

NEW JERSEY



REGISTER

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RULE PROPOSALS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice Jurisdiction of the Office of Administrative Law

Proposed Amendment: N.J.A.C. 1:1-2.2

Authorized By: Howard H. Kestin, Director, Office of Administrative Law.

Authority: N.J.S.A. 52:14F-5e, f and g.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-170.

The agency proposal follows:

Summary

The purpose of this amendment is to clarify that once a contested case is transmitted to the Office of Administrative Law (OAL), the OAL acquires jurisdiction over each unresolved issue in the case. Under the proposed amendment, an agency may not transmit some unresolved portions of a contested case, and retain other unresolved portions. If an agency were to transmit some unresolved issues and

retain others, unnecessary waste, duplication and confusion in the hearing process would occur and unnecessary burdens might be placed upon the parties. Such action might also violate the single controversy doctrine and the policy in favor of consolidation of related issues. See *Hackensack v. Winner* 86 N.J. 1 (1980). Under the proposed amendment, an agency head may either retain all unresolved portions of a contested case pursuant to N.J.S.A. 52:14F-7(a), or transmit all unresolved portions to OAL.

The OAL does not acquire jurisdiction over any issue or motion which is before an agency head for decision prior to transmission of the case to the OAL. Absent materially changed circumstances or other good cause, an administrative law judge will not entertain any application for interim relief considered and ruled upon by an agency head prior to transmission of the case. Appeal of such matters is to the Appellate Division. The OAL does acquire jurisdiction over any motion or other request pending before the agency and not disposed of by the agency head.

Social Impact

This amendment should eliminate some confusion which has developed with respect to jurisdiction over contested case issues. In certain instances, agencies have sought to transmit some portions of a case while retaining other portions, thereby creating multiple, overlapping hearings in the same matter.

Such a situation is wasteful, confusing to the litigants and unduly complicates the administrative process. In other instances, litigants have sought to appeal a decision on part of a case to the OAL, which is inappropriate under the law.

Economic Impact

This amendment should eliminate a small number of unnecessary motions and hearings, thereby eliminating some costs to the litigants and the administrative process.

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

1:1-2.2 Jurisdiction of the Office of Administrative Law

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

(d) Upon transmission, the Office of Administrative Law shall acquire jurisdiction to hear all issues in the case which were lawfully before the transmitting agency and which have not been decided by the agency head.

NEW JERSEY REGISTER

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AGRICULTURE

(a)

DIVISION OF ANIMAL HEALTH

Brucellosis Control and Eradication Vaccination of Female Bovine Animals

Proposed Amendment: N.J.A.C. 2:2-2.3

Authorized By: Phillip Alampi, Secretary, Department of Agriculture.

Authority: N.J.S.A. 4:5-93.22.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dr. Robert E. Horton, Director
Division of Animal Health
New Jersey Department of Agriculture
CN 330
Trenton, New Jersey 08625
609-292-3965

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

This proposal is known as PRN 1982-195.

The agency proposal follows:

Summary

Persistence of brucellosis infection in the cattle of the south and southwest United States is a threat to the New Jersey cattle industry. Calfhood brucellosis vaccination is the only preventative available to protect New Jersey from infection if imported into a New Jersey herd. Vaccination of all New Jersey raised heifers will produce a brucellosis resistant population and protect New Jersey herds from reinfection.

Social Impact

This rule will affect cattle breeders, cattle dealers, veterinarians, and the State and Federal brucellosis eradication program. Increased vaccination of all replacement female calves will reduce the incidence of brucellosis and thereby decrease risk to veterinarians and cattlemen that possibly may contract undulant fever which is caused by the brucellosis organism. By increasing the number of immune animals, brucellosis can be eradicated from the United States thus benefiting all above.

