics, and then

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returns home. Are the legislative agent's travel and meal reimbursements from the lobbyist employer for the day reportable as lobbying expenditures?

A. Yes, they are reportable as expenditures of the lobbyist principal.

13. Q. If 50 percent of a legislative agent's time is spent on "government affairs" work, i.e. monitoring bills, etc., but only 10 percent of that time is spent directly lobbying, i.e. speaking or writing to legislators, what percentage of the salary is reported?

A. 50 percent. It appears from the question that the "government affairs" work was causally connected to the ultimate communications.

14. Q. Does the concept of expenditures "expressly" relating to direct communication apply to clients of a firm in the business of lobbying who might file a Form L-2?

A. Yes. If, in addition to the fee that was paid to the firm it retained to do lobbying on its behalf, the client also undertook activities and therefore expenditures that expressly related to a direct communication to a legislator, that client must file a Form L-1 on its own behalf assuming it was over the \$2,500 threshold. The Form L-2 can be used by the legislative agent firm only for those clients who do not make any other reportable expenditures for lobbying.

15. Q. Does the time spent at the Legislature merely observing and not actively communicating, or formulating legislative policy within an organization and committees, or preparing summaries of legislation on which a lobbying position would be based count in measuring either the \$2,500 threshold or in determining whether a trade organization passes a "major purpose" test, that is more than 50 percent of its expenditures are spent for lobbying purposes?

A. The answer will depend on whether there have been lobbying communications during the calendar year. If there have been, then all of the lobbying activities including the kinds of activities described in the question, when carried on by a legislative agent or covered employee would be includable in measuring the \$2,500 threshold and in measuring the expenditure level.

16. Q. The example was given of a legislative agent who covered several states. Under the example, 10 percent of his total time spent in New Jersey, but of that 10 percent only one-half or five percent of his total time, is actually for lobbying. Are there any reporting obligations?

A. The company employing the legislative agent may have to report depending on whether or not its total expenditures are over threshold. The employee does not meet the "legislative agent" standard and therefore does not have to report. However, if the employer lobbyist did spend over \$2,500, and that employer lobbyist has no single employee who was over the 10 percent legislative agent standard, the employee may be deemed to be a legislative agent merely for the purposes of establishing that the employer lobbyist was over threshold. A lobbyist entity that has expended an amount over the threshold cannot avoid filing any report where none of its legislative agents are over 10 percent. See the definition of "legislative agent", Commission Regulation N.J.A.C. 19:25-8.2.

LEGISLATIVE AGENT LISTING

17. Q. Can the person authorized to prepare and certify the annual report of a lobbyist (Item 2 of Form L-1) also be identified as a legislative agent principally employed by the lobbyist in Item 4(a)?

A. Yes.

18. Q. How does the lobbyist report the time of a legislative agent principally employed by the lobbyist who does not exceed the 10 percent time limit? Must that legislative agent be reported under Item 4(a)?

A. In most cases the legislative agent will not be listed. However, if the lobbyist made expenditures over the \$2,500 threshold, and if there is no employee over the 10 percent time limit, he must merely for the purposes of establishing threshold list in Item

OTHER AGENCIES

4(a) one of his employees as a legislative agent. See definition of "legislative agent" in Commission Regulation N.J.A.C. 19:25-8.2, paragraph two.

19. Q. Where a lobbyist designates an employee as a legislative agent merely for purposes of threshold in Item 4(a) must he include any portion of the salary to that employee in calculating lobbying expenditures to be reported on Schedule A, Item 6?

A. No. The employee has been deemed to be a legislative agent merely for the purposes of establishing that the lobbyist made expenditures over threshold.

20. Q. If a lobbyist lists an outside legislative agent in Item 4(b) of Form L-1, does that absolve the legislative agent from reporting the lobbyist's expenditures? The statement in Item 4(b) says "on whose behalf this report is filed".

A. No. Legislative agents identified in Item 4(b) must in their filing report all lobbying expenditures made on behalf of their clients.

21. Q. In regard to Schedule A, Item 6, reporting of the total pro rata shares of salaries of legislative agents, how does a lobbyist report where the legislative agents do all the lobbying activities?

A. The lobbyist determines what portion of the legislative agent's salaries were paid for purposes of lobbying.

22. Q. Is it possible for a legislative agent who is a salaried principal employee of a lobbyist company, whose primary business is not lobbying, to file a single annual report on behalf of the company and the employee?

