

# NEW JERSEY REGISTER



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**THE JOURNAL OF STATE AGENCY RULEMAKING**

**VOLUME 20 NUMBER 18**

**September 19, 1988 Indexed 20 N.J.R. 2351-2416**

(Includes adopted rules filed through August 26, 1988)

**MOST RECENT UPDATE TO NEW JERSEY ADMINISTRATIVE CODE: JULY 18, 1988**  
See the Register Index for Subsequent Rulemaking Activity.

**NEXT UPDATE: SUPPLEMENT AUGUST 15, 1988**

**RULEMAKING IN THIS ISSUE**

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NEW JERSEY  
SEP 15 1988  
185 WEST ST.  
TRENTON NJ

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# INTERESTED PERSONS

**Interested persons** may submit, in writing, information or arguments concerning any of the rule proposals in this issue until **October 19, 1988**. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal or group of proposals.

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

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

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## NEW JERSEY REGISTER

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# RULE PROPOSALS

## BANKING

### (a)

#### DIVISION OF BANKING CONSUMER CREDIT BUREAU

#### Check Cashers; Conduct of Business

#### Proposed Amendment: N.J.A.C. 3:24-5.1

Authorized By: Mary Little Parell, Commissioner, Department of Banking.

Authority: N.J.S.A. 17:15A-16.

Proposal Number: PRN 1988-468.

Submit comments by October 19, 1988 to:

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

The agency proposal follows:

#### Summary

The Department of Banking proposes to amend the rule concerning the conduct of business of licensed check cashers by requiring licensed check cashers to post on the licensed premises signs, in both the English and Spanish language, stating the maximum fees that may be charged for cashing a check, draft or money order drawn on a bank located in New Jersey or a bank located outside of New Jersey, and further advising that check cashers must give a receipt showing the amount of the check presented for cashing, the amount of the fee charged to cash the check and the amount of money given to the customer.

Persons having complaints concerning either the fees which they have been charged or the check casher's failure to give a receipt will be able to call a toll free hot line to register a complaint, the number of which is disclosed on the signs.

N.J.A.C. 3:24-5.1(a)4 is amended to conform the rule to the requirements of N.J.S.A. 17:15A-5 which has, since its effective date (July 2, 1985), required all new licensees to maintain liquid assets of \$50,000 at each location.

#### Social Impact

Licensed check cashers provide a financial service to a segment of New Jersey's citizens who do not maintain relationships with financial institutions. Many of the check casher's clients are the recipients of subsistence payment instruments by which the clients pay their rent, utilities and other necessities of daily life.

It is the intention of this amendment to make customers of check cashers aware of the maximum fees that may be charged for cashing checks and that they are entitled to receive receipts after cashing their checks. The amendment mandates conspicuous disclosure of this information and information telling customers how to contact the Department of Banking to register complaints.

As merely a conformance of the rule to a statutory requirement, the amendment to N.J.A.C. 3:24-5.1(a)4 should have no social impact.

#### Economic Impact

This proposed amendment will have minimal impact upon licensed check cashers since the cost of printing the initial notice signs will be borne by the Department of Banking. Thereafter, new licensees and licensees at the time of renewal shall pay a nominal fee for these signs or any required replacements.

The production of receipts containing the information required by this proposed amendment can be easily accomplished; therefore, the attendant cost for compliance by licensed check cashers will be nominal.

As merely the conformance of the rule to a statutory requirement, the amendment to N.J.A.C. 3:24-5.1(a)4 should have no economic impact.

#### Regulatory Flexibility Statement

There are 77 licensed check cashers, most of whom are small businesses within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. This proposed amendment imposes, in and of itself, no significant

financial burden on these licensees and provide a significant benefit to each individual using a licensed check casher's service.

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

#### SUBCHAPTER 5. CONDUCT OF BUSINESS

##### 3:24-5.1 Conduct of business

(a) Every licensee shall:

1. Post and at all times display in a conspicuous place on the premises the license and also the schedule of rates to be charged.

i. **The Department of Banking shall provide signs to each licensed check casher which shall be posted in the licensed premises. The Department of Banking shall determine the number of signs which shall be posted and shall designate those areas in the check cashing facility where these signs shall be displayed. These signs shall be in both the English and Spanish languages. The contents of the signs shall be as follows, except that different language may be mandated by the Department as it deems necessary to accomplish the purpose of this chapter:**

#### STATE LICENSED CHECK CASHER MAXIMUM FEES YOU CAN BE CHARGED NEW JERSEY CHECKS 1% OF YOUR CHECK

##### Example:

New Jersey check	\$300.00	
Maximum fee	3.00	1%
Cash to you	<u>\$297.00</u>	

#### OUT OF STATE CHECKS 1½% OF YOUR CHECK

##### Example:

Out of state check	\$300.00	
Maximum fee	4.50	1½%
Cash to you	<u>\$295.50</u>	

When you cash your check you must be given a RECEIPT which shows: the name of the check casher, the teller number, the amount of your check, the fee you paid, and the cash you received.

If you have a complaint or problem or were not given a receipt, call toll-free 1-800-421-0069.

Department of Banking  
CN 040  
Trenton, New Jersey 08625

Check Casher ( \_\_\_\_\_ )  
Reference # \_\_\_\_\_

#### CASAS DE CAMBIO CON LICENSIA DEL ESTADO TARIFAS MAXIMAS CUAL DEBE SER COBRADAS CHEQUES DE NUEVA JERSEY 1% DEL TOTAL DE SU CHEQUE

##### Ejemplo:

Cheques de Nueva Jersey	\$300.00	
Tarifa maxima	\$ 3.00	1%
Restante de su cheque	<u>\$297.00</u>	

#### CHEQUES FUERA DE NUEVA JERSEY 1½% DEL TOTAL DE SU CHEQUE

##### Ejemplo:

Cheques fuera de Nueva Jersey	\$300.00	
Tarifa maxima	4.50	1½%
Restante de su cheque	<u>\$295.50</u>	

Cuando cambie su cheque debe recibir un RECIBO el cual diga: el nombre de la casa de cambio, numero de cajera, decuan to fue su cheque, la tarifa que usted pago, y cuanto recibio usted en efectivo.

Si usted tiene alguna queja o problema o si no recibio un recibo, llame gratis al 1-800-421-0069.

Departamento de Bancos  
CN 040  
Trenton, New Jersey 08625  
Casa de Cambio ( \_\_\_\_\_ )  
Numero de Referencia \_\_\_\_\_

ii. These signs are the property of the Department of Banking and shall not be displayed at any location other than that designated in each individual license as identified by the reference number indicated on the sign.

iii. If a licensee shall discontinue business, fail to renew its license or have its license suspended, revoked or not renewed, then such licensee shall deliver to the Department of Banking all signs which were posted by such licensee in the licensed premises. A failure by a licensee to surrender said signs under the conditions indicated in this paragraph shall subject the licensee to the penalties provided by N.J.S.A. 17:15A-23.

2. Pay to every customer tendering any check, draft, or money order to be cashed, the entire face amount of such instrument in cash less any charges permitted by law, on the same date upon which such instrument is presented;

i.-ii. (No change.)

iii. The licensed check casher shall give each person presenting a check, draft or money order for cashing upon the completion of each transaction an itemized receipt which shall indicate the name of the check casher, the teller number indicating which teller completed the transaction, the amount of the check cashed, the amount of the fee charged to cash the check, and the amount of cash given to the person cashing the check.

3. (No change.)

4. Maintain continuously for each licensed premises liquid assets of at least \$5,000 if licensed prior to July 2, 1985, and \$50,000 in liquid assets for each licensed location if licensed on or after July 2, 1985. In order to determine whether the said sum is continuously available for each licensed premises, each licensee shall compute and include the following in his or her business records.

i.-ii. (No change.)

5.-8. (No change.)

(b) (No change.)

## COMMUNITY AFFAIRS

### (a)

**DIVISION OF LOCAL GOVERNMENT SERVICES**  
**Intergovernmental Review of Federal Programs and**  
**Direct Development Activities**  
**State Review Process**  
**Proposed Readoption with Amendments: N.J.A.C.**  
**5:38.**

Authorized By: Anthony M. Villane, Jr., D.D.S., Commissioner,  
Department of Community Affairs.

Authority: N.J.S.A. 52:27D-3.

Proposal Number: PRN 1988-466.

Submit comments by October 19, 1988 to:

Nelson S. Silver, P.P.  
State Review Process Rules  
Intergovernmental Review and Assistance Unit  
Division of Local Government Services  
CN 803  
Trenton, NJ 08625-0803

The agency proposal follows:

#### Summary

Pursuant to Executive Order No. 66 (1978), N.J.A.C. 5:38 will expire on November 7, 1988.

The Department of Community Affairs has reviewed these rules and has determined them to be necessary, reasonable, and proper for which they were originally promulgated. Therefore, N.J.A.C. 5:38, the State Review Process, is proposed for readoption, with amendments.

The State Review Process is the procedure for the intergovernmental review of applications for Federal financial assistance under qualifying programs by State agencies, local governments, nonprofit and for-profit organizations, and areawide agencies and for the review of Federal Direct Development Activities developed in response to Presidential Executive Order 12372 (1982) and implementing rules of Federal agencies set forth in the Federal Register Volume 48, Number 123, 24 June 1983, as amended. It replaced the intergovernmental consultation process developed under Federal Office of Management and Budget (OMB) Circular A-95.

The review process places the review responsibility upon designated and appropriate State, areawide and local government agencies. The Department of Community Affairs, through the Division of Local Government Services, is responsible for coordinating and administering the State's intergovernmental review process. In accordance with Executive Order 12372 and implementing Federal rules, the Director of the Division of Local Government Services is the designated Single Point of Contact for coordinating the review process. The Division is also responsible for reviewing, coordinating and transmitting comments of State, areawide and local government agencies to the Federal funding agency.

The review process provides a mechanism for assisting in the resolution of differences between applicants and Reviewing Agencies. In addition, the Single Point of Contact may prepare and submit to the Federal agency a recommendation representing the formal policy position of the State with respect to an application for Federal financial assistance or Federal Direct Development Activity.

These rules outline various aspects of the State Review Process including applicability, review period, review process, transmittal of review, nonaccommodation of review comments, interstate situations, direct Federal development, review of federally required state plans, environmental reviews, duration of approval, and guidelines of procedures.

The current State Review Process rules at N.J.A.C. 5:38-1.2 define a "State Process Recommendation" as, "... a statement representing a policy position of the State of New Jersey which may be transmitted to the Federal Funding agency pursuant to Presidential Executive Order 12372 and implementing Federal rules."

The rules are silent as to the specific conditions which would warrant a State Process Recommendation or the procedures to be followed in the preparation of such a Recommendation.

The proposed amendment remedies this condition. The circumstances under which a Special Process Recommendation may be considered are identified. In addition, the Single Point of Contact is directed to prepare guidelines describing the procedure to be followed in the preparation of a State Process Recommendation. These guidelines are intended to be a narrative description of the review process and to contain the ministerial actions needed to prepare the Recommendation.

#### Social Impact

The continued operation of the rules for the intergovernmental review of applications for Federal financial assistance and Federal Direct Development Activities will have a positive social impact. The rules as currently configured expedite the intergovernmental review process. Furthermore, the process is structured in such a way as to facilitate the identification and resolution of conflicts which may arise as a result of the review of an application for Federal financial assistance or Federal Direct Development Activity. The lines of communication both written and oral are clearly defined. The rules foster an increased level of coordination among all levels of government and provide an institutionalized mechanism for conflict resolution. No social impact is contemplated for the proposed amendment.

#### Economic Impact

The specific economic impact of the rules is difficult to quantify. The most direct dollars and cents impact of the rules is in the cost of postage and information duplication. This cost falls in varying degrees to applicants and Reviewing Agencies in addition to the Single Point of Contact. Other specific costs which may be attributed directly to the Review Process are more difficult to identify and quantify.

The State Review Process identifies potential problems and issues with regard to applications for Federal financial assistance early in the application approval process. The review of Federal Direct Development Activities provides State and local agencies and officials an opportunity to review proposed Federal projects before they have reached the stage of final approval, thereby avoiding possible duplication of projects and unnecessary costs. No economic impact is contemplated for the proposed amendment.

#### Regulatory Flexibility Statement

The Regulatory Flexibility Act is inapplicable to the current rules. The rule does not impose reporting, recordkeeping or other compliance requirements upon small businesses.

**Full text** of the proposed re-adoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:38.

**Full text** of the proposed amendments to the re-adoption follows (additions indicated in boldface **thus**, deletions indicated by brackets [thus]).

#### 5:38-1.5 Transmittal of review comments

(a) The Director shall review, coordinate and transmit to the Federal [finding] **funding** agency all comments received from reviewing agencies during the time for review. At his [/] or her discretion, the Director reserves the right to transmit a State Process Recommendation to the Federal funding agency in addition to transmittal of all reviewing agency(s) comments.

(b) A State Process Recommendation shall be entertained only if one or more of the following conditions is found to be present and documented by the Reviewing Agency:

1. The proposed activity is found not to be consistent with an adopted State, areawide, county or municipal plan;
2. The proposed activity duplicates or negates the efforts of a similar or on-going specifically identified program or activity;
3. The proposed activity has a specific and documented adverse environmental impact;
4. The proposed activity has a negative impact on the achievement of a specified State and/or local objectives and/or priorities relating to natural and human resources and economic development; and/or
5. The proposed activity is determined to propose an activity which is in violation of existing statutes.

(c) A State Process Recommendation may be issued for non-construction, as well as construction projects. A State Process Recommendation shall not be issued to support a proposed activity when either no comments have been received from Reviewing Agencies or when all comments received from Reviewing Agencies are supportive of the proposed activity.

(d) A State Process Recommendation shall be prepared and transmitted to the Federal funding agency prior to the close of the Review Period defined by the Federal funding agency.

(e) The Single Point of Contact shall prepare and revise, as necessary, guidelines describing the procedures to be followed in the preparation of a State Process Recommendation.

## ENVIRONMENTAL PROTECTION

### (a)

#### DIVISION OF ENVIRONMENTAL QUALITY

#### Control and Prohibition of Air Pollution by Vehicular Fuels

#### Proposed New Rules: N.J.A.C. 7:27-25

#### Notice of Comment Period Extension

Take notice that the Department of Environmental Protection is extending until October 7, 1988 the period for the submission of written comments on the proposed new rules concerning the control and prohibition of air pollution by vehicular fuels, N.J.A.C. 7:27-25. The proposed new rules were published on July 18, 1988 in the New Jersey Register at 20 N.J.R. 1631(a). Please refer to the proposal (DEP Docket No. 022-88-06) for further information.

Submit comments by October 7, 1988 to:

Gary Brower, Esq.  
Division of Regulatory Affairs  
Department of Environmental Protection  
CN-402  
Trenton, New Jersey 08625

## HEALTH

### (b)

#### DIVISION OF HEALTH FACILITIES EVALUATION

#### Health Care Facilities Licensure

#### Licensing Nursing Home Administrators

#### Proposed Re-adoption with Amendments: N.J.A.C. 8:34

Authorized By: Molly Joel Coye, M.D., M.P.H., Commissioner,  
Department of Health (with approval of the Nursing Home Administrator's Licensing Board).

Authority: N.J.S.A. 26:2H-1 et seq. specifically 26:2H-5b, 26:2H-27 and 26:2H-28.

Proposal Number: PRN 1988-473.

Submit comments by October 19, 1988 to:

John J. Haney, Executive Secretary  
Nursing Home Administrator's Licensing Board  
New Jersey Department of Health  
CN 367  
Trenton, NJ 08625-0367

The agency proposal follows:

#### Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 8:34 will expire on November 18, 1988. The Department of Health has reviewed the rules and determined them to be necessary, reasonable and proper for the purpose for which they were originally promulgated.

A complete review of the rules is currently underway, and in the near future comprehensive changes will be proposed to them. However, in order to avoid expiration pursuant to Executive Order No. 66(1978), the re-adoption of the rules is now being proposed with minor changes to reflect current law.

The Nursing Home Administrator's Licensing Board was established as a result of Section 1908 of the 1967 Social Security Amendments, Title 45, Chapter II, part 252. That law stipulated that a State plan for medical assistance under Title XIX of the Social Security Act must include a program for the licensure of administrators of nursing homes and that program must include a Nursing Home Administrator's Licensing Board. Consequently, P.L. 1968, Chapter 356 (N.J.S.A. 30:11-11 et seq.) was enacted.

The New Jersey State Department of Health is responsible under this law for the promulgation of rules providing for the development, establishment and enforcement of standards for the training, experience and education of individuals desiring to become administrators of long term care facilities, and to ensure safe and adequate treatment of patients in those facilities.

More qualified individuals now serve as licensed nursing home administrators as the result of this chapter's requirement for minimal education, experience, and continuing education, and the requirement that all such administrators pass an examination prior to license.

P.L. 1986, c. 100 (N.J.S.A. 30:11-13) increases the application and renewal fee from \$25.00 annually to \$100.00 for a two year licensure period. The examination fee was increased from \$35.00 to \$75.00.

The proposed re-adoption with amendments reflects these legislative changes and proposes to amend N.J.A.C. 8:34-1.17 to allow provision for registration of licenses and N.J.A.C. 8:34-1.27 to allow provision for continuing education requirements.

Currently the rules provide for the following:

N.J.A.C. 8:34-1.1 addresses the source of authority establishing the Nursing Home Administrator's Licensing Board.

N.J.A.C. 8:34-1.2 defines the words and terms used throughout the chapter.

N.J.A.C. 8:34-1.3-1.5 enumerates how often the Nursing Home Administrator's Licensing Board shall meet, its officers, duties and general powers.

N.J.A.C. 8:34-1.6-1.9 through 1.11 describe the licensing examination and the process for administering them.

N.J.A.C. 8:34-1.7 describes license requirements.

N.J.A.C. 8:34-1.8 describes supervisory rules for nursing home administrators.

N.J.A.C. 8:34-1.12 and 1.13 describe the accreditation of institutions for courses of study and approval of programs of study.

N.J.A.C. 8:34-1.14 explains certification of governmental financial participation.

N.J.A.C. 8:34-1.15, 1.29 and 1.30 describe internship program.

N.J.A.C. 8:34-1.16 through 1.18 and 1.22 through 1.24 describe issuance of licenses, the registration, refusal, suspension and revocation, restoration, reinstatement and display of licenses, and registration certificates and duplicate licenses.

N.J.A.C. 8:34-1.19 and 1.20 explain the complaint and hearing procedure to be followed for charges against a licensee and conduct of hearing afforded.

N.J.A.C. 8:34-1.21 describes reciprocity for licensure.

N.J.A.C. 8:34-1.25 contains the provision for penalties for the operation of a nursing home without a licensed administrator.

N.J.A.C. 8:34-1.26 describes applicability, legal effect and severability.

N.J.A.C. 8:34-1.27 describes the continuing education requirement.

N.J.A.C. 8:34-1.28 contains citizenship requirements for a licensed nursing home administrator.

#### Social Impact

The licensing of nursing home administrators has resulted in an increase of knowledgeable and informed persons responsible for patients in nursing homes. Administrators are required to take 40 hours of continuing education biannually to be relicensed.

It is anticipated that additional administrative personnel will be required since a licensed administrator may now be responsible only for 120 patients, whereas previously that administrator could be responsible for up to 240 patients when administering two facilities.

State regulation of nursing home administrators ensures that there is continuing availability of appropriately trained administrators to meet the needs of residents of the State of New Jersey who require nursing home care.

If the State did not have the licensure program, many individuals who require nursing home care would be denied service through the Medicaid Program. The Federal government requires each state to have a licensure program under Title 45, Chapter II, part 252; failure to maintain such a program will result in the loss of millions of dollars of Federal Medicaid funds. In this case, the Department of Human Services which receives these funds would have to drastically cut back Medicaid nursing care services.

#### Economic Impact

Every two years, 800 licensed administrators renew their licenses for \$100.00 each, a total of \$80,000. Previously, the license renewal fee was \$25.00 for one year. The impact on administrators renewing their licenses is a doubling of renewal fees.

Another group that would be impacted is the 80 to 100 new applicants evaluated annually for a \$100.00 fee for a total of \$8,000 to \$10,000. This fee also serves as the initial license fee. Previously the fee was \$25.00 and covered a one year license period. The proposed fee is \$100.00 and covers a two year license period.

An applicant is also impacted in the area of the written examination as the fee had been \$50.00. The proposed fee is \$75.00.

Failure to readopt these rules will also result in loss of matching Federal funds as described above. This would result in increased State expenditures to make up in part, or whole, the lost Federal funds.

#### Regulatory Flexibility Statement

The proposed readoption with amendments does not impact upon small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14(b)-16 et seq. The rule proposed for readoption impacts only upon individuals interested in obtaining or renewing their nursing home administrator's license. Therefore, this proposal does not require a flexibility analysis.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 8:34.

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

#### 8:34-1.17 Registration of licenses

(a) Every licensed administrator shall be issued [an annual] **a two year** license provided [they meet] **he or she meets** the requirements of licensure as outlined **in this chapter**.

(b) Upon making an application for a new license, such licensee shall pay [an annual] **a registration fee every two years**.

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

#### 8:34-1.27 Continuing education requirement

(a) Each licensed administrator must complete [20] **40** hours [per year] **of continuing education** in health-related seminars, workshops, lectures, formal courses in the field and such other health related activities **every two years**. It should be noted that the above are not required to be held in a formal classroom setting. In addition, up to [five] **10** hours of continuing education credits **every two years** can be allocated for attendance of business meetings of the American College of [Nursing Home] **Health Care Administrators, Association of Non-Profit Homes for Aged, Association of Health Care Facilities and the Society of Nursing Home Administrators**.

(b) [Society of Nursing Home Administrators and service] **Service** on various committees would merit educational credit. An individual who has earned [25] **50** hours of continuing education may carry hours [26-35] **51-70** into the following [year] **licensure period** on an hour to hour basis.

(a)

## DRUG UTILIZATION REVIEW COUNCIL

### Interchangeable Drug Products

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

Authorized By: Drug Utilization Review Council,

Robert Kowalski, Secretary.

Authority: N.J.S.A. 24:6E-6(b).

Proposal Number: PRN 1988-472.

A **public hearing** concerning this proposal will be held on October 11, 1988, at 3:00 P.M. at:

Board Room, Room 103

First Floor

Department of Health

Health-Agriculture Bldg.

Trenton, New Jersey 08625-0360

Submit written comments by October 19, 1988 to:

Thomas T. Culkin, PharmD, MPH

Executive Director

Drug Utilization Review Council

New Jersey Department of Health

Room 108, CN 360

Trenton, New Jersey 08625-0360

609-984-1304

The agency proposal follows:

#### Summary

The List of Interchangeable Drug Products is a generic formulary, or list of acceptable generic drugs which pharmacists must use in place of brand-name prescription medicines, passing on the resultant savings to consumers.

For example, the proposed timolol tablets could then be used as a less expensive substitute for Blocadren, a branded prescription medicine. Similarly, the proposed prazosin capsules could be substituted for the more costly branded product, Minipress.

The Drug Utilization Review Council is mandated by law to ascertain whether these proposed medications can be expected to perform as well as the branded products for which they are to be substituted. Without such assurance or "therapeutic equivalency," any savings would accrue at a risk to the consumer's health. After receiving full information on these proposed generic products, including negative comments from the manufacturers of the branded products, the advice of the Council's own technical experts, and data from the generics' manufacturers, the Council

**PROPOSALS**

**Interested Persons see Inside Front Cover**

**LABOR**

will decide whether any of these proposed generics will work just as well as their branded counterparts.

Every proposed manufacturer must attest that they meet all Federal and State standards, as well as having been inspected and found to be in compliance with the U.S. Food and Drug Administration's regulations.

**Social Impact**

The social impact of this proposed amendment would primarily affect pharmacists, who would need to either place in stock, or be prepared to order, those products ultimately found acceptable.

Many of the proposed items are simply additional manufacturers for products already listed in the List of Interchangeable Drug Products. These proposed additions would expand the pharmacist's supply options.

Physicians and patients are not adversely affected by these amendments because the statute (N.J.S.A. 24:6E-6 et seq.) allows either the prescriber or the patient to disallow substitution, thus refusing the generic substitute and paying full price for the branded product.

**Economic Impact**

The proposed amendments will expand the opportunity for consumers to save money on prescriptions by accepting generic substitutes in place of branded prescriptions. The full extent of the savings to consumers cannot be estimated because pharmacies vary in their prices for both brands and generics.

Some of the economies occasioned by these amendments accrue to the State through the Medicaid, Pharmaceutical Assistance to the Aged and Disabled Program, and prescription plan for employees. This savings also cannot be estimated accurately.

**Regulatory Flexibility Statement**

The proposed amendments impact many small businesses, specifically, over 1500 pharmacies and several small generic drug manufacturers which employ fewer than 100 employees.

However, there are no reporting or recordkeeping requirements for pharmacies, and small generic drug manufacturers have minimal initial reports, and no additional ongoing reporting or recordkeeping requirements. Further, these minimal requirements are offset by the increased economic benefits accruing to these same small generic businesses due to these proposed amendments.

Full text of the proposal follows:

Albuterol tabs 2, 4 mg	Amer.Ther.
Albuterol tabs 2, 4 mg	Cord
Allopurinol tabs 300 mg	Cord
Amitriptyline tabs 10, 25, 50, 75, 100 mg	Superpharm
Amitriptyline/CDP tabs 5/12.5, 10/25	Danbury
Amitriptyline/perphenazine 2/10, 2/25	Danbury
Amitriptyline/perphenazine 4/10, 4/25, 4/50	Danbury
Amoxicillin caps 250, 500 mg	Lab A
Baclofen tabs 10, 20 mg	PharmBasics
Benzotropine mesylate tabs 0.5, 1, 2 mg	PharmBasics
Benzotropine mesylate tabs 0.5, 1, 2 mg	Quantum
Betamethasone dipropionate lotion 0.05%	Copley
Betamethasone valerate lotion 0.1%	Copley
Betamethasone valerate oint 0.1%	Clay-Park
Carisoprodol tabs 350 mg	Cord
Chlorzoxazone tabs 250, 500 mg	Cord
Clorazepate tabs 3.75, 7.5, 15 mg	ALRA
Clorazepate tabs 3.75, 7.5, 15 mg	Cord
Desipramine tabs 10, 25, 50, 75, 100, 150 mg	Cord
Erythromycin ethylsucc/sulfisox 200/600	ALRA
Fenopropfen calcium tabs 600 mg	PharmBasics
Fenopropfen caps 200, 300 mg	Cord
Fenopropfen tabs 600 mg	Cord
Fenopropfen tabs 600 mg	Mylan
Fenopropfen calcium tabs 600 mg	Lederle
Fluocinonide cream, oint 0.05%	Clay-Park
Flurazepam caps 15, 30 mg	PharmBasics
Haloperidol tabs 10, 20 mg	Danbury
Indomethacin caps 25, 50 mg	Novopharm
Lactulose syrup 10 g/15 ml	Alra
Lithium carbonate caps 300 mg	Reid-Rowell
Meclofenamate caps 50, 100 mg	Cord
Metaproterenol tabs 10 mg	Quantum
Methylclothiazide tabs 2.5, 5 mg	Cord
Methyldopa/HCTZ tabs 250/15, 250/25	Novopharm

Methyldopa/HCTZ tabs 500/30, 500/50
Methyldopa/HCTZ tabs 250/25, 500/50
Methylprednisolone tabs 4 mg
Metoclopramide tabs 10 mg
Metoclopramide tabs 10 mg
Nalidixic acid tabs 250, 500, 1000 mg
Nitrofurazone oint, soln 0.2%
Nystatin susp 100,000 U/ml
Prazosin caps 1, 2, 5 mg
Prednisone tabs 10, 50 mg
Propoxyphene HCl/APAP tabs 65/650
Propranolol tabs 10, 20, 40, 80 mg
Quinidine gluconate ER tabs 324 mg
Quinidine sulfate tabs 300 mg
Salsalate tabs 500, 750 mg
Sulindac tabs 150, 200 mg
Theophylline ER tabs 100, 200, 300 mg
Timolol maleate tabs 5, 10, 20 mg
Trazodone tabs 50, 100 mg
Triamcinolone acet. lotion 0.025, 0.1%

Novopharm
Danbury
Heather
Cord
Superpharm
Danbury
Clay-Park
Lemmon
Danbury
Cord
Cord
Cord
Superpharm
Cord
Cord
Upsher-Smith
Mutual
Cord
Cord
Cord
Clay-Park

**LABOR**

**(a)**

**OFFICE OF WAGE AND HOUR**

**Child Labor**

**Occupations Prohibited to Minors Under 18 Years of Age**

**Slaughtering and Meat Packing Establishments, Rendering Plants, or Wholesale, Retail or Service Establishments**

**Proposed Amendment: N.J.A.C. 12:58-4.12**

Authorized By: Charles Serraino, Commissioner, Department of Labor.

Authority: N.J.S.A. 34:1-20, 34:1A-3(e), 34:2-1, 34:2-21.17 and 34:2-21.64.

Proposal Number: PRN 1988-477.

Submit comments by October 19, 1988 to:

Alfred B. Vuocolo, Jr.  
 Chief Legal Officer  
 Office of the Commissioner  
 Department of Labor  
 CN 110  
 Trenton, New Jersey 08625-0110

The agency proposal follows:

**Summary**

Under the child labor provisions of the Federal Fair Labor Standards Act, 29 U.S.C.A. §§201 et seq., and the Federal regulations that implement that Act, 29 CFR 570.61(a)(4), employers in wholesale, retail or service establishments are prohibited from allowing employees who are under age 18 to operate power-driven meat-processing machines. The United States Department of Labor has interpreted through Hazardous Occupations Order No. 10 power-driven meat-processing machines to include circular and horizontal knives used for slicing meat and slicing machines used for cutting delicatessen meats and cheeses.

New Jersey also regulates child labor, N.J.S.A. 34:2-1 et seq. and N.J.A.C. 12:58-4. N.J.S.A. 34:2-21.64 provides the Commissioner, Department of Labor, with authority to promulgate rules to implement New Jersey's Child Labor Act. New Jersey's current child labor rules do not refer to the operation of meat slicing machines as being hazardous to minors.

The Department of Labor proposes to amend its current child labor rules by adding a provision that will prohibit employers in wholesale, retail or service establishments from allowing minors who are under age 18 to operate meat slicing machines. The proposed amendment will bring New Jersey's rules in conformance with the Federal interpretation of the law and rules on this subject.

**Social Impact**

The proposed amendment will have no social impact since it merely codifies at the State level what is already being regulated by the Federal government. Both the Federal and proposed State provisions safeguard the health and safety of minor employees of the meat industry.

**Economic Impact**

The proposed amendment will have no economic impact for the same reason described in the Social Impact statement; that is, the proposed prohibited activities are already prohibited by the Federal government.

**Regulatory Flexibility Statement**

The proposed amendment will not impose reporting, recordkeeping, or other compliance requirements on small businesses as that term is defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The child labor activities proposed for prohibition are already prohibited under Federal statutes and regulations.

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

12:58-4.12 [Slaughtering; meat packing; processing; or rendering]  
**Slaughtering and meat packing establishments; rendering plants; wholesale, retail or service establishments**

(a) Minors under age 18 shall not be employed, permitted or suffered to work in or about slaughtering and meat packing establishments, rendering plants, or wholesale, retail or service establishments [as described in (a)1 through 7 below.] **in the following occupations:**

1. All occupations on the killing floor, in curing cellars, and hide cellars, except the work of messengers, runners, hand-truckers, and similar occupations which require entering such workrooms or work-places infrequently and for short periods of time;

2. **All occupations involved in [T]the recovery of lard and oils, except packaging and shipping of such products and the operation of lard-roll machines;**

3. All occupations involved in tankage or rendering of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products;

4. **All occupations involved in [T]the operation or feeding of the following power-driven meat-processing machines, including setting up, adjusting, repairing, oiling, or cleaning such machines[;]: meat patty forming machines, meat and bone cutting saws, knives including circular and horizontal knives used for slicing meat, slicing machines used for cutting delicatessen meats and cheeses (except bacon-slicing machines), head-splitters, and guillotine cutters, snout-pullers and jaw-pullers, skinning machines, horizontal rotary washing machines, casing-cleaning machines such as crushing, stripping, and finishing machines, grinding, mixing, chopping, and hashing machines, and presses (except belly-rolling machines);**

5. All boning operations;

6. **All occupations involved in [T]the pushing or dropping of any suspended carcass, half carcass, or quarter carcass; and**

7. **All occupations involved in [T]the hand-lifting or hand-carrying of any carcass or half carcass of beef, pork, or horse, or any quarter carcass of beef or horse.**

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

## COMMERCE, ENERGY AND ECONOMIC DEVELOPMENT

### (a)

#### URBAN ENTERPRISE ZONE AUTHORITY

#### Urban Enterprise Zone Boundary Amendments

#### Proposed New Rules: N.J.A.C. 12A:121

Authorized By: Urban Enterprise Zone Authority,  
Borden R. Putnam, Chairman.

Authority: N.J.S.A. 52:27H-60 et seq.

Proposal Number: PRN 1988-467.

(CITE 20 N.J.R. 2358)

Submit comments by October 19, 1988 to:

Bernard J. McBride  
Administrative Practice Officer  
Department of Commerce, Energy and Economic  
Development  
20 West State Street  
Trenton, New Jersey 08625

The agency proposal follows:

**Summary**

New rules are being proposed to implement policies of the Urban Enterprise Zone Program, N.J.S.A. 52:27H-60 et seq. These rules are promulgated by the New Jersey Urban Enterprise Authority, which is given the responsibility of implementing and overseeing the program. The purpose of these rules is to encourage economic development in certain specified areas of specifically designated municipalities in the State. Another purpose of these rules is to provide standards for municipalities who have enterprise zones within their boundaries, who wish to modify or expand their Urban Enterprise Zones. Some key provisions include:

1. Standards of eligibility for zone boundary revisions (see N.J.A.C. 12A:121-1.3); and

2. Time for zone boundary revisions (see N.J.A.C. 12A:121-1.6).

**Social Impact**

The social impact of this program and these rules will be positive in the sense that zone municipalities will be given flexibility in expanding or changing their zone boundaries to meet local changes and needs.

**Economic Impact**

The State will incur certain administrative costs as well as a loss of revenue generated from State sales taxes and corporate business tax. Certain amounts of State sales taxes generated from sales within the zone are set aside for purposes of providing funds for certain Authority approved municipal services in the zone. If a municipality seeks to expand its zone, the State could lose additional sales tax and corporate business revenue. Zone municipalities and businesses should derive an economic benefit from the economic revitalization to the area added to the zone.

**Regulatory Flexibility Statement**

These proposed rules will not have an effect on small businesses due to the fact that these proposed rules are for program administrative purposes and are directed at municipal zone programs.

**Full text** of proposed rules follows:

## CHAPTER 121

## URBAN ENTERPRISE ZONE AUTHORITY

## SUBCHAPTER 1. URBAN ENTERPRISE ZONE BOUNDARY AMENDMENTS

## 12A:121-1.1 Applicability and scope

(a) The rules in this subchapter are promulgated by the Urban Enterprise Zone Authority (UEZA) to implement P.L. 1983, ch. 303, the New Jersey Urban Enterprise Zones Act, and to specifically implement the methodology of amending zone boundaries within a municipality.

(b) The Act provides for the establishment of the UEZA which is to designate certain areas of the State as Urban Enterprise Zones (UEZ). The Act also provides that the UEZA exercise continuing review and supervision of the implementation of zone development plans.

(c) Applications and questions concerning a UEZ should be directed to:

Urban Enterprise Zone Program  
New Jersey Department of Commerce, Energy and  
Economic Development  
20 West State Street  
Trenton, New Jersey 08625-0829

## 12A:121-1.2 Definitions

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

"Act" means the New Jersey Urban Enterprise Zones Act, P.L. 1983, ch. 303, N.J.S.A. 52:27H-60 et seq.

"Administrator" means the Administrator of the Urban Enterprise Zone Program in the Department of Commerce, Energy and Economic Development.

“Authority” or “UEZA” means the New Jersey Urban Enterprise Zone Authority.

“Enterprise zone” or “zone” means an urban enterprise zone designated by the New Jersey UEZA pursuant to this Act.

“Qualified business” means any entity authorized to do business in the State of New Jersey which, at the time of designation as an enterprise zone, is engaged in the active conduct of a trade or business in that zone or an entity which, after that designation but during the designation period, becomes newly engaged in the active conduct of a trade or business in that zone and for which at least 25 percent of its full-time employees, newly hired during the two years after issuance of the businesses’ certificate of occupancy to work at a business location in the zone, meet one or more of the following criteria:

1. Resident within the zone or within the municipality within which the zone is located; or
2. Unemployed for at least a year prior to being hired and residing in New Jersey, or recipients of New Jersey public assistance programs for at least one year prior to being hired; or
3. Determined to be economically disadvantaged pursuant to the Jobs Training Partnership Act, Pub.L. 97-300 (29 U.S.C. §§ 1501 et seq.)

“Qualifying municipality” means any municipality in which there was, in the last full calendar year immediately preceding the year in which application for enterprise zone designation is submitted pursuant to section 14 of the Act, an annual average of at least 2,000 unemployed persons, and in which average annual unemployment rate for that year exceeded the State average annual unemployment rate; except that a municipality which qualifies for State aid pursuant to P.L. 1978, c.14 (N.J.S.A. 52:27D-178 et seq.) shall qualify if its municipal average unemployment rate for that year exceeded the State average annual unemployment rate. The annual average of unemployed persons and the average annual unemployment rates shall be estimated for the relevant calendar year by the Office of Labor Statistics, Division of Planning and Research of the State Department of Labor.

“Zone development corporation” means a nonprofit corporation or association created by the governing body of a qualifying municipality to formulate and propose a preliminary zone development plan pursuant to section 9 of the Act.

“Zone development plan” means a plan adopted, by the governing body of a qualifying municipality for the development of an enterprise zone therein, and for the direction and coordination of activities of the municipality, zone businesses and community organizations within the enterprise zone toward the economic betterment of the residents of the zone and the municipality.

“Zone neighborhood association” means a corporation or association of persons who either are residents of, or have their principal place of employment in, a municipality in which an enterprise zone has been designated pursuant to the Act; which is organized under the provisions of Title 15 of the Revised Statutes; and which has for its principal purpose the encouragement and support of community activities within, or on behalf of, the zone so as to:

1. Stimulate economic activity;
2. Increase or preserve residential amenities; or
3. Otherwise encourage community cooperation in achieving the goals of the zone development plan.

12A:121-1.3 Standards of eligibility for zone boundary revisions

(a) A qualified municipality shall be eligible to apply for a revision of the urban enterprise zone within that municipality when:

1. The proposed boundary revision will not enlarge the geographic area of the existing zone by more than 10 percent;
2. The expansion and revision of the zone boundaries will not, as based upon the original zone application, significantly alter the percentage within the zone of:
  - i. Unemployment;
  - ii. Persons below the poverty level; or
  - iii. Persons receiving public assistance.

12A:121-1.4 Application for zone boundary revisions

(a) Each application for a zone boundary revision shall include an analysis of how the proposed zone revision will relieve:

1. Economic distress;
2. High unemployment;
3. Low investment of capital;
4. Blighted conditions;
5. Obsolete or abandoned industrial or commercial structures; and
6. Deteriorating tax base.

(b) Each application for a zone boundary revision shall include a rationale for the boundary change and why the area to be added was not included in prior boundary revision requests or the original application.

(c) Each application for a zone boundary revision shall be accompanied by a resolution from the municipal governing body supporting the request.

12A:121-1.5 Time for zone boundary revisions

(a) A municipality in which a zone is located may apply at any time after the date the original zone was designated by the UEZA.

(b) A municipality will not be eligible to apply for a zone boundary revision for at least one year after the UEZA approves a prior zone boundary revision.

12A:121-1.6 Evaluation of a zone boundary revision application

(a) The Administrator shall evaluate each zone boundary revision application considering the following factors:

1. The likelihood that the boundary revision will alleviate general problems of economic distress within the existing zone and the proposed area to be covered under the boundary revision;
2. The likelihood that the boundary revision will help alleviate problems of high unemployment in the municipality and the zone area;
3. The likelihood that the boundary revision will result in investment of new capital in the zone and the proposed area to be covered under the boundary revision;
4. Whether the boundary revision will help alleviate blighted conditions in the zone and the proposed area to be covered under the boundary revision;
5. Whether the boundary revision will aid in modernizing or reoccupation of industrial or commercial structures within the zone and the proposed area to be covered under the boundary revision; and
6. The likelihood that the boundary revision will strengthen and broaden the municipal tax base.

(b) After the Administrator’s evaluation is complete, he or she shall forward the application for the UEZA’s review, modification, denial, and/or approval.

(c) Notwithstanding the provisions of this subchapter, the Authority may, in its discretion, consider a request for zone boundary revisions if it deems the special conditions of the application to be of exceptional merit.

**LAW AND PUBLIC SAFETY**

(a)

**BOARD OF ARCHITECTS  
LANDSCAPE ARCHITECTS EXAMINATION AND  
EVALUATION COMMITTEE**

**Reproposed Amendments: N.J.A.C. 13:27-5.8, 8.7  
and 8.8**

**Reproposed New Rule: N.J.A.C. 13:27-8.15**

Authorized By: Board of Architects, George Waters, R.A.,  
President.

Authority: N.J.S.A. 45:3A-10.

Proposal Number: PRN 1988-476.

Submit comments by October 19, 1988 to:

Barbara S. Hall, Executive Director  
Board of Architects, Room 511  
Landscape Architects  
Examination and Evaluation Committee  
1100 Raymond Boulevard  
Newark, New Jersey 07102

The agency proposal follows:

#### Summary

On April 18, 1988, the Board of Architects and Landscape Architect Examination and Evaluation Committee ("the Committee") proposed amendments to N.J.A.C. 13:27-5.8, 8.7 and 8.8, and proposed new rule N.J.A.C. 13:27-8.15. This proposal was published in the New Jersey Register at 20 N.J.R. 885(a). Although no comments were received during the 30-day comment period, the Committee has made several changes in the original proposal which necessitates reproposal.

The repropoed amendment of N.J.A.C. 13:27-5.8(1) relates to fees charged by the Board of Architects for Landscape Architect Certification matters. Since N.J.A.C. 13:27-8 relates to Certified Landscape Architects, it is more appropriate that this fee schedule be placed therein and designated as new rule N.J.A.C. 13:27-8.15, Fees. In its review of the original proposal, the Committee has determined that references to refunds in N.J.A.C. 13:27-8.15(a)3, 4 and 5 as originally proposed are unnecessary since any fee will be charged subsequent to the review and acceptance of documentation submitted by an applicant prior to taking an examination or acquiring licensure.

Repropoed amendments to N.J.A.C. 13:27-8.7 and 8.8 require that, in addition to taking the Uniform National Examination, all individuals seeking certification in New Jersey take and pass a 50 question multiple choice examination covering plant materials and municipal land use. The Committee believes that an individual seeking certification as a landscape architect in New Jersey must prove competence in plant materials indigenous to New Jersey as well as be knowledgeable about the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) in order to effectively safeguard life, health and property, and promote the public welfare. The specific cite to the Municipal Land Use Law has been added to N.J.A.C. 13:27-8.7(c) and 8.8(c) as repropoed.