Economic Impact

The requirement for official calfhood brucellosis vaccination of replacement breeding cattle will burden the cattlemen with an additional cost of veterinarian fees for vaccination of female calves. However, this cost is more than recoverable since an official vaccinate has an increased value of between \$30.00 to \$50.00 each when they come of breeding age. Vaccinated replacement cattle are in demand both in New Jersey and the rest of the United States. Seventeen states now require vaccination prior to entry into their herds for breeding purposes. By producing a higher percentage of vaccinated replacements, New Jersey will be able to obtain a brucellosis-free status and reduce the time to complete eradication of brucellosis from the United States. At that time the United States beef and breeding cattle will be permitted entrance to many nations that now will not accept our products.

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

2:2-2.3 Vaccination of female bovine animals

(a) All female cattle born in the State of New Jersey after July 1, 1982 and all female cattle born after July 1, 1982 brought into the State under 239 days of age, that are not officially vaccinated, shall be vaccinated against brucellosis between the ages of 120 and 239 days, if they are to be sold for purposes other than immediate slaughter. This shall not be construed to prohibit the sale of any female calf under the age of 120 days.

Renumber (a) as (b).

(b)

DIVISION OF ANIMAL HEALTH

Brucellosis Control and Eradication Swine Brucellosis

Proposed New Rules: N.J.A.C. 2:2-2.17, 2.18 and 2:3-3.7

Proposed Amendments: N.J.A.C. 2:2-2.1, 2.6, 2.10, 2.13, 2.14 and 2.15

Authorized By: Phillip Alampi, Secretary, Department of Agriculture.

Authority: N.J.S.A. 4:5-93.22.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dr. Robert E. Horton, Director
Division of Animal Health
New Jersey Department of Agriculture
CN 330
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-196.

The agency proposal follows:

Summary

The United States Department of Agriculture, in its Uniform Methods and Rules, has designed and set up a recommended program for brucellosis eradication and control in cattle and swine. The present program in New Jersey for bovine brucellosis control is in place, and New Jersey has been bovine brucellosis-free. This proposed amendment would simply add swine to the present code and allow for eradication of brucellosis in New Jersey swine.

Social Impact

This rule will affect swine growers, swine breeders, swine dealers, abattoir workers, veterinarians, and State and Federal animal health officials.

Testing for and elimination of brucellosis in swine will reduce the incidence of brucellosis and decrease the risk of undulant fever in veterinarians, farmers, and abattoir workers. Nationally, in the last 10 years, more than half of all reported cases of human brucellosis occurred in people associated with the meat processing industry, and 88 percent of those worked only with swine or swine

and cattle. Since New Jersey is certified bovine brucellosis-free, the greater risk today is swine brucellosis. If New Jersey is totally brucellosis-free, it would benefit the swine grower by opening export possibilities to more nations throughout the world.

Economic Impact

With a State controlled swine brucellosis eradication program, thousands of dollars will be saved for the swine breeder who has a problem in his herd. These losses are incurred because of decreased litter size, abortions, mummified fetuses, sterility in both male and female swine, and poor health of newborn pigs.

Currently, brucellosis infected swine herd farms in New Jersey are experiencing losses of up to 50 percent of their baby pig crop. For example, a breeding herd of 200 sows with a 50 percent loss of the baby pigs would result in a potential of 700 fat hogs worth \$70,000 not going to market.

The incidence of herds infected with brucellosis in New Jersey is low, but the percentage of infected individual breeding swine in these infected herds is high. However, the infection in these breeding herds is a threat to the swine breeding industry as a whole. There are presently 18 states validated brucellosis-free. Increased litter size and baby pig crop will benefit the swine grower by providing more feeder swine at a lower cost and benefit the public as a whole by producing a greater supply of pork more economically. A swine brucellosis control program is needed to supplement the bovine brucellosis eradication program to enable New Jersey to become classified as a free state. A good program with methods of eradication will benefit New Jersey swine breeders far in excess of the cost.