A. Yes. The report is filed on behalf of the lobbyist, and the lobbyist indicates the legislative agent in Item 4(a).

"MAJOR PURPOSE" TEST

23. Q. In reference to the Expenditure Table 2 on page 7 of the Form L-1, how does a trade association that pays dues to a multi-purpose organization know if that organization meets the "major purpose" test? If it is unsure, should the trade association report the total amount of dues paid?

A. The "major purpose" test is described in Commission Regulation N.J.A.C. 19:25-8.7(a)3. An organization has as its "major purpose" lobbying if more than 50 percent of its total expenditures are for lobbying purposes. Only dues paid to such a "major purpose" organization must be reported by the dues paying lobbyist, in this question, the trade association. The association therefore must undertake to inquire of the multi-purpose organization whether it passes that test.

CONFIDENTIALITY OF SALARIES

24. Q. What assurances can ELEC give that the individual salaries of legislative agents or support personnel will not become public information?

A. All filed reports are public information. However, Item 6 of Schedule A requires disclosure of the total pro rata shares of salaries of legislative agents. However, the percentage applied to determine the pro rata lobbying share of any salary is not required to be disclosed. Therefore, even in the case where there is only one legislative agent, it cannot be concluded that the figure reported in Item 6 is 100 percent of that agent's salary.

POLITICAL CONTRIBUTIONS

25. Q. Are political contributions reportable?

A. No, unless related to a direct communication.

26. Q. Is a \$150.00 contribution to a political dinner, where no discussion of legislation takes place, reportable as a gift or as an honorarium?

A. Contributions to a political dinner where no discussion of legislation takes place would be reportable by the candidate, the candidate committee or the campaign committee, as appropriate.

MEMBERSHIP COMMUNICATIONS

27. Q. Are mailings to members of an organization which update those members on legislative developments reportable?

A. No. There is no direct communication to a legislator.

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28. Q. Should the newsletter cost be included in total or on a pro rata share in the total amount of disbursements for the preparation and distribution of materials, Item 8, Schedule A, Form L-1?

A. Newsletters mailed to members of the organization will generally not be included where in good faith the purpose of the newsletter is only to communicate to members.

29. Q. In general, should efforts to mobilize for lobbying "grass roots" lay persons or members of an organization be included?

A. No.

BILL IDENTIFICATION

30. Q. Will a Bill number be adequate in identifying a particular item of legislation, or must the description of the proposal be included?

A. The number is adequate.

TRAVEL

31. Q. How do I show expense when I use a company car?

A. The expense of the car when used for lobbying purposes is disclosed by the company in this report on Item 9, Schedule A, Form L-1.

FUND-RAISING EVENT

32. Q. Is a \$100.00 expenditure to attend a fund-raising event for a specific legislator reportable?

A. No, unless the lobbyist undertakes direct lobbying communication.

MEALS

33. Q. In regard to Expenditure Table 3 on page eight of Form L-1, does the \$25.00 per day expenditure threshold include the price of the legislative agent's lunch or only that of the legislator?

A. Only the price of the legislator's lunch must be attributed towards the \$25.00 a day threshold. See Commission Regulation N.J.A.C. 19:25-8.9(c)1. Therefore, if the cost of the legislator's lunch exceeded \$25.00, the legislator must be identified by name on the expenditure table and in Column A. However, the cost of the legislative agent's lunch is also reportable. Therefore it must be included in calculating the total amount spent for food and beverages. The amount of the legislative agent's share should appear in the totals for Expenditure Table 3 under Item 2, Column B, General Expenditures. See Commission Regulation N.J.A.C. 19:25-8.7(b)2.

34. Q. Legislators are invited to speak and answer questions at a conference or dinner sponsored by a lobbyist. The meals and drinks of the legislators are paid for by the lobbyist. Does the lobbyist report the meals and beverages or the total cost of the conference?

A. No expenditures are reported unless there is a casual connection to lobbying communication. If lobbying occurs at the dinner, the value of the dinner benefit that passes to the legislator would be reported in the Expenditure Table 3 Totals in Item 2, Column A. The cost of the dinners of the legislative agents would be reported in Column B. In the absence of more facts concerning the conference, and the nature of its expenditures, it is difficult to comment on it.

RESEARCH EXPENDITURES

35. Q. Are expenditures by a lobbyist for legal research by a law firm, not the legislative agent of the lobbyist, in connection with the formulation of a position on legislation reportable?