#### Social Impact

The repropoed amendment to N.J.A.C. 13:27-5.8(1) and repropoed new rule N.J.A.C. 13:27-8.15 merely place the fee schedule for certified landscape architects in a more appropriate subchapter of the Administrative Code. No social impact is anticipated. The proposed amendments to N.J.A.C. 13:27-8.7 and 8.8 will impact upon all applicants for certification inasmuch as there will be an additional section of the examination to study for and pass. The public will be benefitted by the implementation of these amendments in that all certified landscape architects will be deemed to be competent in New Jersey plant material and municipal land use.

#### Economic Impact

There will be minimal economic impact on applicants by virtue of promulgation of this rule and amendments. The only change to the fee schedule will be a \$5.00 charge for each applicant taking this additional section of the examination.

#### Regulatory Flexibility Statement

The rule and amendments proposed will apply to all individual applicants seeking certification as landscape architects in New Jersey; they will not have any effect on businesses, regardless of size. Thus, there is no need for these provisions to be designed to minimize any adverse economic impact on small businesses. There are no new reporting or recordkeeping practices imposed. It is also clear that there will not be any need for professional services to fulfill the requirements of this rule and amendments, since they relate to applicants and not licensees.

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

#### 13:27-5.8 Fees

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

[(l) The following fees shall be charged by the Board of Architects for Landscape Architect Certification matters. Unless otherwise provided herein, all fees are non-refundable.

1. Application for certification under the grandfather clause of L. 1983, c.337, §17: \$50.00. If an applicant under the grandfather clause is found not qualified for certification under that provision, the \$50.00 fee may be applied toward the examination fee in (1)3, below.

2. Application to sit for examination: \$100.00.

3. Examination fee: Such fee as is charged by the Council of Landscape Architectural Review Boards (CLARB) for the Uniform National Examination. Such proportion of the examination fee as

may be established by CLARB shall be subject to refund, upon request, if the applicant is determined to be ineligible for examination, withdraws his application, or fails to appear for examination.

4. License fee for newly certified landscape architects (New Jersey residents), including seal and certificate: \$140.00. Such fee shall be subject to refund upon request, if the applicant is determined to be ineligible for examination, withdraws his application, or fails to appear for examination.

5. License fee for newly certified landscape architects (non-New Jersey residents), including seal and certificates: \$140.00. Such fee shall be subject to refund upon request, if the applicant is determined to be ineligible for examination, withdraws his application, or fails to appear for examination.

6. The fee for biennial renewal of certification shall be \$100.00.

7. The fee for reinstatement of certification shall be \$50.00 in addition to the fee for biennial renewal of certification.

8. A fee for late registration: \$10.00.

9. The fee for reissuing a certificate to any certified landscape architect who attests that the original certificate has been lost, mislaid or destroyed shall be \$15.00.

10. The fee for reissuing a seal to any certified landscape architect who attests that the original has been lost, mislaid or destroyed shall be \$25.00.

11. The fee for transmittal of an applicant or certificate holder's examination grades or another state shall be \$15.00.

12. The fee for a roster of certified landscape architects shall be \$8.00.]

#### 13:27-8.7 Examination

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

(c) **In addition to the Uniform National Examination, all applicants for certification as landscape architects in New Jersey shall take and pass a 50 question multiple-choice examination on New Jersey plant materials and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.**

#### 13:27-8.8 Certification of persons holding certification from another state or authority

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

(c) **In addition to the Uniform National Examination, all applicants for certification as landscape architects in New Jersey shall take and pass a 50 question multiple-choice examination on New Jersey plant materials and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.**

#### 13:27-8.15 Fees

(a) **The following fees shall be charged by the Board of Architects for Landscape Architect Certification matters. Unless otherwise provided herein, all fees are non-refundable.**

1. **Application for certification under the grandfather clause of L. 1983, c.337, §17 (N.J.S.A. 45:3A-14): \$50.00. If an applicant under the grandfather clause is found not qualified for certification under that provision, the \$50.00 fee may be applied toward the examination fee in (a)3 below.**

2. **Application to sit for examination: \$100.00.**

3. **Examination fee: Such fee as is charged by the Council of Landscape Architectural Review Boards (CLARB) for the Uniform National Examination.**

(i) **The fee for the local portion of the examination, as established by the Board, shall be \$5.00.**

4. **License fee for newly certified landscape architects (New Jersey residents), including seal and certificate: \$140.00.**

5. **License fee for newly certified landscape architects (non-New Jersey residents), including seal and certificates: \$140.00.**

(i) **For those seeking reciprocity, the fee for the local portion of the examination, as established by the Board, shall be \$5.00.**

6. **The fee for biennial renewal of certification shall be \$100.00.**

7. **The fee for reinstatement of certification shall be \$50.00 in addition to the fee for biennial renewal of certification.**

8. **A fee for late registration: \$10.00.**

9. **The fee for reissuing a certificate to any certified landscape architect who attests that the original certificate has been lost, mislaid or destroyed shall be \$15.00.**

10. The fee for reissuing a seal to any certified landscape architect who attests that the original has been lost, mislaid or destroyed shall be \$25.00.

11. The fee for transmittal of an applicant or certificate holder's examination grades to another state shall be \$15.00.

12. The fee for a roster of certified landscape architects shall be \$8.00.

## (a)

**BOARD OF MARRIAGE COUNSELOR EXAMINERS****Proposed Readoption: N.J.A.C. 13:34**

Authorized By: Board of Marriage Counselor Examiners,  
Edward G. Haldeman, Ed.D., Chairperson.

Authority: N.J.S.A. 45:8B-9 et seq., specifically 45:8B-13.

Proposal Number: PRN 1988-475.

Submit comments by October 19, 1988 to:

Jeannette Balber, Executive Director  
Board of Marriage Counselor Examiners, Room 512  
1100 Raymond Boulevard  
Newark, New Jersey 07102

The agency proposal follows:

**Summary**

The Board of Marriage Counselor Examiners has examined its rules and found that they are reasonable, necessary and effective and will continue to have an advantageous impact on the conduct of the profession by enabling the Board to structure its procedures to protect the public's best interest.

As the expiration of the present rules on November 21, 1988 approaches, pursuant to Executive Order No. 66, the Board has reviewed the rules and has determined that readoption without amendment is advisable at this time.

The current chapter contains four subchapters: subchapter 1 contains general provisions; subchapter 2 defines professional misconduct; subchapter 3 sets forth permissible activities by unlicensed persons; and subchapter 4 sets forth experiential and educational requirements necessary to qualify for admission to the licensing examination.

**Social Impact**

The chapter provides, and its readoption will continue to provide, various procedures for orderly administration by the Board, which endeavors to maintain the highest possible level of professionalism available, for the benefit and protection of the public.

**Economic Impact**

The readoption of these rules does not impose an unreasonable financial burden upon candidates or licensees. The current fee schedule has been in place since 1985 and remains unchanged. Funding of the Board's operation is partially attained by the fee structure now in place; failure to readopt would place the Board's operation in jeopardy. The fee schedule itself is not an unreasonable economic burden on licensees.

**Regulatory Flexibility Statement**

It is unclear whether the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., was intended to cover individual practicing professionals, but on the assumption that it is applicable, the following statement is relevant:

The Board of Marriage Counselor Examiners currently licenses 1010 individuals. The specific number of small businesses is impossible to determine, since the Board licenses individuals and not entities.

The proposed readoption does not place any reporting or recordkeeping requirements upon small businesses. No additional professional services will be required to comply with the readopted rules. The compliance requirements and their associated costs are such as the Board deems necessary to properly protect and benefit both the public and the profession. On that basis, no differentiation in compliance can be made related to business size.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:34.

## (b)

**BOARD OF OPTOMETRISTS****Advertising Practices; Optometrists' Availability; Availability of Patient's Records**

**Proposed Repeals: N.J.A.C. 13:38-1.1, 1.2, 1.4, 1.5, 1.6, 1.7, 1.8 and 2.5**

**Proposed Amendments: N.J.A.C. 13:38-1.3, 1.9, 1.10, 2.1, 2.3 and 6.1**

**Proposed New Rule: N.J.A.C. 13:38-2.7**

Authorized By: State Board of Optometrists, Kenneth B. Brehne, O.D., President.

Authority: N.J.S.A. 45:12-4.

Proposal Number: PRN 1988-463.

Submit comments by October 19, 1988 to:

Jan C. Gavzy, Executive Director  
Board of Optometrists, Room 501  
1100 Raymond Boulevard  
Newark, New Jersey 07102

The agency proposal follows:

**Summary**

The State Board of Optometrists has approved the repeal of N.J.A.C. 13:38-1.1 Professional cards; 1.2 Announcements of office opening or association; 1.4 Soliciting; 1.5 Public education messages; 1.6 Taking over former practices; 1.7 Soliciting through reduced fees; 1.8 Listing of directions; and 2.5 Free eye examinations or refractions. The Board has also approved amendments to N.J.A.C. 13:38-1.3, 1.9, 1.10, 2.3 and 6.1, and new rule N.J.A.C. 13:38-2.

The amendments and new rules generally concern advertising practices and result from inquiries and discussions among the Board, Board attorneys and Federal Trade Commission attorneys. Items relating to disclosure and general rules of optometric practice are also included in this proposal.

References to advertising practices relate to prices set forth for ophthalmic goods and services for eye glasses or contact lenses; advertisements for free or reduced fee eye examinations; professional credentials and testimonials used in advertisements; restrictions on advertising due to the suspension or revocation of a license; and the new requirement at N.J.A.C. 13:38-2.3(e) which relates to patient evaluation for a specifically advertised brand of contact lenses. Proposed disclosure requirements relate to the necessity to name a responsible licensee at specified locations.

Proposed new rule N.J.A.C. 13:38-2.7, which deals with an optometrist's availability, is proposed in response to consumer complaints, particularly from contact lens patients. N.J.A.C. 13:38-6.1(d) deals with the availability of patient records. It sets forth procedures consistent with established law to clarify the rights of licensees in their records and the rights of patients to records when certain conditions are met.

**Social Impact**

The proposed amendments and repeals are designed to prevent the overzealous or deceptive solicitation of consumers. The Board endeavors to enlighten consumer awareness by placing specifications and limitations on the advertising practices of licensees. No information suggests the proposed amendments and repeals would adversely impact access to or the quality of patient care.

Proposed new rule N.J.A.C. 13:38-2.7 will be beneficial to the consumer in that it will assure access to an optometrist or suitable covering doctor in the absence of an examining optometrist. The proposed amendment to N.J.A.C. 13:38-6.1, relating to the availability of patient records, will be beneficial to both the patient and the licensee since it clarifies an area previously in dispute.

**Economic Impact**

There will be no discernable economic impact on consumers or licensees as a result of the proposed amendments, repeals and new rule. Consumers will benefit from these changes since they will be assured of the price(s) to be paid for specified services. However, the amendment to N.J.A.C. 13:38-6.1 will benefit licensees since, in instances when consumers request their patient records, licensees will be assured of payment in full for services rendered prior to the records' release.

**Regulatory Flexibility Statement**

If, for the purposes of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., optometrists are deemed "small businesses", the following statement is applicable:

The compliance requirements of the proposed amendments and new rule are reasonable and uniformly applied to all businesses, without differentiation as to size. This is consistent with the Board's desire to enlighten public awareness and to prevent overzealous and deceptive solicitation of consumers.

With regard to reporting and recordkeeping requirements, all licensees will be required to retain a copy or duplicate of any advertisement for a period of one year (reduced from three years) following the date of publication or dissemination (N.J.A.C. 13:38-1.9(i)3).

N.J.A.C. 13:38-2.3(e) requires that, if after an evaluation, the patient is fitted with a brand of contact lenses other than those advertised, the patient's record(s) reflect that decision and justification thereof.

Compliance with N.J.A.C. 13:38-6.1(d) requires that financial records, maintained in the ordinary course of business, be up to date to determine whether a patient's financial obligation has been satisfied.

Neither initial capital costs, nor annual costs of compliance, are anticipated. No new professional services are likely to be needed for compliance.

Full text of the proposed repeals may be found in the New Jersey Administrative Code at N.J.A.C. 13:38-1.1, 1.2, 1.4, 1.5, 1.6, 1.7, 1.8 and 2.5.

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

**13:38-[1.3]1.1 Optometrist presumed responsible for advertisements**

Every registered optometrist whose name [or office address or place of practice] appears or is mentioned in any advertisement of any kind or character shall be presumed to have caused, [allowed,] permitted, **and** approved [and sanctioned] the advertising and shall be personally responsible for its **material** content and character.

**13:38-[1.9]1.2 General advertising provisions**

(a) An optometrist may, consistent with the provisions set forth in this section, advertise to the consum[m]ing public the availability for sale and offering of optometric services and ophthalmic goods or merchandise. In any advertising permitted by this subchapter, an optometrist shall not use, employ, [suffer,] permit or condone any practice, statement or format which is false, fraudulent, misleading or deceptive. For the purpose of this section, the term "advertising" shall mean any attempt directly or indirectly by public dissemination, circulation or in any other way to induce a consumer to purchase or consider the purchase of optometric services or ophthalmic goods or merchandise.

(b) An optometrist may advertise by means of print or electronic media, including on-premise signs, professional cards and appointment cards. [An advertisement shall not directly or indirectly state or imply that an optometrist is licensed or regulated by the New Jersey Board of Optometrists.]

(c) An optometrist may advertise fees for services to be rendered and prices for ophthalmic goods and merchandise for sale provided that:

1. The advertised service, goods or merchandise is provided for not more than the advertised amount;

2. All advertised fees or prices are clearly and conspicuously displayed [and are set forth in the same type size];

3. Where a price is set forth for any optometric or ophthalmic device including, but not limited to, contact lenses or eyeglass frames, the advertisement shall also contain either of the following:

i. A statement of the total dollar amount for the advertised merchandise, said amount to include the cost of all usual and necessary services and goods related thereto. An advertisement setting forth only a total dollar amount as authorized by this subsection shall also state the usual and necessary services included in the total amount; or

ii. A statement of the separate prices for the advertised merchandise and all usual and necessary services and goods related thereto. The sum total of such statement shall be set forth and shall equal

the total price to be paid for the advertised merchandise and related services and goods.

NOTE: For the purpose of (c)3i and ii above, the term "usual and necessary services and goods" shall include at least the following: optometric examination and, where appropriate, contact lens evaluation fee, storage and sterilizing equipment (heat or cold method) and use, instruction and follow-up care.

Example:

1. John Doe, Optometrist		OR	John Doe, Optometrist
Designer Frames .....	\$35.00		Designer Frames .....
Optometric Exam .....	\$35.00		Designer Frames .....
Lenses .....	\$20.00		(\$90.00)
	<u>\$90.00</u>		(Price includes opto-
			metric exam and lenses)
2. John Doe, Optometrist		OR	John Doe, Optometrist
Contact Lenses .....	\$50.00		Contact Lenses .....
Contact Lens			(\$180.00)
Evaluation .....	\$25.00		(Price includes opto-
Optometric Exam .....	\$50.00		metric exam, contact
Sterilization Equip.			lens evaluation,
(heat method) .....	\$30.00		sterilizing equipment
Instruction and			(heat method), instruc-
Follow-up Care .....	\$25.00		tion and follow-up
	<u>\$180.00</u>		care.

[4. Where an advertisement contains separate fees or prices, the same shall be set forth immediately adjacent to each other.]

[5.]3. A statement of a fee or price for professional services shall be set forth in a single dollar amount and shall not be stated in the form of a range of fees or prices. A statement of price relating to ophthalmic goods or merchandise may be set forth in a range provided such range is stated in terms of a minimum and maximum dollar amount.

[6.]4. Where a separate or additional fee for the service of dispensing ophthalmic goods is to be charged, the advertisement shall disclose the dollar amount of such fee.

5. Where prices are set forth for ophthalmic goods and services for eyeglasses (lenses and frames), the advertisement shall indicate the type of frames and corrective lenses being offered such as clear or tinted, single vision or multifocal, and plastic, glass or other material. The lenses and frames may be priced separately or as a combined item.

6. When prices are set forth for ophthalmic goods and services for contact lenses, the advertisement shall include, but not be limited to, the fee for the eye exam appropriate to a contact lens evaluation, the type of lens being offered, fitting instruction and follow-up care. These items may be priced separately or as a combined package. If the cost of a contact lens care kit is not indicated as a separate item or as a part of a package, the following statement shall be set forth: "The proper maintenance of contact lenses requires sterilization, storage and cleansing in special containers and solutions, the cost of which is not included in this offer." In all advertisements which include a price for a contact lens care kit, the type of kit shall be set forth. When the brand name and price of a contact lens is advertised, a statement shall be made to note that such lens may not be appropriate for all patients.

[7. In all advertisements including sterilizing equipment, the method sterilizing shall be set forth as "hot" or "cold" method.]

[8. In the event that an advertiser regularly offers an agreement to service or replace contact lenses, the cost of such agreement shall be set forth in the advertisement.]

7. An advertised offer of a free or reduced fee eye examination shall not be contingent upon a resultant purchase of ophthalmic goods or services.

(d) In the event that an advertisement contains a statement with regard to an advertiser's refund policy, such policy shall clearly and conspicuously set forth all material conditions [such as] **including, but not limited to**, relevant time periods and dollar amounts to be refunded.

(e) An advertisement offering frames or lenses shall specifically identify the type of frames or lenses being offered such as single vision, bifocal, trifocal, etc., glass, plastic or other material.]

[(f)](e) An advertisement shall not [directly or indirectly] state [or imply] that the advertiser possesses professional superiority with regard to services or merchandise offered or with regard to apparatus, equipment or technology utilized by such advertiser. The use of such

terms as specialist, specialty, expert or words of similar import shall be deemed to indicate a claim of professional superiority and are not permitted.

(g)(f) [An advertisement placed before the public via print or electronic media may] **When an advertisement contains information on professional credentials, it shall only** contain the highest academic degrees obtained relating to the practice of optometry and certifications from bona fide accrediting bodies directly related to the practice of optometry. [Statements as to other professional affiliations shall be limited to professional and appointment cards, stationery and other formats which do not circulate before the public at large.]

(h) An advertisement shall not contain any statement or listing of an inactive, retired, removed or deceased optometrist or any other ocular practitioner except that for] (g) **For a period of not more than two years from the date of succession to the practice of another optometrist, an optometrist may use a telephone listing of such prior optometrist together with the words "succeeded by" or "successor to", and for the same time period may also use the prior optometrist's name in any advertisement.**

(i)(h) An optometrist may be listed in the classified section of any directory under the classification entitled "Optometrist", "Doctor of Optometry", or any other designation which is not misleading. Such listing shall show the address or addresses for which a valid, unrevoked, active certificate has been issued to practice optometry in this State.

(i) **Any optometrist whose license is either suspended or revoked shall not be permitted to advertise during the period of active suspension or revocation except to announce the closing of the optometrist's office and/or where the patient records may be available.**

(j) It shall be an unlawful advertising practice for an optometrist licensed by the New Jersey Board of Optometrists to:

[1. Use or employ any advertisement containing colored, flashing or neon lights;]

[2.1. Employ endorsements or personal testimonials attesting to the **technical, optometric** quality of services rendered or merchandise received. **Any testimonial advertised must arise from a bona fide patient-optometrist relationship;**

[3.2. Guarantee that services rendered will result in cures of any optometric or visual abnormality;

[4. Utilize any advertising format or presentation which is undignified or unprofessional in nature;]

[5. Engage in any form or method of advertising wherein the advertised medium limits access thereto to a closed, limited or designated class of optometrists;]

[6.3. Fail to retain a copy or duplicate of any advertisement for a period of [three] **one year[s]** following the date of publication or dissemination. Such copies or tapes shall be made available on request by the Board or its designee;

[7.4. Fail to **be able** to substantiate [the truthfulness or accuracy of any assertion] **any material claim** or representation set forth in an advertisement.

13:38[1.10]1.3 Optometric practice under assumed names and disclosure of practitioner names

(a) Except as may be authorized by the Professional Service Corporation Act, N.J.S.A. 14A:17-1 et seq., a licensed optometrist shall not practice under a name other than his or her own.

(b) A licensed optometrist who is also an officer of a professional service corporation which renders optometric service or sells ophthalmic merchandise shall:

1.-2. (No change.)

3. File with the Board of Optometrists by March 31 of each year a copy of that report required to be filed pursuant to N.J.S.A. 14A:17-15 showing the names and post office addresses of all shareholders, directors, and officers of such corporation. In addition thereto, the report shall include the names and **post office** addresses of all licensed optometrists employed by the corporation.

(c) It shall be the joint and several responsibility of all corporate officers holding licenses to secure compliance with [these Board regulations] **this section.**

(d) [In all advertising placed by a sole practitioner of optometry or by a partnership engaged in the practice of optometry, the name

of the sole practitioner and the names of all partners shall be conspicuously set forth.] **In all advertisements for optometric goods and services at a particular location or group of locations, the name of at least one licensee responsible for the optometric practice at the individual location or group of locations shall be disclosed. Any licensee's name appearing in an advertisement shall be accompanied by one of the following designations: O.D., Optometrist, Doctor of Optometry.**

(e) (No change.)

## SUBCHAPTER 2. GENERAL RULES OF OPTOMETRIC PRACTICE

13:38-2.1 Minimum examination; record of conditions

(a) (No change.)

(b) Procedures (a)3, 4, 5, 7 and 12 above must be performed by the doctor. In procedure (a)11 above, where any form of contact tonometry is used, the doctor must perform the procedure. The accuracy of the findings from the above-referenced procedures shall be the exclusive responsibility of the examining optometrist(s).

13:38-2.3 Records of examinations and prescriptions

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

(e) **Every optometrist shall be required to evaluate a patient for the specifically advertised brand of contact lenses which attracted or induced the patient to seek such goods. In the event that the patient is fitted with another brand or type of contact lens, the patient record shall reflect that decision and the justification therefor.**

13:38-[2.6]2.5 (No change in text.)

13:38-[2.7]2.6 (No change in text.)

13:38-[2.8 (Reserved)]2.7 **Optometrist's availability**

The examining optometrist shall assure that every patient has access to the optometrist or to a suitable covering doctor in an emergency, during a doctor's vacation time or during hours when the office is not open.

13:38-[2.9]2.8 (Reserved)

Renumber 13:38-2.10 through 2.12 as 2.9 through 2.11 (No change in text.)

## SUBCHAPTER 6. RECORDS

13:38-6.1 Availability of records

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

(d) **The above subsections shall not apply unless the patient has satisfied all financial obligations to the optometrist.**

(a)

## STATE BOARD OF OPTOMETRISTS

### Delegation of Duties to Ancillary Personnel

#### Proposed New Rule: N.J.A.C. 13:38-2.11

Authorized By: New Jersey State Board of Optometrists,

Kenneth B. Brehne, O.D., President.

Authority: N.J.S.A. 45:12-4.

Proposal Number: PRN 1988-469.

Submit comments by October 19, 1988 to:

Jan C. Gavzy, Executive Director  
State Board of Optometrists  
1100 Raymond Boulevard, Room 501  
Newark, New Jersey 07102

The agency proposal follows:

#### Summary

In response to a petition for rulemaking, notice of which was published in the April 6, 1987 New Jersey Register at 19 N.J.R. 571(a), made by one of its licensees, the New Jersey State Board of Optometrists proposes to adopt a new rule concerning the delegation of duties to unlicensed personnel. The proposed new rule, N.J.A.C. 13:38-2.11, sets forth the activities a licensed optometrist may delegate to ancillary personnel on his or her staff. The rule defines "ancillary personnel" and "immediate

supervision" so that there should be no confusion among the Board's licensees.

#### Social Impact

With the adoption of this new rule, the Board will eliminate any uncertainty existing among its licensees as to which duties may be properly delegated to unlicensed employees. Furthermore, this new rule will aid the Board in carrying out its statutory duty of promoting the safety, protection and welfare of the consumer by establishing guidelines for the delegation of certain duties to unlicensed personnel. The social impact of the proposed new rule will be beneficial in that it will protect the consumer by clearly establishing guidelines as to which acts and procedures can be properly delegated to unlicensed personnel.

#### Economic Impact

The proposed new rule has been carefully drafted to eliminate any possible negative economic effect on any party in New Jersey. Great care and consideration was taken to avoid placing any economic burden on either the professional or the consumer. In fact, as a result of the adoption of this rule, the Board anticipates the cost of eye care to the consumer to eventually decrease because the optometrist's charges for his or her own time will be reduced.

#### Regulatory Flexibility Statement

If, for the purposes of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., optometrists are deemed "small businesses" within the meaning of the statute, the following statement is applicable:

The proposed new rule establishes minimal recording and reporting requirements designed to assure that the public's health and safety will be protected. The licensee is required to describe and verify successful completion of training by ancillary personnel. Thereafter, a copy of the description and verification shall be maintained in the licensee's files and a copy shall be filed with the Board. The cost to the Board's approximately 950 licensees and the administrative impact of this regulation are therefore minimal.

Full text of the proposal follows.

13:38-2.11 Delegation of duties to ancillary personnel

(a) As used in this section, the following terms shall have the following meanings:

"Ancillary personnel" means any natural person in the employ of a New Jersey licensed optometrist.

"Immediate supervision" means the supervising optometrist shall be physically present on the premises and available for consultation at all times when ancillary personnel are performing any delegated duties.

(b) With the exception of those procedures which under N.J.A.C. 13:38-2.1(b) are required to be performed by an optometrist licensed by the State of New Jersey, an optometrist may delegate to ancillary personnel under his or her immediate supervision any objective acts or procedures which do not normally require an optometrist's professional judgment. Such acts and procedures include, but shall not be limited to the following:

1. Taking measurements for the proper ordering, fabricating, dispensing and fitting of eyeglasses. Choosing the proper type of lens as well as the proper placement of multifocal addition(s) requires the professional judgment of the optometrist and is therefore not delegable.

2. Making physical adjustments to any dispensed ophthalmic appliances, including contact lenses.

3. Use of any equipment required by N.J.A.C. 13:38-2.2 necessary to the performance of any properly delegated duties.

4. Patient training in the care and handling of contact lenses.

5. Vision training and low vision procedures as directed by the supervising optometrist.

(c) A licensee shall be responsible for the training of ancillary personnel and shall maintain in his or her records, and file with the Board, a description of the training and verification of successful completion by the ancillary personnel.

(d) Nothing in this section shall be construed as removing full responsibility from the supervising optometrist, who, at all times, shall remain ultimately responsible for the patient's health, safety and well-being.

(e) Any violation of this section shall be considered unprofessional conduct and the licensee shall be subject to fine or suspension of licensure pursuant to N.J.S.A. 45:1-14 et seq.

## DIVISION OF CONSUMER AFFAIRS

### (a)

#### ADVISORY BOARD OF PUBLIC MOVERS AND WAREHOUSEMEN

#### Public Movers and Warehousemen Definitions; License Generally; Tariff; General Provisions; Forms

#### Proposed New Rules: N.J.A.C. 13:44D.

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

Authority: N.J.S.A. 45:14D-6

Proposal Number: PRN 1988-470.

Submit comments by October 19, 1988 to:

Diane I. Romano, Executive Director  
State Advisory Board of Public Movers  
and Warehousemen, Room 511  
1100 Raymond Boulevard  
Newark, New Jersey 07102

The agency proposal follows:

#### Summary

Pursuant to the Public Movers and Warehousemen Licensing Act, N.J.S.A. 45:14D-1 et seq., (Act) the Director of the Division of Consumer Affairs is required to regulate persons, corporations, etc., who engage in the business of public moving and storage within the State of New Jersey and is authorized to promulgate rules to effectuate the purposes of the Act. The proposed new rules are intended to implement the Act. They are similar to the new rule proposed on June 3, 1985 at 17 N.J.R. 1382(a) and formalize the procedures currently followed by the Director and the Advisory Board of Public Movers and Warehousemen in carrying out their regulatory functions. They further set forth standards of licensee conduct.

Subchapter 1 contains definitions. Words and phrases pertaining to the occupation of public moving and warehousing are set forth and are operative throughout the chapter.

Subchapter 2 sets forth the requirements for licensure as a public mover and/or warehousemen, including the procurement of insurance coverage and the designation of an agent for service of process. Requirements as to the display of the license or certified copy are set forth, as are license renewal procedures. In addition, this subchapter provides that a licensee shall notify the Director within 30 days of any change of address, business name or business telephone number.

Subchapter 3 requires the filing of a tariff with the Director through the Board and details the minimum requirements to be included in the tariff and the form it should take. This subchapter also provides for the auditing of bills of lading, as well as bills employed in the permanent storage of property, to ensure compliance with the licensee's filed tariff.

N.J.A.C. 13:44D-4.1 provides for the issuance to consumers of certain forms and written information by the public mover and/or warehousemen. N.J.A.C. 13:44D-4.2 sets forth the requirements relating to insurance that must be procured. The forms and procedures for filing proof of this coverage with the Director are also set forth. The minimum legal liability of a public mover and/or warehousemen is set at 60 cents per pound per article. N.J.A.C. 13:44D-4.3 requires a public mover to issue a written estimate of the total charges to be incurred by a consumer. The estimate must be based on a physical inspection of the premises and goods to be moved or stored. N.J.A.C. 13:44D-4.4 addresses the situations in which subcontracting of a public mover's services may be allowed. N.J.A.C. 13:44D-4.5 provides for the use by a public mover of an owner/operator and sets forth the guidelines that direct such use. N.J.A.C. 13:44D-4.6 provides that it shall be occupational misconduct for a public mover to fail to perform moving services in certain circumstances and defines those circumstances. N.J.A.C. 13:44D-4.7 requires the use in the actual move of only such labor and equipment as specified in the original estimate unless otherwise approved by the shipper and the public mover. N.J.A.C. 13:44D-4.8 sets forth the standards to be com-

piled with by one engaged in the business of storage in this State. N.J.A.C. 13:44D-4.9 through 4.11 deal with the collection of tariffs where the shipment has been destroyed, the movers overall liability, and the procedures for making claims against the mover.

Subchapter 5 sets forth samples of forms: a combined uniform household goods bill of lading and freight bill, an estimated cost of services form, an order for service, and a warehouse receipt.

#### Social Impact

The rules will have a significant and salutary impact on both the consumer and the occupations of moving and storage. Consumers will know in advance what proper moving and storage services should consist of and what their rights are when they contract public movers and/or warehousemen.

The rules will have a favorable impact on the moving and storage industry as well, since they set forth controlling standards for and the interpretations of the Public Movers and Warehousemen Licensing Act. By providing such information to both the consumer and the public mover and/or warehousemen, the rules will assure the informed and competitive delivery of moving and warehousing services.

#### Economic Impact

The proposed rules should have minimal economic impact upon the public, no greater than that which might be associated with better informed decision making in choosing a public mover and/or warehouseman. Initially, it is possible that some public movers and/or warehousemen may raise their scheduled fees in their tariffs in order to comply with certain requirements regarding forms, insurance and equipment and cost estimates. However, in the long run, this impact should be of little effect. Any cost would be substantially outweighed by increased benefits to the consumer.

#### Regulatory Flexibility Statement

The proposed new rules directly impact upon a class of approximately 450 licensed public movers and/or warehousemen by establishing tariff filing requirements. Tariffs must be filed semiannually by each licensee. More specifically, the primary compliance and other requirements imposed by the rules in implementing the Public Movers and Warehousemen's enabling statute call for tariff filings in prescribed formats; of advance written estimates by public movers and warehousemen based upon a physical inspection of property and premises; the giving of options to consumers to accept a substitute mover, to negotiate a new move date or to cancel the contract and receive a refund in cases where the mover fails to meet an agreed upon move date; the procuring of statutorily required insurance in prescribed amounts; and the designation of an agent for service of process. The services which small business licensees are likely to need in order to meet the requirements are those normally utilized by all movers and warehousemen, namely the services provided by employees.

It is impossible to estimate the cost of complying with the new rules although it is clear that no initial capital costs will be incurred. Moreover, it is believed that since established, sound business practices, the recognition of established legal principles and fundamental principles of consumer fair dealing already include the majority of the proposed standards, no appreciable increase of annual costs is anticipated. The rules will operate evenly and uniformly throughout the entire regulated class, a vast majority of which is composed of small businesses. Since uniformity is essential in regulating the class of licensees affected by the rules, no variation based upon licensee size is feasible.

Full text of proposed new rules follows:

### CHAPTER 44D

#### PUBLIC MOVERS AND WAREHOUSEMEN

##### SUBCHAPTER 1. DEFINITIONS

###### 13:44D-1.1 Words and phrases defined

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

"Agent" means the appointee of the public mover or warehousemen who shall be a party upon whom notice may be served along with the principal public mover or warehouseman.

"Bill of lading" means a contract of carriage and a receipt given to the shipper by the public mover for all of the cargo picked up from the shipper by the public mover and moved to another point.

"Brochure" means a printed, pamphlet-type informational bulletin to be provided to each prospective shipper by the public mover and/or warehouseman.

"Estimate" means an approximation made by the public mover and/or warehouseman of the cost of the shipment and/or storage.

"Order for service" means a form which a public mover and/or warehouseman shall give to the shipper at the time of the initial contact.

"Owner/operator" means a person who owns his or her own vehicle and leases his or her services to a second person or company for compensation to perform moving services for and using the forms and bill of lading of the second person or company.

"Shipment" means property tendered by one shipper, and accepted by the carrier, at one place of origin and at one time, for one consignee at one destination, and covered by one bill of lading.

"Shipper" means the person or company contracting with a public mover and/or warehouseman for moving and/or storage services.

"Subcontracting" means the transfer by a public mover, with the prior approval of the shipper, of any bill of lading to another licensed public mover to perform services initially contracted by the original public mover.

"Tariff" means a statement of the rates, charges, classification ratings and regulations of the public mover and/or warehouseman.

"Warehouse receipt" means a receipt given to the shipper by a warehouseman for all of the shipper's goods stored in the warehouseman's facility.

##### SUBCHAPTER 2. LICENSE GENERALLY

###### 13:44D-2.1 License to engage in the business of public moving and/or storage

(a) No license to engage in the business of public moving and/or storage shall be issued or remain in effect unless there shall be on file with the Director of the Division of Consumer Affairs:

1. A properly completed application for licensure accompanied by the required fee;
2. Certificates of insurance covering the motor vehicle equipment, cargo, storage facilities and property being held in storage conditioned or providing for the payment of all judgments recovered against a public mover and/or warehouseman;
3. A designation of agent; and
4. A properly executed, filed tariff.

(b) The initial license shall be issued to a qualified applicant if it is found that the applicant is fit, willing and able to perform the service of a public mover and/or warehouseman, to conform to the provisions of the Public Movers and Warehousemen Licensing Act, N.J.S.A. 45:14D-1 et seq., and pays the required fee. Requests for the renewal of a license shall be on such forms as may be specified by the Director and accompanied by the required renewal fee.

(c) All licenses issued by the Director shall expire on September 30 of each year or such other date as may from time to time be designated.

(d) The original license shall be prominently displayed by the public mover or warehouseman at his principal place of business with copies displayed at all other such offices, warehouses and/or facilities maintained by the licensee within this State.

(e) A duly certified copy of the license issued by the Director shall be carried on each truck, tractor, trailer or semitrailer or combination thereof at all times when the vehicle is being used in the performance of moving and/or storage services.

(f) A decal issued by the Director indicating that the public mover and/or warehouseman is licensed in this State shall be displayed on the driver's side door of each power unit registered and performing intrastate moving and/or storage services, including all vehicles used by an owner/operator on contract to a public mover.

###### 13:44D-2.2 Change of address, business name or telephone number

(a) A licensed public mover and/or warehouseman shall notify the Director of the Division of Consumer Affairs in writing of any change of address or business name from that currently registered with the Director and shown on the most recently issued license. Such notice shall be given not later than 30 days following the change of address or business name.

(b) A licensed public mover and/or warehouseman shall notify the Director of the Division of Consumer Affairs in writing of any change of business telephone number from that currently registered with the Director. Such notice shall be given not later than 30 days following the change of telephone number.

#### 13:44D-2.3 Designation of agent

(a) No public mover and/or warehouseman shall operate under a license unless and until there has been filed with the Director of the Division of Consumer Affairs, on the specified form, a designation of agent, street address and municipality upon whom service of process, notices and/or orders may be made pursuant to N.J.S.A. 45:14D-1 et seq.

(b) The designated agent shall be an individual, resident of the State of New Jersey, and such designee may, from time to time, be changed by filing the specified form.

(c) The Director shall be notified immediately upon change of designated agent.

### SUBCHAPTER 3. TARIFFS

#### 13:44D-3.1 Tariffs

(a) Every public mover and/or warehouseman shall file with the Director of the Division of Consumer Affairs, through the State Board of Public Movers and Warehousemen, a tariff or tariffs indicating the rates, charges, classification ratings, and terms and conditions of the public mover and/or warehouseman. A copy of the tariff filed with the Director shall be kept open for public inspection in all offices and facilities of Board licensees where a request for moving and/or storage services may be made. The tariff shall be readily accessible to the public at all times during normal business hours and whenever requested by any person the tariff shall be produced for immediate inspection. No regulated services shall be rendered unless specifically provided for in the tariff.

(b) The tariff shall be filed with the Director semiannually. The first filing must be received by the Board no later than April 1 and the second no later than October 1. Filings made promptly and accepted by the Board will become effective as of May 1 and November 1 respectively. All tariffs shall conform to the following requirements:

1. Tariffs shall be printed on sheets of hard finish durable paper and eight and one-half inches wide and eleven inches long with the left side pre-punched in the normal loose-leaf positions;
2. There shall be a one and one-half inch margin on the left-hand side;
3. The tariff may be permanently bound or of a loose-leaf style;
4. The printing shall be of a legible size not less than eight points and must be of a permanent quality;
5. The printing shall be ink, typewritten or reproduced by a photographic process;
6. No officially filed sheets or other sheets to be submitted to the Board or used by the licensee shall contain any corrections or erasures;
7. The name of the company shall appear on the top of each page officially filed or submitted to the Board as well as any page to be used by the licensee. Page numbers shall appear in the upper right-hand corner and the issue date and effective date shall appear in the upper left-hand corner of the page;
8. No exception to these requirements shall be permitted without prior written approval of the Director.

(c) Each tariff shall consist of the following minimums:

1. A standard title page showing the complete name and address of the company, the type of service for which the tariff is being submitted (that is, public moving and warehousing, public moving only, warehousing only), the issue date and the effective date of the tariff, and the officer or publishing agent using the tariff;

2. Each tariff shall have an index giving the page number, item number, and any other identifying reference for each subject found in the tariff. If any specific commodities for which special rates are indicated are contained in the tariff, they shall also be properly indexed, giving the page number and item numbers for each;

3. Each tariff shall contain explanations, in plain concise language, of all abbreviations and reference marks and how they relate to the tariff;

4. Standard terms and conditions shall indicate in clear and concise language all services and privileges covered by the rates. These standard terms and conditions shall be a separate and distinct part of the tariff;

5. Rate schedule shall include but not be limited to the following:

i. For public movers: combination weight and mileage rates, hourly rates, and any other rates charged.

ii. For warehousemen: storage fees, warehouse fees, dock fees, access fees, and any other rates and fees as may be charged.

iii. The rates for each separate and distinct class of service rendered shall be filed as a separate schedule and shall begin on a separate sheet. The schedule of rates for each class of service shall have assigned to it a page or section number to facilitate any reference to the schedule.

6. The bill of lading regularly used by the public mover and/or warehousemen;

7. The warehouse receipt regularly used by the warehouseman.

(d) Corrections in the filed tariff shall only be permitted during the period between the filing date and the effective date and shall be subject to the written approval of the Director.

(e) No licensee shall charge, demand, collect or receive a greater or lesser compensation for his or her service than specified in the tariff, except for discounts and rebates provided in connection with the furnishing of moving, storage or accessorial services to any person 62 years or older. In order to be permissible, any such discount or rebate must be clearly provided for in the licensee's filed tariff.

(f) All bills of lading employed in intrastate moves shall be audited by the licensee within seven days of the move's completion. Likewise, all bills employed in the permanent storage of any property shall be audited by the licensee within seven days of release of the goods or property.

### SUBCHAPTER 4. GENERAL PROVISIONS

#### 13:44D-4.1 Bill of lading, brochure, estimated cost of services form, order for service form, warehouse receipt; issuance

(a) Prior to entering into an agreement to render services, every public mover and/or warehouseman shall issue the following to each shipper:

1. A brochure which shall contain detailed explanations of the following:

i. Estimates;

ii. The public mover's and/or warehouseman's responsibility for loss and/or damage;

iii. Accessorial services including, but not limited, to packing, payment, delivery, exclusive use of vehicles, expedited services, small shipments and other services rendered by the public mover and/or warehouseman; and

iv. The shipper's rights to and procedures for filing a claim for any articles lost or damaged while in transit or storage;

2. An estimated cost of services form which shall not serve as the actual contract between the shipper and the public mover and/or warehouseman but shall be given as an educated prediction of the cost for the services to be rendered. The estimate for all services provided by the public mover and/or warehouseman shall be in writing and shall be fully completed in all respects, and shall be rendered only after a physical inspection by the public mover and/or warehouseman. A sample estimated cost of services form is provided at Appendix A, incorporated herein by reference. The public mover and/or warehouseman may adopt any form substantially similar to the suggested form outlined herein and in the sample; said form shall contain all of the information outlined herein. This form shall also include a statement, in bold face type, indicating that the tariff in effect at the time of the shipment shall govern the final charges for the shipment; and

3. An order for services form which shall include, but not be limited to, all pertinent information such as the date of shipment, storage arrangements, points of origin and destination, the date of delivery, a notice indicating that the shipper acknowledges receipt

of the public mover's and/or warehouseman's brochure and the order for insurance. The form shall be fully completed in all respects. No charges shall be affixed to this form. A sample order for service form is provided at Appendix B, incorporated herein by reference. The public mover and/or warehouseman may adopt any form substantially similar to the suggested form outlined herein and in the sample; said form shall contain all of the information outlined in this paragraph.

(b) Every public mover shall also issue to each shipper, in addition to the brochure, estimated cost of services form and order for services form, a bill of lading which shall indicate the date of shipment, the names and addresses of the public mover and shipper, the license number of the public mover, an address or telephone number where the public mover and shipper can be contacted during shipment, the points of origin and destination and the released or declared value of the shipment. The bill of lading issued to the shipper shall be fully completed in all respects. A sample bill of lading is provided at Appendix C, incorporated herein by reference. The public mover may adopt any form substantially similar to the suggested form outlined herein and in the sample; said form shall contain all of the information outlined. The bill of lading shall be included in the tariff of the public mover.

(c) Every warehouseman shall also issue to each shipper, in addition to the brochure, estimated cost of services form and order for services form, a warehouse receipt which shall indicate the date of issue, the names and addresses of the warehouseman and shipper, the license number of the warehouseman, an address or telephone number where the warehouseman and shipper can be contacted during the storage period, a description of the goods and location of the warehouse where the goods are to be stored. The warehouse receipt issued to the shipper shall be fully completed in all respects. A sample warehouse receipt is provided at Appendix D, incorporated herein by reference. The warehouseman may adopt any form substantially similar to the suggested form outlined in this subsection and in the sample; said form shall contain all of the information outlined herein. The warehouse receipt shall be included in the tariff of the warehouseman.