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

2:2-2.1 Scope

The State Board of Agriculture now revises the regulations for the control and eradication of brucellosis. These regulations concern vaccination, testing, quarantine, disposition of reactors, and indemnification of reactors. All regulations apply to bovine animals. Milk-producing goats and swine are exempt from the requirements for official vaccination, but all other regulations must be met. **Except as otherwise indicated, swine are subject to all rules in this subchapter.**

2:2-2.6 Department or accredited veterinarians to draw blood samples

(a) Blood samples for official brucellosis tests shall be drawn by the New Jersey Department of Agriculture [veterinarians] **personnel** or by accredited veterinarians under its supervision.

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

2:2-2.10 Times established for brucellosis tests; **identification; commingling**

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

(e) **Market swine for slaughter: All breeding swine, sows, and boars over six months of age shall be individually identified as to herd of origin before mixing with other swine. Such identification shall be by either slap tattoo or official ear tags. The auction market shall be responsible for correlation in their market records of tattoos or individual ear tags with their market method of identification. The market shall be responsible for recording the farm or herd of origin of all swine so identified and shall be responsible for maintenance of these records.**

(f) **Swine herds: The complete herd test shall include all breeding swine over six months of age. All swine being held for slaughter purposes are exempt from herd test requirements and shall be maintained separate and apart from breeding swine. All swine tested shall be identified with an official ear tag, tattoo, or other permanent identification, as permitted by the New Jersey Department of Agriculture.**

2:2-2.13 Conditions for quarantine release

(a) **For other than cattle and swine, [A] a herd quarantined for brucellosis shall remain under quarantine until the following conditions have been met, at which time a written release from quarantine shall be issued:**

1.-4. (No change.)

(b) **Cattle or swine herds quarantined for brucellosis are to remain under quarantine until conditions are as stated in the Brucellosis Eradication Recommended Uniform Methods and Rules, USDA, APHIS-91-1.¹**

¹**These rules can be obtained from the Division of Animal Health, CN 330, Trenton, New Jersey 08625.**

2:2-2.14 Tagging, segregation and slaughter of brucellosis reactors

(a) All cattle [and], goats and swine positive to an official brucellosis test shall not again be presented for test, but shall be immediately identified as set forth in the recommended rules and regulations in USDA, APHIS-91-1 (see N.J.A.C. 2:2-2.13(b)).

(b) All cattle [and] , goats and swine positive to an official brucellosis test shall be moved to slaughter within 15 days under a permit issued by the Department of Agriculture.

(c) (No change.)

2:2-2.15 Brucellosis reactor eligible for indemnification

(a) To be eligible for indemnity, a brucellosis reactor must meet all the requirements of this subchapter, including the following conditions:

1.-2. (No change.)

3. Never was brucella vaccinated at [nine] **12** months of age or older.

4.-7. (No change.)

8. All female cattle born after July 1, 1982, are to have been officially calthood brucella vaccinated and bear proof of such vaccination. The following items shall constitute proof of vaccination:

- i. An official vaccination tattoo;**
- ii. An official ear tag;**
- iii. An official vaccination certificate; or**
- iv. An official interstate health certificate.**

(b) (No change.)

(c) **For each porcine animal slaughtered to prevent the spread of brucellosis, the owner shall receive the net proceeds, if any, of the sale of the animal and in addition thereto shall be paid an indemnity not to exceed 100 percent of the appraised value of the animal. The maximum indemnity shall be \$50.00 for registered, inbred, or hybrid breeding swine and \$25.00 for all other breeding swine. Registration papers must be presented on all claims for registered swine.**

2:2-2.17 Swine brucellosis

Eradication of brucellosis from swine breeding herds in New Jersey shall be conducted by the swine owner in conformity with the recommended uniform methods and rules in USDA, APHIS-91-1, Chapter II, with the cooperation and supervision of the New Jersey Department of Agriculture (see N.J.A.C. 2:2-2.13(b)).

2:2-2.18 Swine brucellosis: Testing of swine moved intrastate

Swine moved intrastate for breeding or exhibition purposes must be tested negative to a brucellosis test within 30 days prior to movement. Swine originating from a Brucellosis Validated Free herd are exempt from this requirement. Form DAH 111 must accompany swine for movement intrastate with test dates or validation date stated on the certificate.¹

¹This form can be obtained from the Division of Animal Health, CN 330, Trenton, New Jersey 08625.