A. If the research is related to direct communication to a legislator, that research, whether it be legal, economic, social or other, is reportable.

36. Q. If a lobbyist with an outside legislative agent also hires a law firm to undertake reportable legal research, does that disqualify the lobbyist from use of the Form L-2?

A. Yes. The lobbyist must file a Form L-2 which shows both the expenditure for the outside legislative agent and the expenditure to the law firm.

37. Q. If a law firm receives \$2,500 for doing research on several pieces of legislation for one client, but there is direct

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communication for only some of the legislation does a law firm have to report under the theory that it has received more than \$2,500 in lobbying receipts?

A. Yes. The total receipts for the lobbying effort of the client must be reported.

ATTORNEY AUDITS

38. Q. The Administrative Office of the Courts has been suggested as a possible vehicle for conducting audits of attorneys who engage in lobbying. Attorneys have expressed concern over the confidentiality of their client records. However, such an audit could raise an undesirable stigma. Will ELEC agree to such a procedure without further notice and discussion?

A. No. The Commission believes that to the extent attorneys undertake lobbying activities they must report their expenditures, and the Commission must be in a position to audit such disclosure. At this time no procedures exist for lobbying audits conducted by or with the cooperation of the Administrative Office of the Courts.

SPECIAL EVENTS

39. Q. A statewide professional organization holds an annual general reception for all members of the Legislature and their Aides. The purpose is to allow members of the Legislature and of the professional organization to get to know one another. Are the expenditures for the reception reportable?

A. No, unless direct communications for lobbying are undertaken. In such a case, the reception could be reported on Expenditure Table 4 as a "special event" and the lobbyist would be relieved from identifying each legislator who attended. See Commission regulation N.J.A.C. 19:25-8.9(c)3.

40. Q. Does the term direct or express lobbying apply to the expenditure table of special events?

A. The special event is not reportable unless lobbying communications are undertaken.

LEGISLATIVE AGENT FIRMS

41. Q. In the case of legislative agents not principally employed by a lobbyist, that is in the business of lobbying on behalf of clients, of what relevance is the information to be reported in Items 6 thru 9 of Schedule A?

A. Legislative agents, as well as lobbyists, are required by law to disclose their expenditures. Such expenditures would include the salaries attributable to lobbying of their employees, support personnel, the preparation and distribution of materials and travel and lodging of their employees.

42. Q. Please cite specific examples of expenditures for Item 8 of Schedule A, preparation and distribution of materials, and Item 9, travel and lodging.

A. The cost of producing a report for a legislator would be an example of the preparation of the material. The cost of a hotel room for a legislative agent to stay in Trenton would be an example of a lodging expense.

REPORTING YEAR

43. Q. Should affiliate dues which are due for payment in 1981 but in fact not paid until 1982 be included in the annual report for 1981?

A. If the dues are attributable to lobbying undertaken in 1981, they should be reported for calendar year 1981 regardless of the year they are actually paid.

RECORDS

44. Q. What constitutes good records?

A. Records that are sufficient to demonstrate that there is a reasonable basis for the receipts or expenditures that are reported.

45. Q. For the 1982 calendar year, should a legislative agent keep a diary of direct communications?

A. Yes. Further, such diary should include those expenses related to the communication.

MISCELLANEOUS NOTICES

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING

Truth-in-Renting Statement

Notice of Public Hearing

TAKE NOTICE THAT a **public hearing** will be held on May 3, 1982, at 1:00 P.M., at 363 West State Street, Trenton, New Jersey. At this public hearing, representatives of the Department of Community Affairs will hear testimony concerning matters to be included in the next edition of the Truth-in-Renting statement prepared by the Department pursuant to PL. 1975, c.310 (N.J.S.A. 46:8-43 et seq.)

Persons wishing to testify should call Mary Ellen Marino at (609) 292-6418 in order to be scheduled to speak. Written submissions may be made to Ms. Marino at CN 804, Trenton, New Jersey 08625 on or before the date of the hearing.

ENVIRONMENTAL PROTECTION

(b)

THE COMMISSIONER

State Certifications of Draft NPDES Permits

Public Notice

Robert E. Hughey, Commissioner of the Department of Environmental Protection, pursuant to the "New Jersey Water Pollution Control Act," N.J.S.A. 58:10A-1 et seq., is authorized to assess compliance of a surface water discharge with State law pertaining to discharges to the waters of the State. The Department is requested by the United States Environmental Protection Agency, as required by section 401 of the Federal Clean Water Act, 33 U.S.C. 1251 et seq., to certify that a discharge, as described in a draft National Pollutant Discharge Elimination System permit, will not violate the requirements of State law.