#### 13:44D-4.2 Legal liability and insurance

(a) The minimum legal liability of a public mover and/or warehouseman shall be 60 cents (\$.60) per pound per article.

(b) Every licensed public mover and/or warehouseman transporting and/or storing property for compensation shall secure, maintain and file with the Director a certificate of insurance from an insurance company authorized and licensed to do business in this State covering the motor vehicle equipment, cargo, storage facilities and property being held in storage for the amount set forth below, conditioned or providing for payment of all judgments recovered against such public mover and/or warehouseman.

(c) The minimum amounts of insurance for public movers are as follows:

1. Legal liability coverage at the rate of 60 cents (\$.60) per pound per article.

2. Bodily injury liability, property damage liability:

- i. Limit for bodily injuries to or death of one person: \$25,000;
- ii. Limit for bodily injuries to or death of all persons injured or killed in any one accident: \$100,000, subject to a maximum of \$25,000 for bodily injuries or death of one person;
- iii. Limit for loss or damage in any one accident to property of others (excluding cargo): \$10,000.

3. Cargo liability:

- i. For loss or damage to property being transported (cargo liability insurance) on any one vehicle: \$5,000 per accident;
- ii. For loss or damage to or aggregate of losses or damages of or to property occurring at any one time and place: \$10,000.

(d) The minimum amounts of insurance for warehousemen are hereby prescribed as follows:

1. Legal liability coverage at the rate of 60 cents (\$.60) per pound per article.

(e) All filings shall be executed in triplicate on forms substantially similar to those determined by the National Association of Regulatory and Utilities Commissioners (NARUC) and promulgated by

the Interstate Commerce Commission (ICC). Said filings shall include the following:

1. Bodily injury and property damage liability on Form E;
2. Cargo Insurance on Form H; and
3. Notice of Cancellation of insurance policies on Form K.

(f) Every certificate of insurance shall contain a provision for continuing liability and shall provide that cancellation thereof shall not be effective unless and until at least 30 days' notice of intention to cancel in writing has been received by the Director.

(g) All required insurance filings shall be made at the Office of the Advisory Board of Public Movers and Warehousemen, 1100 Raymond Boulevard, Newark, New Jersey 07102.

(h) Where a shipper requests the public mover or warehouseman to obtain additional insurance and the shipper thereafter pays the additional premium, the public mover or warehouseman shall furnish the shipper with a certificate of insurance. Such certificate shall include the following:

1. The name of the insurance company issuing the additional coverage;
2. The policy number;
3. The certificate number;
4. The date;
5. The valuation amount;
6. The premium amount; and
7. The amount, if any, of any deductible for which the shipper would be liable.

#### 13:44D-4.3 Estimates; inspection of premises

(a) No public mover and/or warehouseman shall provide a shipper with an estimate for moving and/or storage services without first having conducted a physical inspection of the premises and goods to be moved and/or stored.

(b) All estimates for moving services shall be in writing and based upon the public mover's tariff.

(c) No public mover and/or warehouseman shall be permitted to employ an estimator or broker who also represents any other public mover and/or warehouseman.

#### 13:44D-4.4 Subcontracting

A public mover shall not subcontract or assign an obligation to provide moving services except where the shipper elects, pursuant to N.J.A.C. 13:44D-4.6(a)2ii, to permit a public mover to subcontract with another licensed carrier because the original public mover is unable to perform the move on the promised date due to forces and circumstances beyond his control. In such situations, the original public mover shall remain ultimately responsible for the services provided by the subcontracting licensee.

#### 13:44D-4.5 Use or employment of owner/operator

(a) If a public mover intends to use or employ the services of an owner/operator, the shipper shall be so advised. In such instances, the public mover shall, in advance and in writing, provide the shipper with the following information:

1. The definition of an owner/operator; and
2. The nature of the relationship between the public mover and the owner/operator.

(b) Any public mover who uses or employs the services of an owner/operator shall remain responsible for the services provided by the owner/operator.

#### 13:44D-4.6 Failure to perform moving services

(a) A public mover shall be deemed to have engaged in occupational misconduct if, on the promised date of service, said public mover fails to:

1. Arrive at the shipper's premises and perform all contracted-for services; or
2. Notify the shipper of the impossibility of meeting the promised date of service by written notice or by telephone no later than 12:00 o'clock noon on the promised date, or, if impractical under the circumstances, at the earliest possible time, and offer the shipper the option of:

- i. Accepting service at a specified later time;
- ii. Allowing a subcontractor to perform the moving services;

iii. Accepting substituted service by another licensed carrier. In the event this option is accepted the shipper shall be charged according to the filed tariff of the public mover performing the substituted service; or

iv. Cancelling the moving contract and receiving a refund of all monies paid on account for the contract less any reasonable charges for services already rendered based solely on the rates and charges set forth in the public mover's tariff.

(b) For the purposes of this section, "impossibility of meeting the promised date of service" shall refer to forces beyond the control of the public mover including, but not limited to, such things as acts of nature and labor stoppage.

#### 13:44D-4.7 Labor and equipment

A public mover shall supply only such labor and equipment which would reasonably be expected to be necessary to properly perform the moving services indicated on the original estimated cost of services form. Any changes in the number of men and/or amount or type of equipment to be employed or utilized must be approved in writing and in advance by the shipper and the public mover.

#### 13:44D-4.8 Warehousing

(a) The exact address of the warehouse where the shipper's goods are to be stored shall be indicated on the estimated cost of services form, bill of lading, if any, and warehouse receipt. In the event the shipper's goods are to be moved, in whole or in part, to another warehouse, the public mover and/or warehouseman shall, 30 days in advance of the transfer, notify the shipper by registered mail and provide him or her with the address of the proposed warehouse and any differences in insurance coverage between the contracted-for warehouse and the new proposed warehouse. The public mover and/or warehouseman shall also in advance of any intended transfer secure the shipper's written approval or grant the shipper the option of removing his or her possessions without penalty.

(b) Any public mover and/or warehouseman utilizing a self-storage facility shall so notify the shipper before entering into a contract for storage.

(c) A public mover and/or warehouseman shall give the shipper no less than 30 days written notice by registered mail before increasing the fees to be charged for storage and shall provide the shipper the option of removing goods from storage without penalty prior to increasing such fees.

(d) A public mover and/or warehouseman shall provide the shipper access to his or her possessions and goods upon 48 hours notice to the public mover and/or warehouseman. The public mover and/or warehouseman may require payment of all outstanding charges and access fees, as provided by his or her tariffs, before allowing the shipper access.

#### 13:44D-4.9 Collection of tariff charges where the shipment has been destroyed

The public mover shall not collect, or require a shipper to pay, any tariff charges on any shipment that is totally lost or destroyed. The shipper will, however, remain liable for any and all insurance premiums agreed upon by the shipper and the mover.

#### 13:44D-4.10 Liability for damage to shipper's goods

(a) The public mover or warehouseman shall be liable for physical loss, destruction or damage to any articles of the shipper during transit or storage, except when:

1. The damage was caused by the shipper or was the result of the shipper's negligence;

2. The damage was caused by a defect in the article, including any susceptibility to damage because of exposure to any changes in temperature or humidity which were not caused by the public mover or warehouseman;

3. The damage was caused by a hostile or warlike action occurring in a time of peace or war;

4. After warning the shipper of the possibility or likelihood of damage, because of strikes, lockouts, labor disturbances, riots, or civil commotions, the shipper in a signed writing instructs the public mover or warehouseman to proceed with the transportation or storage notwithstanding such risks; or

5. The damage was caused by an act of God.

(b) Where the basis for excusing the liability of any public mover or warehouseman is based upon any portion of (a) above, the burden shall rest with the public mover or warehouseman to prove the truth of allegations to the satisfaction of the Board unless the shipper, in a signed and notarized writing, agrees to the public mover's or warehouseman's claims.

(c) The public mover or warehouseman shall not be liable for any loss or damage occurring after the property has been delivered to the shipper or the shipper's authorized agent.

#### 13:44D-4.11 Claims procedures

(a) All claims for loss, damage or overcharge shall be made in writing and within 90 days of the shipper's receipt of his or her goods. All claims shall be accompanied by the original paid bill of lading. If the original of this document has been surrendered to the public mover, then copies of the front and back of this document will be acceptable.

(c) Where the claim involves either overcharging or partial loss, damage or destruction of a shipper's goods, the shipper shall pay in full the amount appearing on the original bill and present a paid bill or the original paid bill of lading prior to entering a claim.

(c) Where the claim involves the loss, damage or destruction of the entire shipment, the shipper is liable for only the insurance premiums agreed upon in accordance with N.J.A.C. 13:44D-4.9.

(d) A public mover or warehouseman shall present the shipper with the appropriate claim forms no later than seven days after receiving written or verbal notification that the shipper wishes to make a claim.

(e) The public mover or warehouseman must settle all claims within 90 days of the receipt of the completed claim form. This time period may be extended by the Board upon a showing of good cause by either party. Under no circumstances may the 90 day period be extended by an agreement between the public mover or warehouseman and the shipper or any third party.

### SUBCHAPTER 5. FORMS

#### 13:44-5.1 Forms

The forms set forth in Appendices A through D are samples only, intended to demonstrate the information that is required to be included on the front page of each document. All forms and contracts, however, used by licensees in transactions for the personal, family or household purposes of a consumer shall comply with the Plain Language Law, N.J.S.A. 56:12-1 et seq.

APPENDIX A  
ESTIMATED COST OF SERVICES

LICENSE NO.

IMPORTANT NOTICE: The charges indicated herein are estimated charges only. All charges are subject to actual time plus travel or actual weight, whichever is applicable. Unless a greater value is declared by shipper, goods are released to the carrier at a valuation of 60 cents per pound per article. Charges are payable by cash, money order or certified check upon delivery of goods. Credit extended only to Commercial Accounts. Purchase Order or letter authorizing charge must accompany the order.

DATE OF ESTIMATE \_\_\_\_\_ REQUESTED PACKING DATE \_\_\_\_\_ REQUESTED MOVING DATE \_\_\_\_\_ PHONE \_\_\_\_\_  
 NAME \_\_\_\_\_ TO \_\_\_\_\_  
 FROM \_\_\_\_\_ FLOOR \_\_\_\_\_ ADDRESS \_\_\_\_\_ FLOOR \_\_\_\_\_  
 CITY \_\_\_\_\_ APT. \_\_\_\_\_ CITY \_\_\_\_\_ APT. \_\_\_\_\_

**OTHER STOPS**

<b>TIME BASIS (APPLY WHEN SHIPMENTS MOVE 25 MILES OR LESS)</b>	FURNISH _____ VAN AND _____ MEN @ _____ PER HOUR (ESTIMATED _____ HOURS)	
	TRAVEL TIME _____	
	PACKING AND UNPACKING (SEE BELOW) _____	
	LABOR CHARGES _____ MEN FOR _____ HOURS @ _____ PER MAN PER HOUR	
	HOISTING OR LOWERING _____	
OTHER _____		
TRANSIT INSURANCE \$ _____ @ _____ PER HUNDRED DOLLARS		
		ESTIMATED TOTAL CHARGES
<b>WEIGHT BASIS (APPLY WHEN SHIPMENTS MOVE MORE THAN 25 MILES)</b>	ESTIMATED WEIGHT _____ MILES _____ RATE PER 100 LBS. _____	
	ADDITIONAL TRANSPORTATION _____	
	EXTRA PICK UP OR DELIVERY AT _____	
	PACKING AND UNPACKING (SEE BELOW) _____	
	LABOR CHARGES _____ MEN FOR _____ HOURS @ _____ PER MAN PER HOUR	
	ELEVATOR OR STAIR CARRY CHARGES _____	
	OVERTIME LOADING OR UNLOADING _____	
	PIANO HANDLING _____	
HOISTING OR LOWERING _____		
OTHER _____		
TRANSIT INSURANCE \$ _____ @ _____ PER HUNDRED DOLLARS		
		ESTIMATED TOTAL CHARGES

ESTIMATED COST OF PACKING AND UNPACKING SERVICES					
QTY.	PACKED BY	UNPACK BY	CU. FT.	RATE	EXTENSION
	BARRELS - DISH PAKS		5		
	BOXES, WOODEN				
	CARTONS		1 1/2		
	CARTONS		3		
	CARTONS		4 1/2		
	CARTONS		6		
	MIRROR CARTONS				
	MIRROR CARTONS				
	WARDROBES				
	MATTRESS CARTON OR COVERS				
	CRATES				
<b>TOTAL ESTIMATED PACKING CHARGES</b>					

**SPECIAL INSTRUCTIONS**

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(THIS ESTIMATED COST OF SERVICES IS NOT TO BE SIGNED BY SHIPPER)

\_\_\_\_\_  
SIGNATURE AND TITLE OF ESTIMATOR



APPENDIX B  
ORDER FOR SERVICE

LICENSE NO.

DATE OF ORDER

ORDER NO.

The shipper hereby orders the services specified below, subject to all conditions printed on this page and the reverse including agreed or declared value, and subject to the tariffs of the carrier in effect on the day the services are rendered and the attached bill of lading which is signed together with this order for service by the shipper.

SHIPPER	TEL. NO.	TO	APT.	
FROM	APT.	CITY	COUNTY	STATE
CITY	COUNTY	STATE	OTHER STOPS	
REQUESTED PACKING DATE	REQUESTED LOADING DATE	REQUESTED DELIVERY DATE		

VALUATION

The agreed or declared value of the property is hereby specifically stated by the customer (shipper) and confirmed by their signature hereon to be NOT exceeding 60 ( ) cents per pound per article unless specifically excepted. The Customer (Shipper) hereby declares valuations in excess of the above limits on the following articles:

Article	Value

SPECIAL SERVICES

EXPEDITED SERVICE ORDERED BY SHIPPER DELIVERED ON OR BEFORE \_\_\_\_\_

SHIPMENT COMPLETELY OCCUPIED A \_\_\_\_\_ CU. FT. VEHICLE

EXCLUSIVE USE OF A \_\_\_\_\_ CU. FT. VEHICLE ORDERED

SPACE RESERVATION \_\_\_\_\_ CU. FT. ORDERED

AIR COND.                       WASHER

PAYMENT OF CHARGES

ALL CHARGES TO BE PAID IN CASH, MONEY ORDER OR CERTIFIED CHECK BEFORE PROPERTY IS RELINQUISHED BY CARRIER OR CARRIER SHALL BILL:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY & STATE \_\_\_\_\_

ATTENTION OF \_\_\_\_\_

CITY & STATE \_\_\_\_\_

(CREDIT EXTENDED ONLY TO COMMERCIAL ACCOUNTS. PURCHASE ORDER OR LETTER AUTHORIZING CHARGE TO ACCOMPANY THIS ORDER.)

# IMPORTANT NOTICE

ANY ESTIMATE OF CHARGES PREVIOUSLY FURNISHED BY THE CARRIER IS NOT A GUARANTEE OR REPRESENTATION THAT THE ACTUAL CHARGES WILL NOT BE MORE THAN THE AMOUNT OF THE ESTIMATE.

THE SHIPPER ACKNOWLEDGES RECEIPT OF BROCHURE ENTITLED "IMPORTANT NOTICE TO CONSUMERS UTILIZING PUBLIC MOVERS" AS ORDERED BY THE BOARD OF PUBLIC MOVERS AND WAREHOUSEMEN, STATE OF NEW JERSEY.

ORDER FOR INSURANCE

THE SHIPPER HEREBY ORDERS TRANSIT OR DEPOSITORY INSURANCE \$ \_\_\_\_\_ WHICH AMOUNT FOR THE PURPOSE OF INSURANCE IS DECLARED TO BE THE FULL VALUE OF THE SHIPMENT.

(PROPERTY IS NOT INSURED AGAINST FIRE OR ANY OTHER PERIL UNLESS AMOUNT OF INSURANCE IS STATED ABOVE.)

SIGNATURE OF CARRIER OR AUTHORIZED AGENT	SHIPPER'S SIGNATURE
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ORIGINAL ORDER FOR SERVICE

APPENDIX C

**COMBINED UNIFORM HOUSEHOLD GOODS BILL OF LADING AND FREIGHT BILL**

LICENSE NO. \_\_\_\_\_

DATE OF ORDER \_\_\_\_\_

ORDER NO. \_\_\_\_\_

RECEIVED, SUBJECT TO TARIFFS, RULES AND REGULATIONS, INCLUDING ALL TERMS AND CONDITIONS PRINTED OR STAMPED HEREON OR ON THE REVERSE SIDE HEREOF IN EFFECT ON THE DATE OF ISSUE OF THIS BILL OF LADING.

SHIPPER	TEL. NO.	TO	APT.
FROM	APT.	CITY	COUNTY STATE
CITY	COUNTY STATE	OTHER STOPS	
REQUESTED PACKING DATE	REQUESTED LOADING DATE	REQUESTED DELIVERY DATE	

**VALUATION**

The agreed or declared value of the property is hereby specifically stated by the customer (shipper) and confirmed by their signature hereon to be NOT exceeding 60 ( ) cents per pound per article unless specifically excepted. The Customer (Shipper) hereby declares valuations in excess of the above limits on the following articles:

Article	Value

**SPECIAL SERVICES**

- EXPEDITED SERVICE ORDERED BY SHIPPER DELIVERED ON OR BEFORE \_\_\_\_\_
- SHIPMENT COMPLETELY OCCUPIED A \_\_\_\_\_ CU. FT. VEHICLE
- EXCLUSIVE USE OF A \_\_\_\_\_ CU. FT. VEHICLE ORDERED
- SPACE RESERVATION \_\_\_\_\_ CU. FT. ORDERED
- AIR COND.                       WASHER

**PAYMENT OF CHARGES**

ALL CHARGES TO BE PAID IN CASH, MONEY ORDER OR CERTIFIED CHECK BEFORE PROPERTY IS RELINQUISHED BY CARRIER OR CARRIER SHALL BILL:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY & STATE \_\_\_\_\_

ATTENTION OF \_\_\_\_\_

CITY & STATE \_\_\_\_\_

(CREDIT EXTENDED ONLY TO COMMERCIAL ACCOUNTS. PURCHASE ORDER OR LETTER AUTHORIZING CHARGE TO ACCOMPANY THIS ORDER.)

THE ABOVE SERVICES WERE RENDERED AND ALL GOODS DELIVERED, IN GOOD ORDER, EXCEPT AS NOTED:

SIGNED \_\_\_\_\_  
TO BE SIGNED BY SHIPPER AFTER SERVICES ARE COMPLETED

SIGNATURE OF CARRIER OR AUTHORIZED AGENT \_\_\_\_\_

**TIME BASIS AND SERVICES**

MOVING RATE: VANS MEN @ \$ PER HOUR

**TIME RECORD (WORKING TIME)**

**TOTAL WORKING HOURS**

START \_\_\_\_\_ A.M. \_\_\_\_\_ P.M. SHIPPER'S INITIALS \_\_\_\_\_

FINISH \_\_\_\_\_ A.M. \_\_\_\_\_ P.M. SHIPPER'S INITIALS \_\_\_\_\_

TIME OFF \_\_\_\_\_

MOVING _____ HOURS @ \$ _____ PER HOUR
OVERTIME _____ HOURS @ \$ _____ PER HOUR
TRAVEL TIME _____ HOURS @ \$ _____ PER HOUR

**WEIGHT BASIS AND SERVICES**

GROSS \_\_\_\_\_ TARE \_\_\_\_\_ NET \_\_\_\_\_ RATE \_\_\_\_\_

TRANSPORTATION \_\_\_\_\_ MILES

ADD'TL TRANSPORTATION CHARGE \_\_\_\_\_

EXTRA PICKUPS OR DELIVERIES: NO. \_\_\_\_\_

ELEVATOR OR STAIRS CARRY \_\_\_\_\_

PIANO HANDLING: \_\_\_\_\_ LOWER OR HOIST \_\_\_\_\_

ADD'TL LABOR: \_\_\_\_\_ MEN FOR \_\_\_\_\_ MAN HOURS

OTHER \_\_\_\_\_

QTY.	PACKING & UNPACKING	CU. FT.	RATE	EXTENSION
	BARRELS OR DISH PACKS	5		
	BOXES, WOODEN			
	CARTONS	1 1/2		
	CARTONS	3		
	CARTONS	4 1/2		
	CARTONS	6		
	CARTONS			
	MIRROR OR PICTURE CARTONS			
	MIRROR OR PICTURE CARTONS			
	WARDROBES			
	MATTRESS CARTON OR COVERS			
	CRATES			
<b>TOTAL PACKING CHARGES</b>				➔

OTHER CHARGES

TRANSIT OR DEPOSITORY INSURANCE \$ \_\_\_\_\_ @ \_\_\_\_\_ PER \$100.00

**TOTAL CHARGES** \_\_\_\_\_

DEPOSIT \_\_\_\_\_

**BALANCE DUE** \_\_\_\_\_

SHIPPER'S SIGNATURE \_\_\_\_\_

ORIGINAL BILL OF LADING

APPENDIX D

NON-NEGOTIABLE WAREHOUSE RECEIPT AND INVENTORY

Received for the Account of \_\_\_\_\_ whose latest known address is \_\_\_\_\_ the following goods and chattels enumerated and described in schedule below, in condition described herein, to be stored at warehouse at \_\_\_\_\_ upon the Terms and Conditions on the back of this Receipt. Rate of Storage per Month or fraction thereof \_\_\_\_\_ Cartage \_\_\_\_\_ Warehouse Labor \_\_\_\_\_ Other \_\_\_\_\_ Packing \_\_\_\_\_ for By \_\_\_\_\_

Date of Issue \_\_\_\_\_ Lot No. \_\_\_\_\_ No. of Pages \_\_\_\_\_ Consecutive No. \_\_\_\_\_ Wt. of HHG \_\_\_\_\_ Wt. of Books \_\_\_\_\_ TOTAL WEIGHT \_\_\_\_\_ Basic Agreement No. \_\_\_\_\_ Service Order No. \_\_\_\_\_

DESCRIPTIVE SYMBOLS: B/W - BLACK & WHITE TV, DBO - DISASSEMBLED BY OWNER, BE - BENT, BR - BROKEN, BU - BURNED, CH - CHIPPED, CU - CONTENTS & CONDITION UNKNOWN, CD - CARRIER DISASSEMBLED, PE - PROFESSIONAL EQUIPMENT, PP - PROFESSIONAL PAPERS, EXCEPTION SYMBOLS: D - DENTED, F - FADED, G - GOUGED, L - LOOSE, M - MARRED, MI - MILDEW, MO - MOTHEATEN, R - RUBBED, RU - RUSTED, SC - SCRATCHED, SH - SHORT, SO - SOILED, T - TORN, W - BADLY WORN, Z - CRACKED, LOCATION SYMBOLS: 1. ARM, 2. BOTTOM, 3. CORNER, 4. FRONT, 5. LEFT, 6. LEGS, 7. REAR, 8. RIGHT, 9. SIDE, 10. TOP, 11. VENEER, 12. EDGE

NOTE: THE OMISSION OF THESE SYMBOLS INDICATES GOOD CONDITION EXCEPT FOR NORMAL WEAR.

Table with 4 columns: ITEM NO., CR. REF., ARTICLE, and CONDITION. Rows are numbered 1 through 10, then 1 through 7.

I have checked all the items listed and numbered \_\_\_\_\_ to \_\_\_\_\_ inclusive and acknowledge that this is a true and complete list of the goods tendered and of the state of the goods received. Driver \_\_\_\_\_ Date \_\_\_\_\_

I acknowledge that the condition of the goods at the time of the loading is as noted on this inventory and that I have received a copy of this inventory. Owner or Authorized Agent Sign. and Date \_\_\_\_\_

ORDER FOR DELIVERY

Kindly deliver goods on this warehouse receipt to \_\_\_\_\_ on \_\_\_\_\_

In case goods are delivered to truckmen other than the Company's Trucks, the responsibility of the Warehouse ceases when goods are delivered to said truckmen.

Goods for places where receipts are customarily refused or where no authorized person is present to sign for them, may be left at my risk.

If goods cannot be delivered in the ordinary way by the stairs or elevator, I agree to pay for any and all extra charges for hoisting or other necessary labor.

Date \_\_\_\_\_ Signed \_\_\_\_\_ CUSTOMER OR AGENT'S SIGNATURE

DELIVERY RECEIPT

The undersigned hereby acknowledges the delivery and receipt of all property as listed and described in this warehouse receipt and/or any supplemental list attached hereto and certifies that the same has been received on the above date in good condition and order unless otherwise indicated hereon in writing.

I further certify that all property so delivered is owned by me and the said delivery to me includes all property stored by the undersigned except as otherwise indicated hereon in writing.

Date \_\_\_\_\_ Signed \_\_\_\_\_ CUSTOMER OR AGENT'S SIGNATURE

## TRANSPORTATION

(b)

(a)

## TRANSPORTATION OPERATIONS

## Restricted Parking and Stopping

## Route N.J. 17 in Bergen County

## Proposed Amendment: N.J.A.C. 16:28A-1.9

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

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-199.

Proposal Number: PRN 1988-471.

Submit comments by October 19, 1988 to:

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

The agency proposal follows:

**Summary**

The proposed amendment will establish a "no parking bus stop" zone along Route N.J. 17 in the Borough of Ho-Ho-Kus, Bergen County, for the safe and efficient flow of traffic, the enhancement of safety, the well-being of the populace and the safe on or off loading of passengers at established bus stops.

Based upon a request from the local government officials, in the interest of safety, the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation proved that the establishment of a "no parking bus stop" zone along Route N.J. 17 in the Borough of Ho-Ho-Kus, Bergen County, was warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.9 based upon the request from local government officials and the traffic investigation.

**Social Impact**

The proposed amendment will establish a "no parking bus stop" zone along Route N.J. 17 in the Borough of Ho-Ho-Kus, Bergen County, for the safe and efficient flow of traffic, the enhancement of safety, the well-being of the populace and the safe on and off loading of passengers at established bus stops. Appropriate signs will be erected to advise the motoring public.

**Economic Impact**

The Department and the local government will incur direct and indirect costs for mileage, personnel and equipment requirements. The local government will bear the costs for "no parking bus stop" zone signs. Motorists who violate the rules will be assessed the appropriate fine.

**Regulatory Flexibility Statement**

Since the proposed amendment does not place any bookkeeping, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., a regulatory flexibility analysis is not required. The rule primarily affects the motoring public.

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

16:28A-1.9 Route 17

(a) (No change.)

(b) The certain parts of State highway Route 17 described in this subsection shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following established bus stops:

1.-11. (No change.)

**12. Along the southbound (westerly) side in the Borough of Ho-Ho-Kus, Bergen County:**

**i. Near side bus stop:**

**(1) Hollywood Avenue—(Island)—Beginning at the southerly curb line of the Hollywood Avenue island and extending 100 feet northerly therefrom.**

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

## THE COMMISSIONER

## Office of Regulatory Affairs

## Zone of Rate Freedom

## Proposed Amendments: N.J.A.C. 16:53D

Authorized By: James A. Crawford, Assistant Commissioner, Policy and Planning, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, N.J.S.A. 27:1A-6, N.J.S.A. 48:2-21 and N.J.S.A. 48:4-2 through 2.25.

Proposal Number: PRN 1988-478.

A **public hearing** concerning this proposal will be held on:

Thursday, October 6, 1988 at 9:00 A.M.

Hearing Room

Office of Administrative Law

185 Washington Street

Newark, NJ 07102

Submit written comments by October 19, 1988 to:

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

The agency proposal follows:

**Summary**

The proposed amendments implement certain provisions of Chapter 2 of Title 48 which directs the Commissioner of the Department of Transportation to establish a Zone of Rate Freedom (ZORF) for the regular route private autobus carriers operating within the State. The ZORF constitutes a limited percentage range to be set annually by the Commissioner in which regular route private autobus carriers may be permitted to adjust their rates, fares or charges without petitioning the Department for prior approval. Provided the autobus carrier remains within the designated percentage range, all that is required is notice to the Department and the riding public of the rate, fare or charge adjustment prior to the effective date. If, however, the regular route autobus carrier seeks a percentage adjustment greater than that provided for in the ZORF, such autobus carrier will be required to follow the standard petitioning procedures as specified in N.J.S.A. 48:2-21, N.J.A.C. 16:51-3.10 and N.J.A.C. 16:51-3.11.

After extensive review of the ZORF and its relationship to regular route private autobus carrier costs, revenues and fare structure, the Department proposes to amend the current ZORF. The percentage limitations contained in the 1989 proposal are scaled in consideration of the varying fares currently charged by intrastate regular route private autobus operators.

The percentages set forth in the 1989 proposal do not apply to casino or regular route in the nature of special, charter and special autobus service operating within the State. Pursuant to N.J.S.A. 48:2-1 et seq., the Commissioner is authorized to exempt casino or regular route in the nature of special, charter and special autobus operations from the purview of the rate adjustment regulation. In accordance with said authority, the Commissioner proposes to exempt casino or regular route in the nature of special, charter and special carriers operating within the State during the calendar year of 1989.

**Social Impact**

The proposed 1989 ZORF amendments will enable private autobus carriers, in most cases, to modify fares as may be required without incurring administrative hearing costs, while also limiting the chance for uncontested fare increases to adversely impact on the public. In the Department's opinion, the fare changes permitted by the proposed 1989 ZORF will not be burdensome to the public or regular route private autobus companies.

**Economic Impact**

The proposed 1989 amendment will afford privately owned autobus companies fare adjustment flexibility. Such carriers will not have to incur costly and time consuming petition procedures when their proposed fare adjustments are consistent with projected costs allowances.

**Regulatory Flexibility Statement**

A number of the autobus carriers affected by the proposed amendment are small businesses, as that term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment does not place any reporting or recordkeeping requirements on such autobus carriers. The compliance requirements differ from the present rules in that the fare increases permitted are adjusted, and that 30, rather than 10, days of posted notice of the fare adjustment are required. No additional professional services are necessary for the carriers to meet these requirements. It should be noted that first time autobus carriers commencing operations when these amended rules are in effect will have to meet the bookkeeping and recordkeeping requirements otherwise established by law for autobus carriers.

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

16:53D-1.1 General provisions

(a) Any regular route [bus] autobus carrier operating within the State which [seek] **seeks** to revise its rates, fares or charges in effect as of the time of the promulgation of this regulation shall not be required to conform with N.J.A.C. [14:1-6.15] **16:51-3.10** (Tariff filings or petitions which do not propose increases in charges to customers) or N.J.A.C. [14:1-6.16] **16:51-3.11** (Tariff filings or petitions which propose increases in charges to customers) provided the increase or decrease in the rate, fare or charge, or the aggregate of increases and decreases in any single rate, fare or charge is not more than the maximum percentage increase or decrease as promulgated below upgraded to the nearest \$.05.

1. The following chart sets forth the **1989** percentage maximum for increases to particular rates, fares or charges and the resultant amount as upgraded to the nearest \$.05[.]:

Present Fare	% Of Increase	Increase Upgraded To Nearest \$.05
[\$.30	50%	\$.15]
[\$.40-.50	30%	\$.15]
\$.55-.60	[15%]7%	[\$.10] <b>\$.05</b>
\$.65-.75	[13%]7%	[\$.10] <b>\$.05</b>
\$.80-\$1.00	[10%]7%	\$.10
\$1.05 upward	[ 5%]7%	\$.10+

2. The following chart sets forth the **1989** percentage maximum for decrease to particular rates, fares or charges and the resultant amount as upgraded to the nearest \$.05[.]:

Present Fare	% Of Decrease	Decrease Upgraded To Nearest \$.05
[\$.30	20%	\$.10
\$.30-.50	20%	\$.10
\$.55-.75	20%	\$.15
\$.80 upward	20%	\$.20+]
\$.55-.60	10%	\$.10
\$.65-.75	10%	\$.10
\$.80-\$1.00	10%	\$.10
\$1.05 upward	10%	\$.15+

16:53D-1.2 Requirements

(a) [A] Any regular route autobus carrier [seeking] which **seeks** a fare adjustment which [falls within] **is subject to this [regulation] rule** shall be required to:

1. Notify the Department by filing a complete schedule of **all current fares and** all fares to be adjusted at least 30 days prior to the effective date of the [revision] **new fare adjustment**.

2. Post a public notice in all autobuses providing service on the **regular routes to be** affected by the adjusted fares and in all bus terminals served by those autobuses on the **regular routes** at least [10] **30 days** prior to effective date of the [revision] **new fare adjustment**. The autobus carrier must verify to the Department [through] **by an affidavit that it has in fact** posted such public notice [in the required locations and] **at least 30 days** prior to the [institution] **effective date** of the new fare[s] **adjustment**.

16:53D-1.3 Exemptions

The Commissioner hereby exempts **casino or regular route in the nature of special**, charter and special [bus,] autobus operations from

the rate regulation set forth in [the aforementioned section] N.J.A.C. **16:53D-1.1** and in any other [section] **chapter** of Title 48. Notwithstanding the exemption, **casino or regular route in the nature of special**, charter and special [bus] autobus operations shall continue to file with the Department current schedules of their rates, fares or charges.

**TREASURY-GENERAL**

(a)

**DIVISION OF PENSIONS**

**Prison Officers' Pension Fund**

**Proposed New Rules: N.J.A.C. 17:7**

Authorized By: Prison Officers' Pension Fund Commission,  
John Young, Secretary.

Authority: N.J.S.A. 43:7-19.

Proposal Number: PRN 1988-482.

Submit comments by October 19, 1988 to:

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

The agency proposal follows:

**Summary**

The Board of Commissioners of the Prison Officers' Pension Fund is constantly reviewing the administrative rules within N.J.A.C. 17:7 concerning the Prison Officers' Pension Fund. When the Division becomes aware of a change in the laws or a court decision that possibly could affect the operations of the retirement system, the administrative rules are reviewed and, if changes therein are mandated, steps are taken to propose changes to those rules to conform to the new statute or court decision. Additionally, the rules are periodically reviewed by the Division's staff to ascertain if the current rules are necessary and/or cost efficient. After careful scrutiny of the rules in N.J.A.C. 17:7, which expired on June 6, 1988 pursuant to Executive Order No. 66(1978), the Division and the Commission are satisfied that their continued effectiveness is necessary and needed for the efficient operation of the Prison Officers' Pension Fund. Accordingly, the Division of Pensions, in conjunction with the Board of Commissioners of the Prison Officers' Pension Fund, proposes to adopt as new rules the expired rules at N.J.A.C. 17:7.

The current rules within N.J.A.C. 17:7 deal with administration, enrollment, insurance and death benefits, membership, purchases and eligible service, retirement and transfers pertaining to the Prison Officers' Pension Fund.

**Social Impact**

The rules governing the Prison Officers' Pension Fund affect and work to the benefit of the past and present prison officers who are still members of the Prison Officers' Pension Fund. The Fund is and has been closed to new members for some time. The taxpaying public is affected by these rules in the sense that public funds are used to fund the system.

**Economic Impact**

While the new rules themselves will not present any adverse economic impact to the public, the payment of the benefits and claims mandated in the statutes are funded by public employer contributions and thus indirectly by taxpayers. Even without these rules, the benefits and claims mandated by the statutes must still be paid. Without the administrative rules to provide for the efficient operation of the system, financial chaos would occur.

**Regulatory Flexibility Statement**

The rules of the Prison Officers' Pension Fund only affect public employers and employees. Thus, these proposed new rules do not impose any reporting, recordkeeping or other compliance requirement upon small businesses. Therefore, a regulatory flexibility analysis is not required.

Full text of the proposed new rules can be found in the New Jersey Administrative Code at N.J.A.C. 17:7.

# RULE ADOPTIONS

## COMMUNITY AFFAIRS

### NEW JERSEY COUNCIL ON AFFORDABLE HOUSING

**(a)**

**Substantive Rules: Regional Contribution Agreements (RCAs)**

**Adopted Amendment: N.J.A.C. 5:92-11.2**

Proposed: June 6, 1988 at 20 N.J.R. 1140(a).  
 Adopted: August 15, 1988 by the New Jersey Council on Affordable Housing, James L. Logue, III, Chairman.  
 Filed: August 18, 1988 as R.1988 d.440, **without change**.  
 Authority: N.J.S.A. 52:27D-301 et seq.  
 Effective Date: September 19, 1988.  
 Expiration Date: June 16, 1991.

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

**Full text** of the adoption follows.

5:92-11.2 Terms

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

(g) Sending and receiving communities shall, as part of their contract negotiations, determine the use of transferred funds that may be in excess of what is required to implement the RCA. Such funds shall either be: returned to the sending community; and/or utilized by the receiving community to produce additional low and moderate income housing units or for a capital expenditure ancillary to or benefiting low and moderate income households. The specific use of excess funds by the receiving community need not be specified in the RCA contract but shall be subject to Council approval.

(h) Housing units transferred via a regional contribution agreement may be age restricted provided that the sum of newly constructed age restricted units created in the sending and receiving communities does not exceed 25 percent of the sending community's fair share obligation as calculated after credits and adjustments have been granted. This restriction shall not apply to the rehabilitation of existing age restricted units in either the sending or receiving community.

**(b)**

**Substantive Rules: Initial Pricing of Rental Units**

**Adopted Amendment: N.J.A.C. 5:92-12.4**

Proposed: June 20, 1988 at 20 N.J.R. 1320(b).  
 Adopted: August 15, 1988 by the New Jersey Council on Affordable Housing, James L. Logue, III, Chairman.  
 Filed: August 18, 1988 as R.1988 d.441, **without change**.  
 Authority: N.J.S.A. 52:27D-301 et seq.  
 Effective Date: September 19, 1988.  
 Expiration Date: June 16, 1991.

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

**Full text** of the adoption follows.

5:92-12.4 Initial pricing

(a) Municipalities shall require that the initial price of a low and moderate income owner-occupied single family housing unit be established so that after a downpayment of ten percent, the monthly principal, interest, taxes, insurance and condominium fees do not exceed 28 percent of an eligible gross monthly income. Municipalities

shall require that rents, excluding utilities be set so as not to exceed 30 percent of the gross monthly income of the appropriate household size. Maximum rent shall be calculated as a percentage of the uncapped Section 8 income limit (as contained in the Technical Appendix) or other recognized standard adopted by the Council that applies to the rental housing unit. The following criteria shall be considered in determining rents and sale prices:

1.-5. (No change.)

(b) Municipalities that petition for certification after August 1, 1988 shall require that rents, including an allowance for utilities consistent with the personal benefit expense allowance for utilities as defined by HUD or a similar allowance approved by the Council, be set so as not to exceed 30 percent of the gross monthly income of the appropriate household size as outlined in (a) above.

Recodify existing (b)-(c) as (c)-(d).

## HEALTH

### DRUG UTILIZATION REVIEW COUNCIL

**(c)**

**Drug Evaluation and Acceptance Criteria**

**Readoption: N.J.A.C. 8:70**

Proposed: July 5, 1988 at 20 N.J.R. 1507(a).  
 Authorized by: Drug Utilization Review Council,  
 Robert G. Kowalski, Secretary.  
 Filed: August 19, 1988 as R.1988 d.444, **without change**.  
 Authority: N.J.S.A. 24:6E-6(g).  
 Effective Date: August 19, 1988.  
 Expiration Date: August 19, 1993.

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

**Full text** of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 8:70.

**(d)**

**Interchangeable Drug Products**

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

Proposed: April 18, 1988 at 20 N.J.R. 871(a).  
 Adopted: August 16, 1988 by the Drug Utilization Review Council, Sanford Luger, Chairman.  
 Filed: August 22, 1988 as R.1988 d.445, **with portions of the proposal not adopted and portions not adopted but still pending**.  
 Authority: N.J.S.A. 24:6E-6(b).  
 Effective Date: September 19, 1988.  
 Expiration Date: April 2, 1989.

**Summary of Public Comments and Agency Responses:**  
 No comments were received on the products adopted or not adopted. Extensive comments were received on some products still pending. Those comments will be stated and the Council's responses given when final action is taken.

The following products and their manufacturers were **adopted**:

Acetazolamide tabs 125, 250 mg	Mutual
Clofibrate caps 500 mg	Pharmacaps
Erythromycin estolate caps 250 mg	Barr
Nitrofurantoin macrocrystals 50, 100 mg	Bolar
Trimethoprim tabs 100 mg	Barr

The following product was **not adopted**:

Chlordiazepoxide/amitrip 5/12.5, 10/25	PharmBasics
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**ADOPTIONS**

**INSURANCE**

The following products were not adopted but are still pending:

Amiloride/HCTZ tabs 5/50	Barr
Carisoprodol tabs 350 mg	Mutual
Cortisone acetate tabs 25 mg	T-P
Diphenhydramine elixir 12.5 mg/5 ml	Cenci
Doxepin caps 75, 100 mg	Barr
Estrogen tabs 0.3, 0.625, 0.9, 1.25, 2.5 mg	Barr
Hydrochlorothiazide tabs 25, 50, 100 mg	T-P
Metaproterenol tabs 10, 20 mg	PharmBasics
Norethindrone/ethinyl est 1/35 tabs	Schering
Norethindrone/ethinyl est 0.5/35, 1/35	Watson
Nystatin tabs 500, 000 units	Mutual
Perphenazine tabs 2, 4, 8, 16 mg	Cord
Prednisolone acetate ophth soln 1%	Americal
Prednisolone tabs 5 mg	T-P
Prednisone tabs 2.5, 5, 20 mg	T-P
Stuartnatal 1+1 <sup>®</sup> substitute	Copley
Stuartnatal 1+1 <sup>®</sup> substitute	Amide
Tolazamide tabs 100 mg	PharmBasics
Trazodone tabs 50, 100 mg	Purepac
Trifluoperazine 1, 2, 5, 10 mg	Bolar
Verapamil tabs 80, 120 mg	Bolar

**(b)**

**Minimum Standards**

**Adopted Amendment: N.J.A.C. 11:4-16.6**

Proposed: January 19, 1988 at 20 N.J.R. 172(a).

Adopted: August 26, 1988 by Kenneth D. Merin, Commissioner, Department of Insurance.

Filed: August 26, 1988 as R.1988 d.453, **without change**.

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17B:22-1, 17B:26-1 et seq., 17B:26-44.6 and 17B:26-45.

Effective Date: September 19, 1988.

Expiration Date: December 2, 1990.

**Summary of Public Comments and Agency Responses:**

**No comments received.**

**Full text of the adoption follows.**

11:4-16.6 Minimum standards for benefits

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

(d) "Basic hospital expense coverage" is a health insurance policy which provides coverage for a period of not less than the initial 31 days for one period of hospital confinement of each covered person for expenses incurred for necessary treatment and services rendered as a result of injury or sickness for at least the following:

1. Daily hospital room and board, including general nursing care and special diets, in an amount not less than the lesser of:

i. 80 percent of the charges for semi-private accommodations; or

ii. The Statewide average semi-private hospital room and board charge at the time the policy is issued, as determined by the New Jersey Department of Health.

2.-4. (No change.)

(e)-(k) (No change.)