2:3-3.7 Feeding swine

Feeding swine shall be consigned to a recognized feeder and shall remain on the premises of the consignee until slaughtered or remain on the premises a minimum of 30 days before being consigned to a second recognized feeder. Such transfer shall be under permit. Feeding swine shall be maintained separate and apart from breeding swine and shall not be converted to breeding purposes.

(a)

DIVISION OF ANIMAL HEALTH

**Livestock and Poultry Importations
Livestock for Exhibition**

Proposed New Rule: N.J.A.C. 2:3-6.2

Authorized By: Phillip Alampi, Secretary, Department of Agriculture.

Authority: N.J.S.A. 4:5-54 through 75 and 4:5-93.21.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dr. Robert E. Horton, Director
Division of Animal Health
New Jersey Department of Agriculture
CN 330
Trenton, New Jersey 08625
609-292-3965

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

This proposal is known as PRN 1982-193.

The agency proposal follows:

Summary

The purpose of the import regulation for goats coming into New Jersey for exhibition is to prevent the introduction of contagious and parasitic diseases.

Social Impact

Since most exhibition animals come from herds which practice disease control programs and since show animals are not in direct contact with native New Jersey herds, this new rule will reduce the requirements for testing of goats from other states, thus allowing for more exhibitors at New Jersey goat shows.

Economic Impact

With the reduced requirement for testing, the owners will have to spend less money to have their animals tested. The shows in New Jersey will attract more exhibitors, which will bring more entrance fees to the New Jersey goat association, making a better exhibition and creating more interest in the goat industry of New Jersey.

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

SUBCHAPTER 6. [RODEO STOCK] LIVESTOCK FOR EXHIBITION

2:3-6.2 Goats for exhibition purposes only

(a) Goats imported into the State for exhibition purposes only are required to comply with N.J.A.C. 2:3-1 (Livestock and Poultry Importations).

(b) No test is required if goats originate from certified brucellosis-free herd, an accredited tuberculosis-free herd, or if the animal is listed on the annual test.

(c) For goats not originating from a brucellosis-free herd, a negative brucellosis test is required within 90 days of the opening date of the show for all goats over six months of age.

(d) For goats not originating from an accredited tuberculosis-free herd, a negative tuberculosis test is required for all goats within 90 days of the opening date of the show.

(e) Goats imported for exhibition and sale must meet the same requirements as for animals imported for dairy or breeding purposes.

(b)

DIVISION OF DAIRY INDUSTRY

**Producers
Dairy Farmers Notice to Dealers of Intent to
Discontinue Sales of Milk**

Proposed Amendment: N.J.A.C. 2:50-1.1

Authorized By: Phillip Alampi, Secretary, Department of Agriculture.

Authority: N.J.S.A. 4:12A-20.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Woodson W. Moffett, Jr., Director
Division of Dairy Industry
New Jersey Department of Agriculture
CN 332
Trenton, New Jersey 08625
(Telephone: 609-292-5646)

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

This proposal is known as PRN 1982-194.

The agency proposal follows:

Summary

Current regulations of the Division of Dairy Industry issued pursuant to N.J.S.A. 4:12A-1 et seq. require that before a milk dealer may discontinue purchasing milk from dairy farmers or before a dairy farmer may discontinue delivering milk to a milk dealer, a 60-day notice of intent shall be filed. This regulation assures dairy farmers that they will have a market for the highly perishable milk produced by them and it assures dealers of a source of milk to meet their normal demand.

The required 60-day notice is based upon the assumption that the farmers will be paid for their milk in a timely manner and in accordance with rules and regulations of the Division. Farmers who fail to receive proper payment should not be required to give notice and this amendment exempts any such farmer.