The Department publishes public notice of certifications in the DEP Bulletin. Copies of the Bulletin may be obtained by calling (609) 292-3178 or writing to the Documents Distribution Center, P.O. Box 1390, Trenton, New Jersey 08625.

HIGHER EDUCATION

(c)

HIGHER EDUCATION

Public Tuition Benefits Program

Change of Address: N.J.A.C. 9:7-5.3

Take notice that the new mailing address for the Public Tuition Benefits Program is:

New Jersey Department of Higher
Education
Public Tuition Benefits Program
CN 540
Trenton, New Jersey 08625

PUBLIC UTILITIES

(d)

BOARD OF PUBLIC UTILITIES

Petition for Rulemaking

Continued from 14 N.J.R. 380(a), This Issue.

Take further notice that the Board of Public Utilities, in accordance with N.J.S.A. 52:14B-4(f), has determined to act on Rate Counsel's petition through informal conferences and the like. Inquiries as to conference dates and procedures to be followed should be addressed to:

David J. McGee, Esq.
Regulatory Officer
Board of Public Utilities
1100 Raymond Boulevard
Newark, New Jersey 07102

INDEX OF PROPOSED RULES

The *Index of Proposed Rules* contains rules which have been proposed in the New Jersey Register between April 9, 1981 and April 5, 1982, and which have not been adopted and filed by April 2, 1982. The index does not contain rules proposed in this Register and listed in the *Table of Rules in This Issue*. These proposals will appear in the next *Index of Proposed Rules*.

A proposed rule listed in this index may be adopted no later than one year from the date the proposal was originally published in the Register. Failure to timely adopt the proposed rule requires the proposing agency to re-submit 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 of the Office of Administrative Law (N.J.A.C. 1:30).

The *Index of Proposed Rules* appears in the second issue of each month, complementing the *Index of Adopted Rules* which

appears in the first Register of each month. Together, these indices make available for a subscriber to the Code and Register all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activity from the initial proposal through final promulgation.

The proposed rules are listed below in order of their Code citation. Accompanying the Code citation for each proposal is a brief description of its contents, and the date and Register citation of its publication.

The full text of the proposed rule will generally appear in the Register. If the full text of the proposed rule was not printed in the Register, it is available for a fee from:

Administrative Filings
CN 301
Trenton, New Jersey 08625

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW—TITLE 1			
1:1-3.8	Agency litigation staff and final decisions	1-4-82	14 N.J.R. 4(a)
1:1-9.7	Motion and agency review	4-9-81	13 N.J.R. 181(a)
1:1-17.3	Return of cases	1-4-82	14 N.J.R. 4(b)
AGRICULTURE—TITLE 2			
2:69-1.6	Slow-release nitrogen products	3-15-82	14 N.J.R. 258(a)
BANKING—TITLE 3			
3:1-2.20	Savings and loan branch facilities	11-2-81	13 N.J.R. 714(a)
3:23	Licensee fees for credit sales and loan businesses (with Emergency Adoption)	3-15-82	14 N.J.R. 277(b)
CIVIL SERVICE—TITLE 4			
4:1-6.5,6.5A	Classifications and appeals	1-4-82	14 N.J.R. 5(a)
4:1-8.21	Make-up examinations and test security	3-15-82	14 N.J.R. 259(a)
4:1-13.4	Working test period for police and firemen	2-1-82	14 N.J.R. 115(a)
4:1-16.1-16.5	Layoffs and demotions	2-16-82	14 N.J.R. 184(a)
4:1-16.1-16.5	Senate Concurrent Resolution: Layoffs and demotions	2-16-82	14 N.J.R. 298(a)
4:1-16.13	Reemployment and retirees	3-15-82	14 N.J.R. 260(a)
4:1-16.15, 16.17	Benefit information to next of kin	2-1-82	14 N.J.R. 117(a)
4:1-17.16	Advancing of sick leave (State)	4-5-82	14 N.J.R. 299(a)
4:1-24.1, 24.3-24.12	Layoffs and demotions	2-16-82	14 N.J.R. 184(a)
4:1-24.1, 24.3-24.12	Senate Concurrent Resolution: Layoffs and demotions	2-16-82	14 N.J.R. 298(a)
4:2-6.4	Classifications and appeals	1-4-82	14 N.J.R. 5(a)
4:2-7.1	Compensation for NL4 designated titles	1-18-82	14 N.J.R. 67(a)
4:2-16.1, 16.2	Layoffs and demotions	2-16-82	14 N.J.R. 184(a)
4:2-16.1, 16.2	Senate Concurrent Resolution: Layoffs and demotions	2-16-82	14 N.J.R. 298(a)
4:2-17.14	Repeal: Credit for sick leave	4-5-82	14 N.J.R. 299(a)
4:3-6.6	Classifications and appeals	1-4-82	14 N.J.R. 5(a)
4:3-13.1	Working test period for police and firemen	2-1-82	14 N.J.R. 115(a)
4:3-16.1, 16.2	Layoffs and demotions	2-16-82	14 N.J.R. 184(a)
4:3-16.1, 16.2	Senate Concurrent Resolution: Layoffs and demotions	2-16-82	14 N.J.R. 298(a)
4:3-17.6	Repeal: Credit for sick leave	4-5-82	14 N.J.R. 299(a)
COMMUNITY AFFAIRS—TITLE 5			
5:10-2.2, 25.3	Standards for hotels and multiple dwellings	2-1-82	14 N.J.R. 119(a)
5:12	Repeal plain language review of residential leases	3-1-82	14 N.J.R. 222(a)
5:23-3.3	Uniform Construction Code	7-9-81	13 N.J.R. 391(a)
5:30-3.3	Dedication by rider to local budgets	4-5-82	14 N.J.R. 301(a)
5:30-18	Local funds in interest hearing accounts	8-6-81	13 N.J.R. 477(a)
5:80-2	Housing Finance Agency project conversions	4-5-82	14 N.J.R. 301(b)