**INSURANCE**

**(a)**

**OFFICE OF THE COMMISSIONER**

**Organizational Rule: Public Information**

**Adopted Amendment: N.J.A.C. 11:1-1.1**

**Adopted New Rule: N.J.A.C. 11:1-1.2**

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

Filed: August 26, 1988 as R.1988 d.454.

Authority: N.J.S.A. 17:1C-6(d), (e), and (f) and 52:14B-3(1).

Effective Date: August 26, 1988.

Expiration Date: February 3, 1991.

**Summary of Public Comments and Agency Responses:**

These organizational rules are exempt from the notice and hearing requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Therefore, there was no public comment regarding this new rule and amendment.

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

11:1-1.1 Organization of the department

(a) The organization \*[chart]\* of the Department of Insurance is as follows:

OAL NOTE: A new organizational chart has been filed superseding the chart presently appearing in the New Jersey Administrative Code at N.J.A.C. 11:1-1.1. This new chart is referenced here, but will be reproduced in full text in the Code.

**\*11:1-1.2 Public information**

In accordance with N.J.S.A. 52:14B-3(1), the public may obtain information or make general submissions or requests by contacting:

**Division of Public Affairs  
Department of Insurance  
20 West State Street  
CN 325  
Trenton, New Jersey 08625\***

**DIVISION OF ACTUARIAL SERVICES**

**(c)**

**Optional Coverage for Pregnancy Childbirth Benefits**

**Adopted New Rules: N.J.A.C. 11:4-19**

Proposed: January 4, 1988 at 20 N.J.R. 43(a).

Adopted: August 26, 1988 by Kenneth D. Merin, Commissioner, Department of Insurance.

Filed: August 26, 1988 as R.1988 d.455, **without change**.

Authority: N.J.S.A. 17:1C-6(e), 17:1-8.1, 17:48A-1 et seq., 17B:26-1 et seq., 48-1 et seq., and 17B:27-1 et seq.

Effective Date: September 19, 1988.

Expiration Date: December 2, 1990.

**Summary of Public Comments and Agency Responses:**

**No comments received.**

**Full text of the adoption follows.**

**SUBCHAPTER 19. OPTIONAL COVERAGE FOR PREGNANCY AND CHILDBIRTH BENEFITS**

11:4-19.1 Purpose

The purpose of this subchapter is to prevent the exclusion of pregnancy-related surgery and sterilization procedures from certain second surgical opinion programs and to make maternity coverage available to insureds.

11:4-19.2 Scope

This subchapter shall apply to all group and individual health insurance policies as well as hospital and medical service corporation contracts delivered or issued for delivery in this State. This subchapter shall not apply to health service corporation contracts.

## 11:4-19.3 Second surgical opinions

Every health insurer and medical service corporation offering individual and group policies in this State, with the exception of hospital service corporations, shall include in its programs for second surgical opinions, coverage for pregnancy-related surgery and sterilization procedures.

## 11:4-19.4 Maternity benefits option

(a) Each insurer shall make available benefits coverage for maternity care without regard to the marital status of its policyholders, subscribers or other persons thereunder covered for expenses incurred in pregnancy and childbirth.

(b) The amount of or type of benefit coverage for maternity care expenses incurred in pregnancy and childbirth shall be provided to the same extent as benefits coverage is provided in policies and contracts for any other covered illness. Where a fixed amount of benefit coverage for surgery is prescribed by a policy or contract, benefit coverage for pregnancy-related surgical procedures shall be commensurate to that for surgery of comparable difficulty and severity.

(c) Policies which provide normal pregnancy and childbirth benefits shall cover pregnancy if conception occurs after the effective date of coverage or after a probationary period of not more than 30 days after the effective date of the coverage.

(d) Each insurer is required to give a single notice of the option to select maternity benefits coverage to its policyholders or subscribers. While no notice of the availability of such coverage is required to be made at every renewal of a policy, the coverage itself must be made available at renewal, for the option of selection by the insured.

## STATE

## (a)

## ELECTION DIVISION

## Voting Accessibility for the Elderly and Handicapped

## Adopted New Rules: N.J.A.C. 15:10-6

Proposed: July 5, 1988 at 20 N.J.R. 1527(a).

Adopted: August 12, 1988 by Jane Burgio, Secretary of State.

Filed: August 25, 1988 as R.1988 d.450, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: Public Law 98-435 and N.J.S.A. 52:16a-11.

Effective Date: September 19, 1988.

Expiration Date: February 18, 1991.

## Summary of Public Comments and Agency Responses:

The comments summarized below are in addition to those comments received and responded to regarding the initial proposal of these rules (see 19 N.J.R. 2249(a)).

The following comments were received from the Eastern Paralyzed Veterans Association.

COMMENT: The Association has two further suggestions. One, in reference to the handicapped parking provisions; the Association would like to make a slight change in the wording. In N.J.A.C. 15:10-6.8(b), which it states where handicapped parking is provided, the specified criteria should be met. The Association suggests that this would allow a situation where handicapped parking is required but not provided, to be exempt. The Association recommends that the sentence be changed to read: "Where such spaces are required to be provided, the following standards shall be met."

RESPONSE: The Division agrees and has amended this section to read: "Where such spaces are required to be provided; such parking spaces shall conform to the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7".

COMMENT: Second, with regard to N.J.A.C. 15:10-6.9, Voting aids, the Association strongly recommends that the Division require the candidates' name and corresponding levers to be as far down as possible. While Federal law does not require accessible voting machines, machines

can be made more usable to move people. This should be done to the greatest extent possible within the confines of existing law.

RESPONSE: State election law, N.J.S.A. 19:14-12 and 19:14-13, and the types of lever voting machines used in New Jersey, would not permit such a recommendation to be implemented. The ballot configuration for such lever machines requires that public questions and bond issues be positioned at the top of each machine. Such public questions and bond issues, due to space limitations, cannot be repositioned "further down" lever machines. Moving candidates' names further down on lever machines could cause confusion by creating a void of space between such candidates and the public questions and bond issues. The result of such a move could have voters omitting to vote for such questions and bond issues due to their separation from the candidates. Voters requiring assistance to vote due to blindness, disability, or inability to read or write are currently permitted under Federal and State law to be assisted by a person of the voter's choice.

The following comments were received from the New Jersey Developmental Disabilities Council.

COMMENT: The Council continues to feel quite strongly, however, that the new rules should mandate the establishment of a Voting Accessibility Advisory Committee in each county. Such a mandate in no way suggests the abdication of the county boards of election's responsibilities. Rather, the committee's presence augments and further assures the consistent and careful application of the mandates, both explicit and implicit, in Public Law 98-435.

RESPONSE: The Federal Act requires that the political subdivisions of each state which are responsible for conducting elections must assure that all polling places are accessible to elderly and handicapped voters. The Election Division maintains that the decision to develop and staff such an Advisory Committee shall be made by the political subdivision in New Jersey responsible for the Act's implementation and that is the 21 county boards of elections.

The following comments were received from the New Jersey Department of Community Affairs, Code Enforcement Element.

COMMENT: There are still standards from the Barrier Free Subcode of the Uniform Construction Code repeated in these proposed rules. Again, rather than repeating standards from this subcode, the Division may wish to delete these technical criteria and simply allow the cross references to stand alone. In this way, confusion may be avoided if the requirements of the Barrier Free Subcode are revised at some point in the future.

RESPONSE: The text of the proposed rules has been amended to delete such technical criteria. The cross reference to the identical criteria in the Barrier Free Subcode, N.J.A.C. 5:23-7, as suggested, will remain.

COMMENT: In the definition of ramp at N.J.A.C. 15:10-6.3, the rule states that a ramp is used to "bridge a level change from the path of travel to a polling place." Actually, a ramp may be used to bridge any change in level of five feet or less on an accessible route of travel.

RESPONSE: The definition of a ramp in N.J.A.C. 15:10-6.3, will be amended to read: "a structure, either temporary or permanent, which has been constructed to bridge any change in level of five feet or less on an accessible route of travel to a polling place."

COMMENT: In N.J.A.C. 15:10-6.8(a), the citation for the Barrier Free Subcode is incorrect. It should be N.J.A.C. 5:23-7.

RESPONSE: This was a typographical error. The citation in N.J.A.C. 15:10-6.8 which addresses the Barrier Free Subcode will be amended to read N.J.A.C. 5:23-7.

COMMENT: In N.J.A.C. 15:10-6.10(a)2, the rule states that, "While the completion of a Polling Place Accessibility Waiver Form is required for each inaccessible polling place, such a form does not preclude that inaccessible locations will be granted waivers." Perhaps this sentence was intended to say "guarantee" and not "preclude".

RESPONSE: The Division agrees that "preclude" in N.J.A.C. 15:10-6.10(a)2 should be amended to read "guarantee".

The following comments were received from the Community Health Law Project:

COMMENT: Regarding the Regulatory Flexibility Statement, in order to be in concert with the rules, this statement should convey the fact that, only after every effort has been made to make a polling place accessible and then every effort has been made to find an alternative accessible polling site, do the rules have no impact on those small businesses which maintain such inaccessible polling places within their business buildings.

RESPONSE: Each county board of elections and not the affected small businesses are required to document the required steps that have

been undertaken to either make such inaccessible business locations accessible or to relocate such polling places to alternative accessible locations. The Regulatory Flexibility Statement does address the requirement that each affected county board of elections may be granted a waiver for inaccessible business locations providing all documentation for requesting a waiver has been completed and has been filed with the Secretary of State.

COMMENT: Regarding the N.J.A.C. 15:10-6.3 definition of "accessible", in order to truly fulfill the intent of the rules to improve access to the polling places for both the elderly and handicapped, this definition should read "means an environment that will permit handicapped and [omit "or"] elderly persons . . ."

RESPONSE: This section will be amended to read ". . . means an environment that will permit handicapped and elderly persons . . ."

COMMENT: Regarding the N.J.A.C. 15:10-6.3 definition of "Voting Accessibility Advisory Committee", establishment of these committees should be mandatory and this should be reflected in this definition as well as throughout the rules.

RESPONSE: With regard to having the rules mandate that each county board of elections be required to establish a Voting Accessibility Advisory Committee, the Election Division maintains that the decision to develop and staff such a Voting Accessibility Advisory Committee shall be made by the political subdivision in New Jersey responsible for the implementation of the Act and that political subdivision is the county boards of elections.

COMMENT: The "Polling Place Accessibility Checklist", "Polling Place Accessibility Report", "Polling Place Accessibility Waiver" (where necessary) should be prepared by each County Board of Elections in conjunction with the respective Voting Accessibility Advisory Committee. In the alternative, if the Division does not see fit to make the existence of the Voting Accessibility Advisory Committees mandatory, the checklist, report and waiver (where necessary) should be prepared by each County Board of Elections in conjunction with the respective Voting Accessibility Advisory Committee where such committees exist. This comment also applies to N.J.A.C. 15:10-6.10 which elaborates on the reporting and waiver requirements.

RESPONSE: Such a change will, with modification, be incorporated into N.J.A.C. 15:10-6.10 but not within the definitions of the checklist, report, and waiver as presented in N.J.A.C. 15:10-6.3. The ultimate responsibility for the completion and filing of such reports to the Secretary of State is that of the county boards of elections. N.J.A.C. 15:10-6.10(a)1 will be amended to read, ". . . This checklist requires the members of the county boards of elections, or individuals designated by the board, and/or members of their Voting Accessibility Advisory Committee, where such committees exist, to physically evaluate the Accessibility status of . . ."

COMMENT: Regarding N.J.A.C. 15:10-6.7, in order to benefit from the expertise of disabled and elderly persons as well as from the expertise of members of organizations who represent the elderly and the disabled and may not themselves be elderly or disabled, paragraph (a)2 should read: "At least one elderly and handicapped individual and [omit "or"] individuals from organizations representing elderly and disabled individuals."

RESPONSE: The Division believes that the current wording of this paragraph is best suited for implementation. In the current wording of N.J.A.C. 15:10-6.7(a)2, each board, which chooses to establish such a committee, is permitted to appoint those individuals the board believes can best assist in the implementation of the Act. This may result in either having at least one elderly and handicapped individual or individuals from organizations representing such individuals seated on the committee.

COMMENT: Regarding N.J.A.C. 15:10-6.7(a)3, having persons on the Committee who are trained in the Barrier Free Subcode is essential and the choice of having "such person(s) the board feels would be of assistance to the implementation of the Act" instead, should be eliminated from paragraph (a)3.

RESPONSE: This paragraph is being recodified as two separate paragraphs. Paragraph (a)3 will read: "Such person(s) trained in the provisions of the Barrier Free Subcode; and" and new paragraph (a)4 will read: "Such person(s) the board feels would be of assistance in the implementation of the Act."

COMMENT: Regarding N.J.A.C. 15:10-6.8, accessible parking places are essential for the elderly and disabled and the existence of such accessible parking places should be a condition of accessibility for the polling places.

RESPONSE: The Division believes that at this time such a facility as parking places not be a condition of accessibility. Should it be determined at a later point in time that the availability of such spaces be a condition of accessibility, the Division will amend this section of the rules.

COMMENT: Regarding N.J.A.C. 15:10-6.9, to accommodate as many elderly and disabled persons as possible, the candidates' names and corresponding levers should be placed as close to the bottom of the voting machine as possible.

RESPONSE: State election law, N.J.S.A. 19:14-12 and 19:14-13, and the types of lever voting machines used in New Jersey would not permit such a recommendation to be implemented. The ballot configuration for such lever machines requires that public questions and bond issues be positioned at the top of each machine. Such public questions and bond issues, due to space limitations, cannot be repositioned "further down" lever machines. Moving candidates' names further down on lever machines could cause confusion by creating a void of space between such candidates and the public questions and bond issues. The result of such a move could have voters omitting to vote for such questions and bond issues due to their separation from the candidates. Voters requiring assistance to vote due to blindness, disability, or inability to read or write are currently permitted under Federal and State law, to be assisted by a person of the voter's choice.

COMMENT: Regarding N.J.A.C. 15:10-6.10, each County Board of Elections (and the corresponding Voting Accessibility Advisory Committee—see comment to N.J.A.C. 15:10-6.3) should report to the Secretary of State well prior to September 30 in order to allow time for the Secretary's decision to be implemented and made known to the voters. If the September 30 deadline is only for 1988 and an earlier date is planned for subsequent years, this should be so stated.

RESPONSE: Such a date has been selected for the initial implementation year. Once this initial implementation year has been evaluated, an earlier date may be selected. It is hoped that the new reporting date deadline may be established prior to the next affected primary election.

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

## SUBCHAPTER 6. VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED

### 15:10-6.1 Purpose and scope

Public Law 98-435, the Voting Accessibility for the Elderly and Handicapped Act, was signed into law on September 28, 1984. The purpose of the Act is to improve access to polling places and registration facilities for the elderly and handicapped voters for Federal elections. The Act applies to Federal elections conducted after December 31, 1985.

### 15:10-6.2 Responsibility

Pursuant to the Act, the political subdivision of each state which is responsible for conducting elections must "assure" that all polling places are accessible to elderly and handicapped voters. In New Jersey, it is the 21 county boards of elections which are responsible for the selection of polling places within their respective jurisdiction.

### 15:10-6.3 Definitions

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

"Accessible" means an environment that will permit \*[a]\* handicapped and\*[or]\* elderly person\*s\* to operate independently with comparative ease under normal circumstances and with little or no assistance.

"Accessible route" means a continuous unobstructed path connecting all accessible elements and spaces in a building or facility that can be negotiated by a handicapped person. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps, and lifts.

"Act" means the Voting Accessibility for the Elderly and Handicapped Act, Public Law 98-435.

"Barrier-free" means the same as and is synonymous with "accessible".

"Curb ramp" means a short ramp cutting through a curb or built up to it.

"Elderly" means 65 years of age or older.

"Election aids" means telecommunication devices, sample ballots, large print voting instructions, and absentee ballots.

"Federal election" means a general, special, primary, or runoff election for the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

"Handicapped" means having a temporary or permanent physical disability.

"Physically handicapped" means a person with a physical impairment which confines a person to a wheelchair, causes a person to walk with difficulty or insecurity, affects the sight or hearing to the extent that a person functioning in public areas is insecure or reduces mobility, flexibility, coordination and perceptiveness to the extent that facilities are needed to provide for the safety of that person.

"Polling location" means the structure in which a polling place is located.

"Polling place" means the room or space that has been provided for the purpose of voting at a Federal primary, special, or general election.

"Polling Place Accessibility Checklist" means worksheets prepared by the Secretary of State in order that each county board of elections can evaluate the accessibility of polling sites within their jurisdiction.

"Polling Place Accessibility Report" means a worksheet prepared by the Secretary of State in order that each county board of elections can compile accessibility results from their Polling Place Accessibility Checklists.

"Polling Place Accessibility Waiver" means a worksheet developed by the Secretary of State, to be used by the county board of elections to request exemption(s) from the Act due to the inability to make an inaccessible polling site accessible, or to relocate such a site to an alternative accessible location.

"Ramp" means a structure, either temporary or permanent, which has been constructed to bridge \*[a level change from the path of travel to a polling place. The maximum slope shall not exceed 1:12 (one inch of vertical change to 12 inches of horizontal change)]\* **any change in level of five feet or less on an accessible route of travel to a polling place\***.

"Secretary of State" means the Secretary of State of New Jersey.

"Temporary" means a facility or structure that is not of permanent construction but is extensively used or essential for public use during Federal elections.

"Voting Accessibility Advisory Committee" means a group of individuals that may be established by each county board of elections to assist the board in interpreting and implementing the provisions of the Act.

#### 15:10-6.4 Exceptions

(a) The accessibility requirements of this subchapter do not apply under the following circumstances:

1. In the case of an emergency;
2. If the Secretary of State determines, based on documents supplied by the county, the following:
  - i. That all potential polling places in the election district have been surveyed and no accessible locations are available;
  - ii. That it is not possible to temporarily convert an inaccessible location to an accessible one; and
  - iii. That an alternative voting procedure in accordance with N.J.S.A. 15:10-6 is available upon request;
3. In any election other than a Federal election as defined in this subchapter.

#### 15:10-6.5 Reporting by the Secretary of State

The Secretary of State is required to report to the Federal Election Commission, no later than December 31st of each even-numbered year, the number of accessible polling places and reason(s) for any instance of inaccessibility.

#### 15:10-6.6 Enforcement

The United States Attorney General or any individual who is personally aggrieved by any non-compliance with the accessibility requirements of the Act and this subchapter may institute an action

for declaratory or injunctive relief in the United States District Court for the District of New Jersey.

#### 15:10-6.7 Implementation

(a) In order to assist and advise county election officers in implementing the provisions of the Act, each county board of elections office should establish a Voting Accessibility Advisory Committee, which shall be comprised of the follow individuals:

1. The four members of the county board of elections;
2. At least one elderly and handicapped individual or individuals from organizations representing such individuals;
3. Such person(s) trained in the provisions of the Barrier Free Subcode\*[ , or such person(s) the board feels would be of assistance in the implementation of the Act.]\*\*; **and\***

**\*4. Such person(s) the board feels would be of assistance in the implementation of the Act.\***

(b) In order to accurately evaluate the accessibility of all polling locations, each county board of elections and/or their designated representatives, in conjunction with their Voting Accessibility Advisory Committee, should one have been established, shall undertake a "walking tour" of each polling location. Both elderly and handicapped committee members should participate in such tours since these individuals can offer valuable insight into possible difficulties elderly and handicapped voters may experience at polling locations.

#### 15:10-6.8 Polling place accessibility standards

(a) The polling place accessibility standards set forth in the following sections are based upon the State's Uniform Construction Code, Barrier Free Subcode, N.J.A.C. \*[15:23-7]\* **\*5:23-7\*.**

(b) While accessible parking spaces for each polling location are desirable, the absence of such spaces is not a condition of accessibility. Where such spaces are \*[provided the following standards shall be met:]\* **\*required to be provided, such parking spaces shall conform to the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7.\***

1. Parking spaces for the handicapped shall be located as close as possible to elevators, ramps, walkways, and the accessible entrance they serve. \*[They shall be not more than 200 feet from an accessible entrance.]\* Parking spaces shall be as level as possible \*[with surface slopes not exceeding 1:48 (1/4 inch per foot) in any direction. Surfaces shall be constructed of either asphalt or concrete]\*. Each parking space shall be identified with an above grade sign displaying the International Symbol of Accessibility and appropriate wordage to include "DISABLED PERSONS WITH VALID ID ONLY".

\*[2. There shall be four acceptable configurations for accessible parking spaces as follows:

- i. Parking spaces each not less than 12 feet wide;
- ii. Parking spaces each not less than eight feet wide with an adjacent access aisle at least five feet wide;
- iii. Curbside parking, provided the curb has been indented at least four feet so that a handicapped person does not exit from a vehicle into a traffic lane; or
- iv. Conventional curbside parking, permitted in modification and/or renovation work only.]\*

\*[3.]\*\*2.\* In all configurations, to the degree feasible, accessible parking spaces shall be located so that handicapped persons are not compelled to wheel or walk behind parked cars. Additionally, in all configurations, ramps or curb ramps shall be provided to permit handicapped persons access from the parking lot level to the servicing walkway. A curb ramp shall never be located where it would be blocked by a parked vehicle. In all configurations, provisions such as curb or bumpers should be included to prevent parked vehicles from blocking accessible walkways.

\*[4.]\*\*3.\* In the event that a polling location does not have permanent accessible parking spaces, temporary spaces can be designated for use by the handicapped. All such temporary accessible spaces shall be clearly marked for use only by the handicapped and all such spaces shall be located near an accessible polling place entrance.

\*[5.]\*\*4.\* In the event that off street metered parking is provided, such accessible parking spaces shall be reserved for the handicapped by installing a meter cap over the meter. Such spaces should also be clearly marked for handicapped use only.

(c) Accessible routes of travel are continuous, unobstructed paths connecting all accessible elements and spaces that can be negotiated by a handicapped person. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps, and lifts. Interior accessible routes may include corridors, floors, ramps\*,\* elevators, lifts and clear floorspace at fixtures. The standards for accessible routes \*[are as follows:]\* **\*shall conform to the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7.\***

\*[1. Accessible routes shall provide a minimum clear width for passage of three feet. Such widths may be reduced, however, to two feet eight inches for a distance not to exceed two feet at points such as doorways.

2. Accessible routes shall be constructed of a hard, smooth, non-slip surface, with no abrupt changes in level. Changes in level greater than three-quarters of an inch shall be bridged by a ramp, elevator, or lift to allow for wheelchair passage.]\*

(d) All ramps and curb ramps on accessible routes shall comply with the Barrier Free Subcode, except those curb cuts or curb ramps constructed within a public street. These structures shall meet the requirements of the respective public, city, county, or State agency having jurisdiction. \*[The standards for ramps and curb ramps, except those within a public street, are as follows:

1. Ramps and curb ramps shall have a minimum clear width of three feet exclusive of edge protection or flared sides. The surface shall be stable, firm, and slip-resistant. Irregular surface materials, which may cause tripping or difficult wheelchair passage because of height differentials, shall not be permitted. The maximum slope of a ramp or a curb ramp shall not exceed 1:12 (one inch of vertical change to 12 inches of horizontal change).

2. In addition to the requirements of the Barrier Free Subcode, all ramps shall:

i. Provide landings at the top, bottom, at all changes of direction, and after each 30 feet of projection. These landings shall:

(1) Have a width which shall be at least as wide as the widest ramp run approaching it;

(2) Have a minimum length of five feet; and

(3) Have a minimum size which will fulfill the latchside and hingeside provisions of the Barrier Free Subcode;

ii. Providing handrails on both sides of any ramp run exceeding a nine inch rise; and

iii. Provide curbs, walls, vertical guards or projected edges at ramps and landings with drop-offs exceeding six inches. Minimum curb height shall be two inches.

3. In addition to the requirements of the Barrier Free Subcode, all curb ramps shall:

i. Provide flared sides if such ramps are located where pedestrians might walk across the ramp. If built-up ramps are used as an alternative to standard curb ramps, such ramps must be located so that they do not project into vehicular traffic lanes. The transition from ramp to walkways, gutters, or streets shall be flush and free of abrupt changes. Curb ramps having less than a nine inch rise do not require handrails.]\*

(e) Accessible entrances shall \*[meet the following standards:]\* **\*conform to the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7.\***

1. All accessible entrances shall be identified by the "International Symbol of Accessibility". \*[Accessible doorways shall provide a clear opening of two feet eight inches.

2. Raised thresholds, if provided, shall be beveled with a slope not to exceed 1:2 (one inch of vertical change to two inches of horizontal change) if the height is greater than one quarter inch. The maximum height for raised thresholds shall be three quarter inch.]\*

\*[3.]\*\*2.\* Doors should be easily opened by elderly and handicapped individuals. Handles, pulls, latch sets, and other operating hardware that are easy to grasp with one hand and do not require twisting of the wrist, tight grasping, or tight pinching to operate shall be provided. If possible, exterior doors and nonfire doors which are difficult to open should be propped or tied open during voting hours.

\*[4.]\*\*3.\* In the event that an elevator is to be used, its doors \*[shall be a minimum of three feet wide. The interior shall be large enough to accommodate a wheelchair and all controls shall be easy

to use and to reach]\*\*, interior and controls shall conform to the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7\*.

\*[5.]\*\*4.\* Should the main entrance to a polling place be inaccessible, an accessible alternative entrance may be used. All such alternative entrances, however, \*[must]\* **\*shall\*** conform \*[to accessibility criteria established in this subchapter]\* **\*to the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7\*.** Signs informing voters of an alternative accessible entrance shall be clearly posted and shall display the "International Symbol of Accessibility" as well as appropriate wordage to include "ACCESSIBLE ENTRANCE". To be effective, either arrows or hands shall be used to direct voters to accessible entrances.

(f) Accessible interior routes may include corridors, floors, ramps, elevators, lifts and clear floor space at fixtures. All such accessible routes shall **\*conform to the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7.\*** \*[provide a minimum width for passage of three feet and a minimum vertical clearance of six feet eight inches. Such widths may be reduced, however, to two feet eight inches for a distance not to exceed two feet at points such as doorways. If the vertical clearance of an area adjoining an accessible route is reduced to less than six feet eight inches, a barrier to warn blind or visually-impaired persons shall be provided. Accessible interior routes shall be well lighted and shall be constructed of a hard, smooth, non-slip surface, with no abrupt changes in elevation. If carpet or carpet tiles is used on a ground or floor surface, then the carpet or carpet tiles shall be securely attached. The following standards apply to protruding objects in accessible interior routes:

1. No protruding objects shall reduce the clear width of an accessible route or maneuvering space below the minimum required widths of three feet for passage ways or two feet eight inches for a distance not to exceed two feet at a point such as doorways.

2. Objects less than two feet long that are fixed to wall surfaces shall not project into accessible routes more than four inches if mounted with their leading edges between two feet three inches and six feet above the finished floor.

3. Objects fixed to wall surfaces may project more than four inches if mounted with the lower extreme of their leading edge less than two feet three inches above the finished floor. These objects shall not project, however, into the minimum required clear widths.

4. Free standing objects mounted on posts or pylons may overhang one foot maximum from two feet three inches to six feet eight inches above the ground or the finished floor. However, these objects shall not project into the minimum required clear widths.]\*

\*[5.]\*\*1.\* Interior routes to voting machines that are in excess of 50 feet shall provide a chair(s) in order to provide elderly and disabled voters a resting stop. Such chairs, however, shall not project into the minimum required clear widths.

(g) Signs shall meet the following standards:

1. Signs directing voters to the location(s) of voting machines shall be posted in interior passageways. Such signs shall include appropriate wordage to include "VOTING MACHINES" as well as "WARD-DISTRICT OR DISTRICT". Lettering should be in large type of at least 18 point for easy reading.

2. To be effective, signs should also use either arrows or hands to point to the direction of the voting machines. Signs using these symbols are easier to understand than ones that only use written directions.

#### 15:10-6.9 Voting aids

(a) The following voting aids shall be provided:

1. Sample ballots which shall identify the accessibility of each polling place. The notice of accessibility shall be prominently identified on the sample ballot with a sign displaying the "International Symbol of Accessibility" and appropriate wordage to include "ACCESSIBLE POLLING LOCATION". Notice of nonaccessible polling locations shall be prominently identified on the sample ballot with appropriate wordage to include "NONACCESSIBLE POLLING LOCATION—ABSENTEE BALLOT AVAILABLE; CONTACT COUNTY CLERK".

2. Voting instructions which shall be printed in at least 14 point type for easy reading and shall be conspicuously displayed at each polling place. Lettering shall be dark, preferably black, with a light

background, preferably white. Such instructions shall include, but shall not be limited to:

- i. How to properly identify oneself at the polls;
- ii. Materials that one must sign in order to vote;
- iii. Procedures to follow in order to correctly use the voting machine or voting equipment to cast votes;
- iv. Procedures to follow should mechanical difficulties be experienced while voting; and
- v. How to correctly exit the voting machine in order to properly record votes.

3. Registration, voting, and election information by telecommunication device, or TDD, are required under the Act. County boards of elections will be required to advertise the availability of TDD equipment and telephone numbers in a newspaper or newspapers which, singly or in combination, are of general circulation throughout the county. Such advertisement shall be published once during the 30 days next preceding the day fixed for the closing of the registration books for the primary election, once during the calendar week preceding the week in which the primary election is held, once during the 30 days next preceding the day fixed for the close of the registration books for the general election, and once during the calendar week next preceding the week in which the general election is held. Boards not maintaining and operating TDD equipment are required to advertise the State's "toll-free" TDD telephone number in the manner prescribed above.

4. The availability and use of absentee ballots are subject to the following requirements:

i. Handicapped and elderly voters may apply to the county clerk for absentee ballots. Should disability be permanent, affected voters may request that absentee ballot applications for each election be sent to their residence on a regular basis. In the event that the date for requesting an absentee ballot by mail should pass, a sick or confined voter may request in writing that an absentee ballot be picked up from the county clerk and delivered to him or her by a messenger authorized by such voter. Disabled voters are not required to medically document their disability. Absentee ballots shall be completed and returned in accordance with the requirements of N.J.S.A. 19:57-23.

ii. In the event that a polling location has been reported inaccessible by the county board of elections and such board has not been able to correct any instances of inaccessibility, or has been unable to relocate such polling location to an accessible site, affected elderly and handicapped voters may apply for an absentee ballot.

5. Voter assistance at a polling place shall be provided as follows:

i. Pursuant to P.L. 97-208, the 1982 Amendments to the Federal Voting Rights Act, any voter who requires assistance to vote by reason of blindness or disability may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or an officer or agent of the voter's union.

#### 15:10-6.10 Reporting by county boards of elections; accessibility waivers

(a) Each county board of election office is legally responsible, under Public Law 98-435, for not only implementing the provisions of the Act, but for documenting compliance. In order to fulfill the requirements of the Act, each county board of elections office shall report to the Secretary of State, no later than September 30, in those years Federal elections are to be conducted, the accessibility status of each polling place located within their jurisdiction. All such reports are to be prepared on the following forms provided by the Secretary of State.

1. Each county board of elections office is required to complete a "Polling Place Accessibility Checklist" for each polling place located within their jurisdiction. This checklist requires the members of the county boards of elections, or individuals designated by the board, and/or members of their Voting Accessibility Advisory Committee\*, where such committees exist\*, to physically evaluate the accessibility status of parking facilities, exterior and interior routes of travel, ramps and curb ramps, and entrances of each polling place. Evaluators are required to note the accessibility status of each area and to provide comments where needed. Based upon Polling Place Accessibility Checklist evaluations, each county board of elections

is required to determine and to note the accessibility of each polling place.

2. In instances where a polling place is determined to be inaccessible and is reported as such, a "Polling Place Accessibility Waiver Form" \*[must]\* \*shall\* be completed and attached to the inaccessible polling place's accessibility checklist. The Secretary of State is provided authority to grant a waiver, in certain cases, to polling places which have been evaluated as inaccessible. In order for the Secretary of State to consider granting any waivers for inaccessible polling places, affected county boards of elections \*[must]\* \*shall\* not only complete the required waiver form, they \*[must]\* \*shall\* also document on this form the measures that their office has undertaken to either make this polling location accessible or to relocate such an inaccessible polling location to an alternative accessible location. While the completion of a Polling Place Accessibility Waiver Form is required for each inaccessible polling place, such a form does not \*[preclude]\* \*guarantee\* that inaccessible locations will be granted waivers. Waivers will be granted by the Secretary only in those instances when an inaccessible polling place and its affected facilities cannot be made accessible and alternative accessible locations are not available.

3. A Polling Place Accessibility Report shall be completed by each county board of elections. Such reports shall include:

- i. The total number of polling places within each county;
- ii. The total number of polling places that have been evaluated using the Secretary of State's "Polling Place Accessibility Checklist" and have been found to be either accessible or inaccessible; and
- iii. A listing of the reason(s) for any instances(s) of inaccessibility.

## TRANSPORTATION

### (a)

#### TRANSPORTATION OPERATIONS

##### Speed Limits

##### Route N.J. 29 in Hunterdon County

##### Adopted Concurrent Amendment: N.J.A.C. 16:28-1.77

Proposed: July 5, 1988 at 20 N.J.R. 1573(a).

Adopted: August 20, 1988 by John F. Dunn, Jr., Director, Division of Traffic Engineering and Local Aid.

Filed: August 24, 1988 as R.1988 d.449, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-98.

Effective Date: September 19, 1988.

Expiration Date: June 1, 1993.

Summary of Public Comments and Agency Responses:

**No comments received.**

**Full text** of the adoption follows.

16:28-1.77 Route 29

(a) The rate of speed for the certain parts of State highway Route 29 described in this subsection shall be adopted and established as the maximum legal rate of speed:

1. For both directions of traffic:

i.-vii. (No change.)

viii. Zone eight:

(1) 25 mph in the City of Lambertville to Elm Street (milepost 16.1); except that the maximum speed shall be 15 mph in the City of Lambertville, Hunterdon County, within the Lambertville Public School Zone during recess, when the presence of children is clearly visible from the roadway, or while children are going to or leaving school, during opening or closing hours; thence

ix.-xiv. (No change.)

## EDUCATION

### (a)

#### STATE BOARD OF EDUCATION

##### Bilingual Education

##### Adopted Amendment: N.J.A.C. 6:31-1.10

Proposed: May 16, 1988 at 20 N.J.R. 1034(a).

Adopted: August 5, 1988 by Saul Cooperman, Commissioner,  
Department of Education; Secretary, State Board of  
Education.

Filed: August 24, 1988 as R.1988 d.448, **with non-substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 18:1-1, 18A:4-15, 18A:35-15 to 35-26, and 18A:7A-1 et seq.

Effective Date: September 19, 1988.

Expiration Date: January 24, 1990.

##### Summary of Public Comments and Agency Responses:

Forty-six letters were received from agencies and organizations, school district personnel, college personnel and lay persons. Five commenters expressed support for the proposed amendment and forty-one expressed opposition. The areas addressed by these comments are summarized below; the Department's response to each concern is included:

COMMENT: No data has been provided to indicate that reentry procedures are necessary.

RESPONSE: A mechanism needs to be established to allow students to reenter the bilingual or ESL program if they are unable to progress in the monolingual English classroom.

COMMENT: Reentry process would be valid if exit of students from bilingual and ESL programs was based on multiple criteria.

RESPONSE: The reentry procedure would be valid regardless of how exit decisions are made.

COMMENT: The Department should not proceed on the reentry proposal, since the single exit criterion is a matter before the court.

RESPONSE: Since the reentry procedure would be applicable regardless of how exit decisions are made, the court's decision on the other issue will not impact on this provision.

COMMENT: Referral for reentry by the regular classroom teacher ignores the input of bilingual and ESL teachers who have been trained to identify language problems.

RESPONSE: The regular classroom teacher can determine if the student is not progressing and the language proficiency test results will determine if the difficulty is due to language problems.

COMMENT: The reentry process will result in students being moved back and forth between programs.

RESPONSE: The waiting period of one semester will allow students sufficient time to adjust to the new classroom and will eliminate the back and forth placement of students between programs.

COMMENT: The cost of annual assessment for exit will be significant if multiple exit criteria are reinstated.

RESPONSE: Program students are already assessed annually in the areas of ESL, reading, writing and math. Annual assessment for exit would not require additional testing, nor incur additional costs.

COMMENT: Amendment opposed without stated reason.

RESPONSE: The Department feels strongly that a reentry process is needed. A reentry process has never been included in official State rules. It is important that a mechanism be established to reenter students who are not progressing in the mainstream.

COMMENT: Mainstreamed students should not be reentered into bilingual programs.

RESPONSE: The process allows those students who qualify for reentry to receive educational services that most meet their language and learning needs.

COMMENT: The proposed amendment violates the Administrative Procedure Act, since it does not list the socioeconomic impact and provide the educational rationale upon which to base comment.

RESPONSE: The Department did include statements of social and economic impact, and the educational rationale in the proposal notice.

COMMENT: The reentry process is flawed by the limited reliability of tests, that is, LAB and Maculaitis.

RESPONSE: The Department has recently undertaken a norming study with both tests to ensure their reliability.

COMMENT: A single test does not provide sufficient information especially when there is a question regarding possible misplacement.

RESPONSE: A comprehensive language proficiency test measures listening, speaking, reading and writing skills. Such a test is used to identify students as limited English proficient; therefore, reentry is consistent with initial identification procedures.

COMMENT: The reliance on a single test score in light of other conflicting performance data questions the validity of the test data.

RESPONSE: A comprehensive norming study undertaken by the Department will ensure the validity of the proficiency tests. Reassessment with a comparable test will either validate or invalidate the results of the prior test administration.

COMMENT: Annual reassessment is in violation of the Bilingual Education Act, which entitles pupils to participate for three years.

RESPONSE: There is no provision in the Bilingual Education Act which prohibits annual assessment of students.

COMMENT: The proposed criteria upon which referrals for reentry testing are made are inappropriate.

RESPONSE: Since the reentry of the student is due to language difficulties, the referral for retesting is based on criteria which demonstrate learning difficulties.

COMMENT: The timeline for review for possible reentry should be extended. The commenter recommends reentry after only one year.

RESPONSE: The Department believes that one semester is sufficient time for the child to adjust, yet would assure that academic difficulties not continue for a full school year.

COMMENT: The full semester timeline prior to reentry is too long, especially for a young child who is misplaced.

RESPONSE: There is a provision for a waiver of the one semester timeline if the child is experiencing severe difficulties in making the transition to the regular class. However, in most cases, one semester will allow the student to become accustomed to the regular class.

COMMENT: Reentering students would not generate State aid. Sign-off by district and county superintendents for waiver of timeline is unnecessary since they do not know children.

RESPONSE: Reentered students would generate State aid if, after reentry in the program, they remained enrolled until the next fall. The waiver by the district and county superintendents will ensure that referrals for retesting are not made casually. The waiver should only be granted in extraordinary cases.

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

#### 6:31-1.10 Bilingual and ESL program participation

(a) All school age pupils of limited English speaking ability shall be enrolled in the bilingual or ESL education program established by the school district, as prescribed in N.J.A.C. 6:31-1.3(a) and 6:31-1.4(b).

(b) **\*[Pupiles]\*\*Pupils\*** enrolled in the bilingual or ESL education program shall be placed in a regular program when they have met the exit criterion of a passing score on the English language proficiency test. This shall take effect in the spring of 1988.

(c) Pupils enrolled in the bilingual or ESL education program shall be assessed annually for exit with the English language proficiency test. Pupils may be referred for testing at any time if a program teacher judges that the pupil may be ready for program exit.

(d) Newly exited pupils who are not progressing in the regular program may be considered for reentry as follows:

1. After a minimum of one full semester and within two years of exit, the regular classroom teacher, with the approval of the principal, may recommend retesting. A waiver of the minimum time limitation may be approved by the county superintendent upon request of the chief school administrator if the pupil is experiencing extreme difficulty in adjusting to the mainstream program.

2. The recommendation for retesting would be based on the teacher's judgment that the student is experiencing difficulties due to problems in using English as evidenced by the student's inability to:
  - i. Communicate effectively with peers and adults;
  - ii. Understand directions given by the teacher; and/or

- iii. Comprehend basic verbal and written materials.
- 3. The pupil shall be tested using a different form of the test or a different language proficiency test than the one used to exit the pupil.
- 4. If the pupil scores below the cutoff on the language proficiency test, the pupil shall be reentered into the bilingual or ESL program.

**ENVIRONMENTAL PROTECTION**

**(a)**

**PINELANDS COMMISSION**

**Pinelands Comprehensive Management Plan**

**Adopted Amendments: N.J.A.C. 7:50-2.11, 3.32, 4.1, 4.40, 4.66, 5.22 through 5.26, 5.30, 5.43, 5.47, 6.7, 6.84, 6.107 and 6.123**

**Adopted Repeals: N.J.A.C. 7:50-6.131, 6.132 and 6.133**

Proposed: April 4, 1988 at 20 N.J.R. 716(a).  
 Adopted: July 8, 1988 by the New Jersey Pinelands Commission, Terrence D. Moore, Executive Director.  
 Filed: July 28, 1988 as R.1988 d.405, with substantive and technical changes not requiring additional public notice (see N.J.A.C. 1:30-4.3).  
 Authority: N.J.S.A. 13:18A-6j.  
 Effective Date: September 19, 1988.  
 Expiration Date: Exempt.

**Summary of Public Comments and Agency Responses:**

In association with publication of the proposed rules in the April 4, 1988 edition of the New Jersey Register, the Pinelands Commission transmitted the proposal to each Pinelands Area municipality and county for review and comment. Additionally, the Pinelands Commission sent notice of the hearing to all persons and organizations which subscribe to the Commission's public hearing registry, and placed advertisements on the hearings in the five official newspapers of the Commission.

A public hearing was held on May 6, 1988. No oral testimony was offered.

A question was raised by one individual via telephone call.

Written comments were received from two organizations. Written comments are on file at the Commission's office at Springfield Road, New Lisbon, New Jersey. This material is available for public inspection during normal business days from 9:00 A.M. to 5:00 P.M.

COMMENT: One person questioned by telephone whether the use of the term "agricultural commercial establishment" rather than the term "agricultural roadside stand" expanded the applicability of the provision permitting offsite advertising to include such facilities as packing houses and other facilities without retail sales.

RESPONSE: Enlargement of the applicability of the provision was not intended in the rule proposal. The intent was and still is to allow effective advertising of agricultural retail sales locations where such sales are primarily of agricultural products produced in the Pinelands. The offsite location of signs may be necessary to allow travelers adequate time to brake and safely pull off of the road in order to patronize an establishment. Offsite signs would not serve this purpose when they are merely coincidental to a production or processing facility that does not offer retail sales. In order to avoid potential confusion, the provision has been written to refer to "agricultural commercial establishment", and a definition of the term has been included for clarity.

COMMENT: Representatives of two agencies were opposed to the proposed restriction on the number and size of offsite signs advertising agricultural roadside stands, on the grounds that such restrictions would be harmful to the economic viability of agriculture in the Pinelands. One of these persons stated opposition to any specific rule being embodied in the Comprehensive Management Plan, indicating a preference for municipal regulation only. The other person suggested that the maximum size of signs should be 50 square feet on all roads, arguing that a 20 square foot sign would not allow effective communication to auto travelers at 50 to 60 miles per hour. This person also suggested that two signs of 50 square feet each along each road approaching the stand should be

permitted. Certain generic material prepared by Cornell University was submitted in support of these latter recommendations.