Social Impact

The amendment impacts upon only New Jersey dairy farmers shipping milk to licensed milk dealers. There is no impact on milk prices to consumers or on the availability of milk to consumers.

Economic Impact

The proposed amendment will free dairy farmers to immediately find another market for their milk if proper payment is not received, thus contributing to more financial stability for dairy farmers and, in the long run, benefit consumers.

There will be no additional cost of administering the amended regulation.

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

2:50-1.1 Dairy farmers notice to dealers of intent to discontinue sales of milk

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

(d) The notice shall not be required for dairy farmers shipping to dealers who fail to make full payment in the time and manner required by joint orders of the Division of Dairy Industry and United States Department of Agriculture.

BANKING

(a)

DIVISION OF BANKING

**Restrictions on Real Property Transactions
Definition of Executive Officer**

Proposed Amendment: N.J.A.C. 3:1-10.1

Authorized By: Michael M. Horn, Commissioner,
Department of Banking.
Authority: N.J.S.A. 17:1-8.1 and 17:9A-311B.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roger F. Wagner, Deputy Commissioner
Department of Banking
Division of Banking
CN 040
Trenton, N.J. 08625

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

This proposal is known as PRN 1982-199.

The agency proposal follows:

Summary

The Legislature amended N.J.S.A. 17:9A-71 to provide for a definition of an executive officer of a bank. The law provides that an executive officer shall be an officer of a bank who participates in major policy-making functions of the bank. The Commissioner of Banking has been delegated the authority to prescribe what constitutes policy making within the meaning of the definition of an executive officer. In conjunction with an amendment being proposed to N.J.A.C. 3:6-3, wherein the Commissioner is establishing a standard definition of an executive officer, he is also proposing to amend the definition of an executive officer as set out in this regulation.

It is the goal of the Commissioner and the Banking Advisory Board, which concurred with the proposed change, to establish a standard definition of an executive officer throughout the law and in any regulation that may make reference to an executive officer.

Social Impact

There will be no direct social impact other than the standardization of the classification of executive officer in various forms of financial institutions.

Economic Impact

The standardization of the definition of an executive officer between the law and various regulations wherein reference is made to an executive officer should have a positive economic impact on institutions affected by the regulation. Various reports and certain restrictive activities apply to individuals designated as executive officers. At the present time, there are varying definitions of an executive officer. Establishing one standard definition will allow institutions to expeditiously prepare reports and apply rules on a consistent basis, thereby reducing administrative costs.

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

3:1-10.1 Definitions

“Executive officer” means a person who participates or has authority to participate, other than in the capacity of a director, in major policy-making functions of the institution, whether or not: the person has an official title; the title contains a designation of assistant; or the person is serving without salary or other compensation. The chairman of the board, the president, [executive vice president, senior vice president, any] every vice president, the cashier, the secretary, the treasurer and the comptroller are considered to be executive officers, unless by resolution of the board of directors or by the bylaws of the institution any such executive officer is excluded from participation in major policy-making functions, other than in the capacity of a director, and the executive officer does not actually participate therein [,and any other person who is substantially involved in major policy-making functions of the institution].

(b)

DIVISION OF BANKING

**Restrictions on Loans Involving Affiliated
Persons
Definition of Executive Officer**

Proposed Amendments: N.J.A.C. 3:1-11

Authorized By: Michael M. Horn, Commissioner,
Department of Banking.
Authority: N.J.S.A. 17:1-8.1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roger F. Wagner, Deputy Commissioner
 Department of Banking
 Division of Banking
 CN 040
 Trenton, N.J. 08625

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

This proposal is known as PRN 1982-198.

The agency proposal follows:

Summary

The Legislature amended N.J.S.A. 17:9A-71 to provide for a definition of an executive officer of a bank. The law provides that an executive officer shall be an officer of a bank who participates in major policy-making functions of the bank. The Commissioner of Banking has been delegated the authority to prescribe what constitutes policy making within the meaning of the definition of an executive officer. In conjunction with an amendment being proposed to N.J.A.C. 3:6-3, wherein the Commissioner is establishing a standard definition of an executive officer, he is also proposing to amend the definition of an executive officer as set out in this regulation.