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
EDUCATION—TITLE 6			
6:2-1.1, 1.2, 1.7-1.19	Filing appeals before State Board	3-15-82	14 N.J.R. 261(a)
6:11-8.1, 8.2, 8.4 8.8, 8.9-8.13	Minimum standards for teacher education	4-5-82	14 N.J.R. 305(a)
6:20-2.3	Program-oriented budgeting format	4-5-82	14 N.J.R. 309(a)
6:29-8.1, 8.2	Hearing screening of pupils	1-18-82	14 N.J.R. 108(a)
ENVIRONMENTAL PROTECTION—TITLE 7			
7:1A	Water Supply Bond Act loans	1-4-82	14 N.J.R. 10(a)
7:1G-4.1	Water rationing plan	6-4-81	13 N.J.R. 335(a)
7:8	Storm water management	12-21-81	13 N.J.R. 916(a)
7:12-1.2-1.5	Shellfish beds: Reclassification	4-5-82	14 N.J.R. 310(a)
7:13-1.11	Flood plain delineation	4-9-81	13 N.J.R. 191(c)
7:13-1.11	Flood hazard areas	7-9-81	13 N.J.R. 402(b)
7:13-1.11	Delaware Basin floodway delineations	11-16-81	13 N.J.R. 805(a)
7:13-1.11	Floodway delineations along Woodbridge and Rahway rivers	12-21-81	13 N.J.R. 920(a)
7:13-1.11	Floodway delineations along Tuckahoe River	12-21-81	13 N.J.R. 921(a)
7:13-1.11	Notice of flood hazard delineations	12-21-81	13 N.J.R. 950(a)
7:13-1.11	Floodway designations in Hackensack basin	1-4-82	14 N.J.R. 19(a)
7:14-2	Construction of wastewater treatment facilities	1-18-82	14 N.J.R. 75(a)
7:14A-1.9	Petition to amend 1981 NJPDES Fcc Schedule	12-21-81	13 N.J.R. 922(a)
7:25-12.1	Sea clam fishery (early opening)	11-16-81	13 N.J.R. 843(a)
7:25-14.8-14.10	Harvest of crabs	10-8-81	13 N.J.R. 645(a)
7:25A-3.1	1982 seed oyster season	3-15-82	14 N.J.R. 264(a)
7:26-7.4, 7.5, 8.15	Waste oil management as hazardous material	1-4-82	14 N.J.R. 20(a)
7:26-10	Hazardous waste facilities	9-10-81	13 N.J.R. 567(a)
7:26-15	Correction: Grants and loans for solid waste recycling	12-21-81	13 N.J.R. 950(b)
7:27-9.1	Emission averaging and high sulfur fuels	12-7-81	13 N.J.R. 870(a)
HEALTH—TITLE 8			
8:31-22.1	Doctors' offices in medical facilities	11-16-81	13 N.J.R. 807(a)
8:31-23.1	Parking garage standards	11-16-81	13 N.J.R. 807(b)
8:31-24.1	Hospital personnel housing	11-16-81	13 N.J.R. 808(a)