RESPONSE: The Commission feels that it is important to place some limitation on the size and number of signs permitted under the provision allowing offsite signs advertising for agricultural roadside stands. It is possible to balance the goals supporting agricultural enterprise and preserving and enhancing Pinelands scenic resources by establishing reasonable standards for the size and number of signs that effectively notify motorists that they are approaching a roadside stand.

The material submitted did not recommend any particular number of signs; however, through field surveys, Commission staff observed that many of the larger stands utilized multiple signs (four to eight), while many smaller stands utilized a single sign in each direction. In order to offer these agriculturally related businesses the opportunity to draw customers, the rule has been modified consistent with the public recommendations, to allow two signs along each approach road.

Through field surveying, it was also determined that a majority of existing off-site advertising signs on two lane roads are considerably less than 50 square feet, with 32 square feet being common, apparently due to the use of four by eight foot sheets of plywood as sign material. It was observable that signs of this size were effective at announcing the existence of a business ahead. A sign of this size is capable of carrying considerably more information than the proposed 20 square foot sign.

It is also observable that four lane roads support faster travel, have more competing distractions, and generally have greater setbacks from the traveled lanes, suggesting that the larger 50 square foot sign is probably appropriate for the larger roads.

Due to variations in lettering and the advertisement, it is impossible to identify a precise size for an effective advertising sign; however, the Commission feels that two signs along each approach road, with 50 square feet on four lane State and Federal roads and 32 square feet on other roads, provides adequate effective advertising while limiting the potential intrusion on Pinelands scenic resources. The rule has been so modified.

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

7:50-2.11 Definitions

When used in this Plan, the following terms shall have the meaning herein ascribed to them:

...

**\*"Agricultural commercial establishment" means a retail sales establishment primarily intended to sell agricultural products produced in the Pinelands. An agricultural commercial establishment may be seasonal or year round and may or may not be associated directly with a farm; however it does not include supermarkets, convenience stores, restaurants and other establishments which coincidentally sell agricultural products, nor does it include agricultural production facilities such as a farm itself, nor facilities which are solely processing facilities.\***

...

"Camper" means a portable structure, which is self propelled or mounted on or towed by another vehicle, designed and used for temporary living for travel, recreation, vacation or other short-term uses. Camper does not include mobile homes or other dwellings.

"Campsite" means a place used or suitable for camping, on which temporary shelter such as a tent or camper may be placed and occupied on a temporary and seasonal basis.

...

"Mobile home" means a dwelling unit manufactured in one or more sections, designed for long-term occupancy and which can be transported after fabrication to a site where it is to be occupied.

...

7:50-3.32 Submission of plan and land use ordinances

Within one year after the effective date of this Plan, or any amendment thereof, each municipality located in whole or in part in the Pinelands Area shall submit, in accordance with the provisions of this Part, its master plan and land use ordinances to the Commission for review and determination of whether such plan and ordinances are in conformance with the minimum standards of this Plan; provided, however, that municipalities in any county which has been delegated preliminary review authority pursuant to Part III of this subchapter shall submit their master plans and land use ordinances

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to such county in accordance with N.J.A.C. 7:50-3.40 and the provision of any applicable ordinance or regulation of such county. Such municipal master plan and land use ordinances shall be in such form and number and shall contain such information as may be required by the Executive Director in order to make the findings required by N.J.A.C. 7:50-3.39. In no case shall the Executive Director accept a master plan for formal review and certification pursuant to N.J.A.C. 7:50-3.39 without an adopted ordinance which implements said master plan, unless no such ordinance is necessary.

### 7:50-4.1 Applicability

(a) For the purposes of this subchapter only, the following shall not be considered development except for development of any historic resource designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154:

1.-6. (No change.)

7. The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided said addition or structure will be located on or below an existing impermeable surface and the existing use is served by public sewers and said addition or structure will cover an area of no more than 1,000 square feet; or

8. (No change.)

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

### 7:50-4.40 Commission review following final local approval

(a) (No change.)

(b) Notice of decision and hearing: Within 15 days following receipt of a notice of final determination containing all the information specified in N.J.A.C. 7:50-4.35(e), the Executive Director shall give notice of his determination by mail to the applicant, the local permitting authority which granted such approval, and interested persons, including all persons who have individually submitted information concerning the application or who participated in the local review process, as well as all persons who have requested a copy of said decision and any person, organization or agency which has registered under N.J.A.C. 7:50-4.3(b)2i(2). If applicable, such notice shall set a date, time and place for public hearing, as required by N.J.A.C. 7:50-4.41. Any notice scheduling a public hearing shall be sent by certified mail to the applicant and the local agency which granted the approval.

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

### 7:50-4.66 Standards

(a) An application for a waiver shall be approved only if the applicant satisfies (b) below and an extraordinary hardship or compelling public need is determined to have been established under the following standards:

1. (No change.)

2. An applicant shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts, one of the following:

i. (No change.)

ii. The proposed development constitutes an adaptive reuse of an historic resource designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 and said reuse is the minimum relief necessary to ensure the integrity and continued protection of the designated historic resource and further that the designated historic resource's integrity and continued protection cannot be maintained without the granting of a Waiver of Strict Compliance.

(b) An application for a waiver shall be approved only if it is determined that the following additional standards also are met:

1. The granting of the waiver will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the Pinelands Area;

2. The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of the Pinelands Protection Act, the Federal Act or this Plan; and

3. The waiver is the minimum relief necessary to relieve the extraordinary hardship, which may include the granting of a residential development right to other lands in the Protection Area that may

be transferred or clustered to those lands in accordance with N.J.A.C. 7:50-5.30 or to satisfy the compelling public need.

(c) Waivers approved under former N.J.A.C. 7:50-4.66(a)1ii, repealed effective November 2, 1987, and former N.J.A.C. 7:50-4.55(a)1iii, repealed effective September 12, 1985, shall expire as follows:

1. Any waiver previously approved under the final subdivision standard contained in the now repealed N.J.A.C. 7:50-4.55(a)1iii above shall continue to be subject to the condition that the waiver shall expire after two years if substantial construction of improvements is not commenced, or if fewer than 10 percent of the total number of lots in the subdivision are sold or built upon within any succeeding 12 month period; and

2. Any waiver previously approved under the prior municipal development approval standard contained in the now repealed N.J.A.C. 7:50-4.66(a)1ii above shall expire, without exception, as of January 14, 1991 unless all necessary approvals for the proposed development have been obtained from the municipal planning board and board of adjustment or, where no such approval is required, construction permits have been issued prior to that date and no such approval is subsequently allowed to expire or lapse.

### 7:50-5.22 Minimum standards governing the distribution and intensity of development and land use in the Preservation Area District

(a) (No change.)

(b) In addition to the uses permitted under (a) above, a municipality may, at its option, permit the following uses in the Preservation Area District:

1.-3. (No change.)

4. Public service infrastructure which is necessary to serve only the needs of the Preservation Area District uses. Sewer treatment and collection facilities shall be permitted to service the Preservation Area District only in accordance with N.J.A.C. 7:50-6.84(a)2. Communications cables not primarily intended to serve the need of the Preservation Area District may be permitted provided that they are installed within existing developed rights of way and are installed underground or are attached to road bridges, where available, for the purpose of crossing water bodies or wetlands.

5.-9. (No change.)

(c) No residential dwelling shall be located on a lot of less than 3.2 acres.

(d) Minimum lot areas for non-residential structures shall be determined by application of the standards contained in N.J.A.C. 7:50-6.84(a)4 whether or not the lot is to be served by a centralized sewer treatment or collection system pursuant to (b)4 above.

### 7:50-5.23 Minimum standards governing the distribution and intensity of development and land use in Forest Areas

(a) (No change.)

(b) In addition to the uses permitted under (a) above, a municipality may, at its option, permit the following uses in a Forest Area:

1.-11. (No change.)

12. Public service infrastructure intended to primarily serve the needs of the Pinelands. Sewer treatment and collection facilities shall be permitted to service the Forest Area District only in accordance with N.J.A.C. 7:50-6.84(a)2. Communications cables not primarily intended to serve the need of the Forest Area may be permitted provided that they are installed within existing developed rights of way and are installed underground or are attached to road bridges, where available, for the purpose of crossing water bodies or wetlands.

13.-15. (No change.)

(c) (No change.)

(d) Minimum lot areas for non-residential structures shall be determined by application of the standards contained in N.J.A.C. 7:50-6.84(a)4 whether or not the lot is to be served by a centralized sewer treatment or collection system pursuant to (b)12 above.

### 7:50-5.24 Minimum standards governing the distribution and intensity of development and land use in Agricultural Production Areas

(a) (No change.)

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(b) In addition to the uses permitted under (a) above, a municipality may, at its option, permit the following uses in an Agricultural Production Area:

1.-8. (No change.)

9. Public service infrastructure. Sewer treatment and collection facilities shall be permitted to service the Agricultural Production Area District only in accordance with N.J.A.C. 7:50-6.84(a)2. Communications cables not primarily intended to serve the need of Agricultural Production Areas may be permitted provided that they are installed within existing developed rights of way and are installed underground or are attached to road bridges, where available, for the purpose of crossing water bodies or wetlands.

10.-12. (No change.)

(c) (No change.)

(d) Minimum lot areas for non-residential structures shall be determined by application of the standards contained in N.J.A.C. 7:50-6.84(a)4 whether or not the lot is to be served by a centralized sewer treatment or collection system pursuant to (b)9 above.

7:50-5.25 Minimum standards governing the distribution and intensity of development and land use in Special Agricultural Production Areas

(a) (No change.)

(b) In addition to the uses permitted under (a) above, a municipality may, at its option, permit the following uses in a Special Agricultural Production Area:

1.-2. (No change.)

3. Public service infrastructure which is necessary to serve only the needs of the Special Agricultural Production Area District uses. Sewer treatment and collection facilities shall be permitted to service the Special Agricultural Production Area District only in accordance with N.J.A.C. 7:50-6.84(a)2. Communications cables not primarily intended to serve the need of Special Agricultural Production Areas may be permitted provided that they are installed within existing developed rights of way and are installed underground or are attached to road bridges, where available, for the purpose of crossing water bodies or wetlands.

4.-6. (No change.)

(c) (No change.)

(d) Minimum lot areas for non-residential structures shall be determined by application of the standards contained in N.J.A.C. 7:50-6.84(a)4 whether or not the lot is to be served by a centralized sewer treatment or collection system pursuant to (b)3 above.

7:50-5.26 Minimum standards governing the distribution and intensity of development and land use in Rural Development Areas

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

(d) Minimum lot areas for non-residential structures shall be determined by application of the standards contained in N.J.A.C. 7:50-6.84(a)4 whether or not the lot is to be served by a centralized sewer treatment or collection system pursuant to (b)10 above.

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

(a) Each municipality with land in the Protection Area shall establish within said area a mechanism to transfer or cluster development rights granted pursuant to N.J.A.C. 7:50-4.66 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 areas 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.)

7:50-5.43 Pinelands Development Credits established

(a) (No change.)

(b) Pinelands Development Credits are hereby established at the following ratios:

1. In the Preservation Area District:

i.-iv. (No change.)

2.-4. (No change.)

(c) (No change.)

7:50-5.47 Recordation of deed restriction

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

(c) No development involving the use of Pinelands Development Credits shall be approved until the developer has provided the Commission and the municipality in which the parcel of land to be developed is located with evidence of his ownership of the requisite Pinelands Development Credits; provided, however, that a municipality may grant preliminary subdivision or site plan approval conditioned upon such evidence being presented as a prerequisite to final subdivision or site plan approval. For such a final subdivision or site plan, the developer shall provide evidence of Pinelands Development Credit ownership to secure the same proportion of lots or residential units as was approved for Pinelands Development Credit use in the preliminary approval.

7:50-6.7 Significant adverse impact

(a) A significant adverse impact shall be deemed to exist where it is determined that one or more of the following modifications of a wetland will have an irreversible effect on the ecological integrity of the wetland and its biotic components including, but not limited to, threatened or endangered species of plants or animals:

1.-9. (No change.)

(b) Determinations under (a) above shall consider the cumulative modifications of the wetland due to the development being proposed and any other existing or potential development which may affect the wetland.

7:50-6.84 Minimum standards for point and non-point source discharges

(a) The following point and non-point sources may be permitted in the Pinelands:

1. (No change.)

2. Development of new waste water treatment or collection facilities which are designed to improve the level of nitrate/nitrogen attenuation of more than one existing on-site waste water treatment system where a public health problem has been identified may be exempted from the standards of (a)1ii above provided that:

i.-iv. (No change.)

3. (No change.)

4. Individual on-site septic waste water treatment systems, provided that:

i. The proposed development to be served by the system is otherwise permitted pursuant to N.J.A.C. 7:50-4 and 5;

ii. Non-residential development within the Preservation Area District except in areas designated pursuant to N.J.A.C. 7:50-5.22(b)7, Forest Area, Agricultural Production Area, Rural Development Area, and Special Agricultural Production Area District is served by a standard subsurface sewage disposal system;

iii.-viii. (No change.)

5. (No change.)

7:50-6.107 Mandatory sign provisions

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

(c) No outdoor off-site commercial advertising sign, other than signs advertising agricultural \*[roadside stands]\* **commercial establishments\***, shall be permitted in the Pinelands. Offsite outdoor signs advertising agricultural commercial establishments shall be permitted provided that:

1. A maximum of \*[one sign]\* **two signs\*** may be placed in any one direction along each road directly approaching the stand; and

2. Each sign along four lane State or U.S. highways shall be limited to a maximum of 50 square feet in area; each sign along all other roads shall be limited to a maximum of \*[20]\* **32\*** square feet in area.

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

7:50-6.123 Fire hazard classification

The following vegetation classification shall be used in determining the fire hazard of a parcel of land:

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	Fire Hazard Classification	Vegetation Type
Hazard		
Low	Atlantic white cedar. Hardwood swamps.	
Moderate	Non-Pine Barrens forest and prescribed burned areas.	
High	Pine Barrens forest including mature forms of pine, pine-oak, and oak-pine.	
Extreme	Immature or dwarf forms of pine-oak or oak-pine, all classes of pine-scrub oak and pine-lowland.	

**PART XIII—(RESERVED)**

7:50-6.131 through 7:50-6.140 (Reserved)

**HUMAN SERVICES**

**(a)**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Administrative Manual**

**Administrative Charges/Service Fees**

**Adopted New Rule: N.J.A.C. 10:49-6.9**

Proposed: March 7, 1988 at 20 N.J.R. 518(a).

Adopted: August 23, 1988 by Drew Altman, Commissioner, Department of Human Services.

Filed: August 23, 1988 as R.1988 d.446, **without change**.

Authority: N.J.S.A. 30:4D-6; 30:4D-7a,b,c; 30:4D-12; 30:4D-22; 30:4D-24.

Effective Date: September 19, 1988.

Expiration Date: August 12, 1990.

**Summary of Public Comments and Agency Responses:**

There was one comment on the proposed new rule which was submitted by the New Jersey Pharmaceutical Association. The commenter agreed with the rule's basic concept but thought that a five percent administrative allowance would be more realistic. The Division's response is that the 10 percent allowance should be retained because PAAD beneficiaries are required by law to pay a \$2.00 co-payment for each prescription. If the LTCF (long term care facility) collects the \$2.00 co-payment from the beneficiary or family on behalf of the pharmacy, then the LTCF is entitled to collect the administrative charge. If the pharmacy collects the \$2.00 co-payment, the LTCF is not entitled to collect the administrative charge on service fee.

**Full text of the adoption follows.**

**10:49-6.9 Administrative charges/service fees**

(a) A provider shall not pay nor require payment of an administrative charge or service fee for the privilege of doing business with another provider or for services for which reimbursement is included as part of the Medicaid fee.

1. An example of a prohibited activity is that a LTCF may not require a pharmacy to pay an administrative charge or service fee to the facility for the handling of the LTCF resident's medications, drugs and/or related pharmaceutical records.

2. An administrative charge may be paid for the collection of a co-payment on behalf of pharmacies from PAAD beneficiaries who are residents in long-term care facilities. Such administrative charges may not exceed 10 percent of the billed amount, or \$2.00, whichever is less.

**(b)**

**DIVISION OF YOUTH AND FAMILY SERVICES  
Manual of Standards for Residential Child Care  
Facilities**

**Readoption with Amendments: N.J.A.C. 10:127**

Proposed: June 6, 1988 at 20 N.J.R. 1149(a).

Adopted: August 25, 1988 by Drew Altman, Commissioner, Department of Human Services.

Filed: August 26, 1988 as R.1988 d.456, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 30:1-14 and 15 and 30:4C-4.

Effective Date: August 26, 1988 for Readoption. September 19, 1988 for Amendments.

Expiration Date: August 26, 1993.

**Summary of Public Comments and Agency Responses:**

**No comments received.**

**Summary of Change Between Proposal and Adoption:**

The Division has made several technical changes to correct cross-references, codification and typographical errors, and to clarify requirements.

The second half of N.J.A.C. 10:127-1.1(c)iii, relating to specialized foster homes being required to comply with the DYFS Foster Home Developers Manual, was deleted upon adoption for clarification purposes. Specialized treatment homes, as the terminology was changed upon adoption, are subject to the requirements of this chapter by the terms of the chapter itself.

The change in N.J.A.C. 10:127-5.1(b) from State Uniform Construction Code requirements for use group classification I-3 to use group I-1 corrects a typographical error in the original proposal. The use group I-3 standards apply, in and of themselves, to detention-type facilities; I-1 applies to group homes.

**Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:127.**

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

**CHAPTER 127**

**MANUAL OF REQUIREMENTS FOR  
RESIDENTIAL CHILD CARE FACILITIES**

**10:127-1.1 Legal Authority**

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

(c) Under N.J.S.A. 30:1-14, the following facilities shall be subject to inspection, evaluation and approval by the Department of Human Services:

1. New Jersey-based residential child care facilities serving 13 or more children, except that:

i.-ii. (No change.)

iii. Residential facilities, whether public or private, operating \*[a network of]\* specialized \*[foster]\* **\*treatment\*** homes,\* as defined in N.J.A.C. 10:127-1.2 and serving a total of 13 or more children, shall be required **\*[only]\*** to comply **\*only\*** with N.J.A.C. 10:127-1, 2, and 4\***],\*\*** \*while the specialized foster homes developed as part of the facility's network shall be required to comply with provisions of the Division of Youth and Family Services Foster Home Developers Manual, which is administered by the Regional Offices of the Division of Youth and Family Services.]\*

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

(f) Under N.J.S.A. 30:1-15, the Department of Human Services is authorized to "visit and inspect" publicly or privately maintained institutions or other institutions and non-institutional agencies, which may include, but are not limited to, residential child care facilities that:

1. Provide board, lodging or care for children who are not placed or financed by the Division of Youth and Family Services or any other New Jersey State agency; and

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2. (No change.)
- (g) (No change.)

### 10:127-1.2 Definitions

The following words and terms, when used in this chapter, **\*shall\*** have the following meanings.

...  
"Manual of Requirements for Residential Child Care Facilities" or "Manual of Requirements" means the rules promulgated in N.J.A.C. 10:127, which shall constitute minimum requirements for residential child care facilities.

\*["Specialized foster home"]\*\***"Specialized treatment home"** means a private home recruited by a residential facility that meets the Division's standards for \*[foster]\* **\*treatment\*** homes and that provides treatment services, as specified by the program, for a child placed there by the facility.

...

### 10:127-1.3 Approval requirements

- (a) (No change.)
- (b) The Bureau shall conduct on an annual basis an on-site physical facility inspection and a biennial programmatic inspection of the facility to determine compliance with this chapter.
- (c) If the facility meets all applicable provisions of this chapter, the Bureau shall issue a regular certificate of approval.
- (d) The Bureau shall provide notice if a certificate of approval shall not be issued.
- (e) If the Bureau determines that a facility is in substantial compliance with the provisions of this chapter, providing that no serious or imminent hazard affecting the children exists, the Bureau may issue a temporary certificate of approval.
- (f) When a temporary certificate of approval is issued, the Bureau shall provide a written statement explaining what the facility must do to achieve full compliance.
- (g) Each certification period, which may include the issuance of one or more temporary certificates and/or one regular certificate, shall be two years.
  1. In determining the expiration date of the first regular certificate of approval, the Bureau shall compute the two-year approval period from the date of issuance of the first temporary or regular certificate.
  2. In determining the expiration date of a renewed regular certificate, the Bureau shall compute the two-year approval period from the date on which the previous regular certificate expired.
- (h) The regular or temporary certificate of approval shall be kept on file at the facility.
- (i) An authorized representative of the Bureau may at any time make an announced or unannounced visit and inspect the facility and/or review files, reports or records to determine its compliance with this chapter and/or to investigate a complaint.
- (j) A facility's approval may be denied or revoked for any activity, policy or conduct that presents a serious or imminent hazard to the health, safety and well-being of a child or that otherwise demonstrates unfitness or inability to operate a residential child care facility.

### 10:127-1.4 Administrative hearings

(a) To effectuate the purposes of this chapter, the Bureau or the facility may initiate an administrative hearing in the interest of justice.

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

### 10:127-2.2 Intake and admissions procedures

- (a) Pre-admission requirements:
  1. For non-emergency placements, the facility shall admit only those children for whom a comprehensive intake evaluation, including the psychological, family, developmental, social, and chronological age factors affecting the child, is completed.
- 2.-4. (No change.)
- (b) Admission requirements:
  1. Upon the child's admission, the facility shall obtain pertinent factual and identifying information, including, as a minimum, the following:
    - i.-viii. (No change.)
    - ix. Date(s) and length of stay of admission to and discharge from previous facilities, if any;

- x. Child's medical history, chronic conditions, past serious illnesses, allergies, special diet;
  - xi. A statement signed by the parent(s) granting consent for emergency medical or surgical care for the child; and
  - xii. (No change.)
2. (No change.)
  3. Following admission to a facility each child shall be:
    - i.-ii. (No change.)
    - iii. Informed of fire exits and evacuation procedures.

### 10:127-2.4 Records

- (a) General requirements:
  - 1.-3. (No change.)
  - (b)-(c) (No change.)
  - (d) Administrative records: Every facility shall keep on file the following written records:
    1. (No change.)
    2. A copy of the facility's insurance coverage including:
      - i. (No change.)
      - ii. Fire insurance;
    - 3.-5. (No change.)
    6. A current copy of the Manual of Requirements;
    - 7.-21. (No change.)

### 10:127-3.1 Basic information

- (a)-(b) (No change.)
- (c) Every facility shall have:
  - 1.-2. (No change.)
  3. Social service staff, who shall be responsible for developing and implementing the facility's social service program including the performance of duties relating to casework services, intake procedures, treatment planning, provision of direct therapeutic services, family contacts and maintenance of treatment records;
  - 4.-9. (No change.)
- (d)-(f) (No change.)

### 10:127-3.3 Staff qualifications

- (a)-(b) (No change.)
- (c) Social services/clinical director—The social services/clinical director of the facility shall:
  1. (No change.)
  2. Have a master's degree from an accredited graduate school in sociology, psychology, social work, mental health or a related field and two years of professional clinical experience in human services or mental health field; or
  3. (No change.)
- (d)-(e) (No change.)
- (f) Child care director—The child care director of the facility shall:
  1. (No change.)
  2. Have a high school or high school equivalency diploma and five years of professional experience in the human services or mental health field, two years of which shall have been in a residential child care facility, group home or shelter; or
  3. (No change.)
- (g) (No change.)

### 10:127-3.6 Governing body/citizens board

- (a) Every facility shall have a governing body/citizens board which shall either:
  - 1.-2. (No change.)
- (b)-(d) (No change.)

### 10:127-4.5 Discharge/aftercare

- (a) (No change.)
- (b) The facility shall notify the placing agency in writing at least 10 calendar days prior to the discharge of a child when a child has demonstrated an inability to continue functioning in the program.
- (c)-(e) (No change.)

### 10:127-4.7 Behavior management room

- (a) (No change.)
- (b) General requirements:
  1. The facility shall prepare and maintain a written policy governing the criteria for use of the room, staff members authorized to place

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a child in the room, procedures for insuring a child's safety while confined, and time limitations for placement of a child in such a room.

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

**10:127-4.10 Food and nutrition**

- (a) General requirements:
  1. (No change.)
  2. Menus shall be dated and kept on file for a minimum of 90 calendar days.
  - 3.-4. (No change.)
- (b) (No change.)

**10:127-4.11 Rest, bedroom and sleep**

- (a) (No change.)
- (b) General requirements:
  - 1.-3. (No change.)
  4. Every child shall be provided with sanitary bed linens that are changed weekly, a blanket or other suitable covering that is cleaned or replaced, as necessary, and a pillow.
  - 5.-17. (No change.)

**10:127-4.12 Education**

- (a) General requirements:
  - 1.-4. (No change.)
  5. The facility shall provide or utilize on-grounds or community vocational education services appropriate to the age, skill level, interests and abilities of those children who require such services.
- (b)-(e) (No change.)

**10:127-4.16 Discipline and control**

- (a)-(d) (No change.)
- (e) The facility shall prohibit the following types of punishment:
  - 1.-9. (No change.)
  10. Temporary suspension of a child from the facility to a parent(s), relative(s), foster home or drop-in shelter without the consent of the placing agency. Such consent shall be documented in the child's record.

**10:127-4.19 Search and seizure requirements**

- (a) Search procedure for a weapon(s)
  1. A facility staff member shall be permitted to frisk search (surface search of outer clothing) a child only when there is reasonable suspicion that the child is in possession of a weapon(s).
  2. A facility staff member shall be prohibited from reaching into a child's pockets unless the frisk search indicates that there is reasonable belief that the child is in possession of a weapon(s).
  3. (No change.)
- (b)-(c) (No change.)

**10:127-4.23 Mail and telephone communications**

- (a)-(b) (No change.)
- (c) A staff member may open parcels and letters only if s/he suspects that the contents contain contraband and then only in the presence of the child sending or receiving the parcel or letter and another staff member. A record signed by the staff member shall be maintained in the child's file documenting the specific reason why such mail was opened and the results.
- (d)-(h) (No change.)

**10:127-5.1 New Jersey local government physical facility requirements**

- (a) Any residential child care facility located in New Jersey shall comply with the requirements in (b) through (e) below.
- (b) An applicant seeking approval to open and operate a facility for the first time as such shall:
  1. For newly constructed buildings, existing buildings whose construction code use group classification would change from that which it had been or existing buildings that require major alteration or renovation, submit to the Bureau a copy of the building's certificate of occupancy issued by the municipality in which it is located, reflecting the building's compliance with the provisions of the State Uniform Construction Code (N.J.A.C. 5:23), hereinafter referred to as UCC, for the \*[I-3]\* \*I-1\* use group classification;

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2. For existing buildings whose construction code use group classification is already \*[I-3]\* \*I-1\* and which have not had major alterations or renovations to make them suitable for use as a residential child care facility, submit to the Bureau a copy of the building's certificate of occupancy issued by the municipality in which it is located at the time the building was originally constructed or approved for use in the \*[I-3]\* \*I-1\* use group, or a certificate of continued occupancy issued by the municipality in which it is located, reflecting the facility's compliance with the municipality's construction code requirements that were in effect at the time it was originally constructed or converted to use group classification \*[I-3]\* \*I-1\*;
3. (No change.)
- (c)-(e) (No change.)

**10:127-5.3 New Jersey State government physical facility requirements**

- (a)-(c) (No change.)
- (d) Exit requirements:
  1. (No change.)
  2. Doors:
    - i.-ii. (No change.)
    - iii. Doors used for exits shall:
      - (1) (No change.)
      - (2) Be unlocked from the inside of the building while children are at the facility;
      - (3) Swing in the direction of egress when serving an occupant load of more than 50; and
      - (4) In enclosed exit stairs, swing in the direction of egress, be self-closing and not block the egress of people utilizing the floors above.
    - iv. (No change.)
  - 3.-4. (No change.)
  - (e) (No change.)
  - (f) Fire protection:
    - 1.-4. (No change.)
    5. Buildings with a capacity of more than 12 children that have been in existence and approved as a residential facility prior to February 22, 1983 shall have and maintain at least one of the following:
      - i. A comprehensive automatic electrical fire alarm and detection system. The detection devices shall be smoke detectors; or
      - ii. (No change.)
- 6.-16. (No change.)
- (g)-(h) (No change.)
- (i) Lighting:
  1. General requirements:
    - i. (No change.)
    - ii. At least 20 foot candles of light, natural or artificial, shall be provided in classroom and study areas. This illumination shall be measured three feet above the floor at the furthest point from the light source.
    - iii. (No change.)
  2. (No change.)
- (j)-(p) (No change.)
- (q) Maintenance and sanitation:
  1. (No change.)
  2. Indoor maintenance and sanitation requirements:
    - i.-iv. (No change.)
    - v. The facility shall utilize receptacles for food waste disposal that are made of durable materials that are nonabsorbent, leak proof, easily cleaned and provided with tight fitting covers.
    - vi.-vii. (No change.)
  3. (No change.)
  - (r) Lead paint: Facilities caring for children six years of age or younger and/or older children who have been diagnosed as having pica shall comply with the following:
    1. Lead paint shall not be used on and shall be removed by the facility from any interior or exterior surfaces, furniture, toys or other equipment used therein, in accordance with the provisions of Chapter 13 of the New Jersey State Sanitary Code (N.J.A.C. 8:51-7.1 through 7.5).
    2. (No change.)

## 10:127-6.1 Vehicle requirements

(a) (No change.)

(b) Vehicles used for transportation of children shall be maintained in safe operating condition and shall be properly registered and have a currently valid inspection sticker for the state in which they are registered.

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

## 10:127-6.3 Safety practices

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

(i) The driver or second adult(s) shall ensure that each child is received by his or her parent or person designated by the parent.

(j) (No change.)

## 10:127-6.4 Transportation records

(a) The facility shall keep on file the name of each driver and a photostatic copy of his or her valid driver's license.

(b) These records shall be available upon request to any authorized representative of the Bureau.

## 10:127-6.5 Insurance

(a) The facility shall maintain liability insurance for bodily injury or death in minimum amounts of \$300,000 per person and \$500,000 per accident.

(b) If the facility's transportation services are provided by a private individual or firm under contract or other arrangement, the facility shall maintain on file a copy of the individual's or firm's insurance coverage in the amount specified in (a) above and make a copy of such coverage available to the Bureau upon request.

## 10:127-6.6 Other requirements

(a) The facility shall provide each child with the transportation necessary for implementing the child's treatment plan.

(b) The facility shall have means of transporting children in cases of emergency.

## 10:127-6.7 Transportation of physically handicapped non-ambulatory children

(a) The following additional rules shall be required for facilities serving physically handicapped children who are non-ambulatory:

1. A ramp device shall be provided to permit entry and exit of a child from the vehicle. A hydraulic lift may be utilized provided that a ramp is also available in case of emergency.

2. Wheelchairs shall be securely fastened to the floor of the vehicle.

3. The arrangement of the wheelchairs shall provide an adequate aisle space and shall not impede access to the exit door of the vehicle.

## LABOR

## (a)

## DIVISION OF ADMINISTRATION

## Audit Resolution Procedures

## Adopted New Rules: N.J.A.C. 12:5-1

Proposed: July 5, 1988 at 20 N.J.R. 1520(a).

Adopted: August 26, 1988 by Charles Serraino, Commissioner, Department of Labor.

Filed: August 26, 1988 as R.1988, d.452, with technical changes not requiring additional public comments.

Authority: N.J.S.A. 34:1-20, 34:1A-3(e) 31 U.S.C. §7500 et seq. and 29 CFR 96.501 et seq.

Effective Date: September 19, 1988.

Expiration Date: September 19, 1993.

## Summary of Public Comments and Agency Responses:

The Department of Labor (Department) did not receive any comments on the proposed new rules. The Department, however, is making technical, non-substantive changes to the rules upon adoption. These changes are as follows:

1. The definition of "final audit report" was changed to include "an audit report issued by the New Jersey Department of Labor".

2. The word "report" has been added after the phrase "final audit" throughout the text of the rules.

3. The word "decision" has been deleted and replaced with the word "determination" throughout the text of the rules.

4. The phrase "shall be considered" in N.J.A.C. 12:5-1.3(b)2 has been deleted and replaced with the phrase "may become".

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

CHAPTER 5  
AUDITS

## SUBCHAPTER 1. AUDIT RESOLUTION PROCEDURES

## 12:5-1.1 Purpose and scope

This subchapter sets forth procedures for the resolution of audit findings, including\*,\* but not limited to\*,\* questioned costs and administrative deficiencies, identified as a result of the audit of Federal grants, contracts and other agreements awarded by or on behalf of the New Jersey Department of Labor.

## 12:5-1.2 Definitions

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

"Controller" means the Assistant Commissioner for Finance and Controller, New Jersey Department of Labor.

"Final audit report" means an audit report received from the Office of Inspector General, United States Department of Labor, New York Regional Office\*, an audit report issued by the New Jersey Department of Labor\* or an audit \*report\* that has cleared a desk review by the New Jersey Department of Labor and for which no deficiencies on the auditor's part have been noted which could require correction or clarification.

"Grantee/contractor/subrecipient" means any person or government department, agency or establishment (private for profit/non-profit) that receives Federal financial assistance to carry out a program through a State or local government but does not include an individual who is a beneficiary of such a program.

## 12:5-1.3 Audit resolution procedures

(a) Upon receipt of a final audit report, the Controller shall promptly review the audit and issue to the grantee/contractor/subrecipient, within 60 days of receipt of the final audit \*report\*, a written determination setting forth audit disallowances and/or proposed sanctions.

(b) If a grantee/contractor/subrecipient disagrees with the initial \*[decision]\* \*determination\* of the Controller, the grantee/contractor/subrecipient may submit to the Controller, within 30 days of the receipt of the initial \*[decision]\* \*determination\*, a written request for an informal review.

1. Each grantee/contractor/subrecipient who is requesting an informal review shall also submit any data and arguments that support the grantee's/contractor's/subrecipient's position within 30 days of the request for an informal review.

2. If a grantee/contractor/subrecipient does not request an informal review within the timeframe set forth in this subsection, the initial \*[decision]\* \*determination\* of the Controller \*[shall be considered]\* \*may become\* the final \*[decision]\* \*determination\*.

(c) The Controller shall issue a written final determination in the matter to the grantee/contractor/subrecipient no later than 180 days after the final audit report was received. The final determination shall:

1. Indicate that efforts to informally resolve matters contained in the initial determination have either been successful or unsuccessful;

2. List those matters upon which the parties continue to disagree;

3. List any modifications to the factual findings and conclusions set forth in the initial determination; and

4. List any sanctions and required corrective actions; and set forth the appeal rights.

(d) If the grantee/contractor/subrecipient disagrees with the final determination of the Controller, the grantee/contractor/subrecipient may submit to the Controller within 10 days from the date of receipt

of the final \*[decision]\* \*determination\*, a written request for a formal hearing to be held in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(e) Any failure on the part of the Controller to issue \*[decisions]\* \*determinations\* within the timeframes set forth in this subchapter will not relieve the grantee/contractor/subrecipient from liability for any audit disallowances and/or sanctions.

## (a)

### DIVISION OF WORKPLACE STANDARDS

#### Safety and Health Standards for Public Employees; Work in Confined Spaces

##### Adopted New Rules: N.J.A.C. 12:100-9

Proposed: July 5, 1988 at 20 N.J.R. 1523(a).

Adopted: August 26, 1988 by Charles Serraino, Commissioner,  
Department of Labor.

Filed: August 26, 1988 as R.1988 d.451, **without change**.

Authority: N.J.S.A. 34:1-20, 34:1A-3(e), 34:6A-25 et seq.,  
specifically 34:6A-30.

Effective Date: September 19, 1988.

Expiration Date: November 5, 1989.

#### Summary of Public Comments and Agency Responses:

The Department received one written comment during the comment period on proposed new rules N.J.A.C. 12:100-9 concerning work in confined spaces. The comment was received from the Western Monmouth Utilities Authority.

COMMENT: The commenter states that the proposed program is unreasonable for operators of sewage collection systems, as the permit program would be prohibitively expensive because it requires a permit to be issued for each separate entry. The commenter suggests that a checklist system be developed, which permits a non-management employee to complete a daily checklist whenever they enter a confined space rather than obtain a permit for each entry.

RESPONSE: The commenter has misinterpreted the intent of the rules. Pursuant to N.J.A.C. 12:100-9.5(b), concerning entry permits, an entry permit shall "authorize entry only by authorized entrants into a specific confined space, for a specific purpose, with entry by specific shifts or work crews, and be valid for a period not to exceed eight hours . . ." Thus, an employer can issue one permit which shall be valid for an eight-hour day.

Additionally, N.J.A.C. 12:100-9.13 provides procedures applicable for special entry permits for the duration of a job, and N.J.A.C. 12:100-9.14 provides for a special entry permit for one year duration for employers whose operations require employees to perform routine repetitive entry into a confined space which has no known potential for presenting an immediately dangerous threat to life and health atmosphere and no potential for an engulfment condition.

Finally, the concept of a checklist has been approved by the Department, and is addressed at N.J.A.C. 12:100-9.5(d).

COMMENT: The commenter states that the proposed rules are not applicable to wastewater collection systems, as a collection system can be considered to have no known potential for presenting an immediate danger to life and health atmosphere.

RESPONSE: The Department disagrees. The rules were designed to protect all public employees involved in underground work, such as in sewage plants, as these employees are often exposed to hazardous and toxic substances in confined spaces. Protection from situations which present an immediate danger to life and health atmosphere is only one aspect of the proposed rules.

Full text of the adoption follows.

### SUBCHAPTER 9. WORK IN CONFINED SPACES

#### 12:100-9.1 Scope

(a) The purpose of this subchapter is to set forth procedures to protect employees from the hazards of entry into and work within a confined space.

(b) The subchapter shall be applicable to employers and employees engaged in work within a confined space.

#### 12:100-9.2 Definitions

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

"Acceptable environmental condition" means the limiting condition of health and safety required to be present before an employee can enter a confined space, such limiting conditions being set by established safety and health standards.

"Attendant" means a trained individual outside the confined space who acts as an observer of the authorized entrants within the confined space keeping in constant, though not necessarily continuous, communication with them, so the attendant can immediately call rescue services if needed.

"Authorized entrant" means an employee who is authorized by the employer or the designee of the employer to enter a confined space.

"Blanking" or "blinding" means the absolute closure of a pipe, line or duct by fastening across it a solid plate or cap capable of withstanding the maximum upstream pressure.

"Ceiling level" means the maximum airborne concentration of a toxic agent to which an employee may be exposed for a specified period of time.

"Combustible dust" means a dust capable of undergoing combustion or of burning when subjected to a source of ignition.

"Confined space" means a space which by design has limited openings for entry and exit, unfavorable natural ventilation which could contain or produce dangerous air contaminants, could contain a hazardous atmosphere and which is not intended for continuous employee occupancy. A confined space includes, but is not limited to, a tank, vessel, pit, ventilation duct work, vat, boiler, sewer, or underground utility vault.

"Double block and bleed" means a method used to isolate a confined space from a line, duct or pipe by locking or tagging closed two valves in series with each other, and locking or tagging open to the outside atmosphere a drain or bleed in the line between the two closed valves.

"Employee" means any public employee, any person holding a position by appointment or employment in the service of an employer and shall include any individual whose work has ceased as a consequence of, or in connection with, any administrative or judicial action instituted under the Act; provided, however, that elected officials, members of boards and commissions and managerial executives as defined in the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. shall be excluded from the coverage of the Act.

"Employer" means public employer and shall include any person acting directly on behalf of, or with the knowledge and ratification of:

1. The State, or any department, division, bureau, board, council, agency or authority, of the State, except any bi-state agency; or
2. Any county, municipality, or any department, division, bureau, board, council, agency or authority of any county or municipality, or of any school district or special purposes district created pursuant to law.

"Engulfment" means the surrounding and effective capture of an employee by finely divided particulate matter or a liquid.

"Entry" means any action resulting in any part of the face of the employee breaking the plane of any opening of the confined space and includes any ensuing work inside the confined space.

"Entry permit" means the written authorization of the employer for entry under defined conditions into a confined space for a stated purpose during a specified time.

"Entry permit system" means the system of the employer for assuring safe entry of an employee into and working within a confined space where entry is by permit only.

"Hazardous atmosphere" means an atmosphere presenting a potential for death, disablement, injury, or acute illness from one or more of the following causes.

1. A flammable gas, vapor, or mist in excess of 10 percent of its lower flammable limit;

2. An airborne combustible dust at a concentration that obscures vision at a distance of five feet or less;

3. Less than 19.5 percent or more than 23.5 percent oxygen;

4. An atmospheric concentration of any toxic or hazardous substance above the permissible exposure limits pursuant to N.J.A.C. 12:100-7, Standards for Toxic and Hazardous Substances;

5. An atmospheric concentration of any toxic or hazardous substance that is known to the employer to present a safety or acute health hazard; or

6. Any condition immediately dangerous to life or health.

"Hot work permit" means the written authorization of the employer to perform operations that could provide a source of ignition, such as riveting, welding, cutting, burning, or heating, in the confined space, or on the exterior surface of the space.

"Immediately dangerous to life or health" means any condition that poses an immediate threat to life, or which is likely to result in acute or immediately severe health effects.

"Immediate severe health effects" means any acute clinical sign of a serious, exposure-related reaction manifested within 72 hours after exposure.

"Inerting" means rendering the atmosphere of a confined space nonflammable, nonexplosive or otherwise chemically nonreactive by displacing or diluting the original atmosphere with steam or a gas that is nonreactive with the atmosphere in the confined space.

"In-plant rescue team" means a group of two or more employees designated and trained to perform a rescue from a confined space in the workplace.

"Isolation" means the positive prevention of any unwanted form of energy or other agent with a serious potential for hazard from entering the confined space by means, such as blanking, double block and bleed, or lockout and tagout.

"Linebreaking" means the intentional opening in a confined space of a pipe, line or duct that is or has been carrying flammable, corrosive or toxic material, inert gas, or any fluid at a pressure or temperature capable of causing injury.

"Not-permitted condition" means any condition or set of conditions whose hazard potential exceeds the limits authorized by the entry permit.

"Oxygen deficient atmosphere" means an atmosphere containing less than 19.5 percent oxygen by volume.

"Oxygen enriched atmosphere" means an atmosphere containing more than 23.5 percent oxygen by volume.

"Permissible exposure limit" means the maximum eight hour time weighted average of any airborne contaminant to which an employee may be exposed.

"Purging" means the method by which gases, vapors, or other airborne impurities are displaced from a confined space.

"Qualified person" means a person designated by the employer, in writing, as capable by education or specialized training, or both, of anticipating, recognizing, and evaluating employee exposure to hazardous substances or other unsafe conditions in a confined space and capable of specifying necessary control or protective action both to insure worker safety.

"Retrieval line" means a line or rope secured at one end to a worker with the other end secured to a lifting or other retrieval device, or to an anchor point located outside the entry portal.