It is the goal of the Commissioner to establish a standard definition of an executive officer throughout the law and in any regulations that may make reference to an executive officer.

Social Impact

There will be no direct social impact other than the standardization of the classification of an executive officer.

Economic Impact

The standardization of the definition of an executive officer between the law and various regulations wherein reference is made to an executive officer should have a positive economic impact on institutions affected by the regulation. Various reports and certain restrictive activities apply to individuals designated as executive officers. At the present time, there are varying definitions of an executive officer. Establishing one standard definition will allow institutions to expeditiously prepare reports and apply rules on a consistent basis, thereby reducing administrative costs.

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

3:1-11.1 Definitions

"Affiliated person" means the following:

- 1.-2. (No change.)
3. A spouse of a director, manager or [senior] **executive** officer of an institution or an affiliate of an institution.
4. A member of the immediate family of a director, manager or [senior] **executive** [O]officer of an institution or an affiliate of an institution.

"**Executive [O]officer**" means a person who participates or has authority to participate, other than in the capacity of a director, in major policy-making functions of the institution, whether or not: the person has an official title; the title contains a designation of assistant; the person is serving without salary or other compensation. The chairman of the board, the president, [any] every vice president, the cashier, the secretary, the treasurer and the comptroller are considered to be executive officers, unless by resolution of the board of directors or by the bylaws of the institution any such executive officer is excluded from participation in major policy-making functions, other than in

the capacity of a director, and the executive officer does not actually participate therein [and any other person who participates in major policy-making functions of the institution].

3:1-11.2 Prohibition

No institution or affiliate thereof may, either directly or indirectly, make a loan to any director or **executive** officer of an institution or to any affiliated person of such institution, or purchase any such loan, unless the terms and conditions of the loan (including but not limited to interest rate, maturity and collateral) are comparable to those terms and conditions then prevailing for a comparable loan to a non-affiliated person.

(a)

DIVISION OF BANKING

Definition of Executive Officer Participation in Major Policy-Making Functions

Proposed Amendment: N.J.A.C. 3:6-3

Authorized By: Michael M. Horn, Commissioner,
 Department of Banking.
 Authority: N.J.S.A. 17:9A-71(B).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-197.

The agency proposal follows:

Summary

The Legislature amended N.J.S.A. 17:9A-71 to provide for a definition of both an executive officer and an officer of a bank. The law now provides that an executive officer shall be an officer of a bank who participates in major policy-making functions of the bank. The Commissioner of Banking has been delegated the authority to prescribe what constitutes policy making within the meaning of the definition of an executive officer. The prior law had made reference to operating management compared to the current policy-making reference and did not otherwise differentiate between an executive officer and a general officer of a bank.

The definition proposed generally coincides with the Federal Reserve definition of an executive officer. That definition is also applicable to national banks, therefore, adoption of the proposed regulation will create substantial parity among both State and nationally chartered banks.

Social Impact

There will be no direct social impact other than the standardization of the classification of executive officer in both State and national banking institutions.

Economic Impact

The standardization of the definition of an executive officer between the law and various regulations wherein reference is made to an executive officer should have a positive economic impact on institutions affected by the regulation. Various reports and certain restrictive activities apply to individuals designated as executive officers. At the present time, there are varying definitions of an executive officer. Establishing one standard definition will allow institutions to expeditiously prepare reports and apply rules on a consistent basis, thereby reducing administrative costs.

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

SUBCHAPTER 3. **[OPERATING MANAGEMENT]
EXECUTIVE OFFICER
PARTICIPATION IN MAJOR POLICY-
MAKING FUNCTIONS OF A BANK**

3:6-3.1 Definition of **executive officer**

The following word, when used in Article 15 of N.J.S.A. 17:9A, shall have the following meaning unless the context clearly indicates otherwise and a person so designated shall be deemed to be participating in the [operating management] **policy-making functions** of a bank for the purposes of that Article.