8:31B-4	Financial elements and reporting regulation	8-6-81	13 N.J.R. 487(a)
8:33F-1.1-1.4, 1.6, 1.7	Need review: Regional end-stage renal services	12-21-81	13 N.J.R. 922(b)
8:33H-3.3	Medicare and Medicaid beds in long-term care	2-16-82	14 N.J.R. 191(a)
8:39-1.1, 1.16-1.21	Long-term care facilities: Licensure standards	2-16-82	14 N.J.R. 193(a)
8:39-1.33	Long-term care facilities: Construction standards	11-16-81	13 N.J.R. 809(a)
8:39-1.34	Long-term care facilities: Additional standards	11-16-81	13 N.J.R. 809(b)
8:43-3.22	Fire safety in residential care homes	2-16-82	14 N.J.R. 194(a)
8:43A-2.1, 2.2	Ambulatory care facilities: Construction standards	11-16-81	13 N.J.R. 810(a)
8:43B-3.1, 3.1A	Hospital construction standards	11-16-81	13 N.J.R. 811(a)
8:43B-15.12, 15.12A	Renal dialysis services: Construction standards	11-16-81	13 N.J.R. 812(a)
8:71	Additions to generic drug list (see 14 N.J.R. 389(c))	1-4-82	14 N.J.R. 22(a)
HIGHER EDUCATION—TITLE 9			
9:1-1.6	Branch campuses and off-campus facilities	1-4-82	14 N.J.R. 23(a)
9:4-1.2, 2.14	Branch campuses and off-campus facilities	1-4-82	14 N.J.R. 23(a)
9:4-3.1, 3.10	County college annual audit	4-5-82	14 N.J.R. 318(a)
HUMAN SERVICES—TITLE 10			
10:44A	Community residences for retarded	9-10-81	13 N.J.R. 574(a)
10:49-1.3	Changes in provider status	5-7-81	13 N.J.R. 271(b)
10:49-1.9	Pre-approval on out-of-State services	6-4-81	13 N.J.R. 355(b)
10:49-1.23	Documentation of services by Medicaid providers	11-2-81	13 N.J.R. 738(b)
10:49-1.27	Definition of "field audit"	7-9-81	13 N.J.R. 414(a)
10:49-6.5	Medicaid and PAA: Payment recovery from estates	1-18-82	14 N.J.R. 80(a)
10:50-3	Van service for Medicaid recipients	6-4-81	13 N.J.R. 356(a)
10:51-1.2	Non-legend device addition	4-5-82	14 N.J.R. 320(a)
10:51-1.17, 1.18	Legend drug reimbursement options	9-10-81	13 N.J.R. 576(a)
10:51-2	Billing procedures for Pharmacy Manual	5-7-81	13 N.J.R. 274(b)
10:51-5.28-5.33	Pharmaceutical Assistance to the Aged	5-7-81	13 N.J.R. 289(a)
10:51—App. B, D	Non-legend device addition	4-5-82	14 N.J.R. 320(a)