#### 12:100-9.3 Confined space program

(a) The employer or individual who is responsible for sending workers into confined spaces shall:

1. Be a qualified person;

2. Establish written procedures for a confined space program;

3. Identify each confined space and inform employees by sign, placard, training program, or other effective means to prevent inadvertent entry;

4. Provide affected employees with the specific training necessary before the employees may be authorized to enter a confined space to perform their specific duties;

5. Assure the availability of protective clothing and other personal protective equipment necessary for safe entry;

6. Assure the ready on-site availability and use of rescue and safety related equipment or services, such as lifting or retrieval devices for use in an emergency;

7. Provide and require the use of retrieval lines for atmospheres immediately dangerous to life or health or where there is a risk of engulfment, to make a rescue possible without entering. There shall be adequate attachment points outside the confined space for tying-off or otherwise securing retrieval lines for all authorized entrants. Where retrieval lines could constitute an entanglement hazard or cannot be used, the employer shall provide an equivalent method for rescue;

8. Determine and evaluate the source of any atmospheric contamination found at the time of entry. The employer shall make appropriate provision in case the severity of the hazard could increase, while employees are in the confined space;

9. Provide and maintain the necessary monitoring devices to evaluate the atmosphere of a confined space;

10. Provide an attendant for each entry permit, unless otherwise permitted by this subchapter;

11. Provide and maintain in proper working order all equipment necessary to make safe entry;

12. Establish an entry permit system pursuant to N.J.A.C. 12:100-9.4; and

13. Properly train employees to perform atmospheric tests in a confined space in the use and calibration of testing equipment.

#### 12:100-9.4 Entry permit system

(a) The employer shall develop, implement, and use an entry system that includes a written procedure for issuance of a permit to enter a confined space;

(b) The employer shall ensure that the entry permit system developed complies with the following:

1. That the system identifies all confined spaces for employees;

2. That the system determines the actual and potential hazards reasonably expected to be associated with the confined space at the time of entry, so the employer can choose the appropriate means to execute a safe entry;

3. That the system provides for the monitoring of any air contaminant, oxygen deficiency, or flammable vapor that could be associated with the atmosphere in the confined space. This monitoring shall be performed immediately prior to entry and as often as is necessary thereafter;

4. That the system provides for proper calibration of test and monitoring equipment;

5. That the system provides appropriate vehicle and pedestrian guards, barriers or other means to protect the entry party and attendants from local traffic hazards, and protects non-entering employees from hazards arising from the confined space;

6. That the system provides pre-planned emergency evacuation;

7. That the system provides for pre-planned emergency rescue;

8. That the system identifies by job title those persons who must sign the entry permit and the duties of each, including the person in charge of entry;

9. That the system defines the role of the qualified person, if such a person is a part of the employer's entry permit system;

10. That the system provides that any employee who participates in an entry permit system in any capacity has been properly trained; and

11. That the system provides by appropriate testing that the control measures used are effective.

#### 12:100-9.5 Entry permit

(a) The original of the entry permit shall be kept on file in the office of the employer who issued the entry permit and a copy of the entry permit shall be posted at the entrance to the confined space.

(b) The entry permit shall authorize entry only by authorized entrants into a specific confined space, for a specific purpose, with entry by specific shifts or work crews, and be valid for a period not to exceed eight hours, except for:

1. Rescue team entry; or

2. Entry authorized by special permit described in N.J.A.C. 12:100-9.13 through 9.17.

(c) The entry permit shall:

1. Describe the hazards known or reasonably expected to be present in the confined space;
2. Specify the minimum acceptable environmental conditions for entry and work in the confined space.
3. Make provision for assuring and certifying that the specified pre-entry requirements are met;
4. Specify by name or job title the person authorizing or in charge of the entry;
5. Name the attendant, unless the permit directs that the attendant function rotates or unless otherwise permitted by this subchapter; and
6. Make provisions for assuring that the in-plant rescue team is available.

(d) The entry permit or a checklist attached to the entry permit shall:

1. Specify isolation, cleaning, purging, inerting, or ventilating to be done prior to entry to remove or control those hazards, or certify that these procedures have been done;
2. Describe any additional hazards that may be reasonably expected to be generated by the activities of the entrants in the confined space and specify any special work procedures to be followed;
3. Specify the personal protective equipment, including respiratory protection and protective clothing, that is necessary for entry or rescue in accordance with N.J.A.C. 12:100-4.2(a)7 Subpart I, Personal Protective Equipment;
4. Specify the atmospheric testing to be done immediately prior to and during the entry period and designate the individual responsible for performing the tests unless otherwise permitted by this section;
5. Where hot work is necessary, authorize such hot work, either as part of the entry itself or by a separate hot work permit which is attached to the entry permit, with its issuance noted on the entry permit; and
6. Specify the type of equipment necessary for rescue purposes that must be readily available. In the case of entry into an atmosphere actually or potentially immediately dangerous to life or health, a positive pressure, self-contained breathing apparatus approved by the National Institute of Occupational Safety and Health, and any other equipment necessary for rescue purposes shall be available at the point of entry.

#### 12:100-9.6 Training for all employees

(a) The employer shall assure that all employees who may be exposed to confined spaces in the course of their employment are aware of the appropriate procedures and controls for entry.

(b) The employer shall assure that all employees are aware that unauthorized entry into such spaces is forbidden.

(c) The employer shall make all employees aware that the consequences of unauthorized entry could be fatal, and that their senses are unable to detect and evaluate the severity of atmospheric hazards.

#### 12:100-9.7 Training for authorized entrants

(a) The employer shall assure that all authorized entrants and in-plant rescue teams have received training including annual retraining covering the issues of (b) through (f) below prior to entering any confined space. The employer shall retain a written record of the hours and subject matter of such training.

(b) The employer shall assure that every employee, before entering a confined space containing a potentially hazardous environment, understands the nature of the hazard and the need to perform appropriate testing to determine if it is safe to enter.

(c) Employees shall be taught the proper use of all personal protective equipment, including respirators and clothing required for entry or rescue, and the proper use of protective shields and barriers. The employer shall comply with the training provisions of N.J.A.C. 12:100-4.2(a)7 Subpart I, Personal Protective Equipment.

(d) Employees shall be trained to exit from a confined space as rapidly as they can without help (self-rescue), whenever an order to evacuate is given by the attendant, whenever an automatic evacuation alarm is activated, or whenever employees recognize the warning signs of exposure to hazardous substances whose presence in the confined space is known or expected.

(e) Employees shall be made aware of the toxic effects or symptoms of exposure to anticipated hazardous materials that may be inhaled or absorbed through the skin. Employees shall be trained to relay an alarm to their attendant and to attempt self-rescue immediately on becoming aware of these effects.

(f) The employer shall train employees in any modifications of normal work practices that are necessary for work in a confined space.

(g) Employees performing atmospheric tests of the confined space shall be properly trained in the use and calibration of testing equipment.

#### 12:100-9.8 Training for person authorizing or in charge of entry

(a) The person in charge of entry shall be trained to:

1. Recognize the effects of exposure to hazards reasonably expected to be present; and
2. Carry out those duties that the entry permit assigns to the person in charge of entry.

#### 12:100-9.9 Training for the attendant

(a) The attendant shall be trained in:

1. Proper use of the communications equipment furnished by the employer for communicating with authorized entrants or summoning emergency or rescue service;
2. Authorized procedures for summoning rescue or other emergency service;
3. Recognition of the early behavioral signs of intoxication caused by contaminants or asphyxiants whose presence could be anticipated in the confined space;
4. The requirements of N.J.A.C. 12:100-9.7, if the permit specifies that the function of the attendant will alternate among the authorized entrants; and
5. The requirements of N.J.A.C. 12:100-9.12, if the attendant will have rescue duties that could require entry.

#### 12:100-9.10 Duties of the attendant

(a) The attendant shall:

1. Remain outside the confined space;
2. Maintain continuous communication with all authorized entrants within the confined space by voice, radio, telephone, visual observation, or other equally effective means. If it is not possible for one attendant to maintain communication with each entrant because of the work station of the entrant in the confined space, other arrangements shall be made to assure that the attendant is continuously aware of the location and condition of any entrant who is out of range of direct communication in the confined space because of his work station;
3. Have the authority to order entrants to exit the confined space at the first indication of a not-permitted condition, an unexpected hazard, indication of a toxic reaction, for example, unusual conduct by the entrants, or if a situation occurs outside the confined space that could pose a hazard to the entrants;
4. Know the procedure and have the means to summon immediate emergency assistance if needed;
5. Remain in his or her post and not leave for any reason except self-preservation, unless replaced by an equally qualified individual while entry continues. The attendant shall order the entrants to exit the confined space, if the attendant must leave and there is no replacement; and
6. Warn unauthorized persons not to enter, or to exit immediately if they have entered, and advise the authorized entrants and any others specified by the employer of entry by unauthorized persons.

#### 12:100-9.11 Duties of the person in charge of entry

(a) The person in charge of entry shall:

1. Assure that the pre-entry portions of the permit are completed before any employee enters a confined space;
2. Verify that the necessary pre-entry conditions exist but he or she need not personally conduct the tests;
3. Verify, if an in-plant rescue team is to be used, that the in-plant rescue team is available;
4. Verify that the means for summoning the in-plant rescue team or other emergency assistance are operable; and

5. Terminate the entry upon becoming aware of a not-permitted condition.

(b) If the person in charge of entry is present throughout the entry period, this person may serve as the attendant.

#### 12:100-9.12 In-plant rescue teams

(a) An in-plant rescue team shall consist of personnel equipped with the personal protective equipment, including respiratory protective equipment, necessary for entry into a confined space, and with the rescue and retrieval equipment the employer has provided for rescue from a confined space.

(b) The in-plant rescue team shall be trained in accordance with N.J.A.C. 12:100-9.7, and in the correct performance of the rescue functions assigned to them using the retrieval and rescue equipment furnished, and in the proper wearing and use of any personal protective equipment, including respirators, that they may need to use during an actual rescue.

(c) A rescue team shall practice, at least annually, removing simulated victims, such as dummies, mannequins, or real people, through representative openings and portals which have the same size, configuration and accessibility as the confined space from which an actual rescue would be required.

(d) At least one member of each rescue team shall hold current certification in basic first-aid and cardio-pulmonary resuscitation.

#### 12:100-9.13 Special entry-permit for duration of job

(a) The procedures described in this section for the special entry permit for the duration of the job are applicable only for the restricted circumstances and conditions described in (b) below.

(b) Any entry permit for the duration of the job may be issued and used for the duration of a job provided that:

1. Conditions in the confined space have no known potential for presenting either an immediately dangerous to life or health atmosphere or an engulfment condition;

2. Inspection of the confined space and atmospheric testing, performed at least at the beginning of each work shift, confirms that acceptable conditions for entry exist, and that the periodic atmospheric testing conducted during the course of the work shift, as specified in the permit, also confirms that conditions remain acceptable as work progresses;

3. Only operations, processes or procedures that are specifically authorized by the permit, and which could not increase, or be the source of, a hazard to employees are used in the confined space;

4. Any process or procedure, such as welding, which is not addressed by the original permit shall not be conducted until the employer either issues a new entry permit or appends a special purpose permit to the original permit; and

5. All employees shall be immediately withdrawn from the confined space and the special permits shall be void if atmospheric testing or inspection indicates that a not-permitted condition exists as a result of special permit activity, or that conditions outside the confined space could pose a hazard to entrants. The employer shall correct the hazardous condition before a new special permit may be issued.

#### 12:100-9.14 Special entry permit for one year duration

(a) The procedures described in this section for the special entry permit for one year duration are applicable only for the restricted circumstances and conditions described.

(b) Employers whose operations require employees to perform routine repetitive entry into a confined space which has no known potential for presenting an immediately dangerous to life and health atmosphere, and no potential for an engulfment condition, may issue an annual permit instead of a separate permit for each entry.

(c) When work in a confined space is to be done under the terms of an annual permit, the employer shall:

1. Establish specific entry procedures that must be followed for entry by annual permit before any employee may be authorized to make such an entry;

2. Train employees in the procedures required for such entries;

3. Assure that employees test the atmosphere prior to entry using an appropriate direct reading instrument, or other device which quantitatively identifies anticipated contaminants, with a remote

sampling probe, testing for, in the following order, oxygen concentration, combustible gas, and suspected toxic materials;

4. Allow, at the employers' discretion, entry by one or more employees without an attendant where continuous, positive ventilation, sufficient to maintain the atmosphere within established permit conditions, or appropriate additional atmospheric monitoring is provided; and

5. Revoke the permit whenever any test done pursuant to this section shows that conditions in the confined space have become more hazardous than contemplated under the permit. When this occurs, entry may be made only after an entry permit has been issued in accordance with N.J.A.C. 12:100-9.4.

#### 12:100-9.15 Special entry permit for diked areas

(a) The procedures described in this section for special entry permits for diked areas are applicable only for the restricted circumstances and conditions described.

(b) Diked areas for storage tanks may be entered using non-attendant entry procedures, without providing ventilation or performing atmospheric tests prior to entry to perform routine operations, provided that:

1. There is no reason to believe there is or may have been any escape of flammable, toxic, or corrosive material into the diked area in sufficient quantity to create an immediately dangerous to life and health atmosphere; and

2. If line breaking is to be done in a diked area, the line breaking procedure of the employer shall be followed.

#### 12:100-9.16 Special entry for low hazard belowground space

(a) The procedures described in this section for special entry permits for low hazard belowground space are applicable only for the restricted circumstances and conditions described in (b) below.

(b) A belowground confined space may be entered by an annual or job duration permit as a non-attended entry where no risk of engulfment can exist, and where the atmosphere cannot become immediately dangerous to life and health, provided that:

1. The space prior to entry has been ventilated using a mechanically powered ventilator for not less time than is specified in the ventilation nomograph prepared for that ventilator, and that ventilation continues throughout the entry;

2. A combination of appropriate atmospheric testing and mechanically powered ventilation is used; or

3. Without the mechanically powered ventilation, appropriate continuous atmospheric monitoring or frequent atmospheric testing at intervals prescribed by the employer assures that permit conditions are maintained.

#### 12:100-9.17 Special entry permit for a non-attended situation

(a) The procedures described in this section for the special entry permit for a non-attended situation are applicable only for the restricted circumstances and conditions described in (b) below.

(b) Routine or repetitive entries into a confined space, which have no known potential for an immediately dangerous to life or health atmosphere or an engulfment situation, and in which all known hazards are positively controlled, are permitted without an attendant, provided that:

1. The employer verifies, immediately prior to entry, that no hazard exists;

2. The entrant takes no materials that could cause a hazard into the confined space;

3. The entrant will not perform any work that could cause a hazard in the confined space; and

4. Adherence to the above conditions is assured by established work practices, or the use of a checklist, or by both.

(c) A non-attended situation may be created by a permit valid for a period of up to one year under the conditions described in N.J.A.C. 12:100-9.13.

#### 12:100-9.18 Contractors

(a) An employer who retains contractor services for work in a confined space shall inform the contractor of any potential fire, explosion, health or other safety hazards of that confined space which are reasonably ascertainable by that employer.

(b) An employer who retains the services of a contractor shall inform the contractor of the confined space program and other applicable safety rules of the facility. The employer shall inform the contractor of those portions of the emergency action plan, based on N.J.A.C. 12:100-4.2(a) Subpart E, Means of Egress, which are applicable to the employees of contractors who are public employees.

## OTHER AGENCIES

### (a)

#### ELECTION LAW ENFORCEMENT COMMISSION

##### Public Financing of Primary Election for Governor

**Adopted Amendments: N.J.A.C. 19:25-16.4, 16.5,**

**16.11, 16.14, 16.18, 16.20, 16.27 and 16.33**

**Amendments Not Adopted: N.J.A.C. 19:25-16.6 and 16.10**

Proposed: June 20, 1988 at 20 N.J.R. 1339(a).

Adopted: August 16, 1988 by the Election Law Enforcement Commission, Frederick M. Herrmann, Ph.D., Executive Director.

Filed: August 24, 1988 as R.1988 d.447, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3) and with portions not adopted.

Authority: N.J.S.A. 19:44A-38.

Effective Date: September 19, 1988.

Expiration Date: January 9, 1991.

#### Summary of Public Comments and Agency Responses:

On June 20, 1988 the Election Law Enforcement Commission (hereafter, the Commission) proposed amendments to its rules concerning public financing of primary elections for governor (see 20 N.J.R. 1339(a)). Public hearings were conducted on July 19, 1988 and August 11, 1988. Testimony was submitted by Peter Nichols on behalf of Senator Richard M. Wagner (D.-13th Legislative District), by Assemblyman Robert J. Martin (R.-26th Legislative District) and by Assemblyman Alan J. Karcher (D.-19th Legislative District). Testimony was also given by Nancy T. Stultz on behalf of the National Organization for Women of New Jersey Political Action Committee. Written comments were received from Commissioner of Transportation Hazel Frank Gluck; from Vincent Trivelli, Legislative/Political Coordinator of the Communication Workers of America; from Assemblyman Thomas P. Foy (D.-7th Legislative District), general counsel, New Jersey AFL-CIO; and from Alan C. Staller, Esq.

COMMENT: Several commenters questioned the statutory authority of the Commission to enact rules requiring quarterly campaign reports from individuals who are raising or spending money to explore the feasibility of a gubernatorial candidacy (that is, "testing the waters"), or committees raising and spending funds to draft such individuals to become candidates (see proposed N.J.A.C. 19:25-16.4 and 16.5). One commenter suggested that such individuals should not be required to appoint treasurers or establish depositories for pre-candidate activity. Also, objections were raised that the proposed filing requirements for pre-candidate activities would result in unequal treatment between individuals who were "testing the waters" and obligated to file quarterly campaign reports, and announced candidates who would not be obligated to file any campaign report until 29 days prior to the election in which they were running (see N.J.S.A. 19:44A-16).

RESPONSE: The Commission believes it has statutory authority to regulate the raising and spending of funds which may reasonably be used by a person who becomes a gubernatorial candidate. The existing rules of the Commission require that all funds received by an individual, or committee on behalf of an individual, for the purposes of "testing the waters" must be deposited in a separate depository established for that purpose (see N.J.A.C. 19:25-16.5(b)). The Commission believes that the existing requirement is within its statutory authority, and further believes that its proposal to require such individuals or committees controlling such depositories to file a notice containing the name, address and account number of such a depository within 10 days after receipt of funds is also within its statutory authority (see proposed N.J.A.C. 19:25-16.5(b)). However, the Commission agrees with those observations

concerning the inequity of requiring "testing the waters" quarterly reporting. Candidates are not required to file campaign reports disclosing contributions and expenditures until 29 days prior to the election in which they are running (see N.J.S.A. 19:44A-16). Individuals who are conducting "testing the waters" activity should not be placed under a greater burden of reporting, and therefore the Commission has withdrawn its proposed amendment to N.J.A.C. 19:25-16.5(a) requiring such individuals, or committees on their behalf, to file quarterly reports of contributions and expenditures.

COMMENT: Two commenters opposed the Commission's proposal concerning contributions by children under the age of 18, and one commenter supported it (see proposed N.J.S.A. 19:25-16.6(c)). Under existing rules, contributions received by a gubernatorial candidate from a child 14 years of age or older must be accompanied by a signed statement from the child and the child's parent or guardian that the decision to contribute was solely that of the child and the funds used to make the contribution were legally and beneficially controlled by the child and were not the proceeds of a gift made for the purpose of making a contribution. Furthermore, for children 11 to 14, in addition to the evidence required above, evidence must be submitted that the child acted independently and with full knowledge of the contribution. Under existing rules, no provision is made for contributions from children under 11 years of age and therefore such contributions would be attributed to the parent or guardian. The proposed rule would require that all contributions from children under the age of 18 be attributed to the parent or guardian. The concern is that the contribution limit of \$800.00 on individuals could possibly be circumvented by a parent or guardian who made several contributions in the name of his or her children. The commenters in opposition to the change felt that children in the age range of 14 to 18 should be encouraged to participate in the political process, even though they are ineligible to vote.

RESPONSE: The Commission is persuaded that its proposal is too restrictive, and a contribution from a child in the age category of 11 to 18 can be attributed to that child, provided that there is compliance with the safeguards contained in the existing rules. Therefore, the Commission is withdrawing this proposed amendment and will continue to rely on its existing rule.

COMMENT: Several commenters objected to the proposal concerning contributions from affiliated labor organizations and one person commented on the proposal concerning affiliated corporations (see proposed N.J.A.C. 19:25-16.10(c)). The existing text is referred to as the "anti-proliferation" restriction. The purpose is to prevent two or more entities that are under the same control from each giving contributions to a gubernatorial candidate that in the aggregate would exceed the contribution limit. The rule is intended to prevent a single contributor controlling several different entities from making a proliferation of contributions which collectively circumvent the contribution limit. In regard to labor organizations, the Commission proposed that where one labor organization had the legal authority to seize or otherwise encumber dues or assets of another they would be considered affiliated for the purposes of adhering to the contribution limit. The Commission also proposed that where the leadership of one labor organization was identical to another, they would similarly be considered affiliated. Although one commenter supported these tests, several commenters objected that the legal authority of a national or international union to seize the assets of a local bore little or no relationship to any exercise of control over the political contribution decisions made by the local union. The power to seize control over a local is rarely exercised, and exercised only under extraordinary circumstances. Also, it was observed that the test concerning identical leadership was unrealistic because that circumstance rarely if ever occurs. The commenters objected strenuously that imposition of the proposed test concerning legal authority to seize assets would effectively infringe upon the First Amendment rights of local unions to express political views. In regard to corporations, one commenter expressed the view that the proposed Commission standard that a majority of the directors are the same was inequitable when compared to the standard of "identical leadership" proposed for unions. Therefore, the commenter suggested that the standard for testing affiliation between corporations be the existence of identical directors. One commenter suggested that the test for determining whether corporations are affiliated should be set at 20 percent co-ownership, that is, when one corporation owns more than 20 percent of another, the corporations would be considered affiliated. Further, the commenter suggested that in regard to closely held corporations, any shareholder owning 20 percent or more of the ownership interest should be regarded as affiliated to the corporation.

**RESPONSE:** The Commission is persuaded that its proposed standard for testing affiliation between unions could have an unintended effect of unduly restricting political participation. The Commission is also persuaded that its proposed standard of identical leadership between labor organizations is unrealistic. Further, the Commission is not persuaded that its proposed standards in regard to testing affiliation status between corporations is adequate. Therefore, the Commission is withdrawing this proposed amendment. Also, the Commission is withdrawing its proposed amendment concerning certification by an officer of a corporation or labor organization in regard to affiliation status (see proposed N.J.A.C. 19:25-16.11(e)). The Commission is persuaded that it would be unfair to compel officers of such contributing entities to make certifications in regard to affiliation status as a prerequisite to making a political contribution.

**COMMENT:** One commenter spoke in favor of the proposed amendment permitting the matching of contributions received from persons or entities who are also contributing to bona fide continuing political committees with at least 15 contributing members, which continuing political committees in turn are making contributions to the same gubernatorial candidate (see proposed N.J.A.C. 19:25-16.11(f)). Therefore, a member of such an organization may contribute up to the maximum contribution of \$800.00 to a gubernatorial candidate notwithstanding the fact that the organization to which that member belongs has also contributed a full maximum \$800.00 contribution to the same candidate. While speaking in support of this amendment, the commenter suggested that the Commission require that the 15 or more members be required to be reported by name, address and employer.

**RESPONSE:** The Commission has adopted the proposed amendment because it is satisfied that the contribution limit was not intended to preclude contributions from both a bona fide political committee and from a person or entity who contributed to the bona fide political committee. However, the Commission believes that requiring identification of employers would require a statutory amendment, and further, the identification of contributor-members to a political committee can be obtained from reports filed by such political candidates. The Commission recodified the amendment as subsection (e) because the text originally proposed for subsection (e) was withdrawn (see Comment above concerning certification of lack of affiliation (that is, anti-proliferation status)).

**COMMENT:** Three commenters objected to the proposed amendment to treat the purchase price paid to a candidate for a fund raising event or lottery ticket as the amount of the contribution made to the candidate for purposes of enforcing the \$800.00 contribution limit and for purposes of providing matching funds (see proposed N.J.A.C. 19:25-16.14(c)). Under the existing rule, a contribution in the form of the purchase price for an item with significant intrinsic and enduring value is not considered a contribution. To determine the amount of the contribution, the candidate may subtract from such a purchase price the fair market value of the item, and only to the extent that the purchase price exceeds such fair market value has a political contribution been made. Similarly, under the existing rule, the purchase price paid for a lottery ticket, or the purchase price paid for an admission that confers a benefit on the contributor in the form of entertainment, does not constitute a contribution. Only that portion of a lottery ticket, or that portion of a ticket to an entertainment event, that exceeds fair market value constitutes a contribution. Two commenters expressed the view that candidates should be free to collect funds without subjecting them to the contribution limit, or receiving matching funds, to the extent that such funds reflect the fair market value of the lottery or fundraising event tickets received by the contributors. One commenter objected that the proposed Commission change to treat the entire purchase price as a contribution might encourage campaigns to engage in more direct brokering of such events in order to obtain matching funds.

**RESPONSE:** The Commission believes that the change it proposed in its treatment of contributions in the form of the purchase of lottery tickets, or tickets to fund raising events which feature entertainment, is a necessary and appropriate measure to protect the integrity of the \$800.00 contribution limit. Therefore, the Commission has adopted this amendment with clarifying changes in the text. In the absence of the proposed restrictions, a candidate under the existing text of the rule was permitted to sell tickets to an activity that primarily conferred private benefits to a contributor in the form of entertainment (such as a concert, motion picture or theatrical performance) without the entire price of the ticket being subject to the \$800.00 contribution limit. To the extent that the purchase price for tickets reflected the fair market value of the entertainment, the revenues generated from purchases of such tickets were not subject to the contribution limit. The Commission is concerned, for

example, that a candidate might obtain volunteer services from a noted entertainer, without any cost to the candidate, and sell tickets to purchasers in amounts far in excess of the contribution limit. The Commission agrees that candidates should be encouraged to raise funds on the basis of their political appeal, rather than in the capacity of a promoter or broker of a raffle or concert event. The Commission believes that the best method to accomplish this goal is to subject the purchase price of tickets for lotteries or raffles, or tickets of fundraising events and other events conferring entertainment benefits on contributors, to the \$800.00 contribution limit. The Commission notes that the Federal Election Commission enforces contribution limits to federal candidates by deeming the entire purchase price as the amount of the contribution (see 11 CFR 100.7(a)(2)). Furthermore, the Commission believes that the process of attempting to place a fair market value on entertainment events, or a fair market value on a chance to win a lottery or a raffle, requires expert professional advice that cannot be acquired in the extremely limited time frame of administering a public financing program. Such evaluations tend to be subjective and subject to debate. The Commission must determine eligibility for public funds and determine compliance with the \$800.00 contribution limit within a period of one or two weeks after receipt of submission for such public funds, a period of time that is far too compressed to permit exhaustive study of a fair market value controversy. Therefore, the Commission has adopted its proposed amendment, with textual clarifications. Specifically, in subsection (b) the term "dinner" has been added to the text because the intent of that subsection in using the term "testimonial affair" was to include a political dinner. Also, in the proposed text for subsection (c), the Commission found that the existing language in subsection (a) should be employed to clarify that the term "fund raising event" encompassed admission to any activity that primarily conferred private benefits to the contributor in the form of entertainment. The proposed text contained only the phrase "fund raising event" and therefore the adopted text provides clarification of that term. Finally, the Commission added the term "raffle" to subsection (c) because that term was included in the existing language of subsection (a) and complemented the use of the term "lottery" that was proposed in subsection (c).

**COMMENT:** Two commenters objected to the proposed amendment that would prohibit candidates from submitting handwritten applications for public funds (see proposed N.J.A.C. 19:25-16.18(e)). The commenter suggested that the existing requirement that such submissions be in printing was sufficient to protect the interest in legible submissions, and the requirement that such submissions not be handwritten would be overly burdensome on small campaigns.

**RESPONSE:** The Commission believes that prohibiting handwriting, whether cursive or in printing, on applications for public matching funds is a reasonable measure to insure that such applications are legible and the contributions identified on such applications can be verified for the purposes of awarding public funds. In requiring that such submissions be mechanically produced, by typing or some other mechanical medium, the Commission recognizes that it does increase the burden on campaigns in applying for public matching funds. However, in view of the fact that any candidate qualifying for such public funds must raise and spend at least \$50,000, the Commission believes that gubernatorial candidates have the capacity to meet this burden. Furthermore, by promoting legibility, the interest in gubernatorial candidates in receiving public matching funds in a prompt and timely manner will be substantially enhanced. The proposed amendment has been recodified as subsection (i).

**COMMENT:** Three commenters supported the concept of the proposed requirement that campaign treasurers of candidates receiving public funds file reports identifying disbursements made out of any public fund account established for their campaigns (see proposed N.J.A.C. 19:25-16.20(b)). However, two commenters suggested that the requirement that such disclosure be made on the fourth Monday following January 1 in a gubernatorial election year, or as soon as the account is established thereafter, and subsequently on every other Monday until the public fund account is closed, is unnecessarily burdensome. They also objected that the certification proposed for media consultant or other services was too burdensome on campaigns (see proposed N.J.A.C. 19:25-16.20(c)).

**RESPONSE:** The intent of the proposed amendment is to enable the Commission to cut off the award of public matching funds in an expeditious manner if any candidate disburses such funds contrary to the provisions of N.J.S.A. 19:44A-35. The Commission does not regard such reports as overly burdensome because they merely reflect disbursements made from the public fund account controlled by the candidate. However, the Commission agrees that no useful purpose is served in requiring

**ADOPTIONS**

candidates to file public fund disbursement reports on dates at which they are not making applications for further public matching funds. Therefore, the Commission has adopted a modified text of N.J.A.C. 19:25-16.20(b) so that the reports are only required whenever a candidate applies for matching funds. As a result, the Commission will have current information regarding the public fund disbursements made by the candidate up to the date that the candidate applies for additional public funding. The Commission substituted "may" for "shall" in regard to immediate cessation of public funds to clarify that inconsequential errors or errors that are corrected will not automatically result in cessation. Also, the Commission has adopted a modified text of N.J.A.C. 19:25-16.20(c). First, it has clarified that the payee making the certification can certify future purchases of media and is not required to have spent or committed for spending all funds received at the time of certification. The term "categorized" has been substituted for "itemized" with the intent that the certification would be sufficient if the category (that is, television, radio or print) of the media purchase was disclosed. Finally, the Commission believes that the intent of the proposed amendment to obtain certifications of significant consultant service purchases would be accomplished if applied only for a sum exceeding \$5,000 in the aggregate. Therefore, a relatively small consultant service purchase would be relieved from the certification requirement.

**COMMENT:** One commenter observed that the requirement to report public fund disbursements was unfair to candidates participating in the public financing program because such candidates will be required to make public their campaign disbursements earlier than candidates not participating in the program. A candidate not participating in public funding is not required to file a campaign report disclosing disbursements until 29 days prior to the election in which the candidate is participating (see N.J.S.A. 19:44A-16).

**RESPONSE:** The Commission concurs that making the public fund disbursement report of publicly funded candidates available to the public might put such candidates at a strategic disadvantage. The proposed text did not specify whether the reports would or would not be public. Therefore, the Commission has adopted N.J.A.C. 19:25-16.20(d) specifying that the reports will not be available for public inspection.

**COMMENT:** One commenter agreed with the proposed provisions concerning expenses incurred for an election night celebration or event as long as such expenditures would remain reportable. The Commission proposed amendment excludes such expenditures to the overall expenditure limit on candidates receiving public funds (see proposed N.J.A.C. 19:25-16.27(a)4). Also the Commission has restricted election night celebration spending to the date of the election (see proposed N.J.A.C. 19:25-16.33(b)).

**RESPONSE:** Nothing in either election night celebration amendment affects the requirement that candidates report election night expenditures. Therefore, the Commission has adopted both amendments.

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

19:25-16.4 Appointment of treasurers and depositories

(a) Each candidate in a primary election, whether or not publicly declared and whether or not intending to participate in public funding, shall:

1. Designate the name and address of his or her principal campaign committee for the primary election;
2. Appoint a campaign treasurer;
3. Designate a depository bank account; and
4. Notify the commission pursuant to N.J.A.C. 19:25-5.2 (Appointment by candidates) of such appointment and designation no later than the 10th day after receipt of any contribution or after incurring or making any expenditure, whichever comes first.

19:25-16.5 Pre-candidacy activity

(a) All funds received by an individual, or a committee in his or her behalf, solely for the purpose of determining whether that individual should become a candidate (for example "testing the waters") shall be deposited in a separate depository established solely for that purpose **\*[and the individual or committee controlling that depository shall file quarterly reports with the commission in the manner and on the dates set forth in N.J.A.C. 19:25-10]\***.

(b) An individual, or a committee on that individual's behalf, shall file with the **\*[c]\*\*C\***ommission a notice containing the name, ad-

**OTHER AGENCIES**

dress and account number of the depository established pursuant to (a) above not later than 10 days after the receipt of funds for the purpose of determining whether that individual should become a candidate.

(c) In the event the individual on whose behalf funds are received and payments made solely for the purpose of determining whether the individual should become a candidate does in fact become a candidate, the separate depository established under (a) above may be designated by that individual as or incorporated with the matching fund account under N.J.A.C. 19:25-16.18(b), provided that the account and all of the contributions deposited in it meet all of the requirements of N.J.A.C. 19:25-16.18(b).

19:25-16.6 Contribution limits; applicability

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

(c) Contributions by children under the age of 18 shall be attributed to the **\*parent who is responsible for the contribution and not to the child unless:**

1. The child is 14 years of age or older and a signed statement from the child and the child's parent or guardian is submitted to the Commission that the decision to contribute was solely that of the child and the funds used to make the contribution were legally and beneficially controlled by the child and are not the proceeds of a gift made for the purpose of contribution; or

2. The child is 11 years old or older and, in addition to the signed statement set forth in (a)1 above, evidence is submitted satisfactory to the Commission that the child acted independently and with full knowledge of the contribution.\* **\*[parents or guardian of the child.]\***

19:25-16.10 Who may or may not contribute; generally

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

(c) A corporation, association or labor organization or any subsidiary, affiliate, branch, division, department or local unit of any such corporation, association or labor organization shall not make any contribution to or on behalf of a candidate which, when added to any other contribution by any related or affiliated corporation, association or labor organization, exceeds \$800.00 in the aggregate. Whether such corporation, association or labor organization is related or affiliated shall depend on the circumstances existing at the time of such contribution, including, but not by way of limitation, the **\*degree of\*** control or common ownership with related or affiliated corporations, associations or labor organizations\*,\* **\*[and]\*** the source and control of funds used for such contribution. **\*and the degree to which the decisions whether to contribute, to what candidate and in what amount are independent decisions.\***

**\*[1. In the case of corporations, affiliation status between corporate contributors shall be determined by the following:**

- i. Whether a majority of the directors are the same; or
- ii. Whether one corporation owns a majority of the stock of any other contributing corporation.

2. In the case of labor organizations, affiliation status between labor organization contributors shall be determined by the following:

- i. Whether one labor organization has legal authority to seize or otherwise encumber dues or assets of any other contributing labor organization; or
- ii. Whether the leadership of one labor organization is identical to the leadership of any other contributing labor organization.]\*

19:25-16.11 Contributions eligible for match; generally

(a) To be eligible for matching with public funds for a gubernatorial primary election, a contribution must have been received by a candidate at a time when that candidate was seeking or had sought nomination for election for the office of Governor, except that a contribution received and deposited pursuant to N.J.A.C. 19:25-16.5 (Pre-candidacy activity) for the purpose of determining whether an individual should become a candidate for nomination for election for the office of Governor shall be eligible. Any funds received prior to the inception of such a candidacy, or prior to the inception of fund raising activity to determine whether an individual should become a candidate for nomination for election for the office of Governor and not deposited pursuant to N.J.A.C. 19:25-16.5 shall not be eligible for match.

(b) Only contributions in cash or by check, money order or negotiable instruments shall be contributions eligible for match. Loans shall not be eligible for match. In-kind contributions shall not be eligible for match, but will count toward the individual contribution limit of \$800.00 and the overall expenditure limit contained in section 2 of P.L. 1980, c.74 (N.J.S.A. 19:44A-7) except for expenses not subject to expenditure limits pursuant to N.J.A.C. 19:25-16.27. The total of all contributions eligible for match from any person or political committee shall not exceed \$800.00 in the aggregate.

(c) A maximum of \$800.00 in the aggregate of a candidate's own funds may be deposited in the matching fund account.

(d) Every contribution eligible for match must be accompanied by a written statement which shall identify the individual making the contribution by full name and full mailing address (number, street, city, state, zip code), the name of the candidate, the amount and date of the contribution, and shall bear the signature of the contributor. The requirement of such written statement will be deemed to be satisfied in the case where a contribution is made by means of a check, money order or other negotiable instrument payable on demand and to the order of, or specially endorsed without qualification to, the candidate or to his **\*or her\*** campaign committee, if such check, money order or instrument contains all of the foregoing information.

**\*[(e) To be eligible for match, a contribution received from a corporation or labor organization must be accompanied by a certification made by an officer of that contributing entity that no other corporation in the case of a corporate contribution, or no other labor organization, in the case of a labor organization contribution, has made a contribution to the recipient candidate that violates the restrictions on related or affiliated contributions contained in N.J.A.C. 19:25-16.10(c).]\***

**\*[(f)\*\*(e) A contribution received from a contributing member of a political committee which has made a prior contribution to the candidate shall be eligible for matching funds, provided that the political committee is a bona fide political entity with at least 15 contributing members and was not created to circumvent the contribution limit contained in the act.**

#### 19:25-16.14 Limitation on contributions eligible for match

(a) Any contribution in the form of the purchase price paid for an item with significant intrinsic and enduring value (such as a watch) shall be eligible for match only to the extent the purchase price exceeds the fair market value of the item or benefit conferred on the contributor, and only the excess will be included in calculating the \$800.00 contribution limit.

(b) A contribution in the form of the purchase price paid for admission to a **\*dinner or\*** testimonial affair as defined in N.J.A.C. 19:25-1.7 shall be a contribution eligible for match and for purposes of the \$800.00 limitation.

(c) The purchase price paid to a candidate for a fund raising event **\*[or] \* ,\* lottery\*, raffle or admission to any activity that primarily confers private benefits to the contributor in the form of entertainment (such as a concert, motion picture or theatrical performance)\*** shall be deemed the amount of the contribution made to such candidate. The tickets for such an event or lottery and the promotional materials shall state that the purchase price represents a political contribution to the candidate.

#### 19:25-16.18 Matching of funds

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

**\*[(e)\*\*(i) Any statement or list submitted pursuant to this section shall not be handwritten.**

#### 19:25-16.20 Special account for public funds

(a) The **\*[c]\*\*C\*ommission** shall maintain for each qualified candidate a separate segregated public fund account for deposit of public funds. All public funds received by the **\*[c]\*\*C\*ommission** from the General Treasury of the State shall be promptly deposited by the **\*[c]\*\*C\*ommission** into such separate segregated public fund account. No funds other than such public funds shall be deposited in such separate segregated public fund account, and all expenditures from such account shall be separately identified in reports filed with the **\*[c]\*\*C\*ommission**.

(b) The campaign treasurer of a candidate on whose behalf a public fund account has been established shall file with the **\*[c]\*\*C\*ommission** on **\*[the fourth Monday following January 1 and every other Monday thereafter]\*** **\*each date upon which a submission for public matching funds has been made pursuant to N.J.A.C. 19:25-16.18 (Matching of funds) and N.J.A.C. 19:25-16.19 (Dates of submission)\*** and for as long as said public fund account is open **\*and such submissions are being made\***, a report identifying each disbursement made out of the public fund account **\*since the last such submission for public matching funds. The initial report shall identify all such disbursements\***. The identification of each disbursement from the public fund account shall include the check number, date of payment, full name of payee, full payee mailing address and a complete statement of purpose of the expenditure indicating which of the permitted purposes set forth in N.J.A.C. 19:25-16.25 (Use of public funds) is applicable. Failure to file any such report, failure to provide the identification information required in such report, or failure to expend public funds in compliance with N.J.A.C. 19:25-16.25, **\*[shall]\*** **\*may\*** result in immediate cessation of public fund deposits by the **\*[c]\*\*C\*ommission**.

(c) Any report filed pursuant to this section disclosing an expenditure **\*in an aggregate sum exceeding \$5,000\*** for the purpose of media consultant services or other services shall be accompanied by a certification from the payee **\*[itemizing]\*** **\*categorizing\*** media advertising purchases or other services provided, **\*[and shall certify such funds are]\*** **\*incurred or contemplated, and certifying that such funds have been\*** or will be expended in compliance with N.J.A.C. 19:25-16.25.

**\*[(d) The reports of disbursements made from the public fund account submitted pursuant to this section shall not be available for public inspection.\***

#### 19:25-16.27 Expenses not subject to expenditure limits

(a) The following expenditures by a qualified candidate shall not be subject to the expenditure limit described in N.J.A.C. 19:25-16.9(a)3. (Limitations on participating candidates):

1.-3. (No change.)

4. Election night celebration or event expenses incurred pursuant to N.J.A.C. 19:25-16.33(b).

#### 19:25-16.33 Repayment of public or other funds

(a) All monies received by a qualified candidate from the public fund for the primary election campaign expenses remaining after the liquidation of all unlawful obligations with the respect to that election shall be repaid to the **\*[c]\*\*C\*ommission** (for return to the Treasurer to the State of New Jersey) not later than six months after the date of such primary election. All moneys, other than moneys received from the public fund, remaining available to any qualified candidate after the liquidation of all obligations, shall also be repaid to the **\*[c]\*\*C\*ommission** (for return of the Treasurer of the State of New Jersey) no later than six months after the date of such primary election provided, however, that nothing herein contained shall require any candidate to pay into the public fund a total amount of moneys in excess of the total amount of moneys received by such qualified candidate from the public fund.

(b) No candidate who has received public funds shall incur any debt or make any expenditure after the date of the election for any purpose other than the following:

1. To satisfy outstanding obligations incurred on or before the date of the election made for appropriate campaign purposes; or

2. To pay the reasonable and necessary costs of closing the campaign.

(c) An election night celebration or event conducted by a candidate who has received public funds will be deemed a reasonable and necessary cost of closing the campaign provided that it is conducted on the date of the primary election.

(a)

**CASINO CONTROL COMMISSION****Applications****Casino Service Industry License Applications****Adopted Amendment: N.J.A.C. 19:41-11.3**

Proposed: July 5, 1988 at 20 N.J.R. 1537(b).

Adopted: August 18, 1988 by the Casino Control Commission,  
Walter N. Read, Chair.Filed: August 18, 1988 as R.1988 d.443, **with a substantive change**  
not requiring additional public notice and comment (see  
N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 5:12-63(c), 5:12-69(a), 5:12-70(a) and 5:12-92.

Effective Date: September 19, 1988.

Expiration Date: May 12, 1993.