“**Executive [O]fficer**” means [an officer of the bank] **a person** who participates or has authority to participate, [otherwise] **other** than in the capacity of a director, in major policy-making functions of the bank, [regardless of] whether **or not: the person** [he] has an official title; [or whether his] **the** title contains a designation of assistant; [and regardless of whether he] **or the person** is serving without salary or other compensation. The chairman of the board, the president, [Executive Vice President, Senior Vice President, any] **every vice president, the cashier, the secretary, the treasurer and the comptroller** are [assumed] **considered** to be **executive officers, unless [,] by resolution of the board of directors or by the [bank's] bylaws of the bank any such executive officer is excluded from participation in major policy-making functions, [otherwise] other than in the capacity of a director [of the bank], and [he] the executive officer does not actually participate therein.**

(a)

DIVISION OF BANKING

**Statement of Interest
Definition of Executive Officer**

**Proposed Amendments: N.J.A.C. 3:7-5, 5.1,
5.2, 5.4, 5.5**

Authorized By: Michael M. Horn, Commissioner,
Department of Banking.

Authority: N.J.S.A. 17:9A-256, 17:9A-260 and 17:9A-311.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roger F. Wagner, Deputy Commissioner
Department of Banking
Division of Banking
CN040
Trenton, New Jersey 08625

The Department of Banking thereafter may adopt this proposal

without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-200.

The agency proposal follows:

Summary

The Legislature amended N.J.S.A. 17:9A-71 to provide for a definition of an executive officer of a bank. The law provides that an executive officer shall be an officer of a bank who participates in major policy-making functions of the bank. The Commissioner of Banking has been delegated the authority to prescribe what constitutes policy-making within the meaning of the definition of an executive officer. In conjunction with an amendment being proposed to N.J.A.C. 3:6-3, wherein the Commissioner is establishing a standard definition of an executive officer, he is also proposing to amend the definition in this regulation of a principal officer. Such an officer will now be defined as an executive officer thereby creating a consistency between the law and various regulations which deal with those officers who are involved in major policy-making functions of the bank.

Social Impact

There will be no direct social impact other than the standardization of the classification of executive officer in various forms of institutions.

Economic Impact

The standardization of the definition of an executive officer between the law and various regulations wherein reference is made to an executive officer should have a positive economic impact on institutions affected by the regulation. Various reports and certain restrictive activities apply to individuals designated as executive officers. At the present time, there are varying definitions of an executive officer. Establishing one standard definition will allow institutions to expeditiously prepare reports and apply rules on a consistent basis, thereby reducing administrative costs.

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

SUBCHAPTER 5. **STATEMENT OF INTEREST OF
DIRECTORS OF BANKS, TRUSTEES
OR MANAGERS OF SAVINGS BANKS
AND [PRINCIPAL] EXECUTIVE
OFFICERS OF BANKS AND SAVINGS
BANKS**

3:7-5.1 Definitions

“Designated bank” means the particular bank or savings bank of which a person required by this [regulation] **subchapter** to file a statement of interest is a director or [principal] **executive officer**.

“[Principal] **Executive officer**” means **a person who participates or has authority to participate, other than in the capacity of a director, in major policy-making functions of the bank, whether or not: the person has an official title; the title contains a designation of assistant; or the person is serving without salary or other compensation. The chairman of the board, the president, [executive vice president, senior vice president,] every vice president, the cashier, the secretary, the treasurer and [or] the comptroller [of a bank] are considered to be executive officers, unless by resolution of the Board of Directors or by the bylaws of the bank any such executive officer is excluded from participation in major policy-making functions, other than in the capacity of a director, and the executive officer does not**

actually participate therein. [Principal officer also includes any person, regardless of title, who is substantially involved in major policy-making functions of the bank.]

"Reporting person" means a director or [principal] executive officer who is required by this regulation to complete and file a statement of interest with the designated bank.