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
10:52-1.3	Same day surgery	6-4-81	13 N.J.R. 357(a)
10:52-1.3	Pre-admission testing for elective surgery	6-4-81	13 N.J.R. 358(a)
10:53-1.3	Same day surgery	6-4-81	13 N.J.R. 357(a)
10:53-1.3	Pre-admission testing for elective surgery	6-4-81	13 N.J.R. 358(a)
10:54-1.2, 1.22	Routine chest X Rays	5-7-81	13 N.J.R. 292(b)
10:54-3	Procedure code changes	5-7-81	13 N.J.R. 298(b)
10:54-3	Procedure code for nerve study test	7-9-81	13 N.J.R. 418(b)
10:56-1.14, 1.15, 3.4	Limitation on diagnostic dental services	12-7-81	13 N.J.R. 875(a)
10:60-1, 2.1-2.3	Home Health Services Manual revisions	3-15-82	14 N.J.R. 264(b)
10:63-1.4	Long-term care consultation and services	11-2-81	13 N.J.R. 740(a)
10:63-1.16	Long-term care of psychiatric patients	11-16-81	13 N.J.R. 813(a)
10:63-1.16	Agency response to petition: Long-term care of psychiatric patients	4-5-82	14 N.J.R. 321(a)
10:63-3.20	Long-term care facilities: Reimbursement appeals	3-15-82	14 N.J.R. 269(a)
10:64	Hearing aid services revisions	10-8-81	13 N.J.R. 656(a)
10:64-1.9	Hearing aid reimbursement	6-4-81	13 N.J.R. 361(b)
10:66-1.2, 1.3, 1.6, 1.7	Ambulatory surgical center changes	8-6-81	13 N.J.R. 498(b)
10:66-3.3	Independent Clinic Service Manual	4-9-81	13 N.J.R. 224(a)
10:69A-2.1, 6.2	Pharmaceutical Assistance for Aged and Disabled	4-5-82	14 N.J.R. 321(b)
10:69A-7.1	Medicaid and PAA: Payment recovery from estates	1-18-82	14 N.J.R. 80(a)
10:81-1.14	County welfare board minutes	12-7-81	13 N.J.R. 877(b)
10:82-3.2	Amend ASH: Exempt resources	4-9-81	13 N.J.R. 224(b)
10:82-4.5	Amend ASH: Exempt resources	4-9-81	13 N.J.R. 224(b)
10:85-3.1, 3.3	GAM: AFDC ineligible	12-21-81	13 N.J.R. 926(a)
10:85-3.3	GAM: Cash contributions	3-15-82	14 N.J.R. 270(a)
10:85-3.4	GAM: AFDC ineligible	12-21-81	13 N.J.R. 926(a)
10:85-3.4	GAM: Income and alien sponsorship	2-1-82	14 N.J.R. 122(b)
10:85-4.6	GAM: Emergency grants	2-1-82	14 N.J.R. 124(a)
10:85-5.1	MWD use of General Assistance funds	11-16-81	13 N.J.R. 814(a)
10:122-4.1	Staffing of child care centers	8-6-81	13 N.J.R. 516(b)
10:122-4.1	Head and group teachers in child care centers	3-1-82	14 N.J.R. 223(a)
10:122-4.2	Standards for child care centers	1-18-82	14 N.J.R. 82(a)
10:122-4.3-4.5	Staffing of child care centers	8-6-81	13 N.J.R. 516(b)
10:122-4.3-4.6	Head and group teachers in child care centers	3-1-82	14 N.J.R. 223(a)
10:122-5.1-5.4, 7.1-7.7	Standards for child care centers	1-18-82	14 N.J.R. 82(a)
10:124, 10:130	Children's shelter facilities and homes	2-1-82	14 N.J.R. 125(a)
10:130	Shelters for victims of domestic violence	2-16-82	14 N.J.R. 197(a)
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10A:31-5	State enforcement in adult county facilities	3-1-82	14 N.J.R. 227(a)
10A:70-8	Certificate of Good Conduct	9-10-81	13 N.J.R. 596(b)
10A:71-1.5	Parole Board revisions	9-10-81	13 N.J.R. 597(b)
10A:71-9	Parole Board clemency rules	9-10-81	13 N.J.R. 598(b)
INSURANCE--TITLE 11			
11:1-13	Sale of auto club service contracts	12-7-81	13 N.J.R. 879(b)
11:5-1.4, 1.8(c), 1.9, 1.18, 1.19, 1.37	Real Estate Commission rules	5-7-81	13 N.J.R. 302(b)
11:12	Legal insurance	9-10-81	13 N.J.R. 601(a)
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12:190, 12:191, 12:192, 12:193	New safety standards for explosives	8-6-81	13 N.J.R. 517(b)
12:194	New safety rules for model rocketry	8-6-81	13 N.J.R. 518(a)
LAW AND PUBLIC SAFETY--TITLE 13			
13:19-10.5	Reduction of driver point accumulation	9-10-81	13 N.J.R. 606(a)
13:30-6.2	Dental hygienists and hygiene school directorships	1-18-82	14 N.J.R. 89(a)
13:30-6.3	Oral hygiene schools and advisory council provision	2-1-82	14 N.J.R. 135(a)
13:30-6.6	Repeal dormitory requirement for oral hygiene schools	2-1-82	14 N.J.R. 136(a)
13:30-6.9(a)	Oral hygiene schools: Admissions	12-7-81	13 N.J.R. 880(a)
13:30-8.7	Dental personnel law test requirement	1-18-82	14 N.J.R. 89(b)
13:33-2.2	Required ophthalmic equipment	4-9-81	13 N.J.R. 232(a)
13:35-6.5	Responsibility for pronouncement of death	1-18-82	14 N.J.R. 90(a)
13:35-11	In-State medical training by out-of-state schools	7-9-81	13 N.J.R. 443(b)