**Summary of Public Comments and Agency Responses:**

The only public comment was received from the Division of Gaming Enforcement, which recommended that the Commission adopt the proposed amendment with one change. The Division suggested that proposed subsection (j) be amended to clarify that no waiver shall be granted on the ground of economic loss "to the petitioner," that is, the casino service industry enterprise (CSI) in question. The original proposed amendment would, by its terms, seem to prohibit anyone from raising economic loss as a basis for a waiver. With this amendment, the prohibition would be clearly directed to the CSI in question; casino licensees or other persons could still allege economic loss to themselves as a basis for a waiver of all or part of the 30-day waiting period.

The Commission determined to incorporate the Division's suggestion, as it accurately clarifies the Commission's original intent. As evidenced by the statements published with the proposed amendment, the punitive effects of the 30-day business prohibition are clearly directed at the recalcitrant unlicensed CSI. There may be situations where a CSI suffers little or no economic hardship from a 30-day prohibition order because the bulk of its business is not transacted with casino licensees. However, a casino licensee or other person may, through no fault of its own, stand

to suffer great economic loss or hardship from such a prohibition if the product or service in question is unique or unobtainable elsewhere. Upon adoption, the Commission therefore added the phrase "to the unlicensed Casino service industry enterprise in question" to subsection (j).

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

19:41-11.3 Casino service industry license applications

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

(h) In exercising the discretion referred to in (g) above, the Commission shall consider any relevant evidence or comments provided to it by the Division.

(i) The Commission may expressly prohibit any such unlicensed enterprise from so providing goods or services or so conducting business on the basis that after having been directed to file a Casino service industry license application, such enterprise failed to properly file such application within a reasonable time. Any such unlicensed enterprise prohibited from so providing goods or services or so conducting business on the basis of its failure to properly file such application may resume so providing goods and services and conducting business:

1. Thirty days following the proper filing of its Casino service industry license application and after the payment of an additional late filing license fee of \$250.00; or

2. Immediately following a determination that such enterprise is not required to be licensed as a Casino service industry.

(j) No waiver of all or any portion of the 30-day period mandated by (i)1 above shall be granted by the Commission on the ground of economic hardship or loss **\*to the unlicensed casino service industry enterprise in question\***.

(k) The application process for the approval of Casino licensee agreements set forth in this subchapter shall not in any way limit the duty and obligation of any enterprise to, on its own initiative, apply for a Casino service industry license.

# PUBLIC NOTICES

## ENVIRONMENTAL PROTECTION

(a)

### DIVISION OF WATER RESOURCES

#### Amendment to the Atlantic County Water Quality Management Plan

##### Public Notice

Take notice that on June 16, 1988 pursuant to the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the "Water Quality Management Planning and Implementation Process" Rules (N.J.A.C. 7:15-3.4), an amendment to the Atlantic County Water Quality Management Plan was adopted by the Department. This amendment is to expand the sewer service area of the Township of Galloway Municipal Utilities Authority to include Leeds Point Shoppes, Lots 1.01 and 1.02, Block 1260.01 located in the Township of Galloway.

(b)

### DIVISION OF WATER RESOURCES

#### Amendment to the Tri-County Water Quality Management Plan

##### Public Notice

Take notice that on May 2, 1988, pursuant to the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the "Water Quality Management Planning and Implementation Process" Rules (N.J.A.C. 7:15-3.4), an amendment to the Tri-County Water Quality Management Plan was adopted by the Department. This amendment approves the Delran Township Wastewater Management Plan (WMP). This WMP will allow the expansion of the existing Delran Sewage Treatment Plant (STP) from 1.5 million gallons per day (MGD) to 2.5 MGD. The WMP will also expand the sewer service area of the Township.

(c)

### DIVISION OF WATER RESOURCES

#### Amendment to the Tri-County Water Quality Management Plan

##### Public Notice

Take notice that on May 5, 1988, pursuant to the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the "Water Quality Management Planning and Implementation Process" Rules (N.J.A.C. 7:15-3.4), an amendment to the Tri-County Water Quality Management Plan was adopted by the Department. This amendment is to adopt the Borough of Palmyra's Wastewater Management Plan (WMP). The Borough of Palmyra WMP addresses the expansion of the

existing Palmyra Sewage Treatment Plant (STP) from 0.53 million gallons per day (mgd) to 1.05 mgd and the expansion of the sewer service area in the Borough.

(d)

### DIVISION OF WATER RESOURCES

#### Amendment to the Tri-County Water Quality Management Plan

##### Public Notice

Take notice that on June 9, 1988, pursuant to the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the "Water Quality Management Planning and Implementation Process" Rules (N.J.A.C. 7:15-3.4), an amendment to the Tri-County Water Quality Management Plan was adopted by the Department. This amendment will approve the Medford Township Wastewater Management Plan (WMP). The Medford Township WMP calls for the Township of Medford to be served by the existing 1.75 million gallons per day Medford Township Sewage Treatment Plant. Medford Township will be the Wastewater Management Agency for the Township of Medford. In addition, this amendment will de-designate Evesham Municipal Utilities Authority (EMUA) as the Facilities Planning Agency for the 201 Facilities Planning area consisting of Evesham Township, Medford Township, and Medford Lakes Borough. EMUA will remain as the Facilities Planning Agency and the Wastewater Management Agency for Evesham Township. The Wastewater Management Agency for Medford Lakes Borough may be designated in the future.

(e)

### DIVISION OF WATER RESOURCES

#### Amendment to the Northeast, Upper Raritan and Sussex County Water Quality Management Plans

##### Public Notice

Take notice that on May 26, 1988, pursuant to the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the "Water Quality Management Planning and Implementation Process" Rules (N.J.A.C. 7:15-3.4), an amendment to the Northeast, Upper Raritan and Sussex County Water Quality Management Plans was adopted by the Department. This amendment will provide for new wastewater treatment facilities to serve the proposed Bertrand Island and Atkins-Morris developments. In addition, as part of this amendment, a Wastewater Management Plan is adopted to provide a plan for addressing the wastewater management needs of the Borough of Mount Arlington. The Borough of Mount Arlington will be designated as the Wastewater Management Agency for the facilities it agrees to serve as co-permittee.

## HUMAN SERVICES

(f)

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Administration Manual; Manual for Physician's Services; Manual for Dental Services

N.J.A.C. 10:49-3.19, 10:54-4, 10:56-3.7 and 10:56-3.10

##### Notice of Correction

##### Notice of Administrative Correction

Take notice that publication errors were contained in the Public Notice from the Department of Human Services, Division of Medical Assistance and Health Services, setting forth the adoption of Medicaid provider fee schedules and increases thereto, published in the August 15, 1988 issue of the New Jersey Register at 20 N.J.R. 2101(a). In addition, the Division and the Office of Administrative Law have agreed to make an administrative correction, pursuant to N.J.A.C. 1:30-2.7(a)3, to the incorrect numerical designation of a claim form in N.J.A.C. 10:49-3.19(b).

Full text of the corrections follows (correct text indicated in boldface thus; erroneous/incorrect text indicated in brackets [thus]):

**PUBLIC NOTICES**

**HUMAN SERVICES**

10:49-3.19 HealthStart Maternity Care Code requirements

- (a) (No change.)
- (b) HealthStart Maternity Care Services Codes are as follows:

HCPCS Codes Mod	Procedure description	Effective Date									
		Maximum Fee Allowance			Effective Date						
		S	NS	WM	S	10/1/88		S	4/1/89		
						NS	WM	S	NS	WM	
W9025	HealthStart Initial antepartum maternity medical care visit	\$72.00	69.00								
W9030WM	HealthStart TOTAL OBSTETRICAL CARE BY CERTIFIED NURSE MIDWIFE						\$595.00			\$723.00	

Total obstetrical care consists of:

1. Initial antepartum visit and fourteen subsequent antepartum visits. Specific dates are to be listed on the Independent Outpatient Health Facility Care Form (MC-14) and on the Health Care Insurance Claim Form 1500 NJ.

NOTE: Reimbursement will be decreased by the fee for the maternity medical care initial antepartum visit if the patient is not seen for this visit. The total fee will also be decreased by the reimbursement sum for each subsequent maternity medical care antepartum visit less than fourteen visits.

2. Obstetrical delivery per vagina with or without episiotomy including care when provided in the home, birthing center or in the hospital (inpatient setting). This applies to vaginal delivery at full term or premature. This shall also include one post hospital discharge visit by the 60th postpartum day. Include delivery date on the Independent Outpatient Health Facility Claim Form [(MC-19)] MC-14 and on the Health Care Insurance Claim Form 1500 N.J.

CHAPTER 54  
MANUAL FOR PHYSICIAN SERVICES

10:54-4 HCFA COMMON PROCEDURE CODING SYSTEM (HCPCS)

HCPCS CODE	CURRENT FEES	MAXIMUM FEE ALLOWANCE									
		EFFECTIVE DATE 8/1/88					EFFECTIVE DATE 5/1/89				
		S	NS	S	NS	S	NS	S	NS	S	NS
Routine Visit: 90030				\$12.00		\$10.00		\$16.00			\$14.00

HCPCS CODE	CURRENT FEES	MAXIMUM FEE ALLOWANCE										
		EFFECTIVE DATE 10/1/88					EFFECTIVE DATE 1/1/89					
		S	S	NS	S	S	NS	S	S	NS	S	
Obstetrical Services: 59400				308.00		259.00	—			468.00		403.00
59520				332.00		284.[00]70	—			450.00		385.00

10:56-3.7 05000-05899 VI. PROSTHODONTICS (REMOVAL)

- (a)-(j) (No change.)
- (k) Partial dentures (including routine post delivery care):
- 1. For additional clasp(s), see Code Y2510

* 05212	Lower Partial-Acrylic Base (Including Any Additional Clasps and Rests)	190.00								[140.00]	165.00
	NOTE: Includes two (2) cast chrome clasps with rests.										

(l)-(r) (No change.)

10:56-3.10 07000-07999 IX. ORAL SURGERY

- (a)-(b) (No change.)
- (c) Extractions—includes local anesthesia and routine postoperative care:

IND	HCPCS CODE	MOD	PROCEDURE DESCRIPTION	MAXIMUM FEE ALLOWANCE						
				EFFECTIVE DATE 8/1/88						
				S	\$	NS	S	\$	NS	
	07110		Single Tooth				17.00		15.00	

- (d) Surgical extractions—includes local anesthesia and routine postoperative care:
- 1-2. (No change.)
- 3. In order to qualify for a surgical removal of a tooth with partial or complete bone impaction, the following is required:
  - i. Incision of overlying soft tissue;
  - ii. Removal of bone; and/or
  - iii. Sectioning of tooth.

[[]**[]]	07210		Surgical Removal of Erupted Tooth Requiring Elevation of Mucoperiosteal Flap and Removal of Bone and/or Section of Tooth				17.00		15.00
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(e)-(q) (No change.)

**INSURANCE**

**(a)**

**THE COMMISSIONER**

**Listing of New Jersey Municipalities that have Adopted Ordinances Pursuant to P.L. 1978, c.184, as Amended by P.L. 1979, c.369.**

**Public Notice**

Take notice that Kenneth D. Merin, Commissioner of Insurance, in accordance with the provisions of N.J.S.A. 17:36-9, announces the publication of New Jersey municipalities that have adopted ordinances pursuant to the aforementioned statute. Those municipalities, if any, which have adopted said ordinances since the previous date of publication shall be designated by asterisk.

**LIST OF MUNICIPALITIES REQUIRING PAYMENT OF LIENS BY COMPANIES WRITING FIRE INSURANCE**

The following is a list of municipalities that have passed an ordinance requiring companies writing fire insurance on risks located in that municipality to pay unpaid liens out of any claimed payments in excess of \$2,500.00.

	Date Filed with the Department of Insurance	
Aberdeen Township of 07747 (Monmouth County)	September 8, 1980	Hightstown, Borough of 08520 (Mercer County)
Absecon, City of 08201 (Atlantic City)	July 5, 1983	Hillside, Township of 07205 (Union County)
Alloway, Township of 08079 (Salem County)	December 20, 1984	Hoboken, City of 07030 (Hudson County)
Asbury Park, City of 07712 (Monmouth County)	May 25, 1979	Holmdel, Township of 07733 (Monmouth County)*
Atlantic City, City of 08401 (Atlantic County)	March 19, 1979	Hopewell, Township of 08302 (Cumberland County)
Barrington, Borough of 08007 (Camden County)	September 17, 1982	Howell, Township of 07731 (Monmouth County)
Bayonne, City of 07002 (Hudson County)	March 12, 1979	Irvington, Town of 07111 (Essex County)
Belmar, Borough of 07719 (Monmouth County)	March 5, 1982	Irvington, Township of 07111 (Essex County)
Berkeley, Township of 08721 (Ocean County)	May 22, 1979	Jackson, Township of 08257 (Ocean County)
Berlin, Borough of 08009 (Camden County)	October 18, 1979	Jamesburg, Borough of 08831 (Middlesex County)
Berlin, Township of 08091 (Camden County)	March 20, 1980	Jefferson, Township of 07981 (Morris County)
Bloomfield, Town of 07003 (Essex County)	March 26, 1979	Jersey City, City of 07302 (Hudson County)
Brick, Township of 08723 (Ocean County)	May 2, 1980	Keansburg, Township of 07734 (Monmouth County)
Bridgeton, City of 08302 (Cumberland County)	April 30, 1979	Kearny, Town of 07032 (Hudson County)
Brigantine, City of 08203 (Atlantic County)	October 14, 1982	Keypoint, Borough of 07735 (Monmouth County)
Buena, Borough of 08341 (Atlantic County)	November 1, 1982	Kinnelon, Borough of 07405 (Morris County)
Burlington, City of 08016 (Burlington County)	December 9, 1986	Lacey, Township of 08731 (Ocean County)
Butler, Borough of 07405 (Morris County)	November 14, 1980	Lavallette, Borough of 08735 (Ocean County)
Byram, Township of 07860 (Sussex County)	October 9, 1980	Lawrence, Township of 08648 (Mercer County)
Camden, City of 08101 (Camden County)	May 4, 1979	Little Silver, Borough of 07739 (Monmouth County)
Cape May, City of 08204 (Cape May County)	May 22, 1979	Long Branch, City of 07740 (Monmouth County)*
Carneys Point, Township of 08069 (Salem County)	July 2, 1979	Loptacong, Township of 08865 (Warren County)
Cedar Grove, Township of 07009 (Essex County)	August 10, 1979	Lower, Township of 08024 (Cape May County)
Chatham, Township of 07928 (Morris County)	June 4, 1986	Manchester, Township of 08733 (Ocean County)
Cinnaminson, Township of 08077 (Burlington County)	August 30, 1979	Mannington, Township of 08079 (Salem County)
Clinton, Township of 08801 (Hunterdon County)	December 10, 1981	Maple Shade, Township of 08052 (Burlington County)
Delran, Township of 08075 (Burlington County)	August 30, 1979	Maplewood, Township of 07040 (Essex County)
Dover, Town of 07801 (Morris County)	April 16, 1980	Matawan, Borough of 07747 (Monmouth County)
Dover, Township of 08753 (Ocean County)	September 26, 1979	Maurice River, Township of 08332 (Cumberland County)
East Orange, City of 07019 (Essex County)	February 20, 1979	Mendham, Township of 07949 (Morris County)
Eatontown, Borough of 07724 (Monmouth County)	March 23, 1979	Millburn, Township of 07041 (Essex County)
Edgewater Park, Township of 08010 (Burlington County)	July 24, 1979	Millville, City of 08332 (Cumberland County)
Egg Harbor, Township of 08221 (Atlantic County)	September 24, 1979	Millstone, Township of 07726 (Monmouth County)*
Egg Harbor, City of 08215 (Atlantic County)	May 21, 1981	Montclair, Town of 07042 (Essex County)
Elizabeth, City of 07201 (Union County)	April 30, 1979	Mount Holly, Township of 08060 (Burlington County)
Ewing, Township of 08618 (Mercer County)	November 10, 1981	Mount Laurel, Township of 08054 (Burlington County)
Fairfield, Township of 07006 (Essex County)	August 21, 1980	Neptune, Township of 07753 (Monmouth County)
Fair View, Borough of 07022 (Bergen County)	September 5, 1979	Neptune City, Borough of 07712 (Moumouth County)
Fanwood, Borough of 07023 (Union County)	June 29, 1979	Newark, City of 07102 (Essex County)
Farmingdale, Borough of 07727 (Union County)	May 18, 1981	New Brunswick, City of 08903 (Middlesex County)
Florham Park, Borough of 07932 (Morris County)	April 25, 1979	North Plainfield, Borough of 07060 (Somerset County)
Fort Lee, Borough of 07024 (Bergen County)	August 27, 1979	North Wildwood, City of 08260 (Cape May County)
Franklin, Township of 07826 (Somerset County)	June 20, 1980	Ocean, Township of 07755 (Monmouth County)
Fredon, Township of 07860 (Sussex County)	October 28, 1980	Ocean, Township of 08758 (Ocean County)
Green, Township of 07821 (Sussex County)	July 20, 1982	Orange, City of 07050 (Essex County)
Hackensack, City of 07602 (Bergen County)	April 22, 1980	Passaic, City of 07055 (Passaic County)
Hamilton, Township of 08330 (Atlantic County)	November 18, 1982	Paterson, City of 07050 (Passaic County)
Hammonton, Town of 08037 (Atlantic County)	August 3, 1979	Paulsboro, Borough of 08066 (Gloucester County)
Hanover, Township of 07981 (Morris County)	January 7, 1986	Penns Grove, Borough of 08069 (Salem County)
		Phillipsburg, Town of 08865 (Warren County)
		Pine Hill, Borough of 08021 (Camden County)
		Piscataway, Township of 08854 (Middlesex County)
		Plainfield, City of 07061 (Union County)
		Pleasantville, City of 08232 (Atlantic County)
		Pohatcong, Township of 08865 (Warren County)
		Princeton, Borough of 08540 (Mercer County)
		Princeton, Township of 08540 (Mercer County)
		Rahway, City of 07065 (Union County)
		Randolph, Township of 07801 (Morris County)
		Readington, Township of 08889 (Hunterdon County)
		Red Bank, Borough of 07701 (Monmouth County)
		Riverside, Township of 08075 (Burlington County)
		Roselle, Borough of 07203 (Union County)
		Roselle Park, Borough of 07204 (Union County)
		Runnemede, Borough of 08078 (Camden County)
		Salem, City of 08079 (Salem County)
		Sayreville, Borough of 08872 (Middlesex County)
		Scotch Plains, Township of 07076 (Union County)
		Sea Bright, Borough of 07760 (Monmouth County)
		Secaucus, Town of 07094 (Hudson County)
		Somerdale, Borough of 08083 (Camden County)
		Somerville, Borough of 08876 (Somerset County)
		South Amboy, City of 08879 (Middlesex County)
		South Orange Village, Township of 07079 (Essex County)
		South Plainfield, Borough of 07080 (Middlesex County)
		September 3, 1980
		June 4, 1979
		October 15, 1979
		October 20, 1987
		September 26, 1979
		March 23, 1979
		March 20, 1979
		July 1, 1985
		March 7, 1979
		March 2, 1983
		April 19, 1983
		February 23, 1979
		April 5, 1984
		August 26, 1980
		August 15, 1979
		June 4, 1986
		August 18, 1981
		December 11, 1979
		April 24, 1979
		April 5, 1984
		December 4, 1987
		August 30, 1979
		June 5, 1979
		September 21, 1982
		May 17, 1979
		July 18, 1980
		April 4, 1979
		June 19, 1981
		September 26, 1980
		January 16, 1985
		May 19, 1981
		April 10, 1979
		January 14, 1988
		April 5, 1979
		January 29, 1980
		May 27, 1980
		January 4, 1982
		December 2, 1982
		March 16, 1979
		January 30, 1986
		July 1, 1985
		August 24, 1979
		November 27, 1979
		May 29, 1985
		July 2, 1979
		September 4, 1980
		February 16, 1979
		May 7, 1981
		July 9, 1979
		July 13, 1979
		March 2, 1982
		March 20, 1981
		April 5, 1979
		December 27, 1979
		July 20, 1979
		July 16, 1980
		September 25, 1980
		December 18, 1979
		May 10, 1979
		June 23, 1980
		September 9, 1980
		May 10, 1979
		August 8, 1979
		March 5, 1981
		May 6, 1982
		June 20, 1979
		September 19, 1979
		August 22, 1979
		April 10, 1979
		March 5, 1980
		July 28, 1982
		March 23, 1979
		July 12, 1984
		August 19, 1980
		September 26, 1980

## PUBLIC NOTICES

South River, Borough of 08882 (Middlesex County) March 16, 1979  
Spotswood, Borough of 08884 (Middlesex County) June 19, 1981  
Stafford, Township of 08050 (Ocean County) May 2, 1985  
Sussex, Borough of 07461 (Sussex County) October 24, 1979  
Tenafly, Borough of 07670 (Bergen County) June 17, 1980  
Tinton Falls, Township of 07724 (Monmouth County) June 20, 1980  
Trenton, City of 08608 (Mercer County) June 12, 1980  
Union City, City of 07087 (Hudson County) April 23, 1979  
Upper Pittsgrove, Township of 08318 (Salem County) October 15, 1979  
Ventnor City, City of 08401 (Atlantic County) March 30, 1982  
Verona, Borough of, Township of 07044 (Essex County) February 23, 1984  
Victory Gardens, Borough of 07801 (Morris County) August 15, 1979  
Vineland, City of 08360 (Cumberland County) July 6, 1979  
Washington, Borough of 07882 (Warren County) June 24, 1986  
Washington, Township of 08214 (Burlington County) March 12, 1979  
Washington, Township of 07853 (Morris County) May 30, 1979  
Waterford, Township of 08004 (Camden County) July 9, 1984  
Wayne, Township of 07470 (Passaic County) October 6, 1986  
Weehawken, Township of 07087 (Hudson County) August 14, 1986  
Wenonah, Borough of 08090 (Gloucester County) July 1, 1985  
Westhampton, Township of 08060 (Burlington County) June 4, 1979  
West New York, Town of 07093 (Hudson County) March 16, 1979  
Westville, Borough of 08093 (Gloucester County)\* March 18, 1988  
West Orange, Town of 07052 (Essex County) February 26, 1979  
Wildwood, City of 08260 (Cape May County) December 5, 1984  
Willingboro, Township of 08046 (Burlington County) April 17, 1980  
Winslow, Township of 08037 (Camden County) November 13, 1980  
Woodbury, City of 08086 (Gloucester County) January 7, 1986  
Woodlynne, Borough of 08107 (Camden County) June 7, 1982  
Woodridge, Borough of 07075 (Bergen County) July 9, 1984  
Woodstown, Borough of 08079 (Salem County) September 8, 1983

## LAW AND PUBLIC SAFETY

### (a)

#### DIVISION OF MOTOR VEHICLES

##### Notice of Application for Contract Carrier Permit

Take notice that Glenn Paulsen, Director, Division of Motor Vehicles, pursuant to the authority of N.J.S.A. 39:5E-11, hereby lists the name and address of an applicant who has filed an application for a Contract Carrier Permit.

CONTRACT CARRIER (NON-GRANDFATHER)  
Robert E. Washer, Jr., Inc.  
RD #1, Box 463B  
Belvidere, NJ 07823

Protests in writing and verified under oath may be presented by interested parties to the Director, Division of Motor Vehicles, 25 South Montgomery St., Trenton, N.J. 08666, within 20 days (October 9, 1988) following the publication date of an application.

## STUDY COMMISSION

### (b)

#### COMMISSION TO STUDY SERVICES AND PROGRAMS AVAILABLE TO HEARING IMPAIRED CHILDREN

##### Notice of Public Hearings

Take notice that the Commission to Study Services and Programs Available to Hearing Impaired Children, created by Joint Resolution No. 2, effective February 19, 1987, will hold public hearings on October 5, 12, 19 and 26, 1988. The hearings will be held at the following places:

October 5, 1988  
Ocean County College  
5:00 P.M. to 9:00 P.M.  
College Center Cafeteria  
College Drive  
Toms River, New Jersey

## STUDY COMMISSION

October 12, 1988  
Rider College  
5:00 P.M. to 9:00 P.M.  
Route 206  
Lawrenceville, New Jersey

October 19, 1988  
Camden County College  
5:00 P.M. to 9:00 P.M.  
Madison Hall, Room 109  
Peter Cheeseman and  
Little Gloucester Roads  
Blackwood, New Jersey

October 26, 1988  
Bergen County College (To Be Confirmed)  
5:00 P.M. to 9:00 P.M.  
Adult Basic Education Building  
Main Street  
Hackensack, New Jersey

To help the Commission respond to and evaluate services and programs, the Commission is seeking public comment to the following questions.

The Commission is organizing advance registration if anyone wishes to testify. On-site registration will also be held.

Please call or write the Commission at:

6323 Browning Road  
Pennsauken, NJ 08109-1548  
(609) 488-2309 (voice)  
(call after 7:00 P.M.)

Interpreters will be present at all Commission hearings. David Fleming, Chairman.

### QUESTIONS FOR PUBLIC HEARINGS

#### Topic #1: What is the availability and quality of evaluation services for hearing impaired children in New Jersey?

(a) What is the availability, quality, timeliness and effectiveness of the diagnostic procedures used to identify your infant's hearing loss? Was infant hearing screening available to you?

(b) What is the quality of audiological services you received for diagnosis, prescription of hearing aids and referral for additional services?

(c) What is the availability and effectiveness of service delivery by the school psychologists for hearing impaired students? Knowledge of appropriate assessment/evaluation materials, procedures and interpretations for hearing impaired students? Communication skills?

(d) Is at least one specialist in deafness available on Teams evaluating a child with hearing loss? If not, is a qualified outside evaluator made available?

(e) Is the Specialized Child Study Team for the Deaf in your region utilized by your school district?

(f) How satisfactory are the goals and objectives set for hearing impaired children?

(g) What are the criteria used for educational placement of hearing impaired children?

(h) Are parents informed of the range of placement options for hearing impaired children?

#### Topic #2: How available and effective are parent guidance and parent education for families of deaf and hearing impaired children?

(a) How accessible are early intervention programs? To deaf families?

(b) How appropriate was the information you were given at the time your child was diagnosed as hearing impaired regarding: hearing aids? education? speech/language development? community support services?

(c) To what extent do school programs encourage parents to improve communication and educational involvement with their deaf children?

(d) To what extent do educational programs incorporate parent education, training, and follow-up procedures into their service models?

#### Topic #3: What is the availability and appropriateness of educational programs for deaf and hearing impaired students in New Jersey?

(a) How accessible to you was information about the availability of specialized early intervention for your hearing impaired child from: your doctor? a local agency? (ex.: Child Find)?

(b) What is the appropriateness and quality of early intervention services? Are specially trained staff in the area of hearing impairment available?

(c) What is the availability, quality and effectiveness of early intervention services to multiply handicapped hearing impaired children?

(d) How available is the certified Teacher of the Deaf or Hard of Hearing to the hearing impaired child's educational program? To the home-bound hearing impaired child?

(e) Are appropriate educational programs available to deaf and hard of hearing children in all regions of the State? If not, what are the shortcomings?

(f) What is the quality of supervision, evaluation and monitoring of the academic progress of hearing impaired children? Are children with permanent and temporary loss of hearing identified, assisted and monitored?

(g) How available are personnel, knowledgeable in deafness, to deaf children placed in classes for other handicapping conditions?

(h) What is the extent of school transfers needed to create a continuation of school programming for hearing impaired children?

(i) What is the availability of educational technology to the hearing impaired schoolchild? Are amplification devices, computer software for speech and language development, telecommunication devices, warning systems and closed captioning available?

(j) What is the availability of extra-curricular activities to the hearing impaired child?

(k) Are current vocational educational programs readily accessible to deaf or hard of hearing students who require them?

(l) Are current vocational transition programs sufficient to meet the needs of deaf students when they graduate from secondary school?

(m) Are postsecondary vocational training and community-based training programs available to hearing impaired students?

(n) Are appropriate postsecondary, adult, and continuing educational opportunities available to deaf and hearing impaired youth?

**Topic #4: How available and effective are educational programs for multi-handicapped and minority group hearing impaired students?**

(a) How adequately are deaf-blind children served? Are personnel appropriately trained and/or certified to work with vision and hearing impaired students?

(b) How adequately are severely impaired multi-handicapped children with hearing loss served? Are personnel appropriately trained and/or certified to work with severe-profoundly impaired children and hearing loss as well?

(c) How adequately are deaf children with mild-moderate secondary impairments served? Are personnel trained and/or certified in education of the hearing impaired, and in special education as well?

(d) How adequately are minority group hearing impaired children served? Are personnel appropriately prepared to meet their unique cultural needs? Is a teacher of the deaf and/or interpreter fluent in the family's native language available to deaf children and their families?

**Topic #5: What is the availability and quality of support services to deaf and hearing impaired children in New Jersey schools?**

(a) Are adequate support services available to deaf and hearing impaired school children?

(b) What is the extent of the school district's hearing aid maintenance program?

(c) Are classroom interpreters and notetakers available to meet the needs of students who require them? Is sufficient time scheduled to meet students' needs?

(d) What is the availability and effectiveness of service delivery by the speech and language specialists for hearing impaired students? Is sufficient time scheduled to address individual students' needs?

(e) Are counselors knowledgeable in deafness available for hearing impaired children and their families? Knowledge of postsecondary resources for hearing impaired students?

(f) What is the availability and effectiveness of service delivery by the social worker for hearing impaired students?

(g) What is the availability and effectiveness of service delivery by the learning disabilities teacher-consultants for hearing impaired students?

(h) What is the availability and accessibility of Learning Resource Centers to parents and professionals serving hearing impaired students? Are materials and equipment current, relevant, and adequate for enhancing instruction of deaf and hearing impaired students?

(i) What is the availability and effectiveness of service delivery by paraprofessionals, i.e., dorm supervisors, teachers' assistants, for hearing impaired students?

**Topic #6: What are the training and technical assistance needs of professionals and staff serving hearing impaired students at all levels of educational programs?**

(a) To what extent is the hearing impaired child's mainstreamed classroom teacher prepared to deal with the child's hearing loss, learning style, communication, and social needs? Are support and advisement available from a case manager trained in education of the hearing impaired? Is technical assistance available from a specialist in education of the hearing impaired?

(b) Are sufficient professional development opportunities being offered to administrators and other professionals providing programs and services for deaf and hearing impaired students?

(c) To what extent are all levels of education and government agencies coordinating their training and technical assistance activities for deaf and hearing impaired children and youth?

(d) To what extent are all levels of education and government agencies providing technical assistance activities for deaf and hearing impaired children and youth?

(e) Are New Jersey certification requirements for Teachers of the Deaf or Hard of Hearing sufficient to ensure quality instruction? Are the standards current and in line with national certification standards? Are there appropriate training programs where teachers can obtain certification?

(f) Are evaluation and certification standards and procedures for professionals, e.g., speech/language specialists, education audiologists, educational interpreters, sufficient to ensure quality services? Are there appropriate training programs where professionals can obtain certification?

(g) What are training and technical assistance needs for infant and early childhood education programs? Are there appropriate training programs available?

**Topic #7: What is the availability and accessibility of community services for hearing impaired children and youth in New Jersey? Background: Community services being investigated are: childcare, transportation, medical services, police, libraries, recreation programs, welfare, Medicaid, food stamps, SSI, juvenile shelters, criminal system, human service agencies, and group homes.**

(a) What has been your experience in trying to obtain community services for your hearing impaired child? Has the lack of services negatively affected your child?

(b) To what extent have you experienced difficulty in using community services? Re: communication, awareness, etc.?

**Topic #8: What is the availability and quality of mental health services for hearing impaired children and youth in New Jersey?**

(a) When a hearing impaired family member needed professional mental health services, were adequate services found? How? Where?

(b) Did the mental health services satisfy the original referral, and were they satisfactory? Was the mode of communication appropriate?

(c) Was the cost of services more because of a hearing impaired family member? And, why?

(d) Did people consulted have training or experience with the hearing impaired?

(e) Were you denied adequate services because your family member was hearing impaired?

(f) If hospitalization was recommended, was it available, was communication facilitated, and was there adequate discharge planning?

**Topic #9: What is the availability and quality of assistance to mental health professionals serving hearing impaired children and youth in New Jersey?**

(a) Are mental health professionals aware of sources of assistance and referral services when working with hearing impaired children and youth?

(b) As a professional in the mental health area, were you able to find an interpreter knowledgeable and experienced in therapeutic settings?

(c) Were you able to find an interpreter skilled in facilitating communication in a therapeutic setting?

# REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

## A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

The **Register Index of Rule Proposals and Adoptions** is a complete listing of all active rule proposals (with the exception of rule changes proposed in this Register) and all new rules and amendments promulgated since the most recent update to the Administrative Code. Rule proposals in this issue will be entered in the Index of the next issue of the Register. **Adoptions promulgated in this Register have already been noted in the Index by the addition of the Document Number and Adoption Notice N.J.R. Citation next to the appropriate proposal listing.**

Generally, the key to locating a particular rule change is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research. To be sure that you have found all of the changes, either proposed or adopted, to a given rule, scan the citations above and below that rule to find any related entries.

**At the bottom of the index listing for each Administrative Code Title is the Transmittal number and date of the latest looseleaf update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the August 1, 1988 issue.**

**If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers.** A proposal may be adopted up to one year after its initial publication in the Register. Failure to adopt a proposed rule on a timely basis requires the proposing agency to resubmit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), as implemented by the Rules for Agency Rulemaking (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index. See: N.J.A.C. 1:30-4.2(c).

### Terms and abbreviations used in this Index:

**N.J.A.C. Citation.** The New Jersey Administrative Code numerical designation for each proposed or adopted rule entry.

**Proposal Notice (N.J.R. Citation).** The New Jersey Register page number and item identification for the publication notice and text of a proposed amendment or new rule.

**Document Number.** The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of adoption of the rule and its chronological ranking in the Registry. As an example, R.1988 d.1 means the first rule adopted in 1988.

**Adoption Notice (N.J.R. Citation).** The New Jersey Register page number and item identification for the publication notice and text of an adopted amendment or new rule.

**Transmittal.** A series number and supplement date certifying the currency of rules found in each Title of the New Jersey Administrative Code: Rule adoptions published in the Register after the Transmittal date indicated do not yet appear in the loose-leaf volumes of the Code.

**N.J.R. Citation Locator.** An issue-by-issue listing of first and last pages of the previous 12 months of Registers. Use the locator to find the issue of publication of a rule proposal or adoption.

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**MOST RECENT UPDATE TO THE ADMINISTRATIVE CODE: SUPPLEMENT JULY 18, 1988**

**NEXT UPDATE: SUPPLEMENT AUGUST 15, 1988**

**Note: If no changes have occurred in a Title during the previous month, no update will be issued for that Title.**

# N.J.R. CITATION LOCATOR

If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register	If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register
19 N.J.R. 1677 and 1758	September 21, 1987	20 N.J.R. 693 and 842	April 4, 1988
19 N.J.R. 1759 and 1858	October 5, 1987	20 N.J.R. 843 and 950	April 18, 1988
19 N.J.R. 1859 and 1926	October 19, 1987	20 N.J.R. 951 and 1018	May 2, 1988
19 N.J.R. 1927 and 2086	November 2, 1987	20 N.J.R. 1019 and 1126	May 16, 1988
19 N.J.R. 2087 and 2224	November 16, 1987	20 N.J.R. 1127 and 1316	June 6, 1988
19 N.J.R. 2225 and 2324	December 7, 1987	20 N.J.R. 1317 and 1500	June 20, 1988
19 N.J.R. 2325 and 2510	December 21, 1987	20 N.J.R. 1501 and 1594	July 5, 1988
20 N.J.R. 1 and 124	January 4, 1988	20 N.J.R. 1595 and 1758	July 18, 1988
20 N.J.R. 125 and 220	January 19, 1988	20 N.J.R. 1759 and 1976	August 1, 1988
20 N.J.R. 221 and 320	February 1, 1988	20 N.J.R. 1977 and 2122	August 15, 1988
20 N.J.R. 321 and 434	February 16, 1988	20 N.J.R. 2123 and 2350	September 6, 1988
20 N.J.R. 435 and 570	March 7, 1988	20 N.J.R. 2351 and 2416	September 19, 1988
20 N.J.R. 571 and 692	March 21, 1988		

<b>N.J.A.C. CITATION</b>	<b>PROPOSAL NOTICE</b> (N.J.R. CITATION)	<b>DOCUMENT</b> NUMBER		<b>ADOPTION NOTICE</b> (N.J.R. CITATION)
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### ADMINISTRATIVE LAW—TITLE 1

1:1-9.5	Transmittal of clerk's notices	20 N.J.R. 1979(a)		
1:1-14.3	Interpreters for hearing impaired: preproposal	20 N.J.R. 1979(b)		
1:1-14.8	Proceedings on the papers: inaction by requesting party	20 N.J.R. 1979(c)		
1:6-10.1	Discovery in school budget cases	20 N.J.R. 1980(a)		
1:6A-1.1	Applicability: correction to text			20 N.J.R. 2325(a)
1:30-1.2, 2.8	Agency rulemaking: use of appendices	20 N.J.R. 1021(a)	R.1988 d.383	20 N.J.R. 2052(a)
1:30-3.1	Regulatory flexibility analysis and proposed rulemaking	20 N.J.R. 573(a)		

Most recent update to Title 1: TRANSMITTAL 1988-2 (supplement March 21, 1988)

### AGRICULTURE—TITLE 2

2:5-2	Equine infectious anemia control	20 N.J.R. 695(a)	R.1988 d.369	20 N.J.R. 1870(a)
2:33	Agricultural fairs	20 N.J.R. 2125(a)		
2:48-3	Sale of milk in new container sizes	20 N.J.R. 1129(a)	R.1988 d.385	20 N.J.R. 2052(b)
2:68-1	Association standards for commercial feeds	20 N.J.R. 1671(c)		
2:69	Commercial fertilizers and soil conditioners	20 N.J.R. 1673(a)		
2:71	Grades and standards	20 N.J.R. 953(a)	R.1988 d.370	20 N.J.R. 1871(a)
2:71-2.4, 2.5	Jersey Fresh Logo program	20 N.J.R. 1129(b)	R.1988 d.421	20 N.J.R. 2254(a)
2:72	Licensing and bonding of buyers of perishable commodities	20 N.J.R. 955(a)	R.1988 d.371	20 N.J.R. 1872(a)
2:73-2	Eggs: Seal of Quality program	20 N.J.R. 956(a)	R.1988 d.372	20 N.J.R. 1872(b)
2:74-1	Controlled atmosphere storage for apples	20 N.J.R. 956(b)	R.1988 d.368	20 N.J.R. 1873(a)
2:76-6.2, 6.5, 6.6, 6.8, 6.9, 6.10, 6.11, 6.16	Farmland preservation: acquisition of development easements	20 N.J.R. 1503(a)		
2:76-6.2, 6.5, 6.6, 6.9, 6.15, 6.16	Farmland development easements: residual dwelling sites	20 N.J.R. 1761(a)		
2:76-6.9, 6.11, 6.14	Farmland preservation: acquisition of development easements	20 N.J.R. 1319(a)	R.1988 d.435	20 N.J.R. 2254(b)

Most recent update to Title 2: TRANSMITTAL 1988-4 (supplement July 18, 1988)

### BANKING—TITLE 3

3:1-2.17	Repeal (see 3:32-1)	20 N.J.R. 697(a)		
3:1-14	Revolving credit equity loans	19 N.J.R. 1594(a)		
3:1-16	Mortgage loan practices	20 N.J.R. 1021(b)		
3:2-1.1, 1.2, 1.3, 1.4	Advertising by financial institutions	20 N.J.R. 1025(a)		
3:6-9	Capital stock savings bank: change in control	19 N.J.R. 1762(a)	R.1988 d.404	20 N.J.R. 2052(c)
3:32-1.1, 1.2, 1.4, 1.6, 1.7, 1.10, 1.11	Conversion of savings and loan associations from mutual to capital stock	20 N.J.R. 697(a)		
3:38-5	Repeal (see 3:1-16)	20 N.J.R. 1021(b)		

Most recent update to Title 3: TRANSMITTAL 1988-4 (supplement June 20, 1988)

### CIVIL SERVICE—TITLE 4

4:1-6, 7, 10.1, 27	Repeal (see 4A:3)	20 N.J.R. 846(a)	R.1988 d.416	20 N.J.R. 2255(b)
4:2-6.4-6.10, 7, 27	Repeal (see 4A:3)	20 N.J.R. 846(a)	R.1988 d.416	20 N.J.R. 2255(b)
4:3-2	Repeal (see 4A:3)	20 N.J.R. 846(a)	R.1988 d.416	20 N.J.R. 2255(b)

Most recent update to Title 4: TRANSMITTAL 1988-1 (supplement January 19, 1988)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
<b>PERSONNEL—TITLE 4A</b>				
4A:1-1.3	State and local departments defined	20 N.J.R. 845(b)	R.1988 d.415	20 N.J.R. 2255(a)
4A:3	Classification, services, and compensation	20 N.J.R. 846(a)	R.1988 d.416	20 N.J.R. 2255(b)
4A:6-1.3, 1.10	Sick leave; leave without pay	20 N.J.R. 133(a)		
4A:6-1.3, 1.10	Sick leave, leave without pay: extension of comment period	20 N.J.R. 341(a)		

**Most recent update to Title 4A: TRANSMITTAL 1988-2 (supplement June 20, 1988)**

<b>COMMUNITY AFFAIRS—TITLE 5</b>				
5:3-2	Nonpublic records	20 N.J.R. 1763(a)		
5:10	Maintenance of hotels and multiple dwellings	20 N.J.R. 2126(a)		
5:10-1.3, 1.6, 1.10, 1.12, 25	Fire safety in hotels and multiple dwellings	20 N.J.R. 2126(a)		
5:12-1.1, 2.1, 2.4	Homelessness Prevention Program: eligibility for temporary assistance	19 N.J.R. 1777(a)		
5:15	Emergency shelters for the homeless	20 N.J.R. 341(b)		
5:23-2.5	Uniform Construction Code: increase in structure size	20 N.J.R. 1026(a)	R.1988 d.389	20 N.J.R. 2073(a)
5:23-2.38, 3.11, 7.2, 7.3, 7.100-7.116	Barrier free subcode: recreation standards	19 N.J.R. 1270(a)	R.1988 d.352	20 N.J.R. 1873(b)
5:23-3.2	Commercial farm building subcode: public hearings	19 N.J.R. 1862(a)		
5:23-3.18	Energy Subcode	20 N.J.R. 699(b)	R.1988 d.417	20 N.J.R. 2274(a)
5:23-3.21	Uniform Construction Code: one and two-family dwelling subcode	20 N.J.R. 1130(a)	R.1988 d.388	20 N.J.R. 2073(b)
5:23-4.3	Uniform Construction Code: assumption of local enforcement powers	20 N.J.R. 1764(a)		
5:23-7.104, 7.116	Barrier Free Subcode: recreation standards	20 N.J.R. 1764(b)		
5:23-8	Asbestos Hazard Abatement Subcode	20 N.J.R. 1130(b)		
5:24-2.5	Senior citizen and disabled protected tenancy: review of determination documents	20 N.J.R. 1026(b)	R.1988 d.362	20 N.J.R. 1877(a)
5:24-2.7	Senior citizen and disabled protected tenancy: appeal procedure	20 N.J.R. 437(a)	R.1988 d.361	20 N.J.R. 1878(a)
5:27-1.3, 1.6, 5	Fire safety in rooming and boarding houses	20 N.J.R. 2126(a)		
5:29-2.1, 2.2	Termination of lease by tenant because of disabling illness or accident	20 N.J.R. 1139(a)	R.1988 d.384	20 N.J.R. 2073(c)
5:30	Local Finance Board rules	20 N.J.R. 1027(a)	R.1988 d.350	20 N.J.R. 1879(a)
5:30	Local Finance Board rules: waiver of Executive Order No. 66 (1978) expiration provision	20 N.J.R. 1320(a)		
5:51	Handicapped Persons' Recreational Opportunities grant program	20 N.J.R. 1765(a)		
5:92-6.1, 11.4, 11.5, 12.9, 16.6, App. F	Affordable housing council rules	20 N.J.R. 1673(b)		
5:92-11.2	Council on Affordable Housing: excess funds in regional contribution agreements; age restricted units	20 N.J.R. 1140(a)	R.1988 d.440	20 N.J.R. 2376(a)
5:92-12.4	Council on Affordable Housing: initial pricing of rental units	20 N.J.R. 1320(b)	R.1988 d.441	20 N.J.R. 2376(b)
5:92-12.11	Council on Affordable Housing: rental surcharge	19 N.J.R. 1597(a)		

**Most recent update to Title 5: TRANSMITTAL 1988-7 (supplement July 18, 1988)**

#### VETERANS' AFFAIRS AND DEFENSE—TITLE 5A

**Most recent update to Title 5A: TRANSMITTAL 1 (supplement May 20, 1985)**

<b>EDUCATION—TITLE 6</b>				
6:2-1.21	Issuance of administrative order creating State-operated school district	20 N.J.R. 1505(a)		
6:3	School districts	20 N.J.R. 1027(b)	R.1988 d.367	20 N.J.R. 1879(b)
6:3-1.23, 1.24	Principal certification	20 N.J.R. 1320(c)		
6:11-12.5	Substance awareness coordinator	20 N.J.R. 1980(c)		
6:11-3.25, 4.2, 5.7, 10	Principal certification	20 N.J.R. 1320(c)		
6:22-1.2	School site approval	20 N.J.R. 1032(a)	R.1988 d.382	20 N.J.R. 2056(a)
6:22A-1	School facility lease purchase agreements	20 N.J.R. 2127(a)		
6:28-11.12	Special Education Pilot Project: moderate behavior handicap class types	20 N.J.R. 1141(a)	R.1988 d.430	20 N.J.R. 2275(a)
6:29-4.2	Testing for tuberculosis infection	20 N.J.R. 1981(a)		
6:31-1.10	Bilingual education and English as a second language programs: exit testing and reentry process	20 N.J.R. 1034(a)	R.1988 d.448	20 N.J.R. 2383(a)
6:78-1.1, 1.2, 1.3	Marie H. Katzenbach School for the Deaf	20 N.J.R. 1678(a)		

**Most recent update to Title 6: TRANSMITTAL 1988-5 (supplement July 18, 1988)**

<b>ENVIRONMENTAL PROTECTION—TITLE 7</b>				
7:1-1	Departmental organization	Exempt	R.1988 d.403	20 N.J.R. 2058(a)
7:1C-1.2, 1.5	90-day construction permits: fee structure for treatment works approvals	20 N.J.R. 135(a)		
7:1D	Allocation of costs for emergency water supply projects	20 N.J.R. 2197(a)		
7:2	State Park Service: extension of comment period	20 N.J.R. 1035(a)		
7:7-2.2	Coastal wetlands maps for Gloucester County	19 N.J.R. 2090(b)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
7:7-2.2	Coastal wetlands boundaries in Salem County	20 N.J.R. 349(b)		
7:7A-8.1	Freshwater Wetlands Protection Act rules: correction	20 N.J.R. 22(a)		
7:7A-9.2, 9.4	Freshwater wetlands protection: Statewide general permits for certain activities	20 N.J.R. 1327(a)		
7:7E-3.41, 3.46, 7.14, 8.11	Hudson River waterfront development	20 N.J.R. 139(a)	R.1988 d.338	20 N.J.R. 2058(b)
7:7E-3.41, 3.46, 7.41, 8.11	Hudson River waterfront development: extension of comment period	20 N.J.R. 552(a)		
7:7E-3.46	Hudson River waterfront development	20 N.J.R. 1982(a)		
7:9-2	Repeal (see 7:9A)	20 N.J.R. 1790(a)		
7:9-4	Surface water quality standards: public hearings	20 N.J.R. 1865(a)		
7:9-4.4, 4.5, 4.6, 4.14, 4.15, Indexes A-G	Surface water quality standards	20 N.J.R. 1597(a)		
7:9A	Individual subsurface sewage disposal systems	20 N.J.R. 1790(a)		
7:10-10.2, 11.2, 15	Safe Drinking Water Program fees	20 N.J.R. 142(a)		
7:10-13.2, 13.10, 13.13	Industrial wastewater treatment systems: licensing of operators	20 N.J.R. 1141(b)		
7:10-16	Maximum Containment Levels (MCLs) for hazardous contaminants in drinking water	19 N.J.R. 2228(a)		
7:10-16.13, 16.14, 16.15	Hazardous contaminants in drinking water: pre-proposal concerning short-term action levels, sampling response levels, and unregulated and total volatile organics	19 N.J.R. 2231(a)		
7:14-8	Penalties and hearings concerning violations of Water Pollution Control Act	20 N.J.R. 455(a)	R.1988 d.380	20 N.J.R. 1884(a)
7:14A-3.1	NJPDES permit requirements: discharges of dredged and fill material into freshwater wetlands and open waters	20 N.J.R. 1328(a)		
7:14A-5.12	Hazardous waste management: closure and post-closure financial assurance	19 N.J.R. 2349(a)		
7:14A-6.4	Groundwater monitoring parameters for hazardous waste facilities	19 N.J.R. 1863(b)		
7:15	Statewide water quality management planning	20 N.J.R. 2198(a)		
7:19-6.14	Penalties and hearings concerning violations of Water Pollution Control Act	20 N.J.R. 455(a)	R.1988 d.380	20 N.J.R. 1884(a)
7:22-10	Environmental assessment requirements for State-assisted wastewater treatment facilities	20 N.J.R. 1983(a)		
7:25-5	1988-89 Game Code	20 N.J.R. 1035(b)	R.1988 d.376	20 N.J.R. 1895(a)
7:25-5.7	1989 Wild turkey season	20 N.J.R. 2217(a)		
7:25-6	1989-90 Fish Code	20 N.J.R. 1627(a)		
7:26-1.1, 1.4, 4, 4A, 7.3, 7.5, 12.2, 13A.6, 16.2, 16.3	Hazardous waste fee schedule	20 N.J.R. 1995(a)		
7:26-1.4, 7.4, 9.1, 12.1	Hazardous waste research and testing facilities: pre-proposal	20 N.J.R. 460(b)		
7:26-1.4, 8.2, 8.3, 8.5, 8.12, 8.14, 9.4, App. A, 12.1, 12.5, 12.12	Hazardous waste management	19 N.J.R. 1936(a)	R.1988 d.377	20 N.J.R. 1908(a)
7:26-1.4, 9.8-9.11, 9.13, App. A, 12.3	Hazardous waste management: closure and post-closure financial assurance	19 N.J.R. 2349(a)		
7:26-2.13	Dry industrial waste: correction to text			20 N.J.R. 1958(b)
7:26-3A	Special medical waste	Emergency (expires 10-9-88)	R.1988 d.429	20 N.J.R. 2321(a)
7:26-6.5	Interdistrict and intradistrict solid waste flow: Hunterdon, Morris, Ocean and Warren counties	19 N.J.R. 1142(a)	R.1988 d.357	20 N.J.R. 1910(a)
7:26-6.5	Interdistrict and intradistrict solid waste flow: Essex County	20 N.J.R. 1048(a)		
7:26-7.3, 7.4, 7.5, 7.6	Hazardous waste management	20 N.J.R. 867(a)		
7:26-7.4, 9.1, 12.1	Hazardous waste stored for reuse	20 N.J.R. 1329(a)		
7:26-12.9	Hazardous waste management: research, development and demonstration permits	20 N.J.R. 462(a)		
7:26-12.12	Hazardous waste facilities and public participation in permit process	20 N.J.R. 715(b)	R.1988 d.375	20 N.J.R. 1913(a)
7:26B-1.10	Environmental Cleanup Responsibility Act: fee schedule	20 N.J.R. 2000(a)		
7:27-16.1, 16.3	Marine transfer of gasoline: vapor recovery program	20 N.J.R. 1866(a)		
7:27-23	Volatile organic substances in consumer products	20 N.J.R. 2002(a)		
7:27-25	Control and prohibition of air pollution by vehicular fuels	20 N.J.R. 1631(a)		
7:30	Pesticide Control Code	20 N.J.R. 579(a)		
7:31-2.12, 2.15, 5	Toxic Catastrophe Prevention Act program: confidentiality and trade secrets	20 N.J.R. 350(a)	R.1988 d.378	20 N.J.R. 1913(b)
7:31-2.12, 2.15, 5	Confidentiality and trade secrets: correction and extension of comment period	20 N.J.R. 554(a)		
7:36	Green Acres Program	19 N.J.R. 2358(b)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
7:36	Green Acres Program: extension of comment period	20 N.J.R. 552(b)		
7:36	Green Acres Program: extension of comment period	20 N.J.R. 869(a)		
7:45	Delaware and Raritan Canal: State Park review zone	20 N.J.R. 23(a)		
7:45	Delaware and Raritan Canal review zone: extension of comment period	20 N.J.R. 552(c)		
7:50-2.11, 3.32, 4.1, 4.40, 4.66, 5.22-5.26, 5.30, 5.43, 5.47, 6.7, 6.84, 6.107, 6.123, 6.131, 6.132, 6.133	Pinelands Comprehensive Management Plan	20 N.J.R. 716(a)	R.1988 d.405	20 N.J.R. 2384(a)

**Most recent update to Title 7: TRANSMITTAL 1988-7 (supplement July 18, 1988)**

**HEALTH—TITLE 8**

8:31A-7.2, 7.4, 7.5, 7.11	Reimbursement for new SHARE facilities	20 N.J.R. 1633(a)		
8:31B-3.45	Hospital reimbursement: submission of uniform bill-patient summaries	20 N.J.R. 1143(a)		
8:31B-4.37	Uncompensated Care Trust Fund: charity care eligibility and charges	20 N.J.R. 2219(a)		
8:31B-4.37, 4.39	Uncompensated Care Trust Fund: charity care eligibility	20 N.J.R. 595(a)	R.1988 d.420	20 N.J.R. 2276(a)
8:33J-1.3	Nuclear Magnetic Resonance (NMR)/Magnetic Resonance Imaging (MRI) demonstration period	20 N.J.R. 2220(a)		
8:39-20.1, 29.1, 30.5, 31.2	Long-term care licensing standards: corrections to text	_____	_____	20 N.J.R. 1944(a)
8:43-4.11	Residential health care facilities: hot water temperature	20 N.J.R. 2221(a)		
8:43B-1.10	Hospital facilities: confidentiality of patient information	20 N.J.R. 2221(b)		
8:44	Operation of clinical laboratories	20 N.J.R. 2222(a)		
8:60-2.1 (12:120-2.1)	Asbestos removal defined	20 N.J.R. 1049(a)		
8:60-2.1 (12:120-2.1)	Asbestos removal defined: extension of comment period	20 N.J.R. 1507(b)		
8:65-1.3, 6.6, 8.13	Handling of sodium pentobarbital in animal humane facilities	20 N.J.R. 366(a)		
8:65-10.5	Schedule V, Controlled Dangerous Substances	20 N.J.R. 1506(a)		
8:70	Evaluation criteria for interchangeable drug products	20 N.J.R. 1507(a)	R.1988 d.444	20 N.J.R. 2376(c)
8:71	Interchangeable drug products (20 N.J.R. 191(b), 654(b), 899(a), 1462(b), 1711(c))	19 N.J.R. 1878(a)		
8:71	Interchangeable drug products (see 20 N.J.R. 900(a), 1461(a), 1711(b))	20 N.J.R. 146(a)		
8:71	Interchangeable drug products (see 20 N.J.R. 1710(b))	20 N.J.R. 871(a)	R.1988 d.445	20 N.J.R. 2376(d)
8:71	Interchangeable drug products	20 N.J.R. 1766(a)		
8:71	Interchangeable drug products: correction to list	_____	_____	20 N.J.R. 2290(a)

**Most recent update to Title 8: TRANSMITTAL 1988-7 (supplement July 18, 1988)**

**HIGHER EDUCATION—TITLE 9**

9:3	Facilities planning for public colleges and universities	20 N.J.R. 1768(a)		
9:4-1.5	Chargeback for disability-specific programs at county colleges	20 N.J.R. 1330(a)		
9:7-3.5	Tuition Aid Grant Program: part-time students	20 N.J.R. 2007(a)		
9:7-4.2, 4.3, 4.4	Garden State Scholarships	20 N.J.R. 1635(a)		
9:9	Student loan programs: policies and procedures	20 N.J.R. 1636(a)		
9:9-11.2	Guaranteed Student Loan Program: institution compliance	20 N.J.R. 1641(a)		
9:11-1.1	Educational Opportunity Fund grants: student eligibility	20 N.J.R. 1768(b)		
9:11-1.5	Educational Opportunity Fund: maximum income levels for undergraduate eligibility	20 N.J.R. 722(a)	R.1988 d.353	20 N.J.R. 1944(b)
9:11-1.6, 1.8, 1.9, 1.20	EOF grants: eligibility procedure; refunds	20 N.J.R. 1769(a)		
9:11-1.7	EOF grants: award amounts	20 N.J.R. 1770(a)		
9:12-2.6, 2.9	EOF grants: eligibility procedure; refunds	20 N.J.R. 1769(a)		

**Most recent update to Title 9: TRANSMITTAL 1988-4 (supplement July 18, 1988)**

**HUMAN SERVICES—TITLE 10**

10:1-2	Public comment procedure and petitions for rulemaking	20 N.J.R. 1050(a)		
10:3	Contract administration	20 N.J.R. 1771(a)		
10:4	Communication with communities regarding development of group homes	19 N.J.R. 1976(a)		
10:4	Communication with communities regarding development of group homes: extension of comment period	20 N.J.R. 149(a)		
10:14-1.4, 4.1, 6.3	Statewide Respite Care Program	20 N.J.R. 1051(a)		
10:44A	Licensed community residences for developmentally disabled	20 N.J.R. 149(b)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
10:46	Services for developmentally disabled: determination of eligibility	20 N.J.R. 2008(a)		
10:49-1.4	Outpatient hospital services for Medically Needy	19 N.J.R. 1388(a)	R.1988 d.349	20 N.J.R. 1945(a)
10:49-1.12	Timely claim submittal—pharmaceutical services	20 N.J.R. 1642(a)		
10:49-3.19	Outpatient claim form: correction	_____	_____	20 N.J.R. 2400(f)
10:49-3.19, 3.20	HealthStart provider reimbursement	_____	_____	20 N.J.R. 2101(a)
10:49-6.9	Medicaid providers and administrative charges and service fees	20 N.J.R. 518(a)	R.1988 d.446	20 N.J.R. 2387(a)
10:50-3.2	Ambulance services: provider reimbursement	_____	_____	20 N.J.R. 2101(a)
10:51-1, App. B, C, D, E	Pharmaceutical Services Manual: covered products	20 N.J.R. 875(a)	R.1988 d.363	20 N.J.R. 1945(b)
10:51-1.17, 3.15	Pharmaceutical services: provider reimbursement	_____	_____	20 N.J.R. 2101(a)
10:52-1.6, 1.8	Outpatient hospital services for Medically Needy	19 N.J.R. 1388(a)	R.1988 d.349	20 N.J.R. 1945(a)
10:53-1.5, 1.7	Outpatient hospital services for Medically Needy	19 N.J.R. 1388(a)	R.1988 d.349	20 N.J.R. 1945(a)
10:54-4	Medicaid coverage for postpartum services	20 N.J.R. 1052(a)		
10:54-4	Physicians' services: provider reimbursement	_____	_____	20 N.J.R. 2101(a)
10:54-4	Physician's services reimbursement: correction	_____	_____	20 N.J.R. 2400(f)
10:56-3.4, 3.7, 3.10, 3.12	Dental services: provider reimbursement	_____	_____	20 N.J.R. 2101(a)
10:56-3.7, 3.10	Dental services reimbursement: correction	_____	_____	20 N.J.R. 2400(f)
10:57-3	Podiatry services: provider reimbursement	_____	_____	20 N.J.R. 2101(a)
10:58-1.2, 3	Medicaid coverage for postpartum services	20 N.J.R. 1052(a)		
10:58-3	Nurse-midwifery services: provider reimbursement	_____	_____	20 N.J.R. 2101(a)
10:60-2.2	Personal care assistant services: provider reimbursement	20 N.J.R. 1143(b)	R.1988 d.379	20 N.J.R. 1949(a)
10:61-3	Independent laboratory services: provider reimbursement	_____	_____	20 N.J.R. 2101(a)
10:62-1, 2, 3	Vision Care Manual	20 N.J.R. 956(c)		
10:62-4	Vision care services: provider reimbursement	_____	_____	20 N.J.R. 2101(a)
10:63-1.11, 1.19	Use of personal needs allowance in long-term care facilities	20 N.J.R. 1144(a)		
10:66-1.3, 3	Mental health services: partial care	20 N.J.R. 1054(a)		
10:66-1.6, 3	Medicaid coverage for postpartum services	20 N.J.R. 1052(a)		
10:66-3	Independent clinic services: provider reimbursement	_____	_____	20 N.J.R. 2101(a)
10:81-3.38-3.42, 3.46	PAM: client resources in AFDC program	20 N.J.R. 1056(a)	R.1988 d.426	20 N.J.R. 2291(a)
10:81-11.7	Child support enforcement program	19 N.J.R. 1879(b)		
10:81-11.18	Child support guidelines: spousal support obligation	20 N.J.R. 1058(a)	R.1988 d.423	20 N.J.R. 2292(a)
10:81-14	Realizing Economic Achievement (REACH) program	20 N.J.R. 2222(b)		
10:82-3.2, 3.6, 3.7	ASH: client resources in AFDC program	20 N.J.R. 1059(a)	R.1988 d.424	20 N.J.R. 2292(b)
10:82-5.10	Emergency Assistance in AFDC: temporary shelter allowances	20 N.J.R. 1147(a)		
10:82-5.10	AFDC: extension of Emergency Assistance benefits	Emergency (expires 9-5-88)	R.1988 d.358	20 N.J.R. 1956(a)
10:85-3.2, 3.3	GAM: travel costs for job seeking or training	20 N.J.R. 879(a)	R.1988 d.425	20 N.J.R. 2292(c)
10:85-3.3	General Assistance: income-in-kind	20 N.J.R. 2238(a)		
10:85-4.6	General Assistance: extension of EA benefits	Emergency (expires 7-31-88)	R.1988 d.359	20 N.J.R. 1957(a)
10:87-5.9	Food Stamps eligibility: income exclusion and utility allowance payments	19 N.J.R. 1986(a)		
10:89-2.1, 2.3, 3.4, 4.1	Home energy assistance	20 N.J.R. 1643(a)		
10:89-3.5, 3.6, 5.3	Home Energy Assistance program	20 N.J.R. 1060(a)	R.1988 d.422	20 N.J.R. 2293(a)
10:126	Registration of family day care providers	20 N.J.R. 1508(a)		
10:127	Residential child care facilities	20 N.J.R. 1149(a)	R.1988 d.456	20 N.J.R. 2387(b)

**Most recent update to Title 10: TRANSMITTAL 1988-7 (supplement July 18, 1988)**

**CORRECTIONS—TITLE 10A**

10A:3-5.6, 5.7	Pat and strip searches	20 N.J.R. 1331(a)	R.1988 d.406	20 N.J.R. 2294(a)
10A:4-11.9, 12	Inmate discipline: appeal to Office of Administrative Law	20 N.J.R. 496(b)		
10A:4-11.9, 12	Inmate appeals to Office of Administrative Law: public hearing	20 N.J.R. 880(b)		
10A:9-4.6	Open charges and reduced custody status	20 N.J.R. 880(a)		
10A:9-11.4	Classification process	20 N.J.R. 1645(a)		
10A:16-4.1, 4.2, 4.8	Psychological services at correctional facilities	20 N.J.R. 2128(a)		
10A:16-4.4	Inmate/therapist confidentiality	20 N.J.R. 1772(a)		
10A:16-11.4, 11.5, 11.14	Special Medical Unit	20 N.J.R. 1773(a)		
10A:17-5.3, 5.8	Religious services	20 N.J.R. 1332(a)	R.1988 d.433	20 N.J.R. 2294(b)
10A:18-7	Bedside and funeral visits	20 N.J.R. 1332(b)	R.1988 d.432	20 N.J.R. 2294(c)
10A:71-2.1, 3.4, 3.28	Parole Board rules	20 N.J.R. 2129(a)		

**Most recent update to Title 10A: TRANSMITTAL 1988-6 (supplement July 18, 1988)**

**INSURANCE—TITLE 11**

11:1-1.1, 1.2	Organization of department; public information	Exempt	R.1988 d.454	20 N.J.R. 2377(a)
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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
11:1-10	Foreign and alien property and casualty insurers: admission requirements	20 N.J.R. 2130(a)		
11:2-1, 19	Repeal (see 11:17-3, 5.7)	20 N.J.R. 1152(a)		
11:2-17.3, 17.10	Replacement parts for damaged automobiles	20 N.J.R. 1159(a)		
11:3-16	Private passenger automobile rate filings for voluntary market	20 N.J.R. 2135(a)		
11:4-16.6	Basic hospital expense coverage	20 N.J.R. 172(a)	R.1988 d.453	20 N.J.R. 2377(b)
11:4-18.3, 18.5, 18.10	Individual health policies: loss ratio standards	19 N.J.R. 1620(b)		
11:4-19	Optional coverage for pregnancy and childbirth benefits	20 N.J.R. 43(a)	R.1988 d.455	20 N.J.R. 2377(c)
11:4-28	Group coordination of health benefits	20 N.J.R. 1773(b)		
11:4-29	Homeowners price comparison survey	20 N.J.R. 2181(a)		
11:4-30	Hospital preadmission certification programs (HPCPs)	20 N.J.R. 880(c)		
11:5	Real Estate Commission rules	20 N.J.R. 2184(a)		
11:5-1.13	Control of real estate brokerage files	20 N.J.R. 883(a)	R.1988 d.410	20 N.J.R. 2295(a)
11:5-1.16	Real estate listing agreements	20 N.J.R. 2185(a)		
11:5-1.18	Supervision of real estate offices	20 N.J.R. 1160(a)		
11:5-1.23	Real estate licensee's obligation to disclose certain information concerning a property and to submit to a seller all written offers; pre-proposal	19 N.J.R. 2238(a)		
11:5-1.23	Real estate services to handicapped	20 N.J.R. 725(a)	R.1988 d.412	20 N.J.R. 2295(b)
11:5-1.23	Real estate offers and broker's obligations	20 N.J.R. 2186(a)		
11:5-1.25	Sale of interstate real properties: advertisements	19 N.J.R. 1718(a)		
11:5-1.27	Educational requirements for real estate licensure	20 N.J.R. 725(b)	R.1988 d.411	20 N.J.R. 2296(a)
11:5-1.28	Certification as real estate instructor; classroom procedure	20 N.J.R. 1161(a)	R.1988 d.409	20 N.J.R. 2298(a)
11:5-1.34	Discriminatory commission—split policies	20 N.J.R. 1163(a)		
11:17-3, 5.7	Insurance producer licensing: professional qualifications	20 N.J.R. 1152(a)		
11:18	Medical Malpractice Reinsurance Recovery Fund surcharge	20 N.J.R. 2010(a)		
11:18	Medical Malpractice Reinsurance Recovery Fund surcharge: correction	20 N.J.R. 2186(b)		

**Most recent update to Title 11: TRANSMITTAL 1988-5 (supplement July 18, 1988)**

**LABOR—TITLE 12**

12:5-1	Audit resolution procedures concerning awards of Federal money	20 N.J.R. 1520(a)	R.1988 d.452	20 N.J.R. 2390(a)
12:6-1	Petitions for rulemaking	20 N.J.R. 2012(a)		
12:15-1.3-1.7	1989 Unemployment Compensation weekly benefit, taxable wage base, local government contribution rate, base week, and alternate earnings test	20 N.J.R. 2187(a)		
12:16-7	Use of surplus unemployment funds by contributing local governments	20 N.J.R. 1521(a)	R.1988 d.437	20 N.J.R. 2300(a)
12:16A-11	Unemployment and Disability Insurance group accounts	20 N.J.R. 1071(b)	R.1988 d.374	20 N.J.R. 1949(b)
12:17-1.6	Unemployment insurance benefits: temporary separation from work	20 N.J.R. 1333(a)		
12:17-2.4, 2.5	Requalification for unemployment insurance benefits	20 N.J.R. 1522(a)		
12:17-2.6	Noncompliance with quality control reviews of unemployment insurance claims	20 N.J.R. 884(a)	R.1988 d.373	20 N.J.R. 1949(c)
12:60-6.1	Recordkeeping by public work project employers	20 N.J.R. 1164(a)	R.1988 d.398	20 N.J.R. 2064(a)
12:60-7	Apprentice to journeymen ratios for public work projects	20 N.J.R. 1164(b)	R.1988 d.399	20 N.J.R. 2064(b)
12:100-4.2	Public employee safety and health: exposure to ethylene oxide	20 N.J.R. 1334(a)	R.1988 d.436	20 N.J.R. 2300(b)
12:100-4.2, 5.2, 6.2, 7	Public employee safety and health: toxic and hazardous substances	20 N.J.R. 2013(a)		
12:100-9	Public employee safety and health: work in confined spaces	20 N.J.R. 1523(a)	R.1988 d.451	20 N.J.R. 2391(a)
12:112	Public Employees' Occupational Safety and Health Review Commission	20 N.J.R. 1165(a)	R.1988 d.438	20 N.J.R. 2301(a)
12:120-2.1 (8:60-2.1)	Asbestos removal defined	20 N.J.R. 1049(a)		
12:120-2.1 (8:60-2.1)	Asbestos removal defined: extension of comment period	20 N.J.R. 1507(b)		
12:210-1	Apparel industry registration system	20 N.J.R. 1334(b)	R.1988 d.439	20 N.J.R. 2306(a)
12:235-1.6	1989 Workers' Compensation maximum weekly benefit	20 N.J.R. 2188(a)		

**Most recent update to Title 12: TRANSMITTAL 1988-5 (supplement July 18, 1988)**

**COMMERCE, ENERGY, AND ECONOMIC DEVELOPMENT—TITLE 12A**

12A:12-2.3, 2.7	Local Development Financing Fund: project set-asides	20 N.J.R. 1171(a)	R.1988 d.386	20 N.J.R. 2065(a)
12A:50-1	Cogeneration: reporting by non-utility generators	19 N.J.R. 2383(a)	R.1988 d.390	20 N.J.R. 2065(b)
12A:54	Cogeneration equipment and use tax exemption: technical sufficiency standards	20 N.J.R. 1073(a)	R.1988 d.391	20 N.J.R. 2067(a)
12A:60	Methodology for computing energy cost savings	20 N.J.R. 2238(b)		
12A:120-1	Urban Enterprise Zone Program	20 N.J.R. 1336(a)	R.1988 d.431	20 N.J.R. 2307(a)

**Most recent update to Title 12A: TRANSMITTAL 1988-3 (supplement May 16, 1988)**

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
<b>LAW AND PUBLIC SAFETY—TITLE 13</b>				
13:3-3.4, 3.5, 3.6	Amusement games: preproposal concerning player fees and value of prizes	20 N.J.R. 44(a)		
13:3-5, 6	Amusement games control: disciplinary proceedings and appeals	20 N.J.R. 2032(a)		
13:4-3.4, 3.5, 8.2	Discrimination complaints: confidentiality of parties' identities	20 N.J.R. 499(a)		
13:20-39	Special motor vehicle plates for nonprofit organizations	20 N.J.R. 2033(a)		
13:21-11.13	Temporary registration of motor vehicles	20 N.J.R. 176(a)		
13:21-21	Auto body repair facilities	19 N.J.R. 1624(c)		
13:26	Transportation of bulk commodities	20 N.J.R. 2035(a)		
13:27-3, 4	Architectural practice; definitions	19 N.J.R. 1783(b)		
13:27-5.8, 8.7, 8.8, 8.15	Certification of landscape architects	20 N.J.R. 885(a)		
13:30-8.6	Advertising of dental services: correction to text	_____	_____	20 N.J.R. 1959(a)
13:35-6.7	Medical examiners board: prescribing of amphetamines and sympathomimetic amine drugs	19 N.J.R. 1786(a)		
13:37-1.1, 1.2	Accreditation of nursing programs	20 N.J.R. 1645(b)		
13:39	Board of Pharmacy rules	19 N.J.R. 1952(a)		
13:39	Board of Pharmacy rules: extension of comment period	20 N.J.R. 244(a)		
13:39	Board of Pharmacy rules	20 N.J.R. 1648(a)		
13:39A-3.2	Unlawful practices and arrangements by physical therapists: preproposal	20 N.J.R. 2242(a)		
13:39A-5.1	Educational requirements for licensure as physical therapist	20 N.J.R. 2243(a)		
13:40-3.1	Professional engineers and land surveyors: conflict of interest; approval of work	20 N.J.R. 736(a)	R.1988 d.394	20 N.J.R. 2068(a)
13:40-10.1	Professional engineers and land surveyors: contract to provide services	20 N.J.R. 2243(b)		
13:42	Board of Psychological Examiners	20 N.J.R. 2244(a)		
13:43	Shorthand reporters rules	20 N.J.R. 1666(a)		
13:44-1.2, 2.1	Licensure and practice of veterinary medicine	20 N.J.R. 1171(b)	R.1988 d.395	20 N.J.R. 2069(a)
13:44C-8.1	Business practices: correction to text	20 N.J.R. 244(b)	R.1988 d.344	20 N.J.R. 2069(b)
13:45A-11.1	Advertising and sale of new merchandise	20 N.J.R. 2247(a)		
13:45A-25	Health club services	20 N.J.R. 2036(a)		
13:46-1A.3	Athletic Control Board: weighing of boxers	20 N.J.R. 380(a)		
13:70-1.30	Thoroughbred racing: horsemen associations	20 N.J.R. 1172(a)	R.1988 d.400	20 N.J.R. 2070(a)
13:70-11.12	Thoroughbred racing: abusive whipping by jockey	20 N.J.R. 2038(a)		
13:70-19.22	Thoroughbred racing: determining finishing place	20 N.J.R. 2038(b)		
13:70-29.50	Thoroughbred racing: Daily Triple wagering	20 N.J.R. 1173(a)	R.1988 d.396	20 N.J.R. 2070(b)
13:71-1.25	Harness racing: horsemen associations	20 N.J.R. 1174(a)	R.1988 d.401	20 N.J.R. 2071(a)
13:71-6.14	Harness racing: trainers leaving the paddock	20 N.J.R. 1175(a)	R.1988 d.402	20 N.J.R. 2071(b)
13:71-27.54	Harness racing: Daily Triple wagering	20 N.J.R. 1175(b)	R.1988 d.397	20 N.J.R. 2072(a)
13:75-1.7	Violent crimes compensation: prosecution of offender	20 N.J.R. 736(b)		
13:76	Training requirements for arson investigators	20 N.J.R. 963(a)	R.1988 d.345	20 N.J.R. 1949(d)
13:80-1	Hazard Waste Management Information Awards	20 N.J.R. 507(b)		

**Most recent update to Title 13: TRANSMITTAL 1988-5 (supplement July 18, 1988)**

**PUBLIC UTILITIES—TITLE 14**

14:3-7.5	Interest on customer deposits	20 N.J.R. 737(a)		
14:3-7.13	Collection activity on disputed charges; interest on overpayments	20 N.J.R. 963(b)		
14:3-7.14	Discontinuance of residential service to tenants	20 N.J.R. 1668(a)		
14:3-9.6	Solid waste: filing contracts for service (preproposal)	20 N.J.R. 1669(a)		
14:3-10.3, 10.5, 10.15	Solid waste: out-of-state solid waste collectors (preproposal)	20 N.J.R. 1669(c)		
14:3-10.20	Solid waste: itemized billing (preproposal)	20 N.J.R. 1670(a)		
14:3-10.21	Solid waste: violations, penalties (preproposal)	20 N.J.R. 1670(b)		
14:3-10.22	Solid waste: contracts (preproposal)	20 N.J.R. 1669(b)		
14:9-4.3	Solid waste: decals for vehicles (preproposal)	20 N.J.R. 1671(a)		
14:9-4.4	Solid waste: container identification (preproposal)	20 N.J.R. 1671(b)		
14:11-6	Interest on fuel clause overrecoveries	19 N.J.R. 1967(c)		
14:18-3	Cable TV: pre-proposal for telephone service standards	19 N.J.R. 2125(b)		
14:18-15.1	Preproposal: Statewide cable TV access channel for educational and public affairs programming	20 N.J.R. 1063(a)		

**Most recent update to Title 14: TRANSMITTAL 1988-1 (supplement January 19, 1988)**

**ENERGY—TITLE 14A**

14A:14	Certificate of need for electrical facilities	20 N.J.R. 2188(b)		
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**Most recent update to Title 14A: TRANSMITTAL 1988-2 (supplement May 16, 1988)**

**STATE—TITLE 15**

15:10-6	Voting accessibility for elderly and handicapped	20 N.J.R. 1527(a)	R.1988 d.450	20 N.J.R. 2378(a)
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**Most recent update to Title 15: TRANSMITTAL 1988-1 (supplement May 16, 1988)**

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
<b>PUBLIC ADVOCATE—TITLE 15A</b>				
<b>Most recent update to Title 15A: TRANSMITTAL 1987-1 (supplement April 20, 1987)</b>				
<b>TRANSPORTATION—TITLE 16</b>				
16:25	Utility accommodation on highway rights-of-way	19 N.J.R. 1064(a)	R.1988 d.216	20 N.J.R. 2074(a)
16:28-1.31	Speed limits along Route 56 in Cumberland and Salem counties	20 N.J.R. 964(a)	R.1988 d.356	20 N.J.R. 1950(a)
16:28-1.35, 1.49, 1.111	Speed rates along Route 35 in Monmouth County, and Routes 87 and 187 in Atlantic County	20 N.J.R. 2039(a)		
16:28-1.41	Speed limits along U.S. 9 in Cape May County	20 N.J.R. 1113(a)	R.1988 d.354	20 N.J.R. 1950(b)
16:28-1.41	Speed limits along U.S. 9 in Atlantic County and Ocean County	20 N.J.R. 2190(a)		
16:28-1.44	Speed rates along Route 27 in Middlesex and Somerset counties	20 N.J.R. 2040(a)		
16:28-1.49	Speed limits along Route 35 in Bay Head	20 N.J.R. 965(a)	R.1988 d.346	20 N.J.R. 1951(a)
16:28-1.77	Speed limits along Route 29 in Hunterdon County	20 N.J.R. 1573(a)	R.1988 d.449	20 N.J.R. 2382(a)
16:28-1.158	Speed limits along Route 179 in Hunterdon County	20 N.J.R. 1176(a)	R.1988 d.364	20 N.J.R. 1952(a)
16:28A-1.2, 1.7, 1.15	Bus stop zones along U.S. 1 and 9 in North Bergen, U.S. 9 in Howell, and Route 23 in Wayne	20 N.J.R. 965(b)	R.1988 d.355	20 N.J.R. 1950(c)
16:28A-1.6	Parking for handicapped along Route 7 in Belleville	20 N.J.R. 1778(a)		
16:28A-1.7	Bus stop zone along U.S. 9 in Marlboro	20 N.J.R. 1533(a)		
16:28A-1.7	Stopping or standing along U.S. 9 in Somers Point	20 N.J.R. 2040(b)		
16:28A-1.7, 1.38	Parking restrictions along U.S. 9 in Howell and Route 71 in Asbury Park and Manasquan	20 N.J.R. 2189(a)		
16:28A-1.9, 1.32	Bus stop zones along Route 17 in Lyndhurst and U.S. 46 in Elmwood Park	20 N.J.R. 1177(a)	R.1988 d.365	20 N.J.R. 1952(b)
16:28A-1.18, 1.21	Bus stop zones along Route 27 in Linden and U.S. 30 in Oaklyn	20 N.J.R. 2041(a)		
16:28A-1.18, 1.32	Parking restrictions along Route 27 in Linden and U.S. 46 in Teterboro	20 N.J.R. 2040(c)		
16:28A-1.19, 1.29	Parking restrictions along Route 28 in Garwood and Route 42 in Washington Township	20 N.J.R. 2042(a)		
16:28A-1.36	Restricted parking on Route 57 in Washington Township, Warren County	20 N.J.R. 1484(b)	R.1988 d.418	20 N.J.R. 2310(a)
16:28A-1.46	No stopping or standing zones along U.S. 130 in Pennsville	20 N.J.R. 1533(b)		
16:28A-1.46, 1.57	Bus stops along U.S. 130 and U.S. 206 in Bordentown	20 N.J.R. 2043(a)		
16:28A-1.46, 1.98	Parking restrictions along U.S. 130 in Salem and Burlington counties, and Route 56 in Vineland	20 N.J.R. 1064(a)	R.1988 d.348	20 N.J.R. 1952(c)
16:28A-1.51	Parking restrictions along Route 168 in Gloucester Township	20 N.J.R. 1065(a)	R.1988 d.347	20 N.J.R. 1953(a)
16:30-3.1	Bus lanes on Route 35 in Brick and Mantoloking	20 N.J.R. 2044(a)		
16:30-3.6	Exclusive bus and HOV lanes along Routes 3 and 495 into Manhattan	20 N.J.R. 737(b)		
16:30-4.2	Bicycle restrictions along Route 88 in Point Pleasant	19 N.J.R. 2254(a)		
16:30-10.8	Midblock crosswalk along Route 88 in Point Pleasant	20 N.J.R. 1177(b)	R.1988 d.366	20 N.J.R. 1953(b)
16:31-1.25	Turning restrictions along Route 10 in West Orange	20 N.J.R. 1779(a)		
16:41B	Newspaper boxes on State highways	20 N.J.R. 1178(a)	R.1988 d.393	20 N.J.R. 2087(a)
16:62-5.1, 9.1	Land uses within airport hazard areas: preproposal	20 N.J.R. 1534(a)		
16:80	NJ TRANSIT: Section 16(b)(2) Capital Assistance Program	20 N.J.R. 2044(b)		
16:81	NJ TRANSIT: Small Urban and Rural Area Public Transportation Program	20 N.J.R. 2046(a)		
<b>Most recent update to Title 16: TRANSMITTAL 1988-7 (supplement July 18, 1988)</b>				
<b>TREASURY-GENERAL—TITLE 17</b>				
17:1-1.10	Pension administration: bad balances in withdrawn accounts	20 N.J.R. 1181(a)	R.1988 d.427	20 N.J.R. 2310(b)
17:2-2.2	Public Employees' Retirement System: multiple enrollments	20 N.J.R. 969(b)	R.1988 d.351	20 N.J.R. 1953(c)
17:3	Teachers' Pension and Annuity Fund	20 N.J.R. 1181(b)	R.1988 d.381	20 N.J.R. 2073(b)
17:8-3.3	Supplemental Annuity Collective Trust: lump sum distributions	20 N.J.R. 2192(a)		
17:9	State Health Benefits Program	20 N.J.R. 1536(a)		
17:9-2.12	State Health Benefits Program: local coverage	20 N.J.R. 1536(b)		
17:9-2.17	State Health Benefits Program: board of education retirees	20 N.J.R. 1537(a)		
17:9-4.2	State Health Benefits Program: full-time employee defined	20 N.J.R. 741(a)		
17:9-6.1	State Health Benefits Program: continuation of coverage into retirement	20 N.J.R. 1182(a)		
17:16-41	Investment in loan participation notes	20 N.J.R. 1779(b)		
17:19-10.4, 10.5, 10.7, 10.9	Architect/engineer selection procedures	20 N.J.R. 180(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
17:20	Lottery Commission rules	20 N.J.R. 2048(a)		
17:27	Affirmative action and public contracts	20 N.J.R. 1780(a)		

**Most recent update to Title 17: TRANSMITTAL 1988-6 (supplement July 18, 1988)**

**TREASURY-TAXATION—TITLE 18**

18:2-2	Post tax amnesty	19 N.J.R. 2255(b)	R.1988 d.407	20 N.J.R. 2310(c)
18:5-1.1, 6.2, 12.5	Sale of tobacco to minors	20 N.J.R. 970(a)	R.1988 d.434	20 N.J.R. 2317(a)
18:6-7.13	Wholesaling of prepackaged cigarettes	20 N.J.R. 2192(b)		
18:5-12.2	Post tax amnesty	19 N.J.R. 2255(b)	R.1988 d.407	20 N.J.R. 2310(c)
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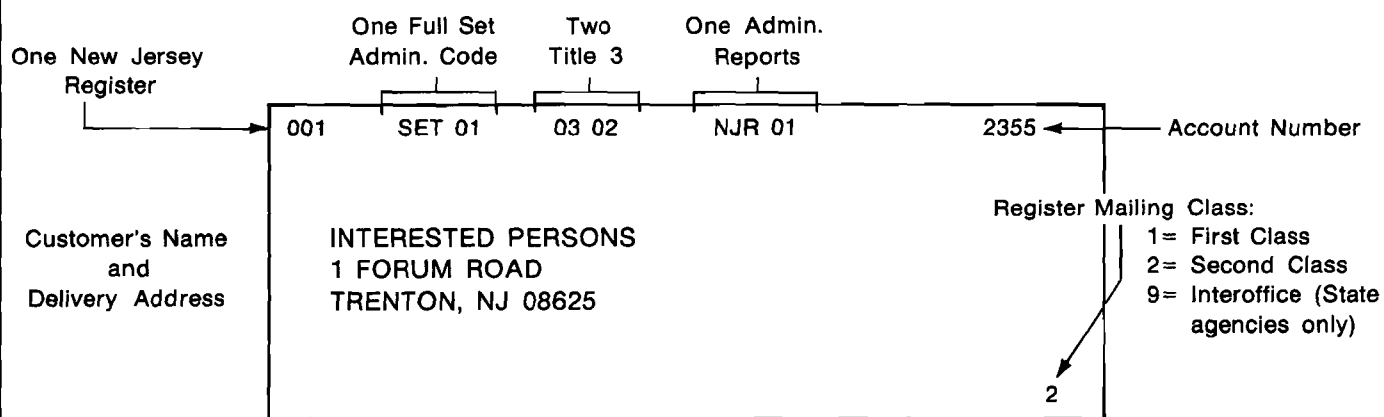
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