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
13:35-11.4	Correction: In-State clinical training	7-9-81	13 N.J.R. 608(c)
13:35-12	Prolonged prescribing of Schedule II narcotics	11-16-81	13 N.J.R. 815(a)
13:36-9.1	Penalty letter repeal by mortuary board	6-4-81	13 N.J.R. 369(a)
13:38-2.1	Changes in required optometric tests	6-4-81	13 N.J.R. 370(b)
13:38-2.1	Public hearing: Delegation of certain optometric functions	6-4-81	14 N.J.R. 288(b)
13:39-6.4, 6.5, 6.8, 9.13	Computerized recordkeeping in pharmacy practice	2-1-82	14 N.J.R. 136(b)
13:40-6.1	Engineer and surveyor test fees	7-9-81	13 N.J.R. 446(a)
13:44A-7.1	Uniform rule petitions to professional boards	10-8-81	13 N.J.R. 664(b)
13:44A-8	Licensing boards: Uniform testing process	11-16-81	13 N.J.R. 816(a)
13:44A-9	Licensing boards: Uniform complaint procedures	11-16-81	13 N.J.R. 817(a)
13:44B	Compensation for licensing board members	12-21-81	13 N.J.R. 932(a)
13:45A-18.1-18.3	Kosher food representation rules	10-8-81	13 N.J.R. 666(a)
13:45A-19.1, 19.2	Consumer notification on home appointments	10-8-81	13 N.J.R. 679(a)
13:48-12	Sales appeals for charitable purposes	7-9-81	13 N.J.R. 446(b)
13:70	Thoroughbred racing rules	1-18-82	14 N.J.R. 91(a)
13:70-14A.13	Pre-race thoroughbred rules	4-9-81	13 N.J.R. 236(a)
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14:3-7.11A	Residential budget billing	6-4-81	13 N.J.R. 371(b)
14:3-11	New major gas and electric facilities	3-1-82	14 N.J.R. 228(a)
14:9-6	Water and sewer utilities: Depreciation on contributed property	11-2-81	13 N.J.R. 744(a)
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14A:3-11.3	Designation of used oil collection sites	10-8-81	13 N.J.R. 681(a)
14A:3-11.5	Used oil recycling	7-9-81	13 N.J.R. 449(b)
14A:3-11.5	Designation of used oil collection sites	10-8-81	13 N.J.R. 681(a)
14A:3-15	Correction: Grants and loans for solid waste recycling	12-27-81	13 N.J.R. 950(b)
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16:28-1.16, 1.56, 1.69	Speed rates on I-195, US40, 322, 130	4-5-82	14 N.J.R. 323(a)
16:28-1.72	Speed limits on US206 and 130 in Bordentown	4-5-82	14 N.J.R. 324(a)
16:28A-1.25	Parking on Route 35	4-5-82	14 N.J.R. 324(b)
16:28A-1.38	Parking on Route 71	4-5-82	14 N.J.R. 325(a)
16:28A-1.41	Parking on Route 77	4-5-82	14 N.J.R. 324(b)
16:53-2	Autobus specifications	11-16-81	13 N.J.R. 834(a)
16:54-1.3	"Commercial purposes" and balloon operations	4-5-82	14 N.J.R. 326(a)
16:74	Regular route bus service: Destructive competition claims	4-5-82	14 N.J.R. 326(b)
TREASURY-GENERAL-TITLE 17			
17:1-1.14	Annual reports of salary changes	2-16-82	14 N.J.R. 200(a)
17:1-1.15	Credit unions and direct deposit agreements	12-7-81	13 N.J.R. 883(a)
17:1-1.24	Pensioners' Group Health Insurance	4-5-82	14 N.J.R. 328(a)
17:1-4.11	Pension purchases and final payments	4-5-82	14 N.J.R. 328(b)
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Proposals	April 8
Adoptions	April 19
May 17 issue:	
Proposals	April 22
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