3:7-5.2 Filing a statement of interest

(a) Every director or [principal] executive officer of a bank shall, on forms furnished by the Commissioner, complete and file a statement of interest with the designated bank within 30 days after the effective date of this regulation or within 30 days after becoming a director or [principal] executive officer of the designated bank. The statement of interest shall include the following information:

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

3:7-5.4 Location and retention of statements of interest

(a) All statement of interest forms shall be maintained at the principal office or at such other office as may be designated by the board of directors [of the bank]. Statement of interest forms which have been superseded by new or corrected forms shall be retained with the new statement of interest forms for a period of two years.

(b) If any director or [principal] executive officer of a designated bank ceases to serve in that capacity, the bank shall retain for a period of two years the current statement of interest forms on file with the designated bank.

3:7-5.5 Access to statement of interest forms

(a) Each completed and filed statement of interest form shall be maintained [at the principal office] for review by the State and Federal bank examiners and the following persons associated with the designated bank: directors, senior loan officers, [and] the bank's designated auditor and the bank's designated public accounting firm.

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

(a)

**DIVISION OF SAVINGS AND LOAN
Mortgage Bankers and Mortgage Brokers
Operations
Proposed New Rules: N.J.A.C. 3:38-2,-3,-4,-5
and -6**

Authorized By: Michael M. Horn, Commissioner,
Department of Banking.
Authority: N.J.S.A. 17:11B-5.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

William B. Lewis
Deputy Commissioner
Division of Savings and Loan
Box CN 040
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-203.

The agency proposal follows:

Summary

N.J.A.C. 3:38-1.1 established license fees for Mortgage Bankers and Mortgage Brokers as required by L.1981, c.18 Sec. 5 (N.J.S.A. 17:11B-5) as part of the new comprehensive scheme of regulations. N.J.A.C. 3:38-1.2 through 1.8 (see this issue of the Register at 14 N.J.R. 571(a)) set forth specific procedures for the licensing process (including license examinations), bond requirements and accounting procedures. These new rules set forth procedures for the examination of books and records. They also create a system of disclosure to be made to mortgage loan applicants and establish the obligations of Mortgage Brokers and Bankers upon the issuance of loan commitments. Hearing procedures are also outlined.

Social Impact

The new rules require certain minimum disclosures to be made to members of the general public who apply to a licensed mortgage lender or mortgage broker for mortgage funds. The rules also require licensed mortgage bankers and mortgage brokers to maintain minimum books and records to enable the Department of Banking its examinations to determine compliance. It is expected that the disclosures will enable the general public to make a more informed choice in the purchase of mortgage funds and to prepare for the costs attendant to the closing of the loan.

Economic Impact

The fees collected as a result of these new rules will offset a substantial amount of the Departments' costs of administering the statute. The economic impact to the public should be minimal, if any exists at all.

Full text of the proposal follows.

SUBCHAPTER 2. BOOKS AND RECORDS

3:38-2.1 Methods and accounting

(a) All licensees shall maintain books and records in accordance with recognized accounting principles.

(b) All licensees must maintain a record-keeping system which shall demonstrate the following fees if charged to the mortgage applicant by the licensee:

- 1. Appraisal fees;
- 2. Credit report fees;
- 3. Application fees;
- 4. Commitment fees;
- 5. Warehouse fees; and
- 6. Third party charges.

(c) Each licensee shall maintain a trustee account ledger detailing receipts and disbursement of all funds deposited by the borrower or seller with the licensee in connection with the origination or closing of any mortgage loan and held in accordance with the terms of a written agreement between the licensee and such borrower or seller, which provides that upon the occurrence of a specific condition or event, the funds or a portion thereof shall be disbursed to the borrower or seller. All such trust accounts shall be reconciled on a quarterly basis. Nothing in (c) of this section is meant to include escrows collected or held by the licensee for taxes or insurance.

(d) Each licensee must notify the Department of the office in which the books and records are kept.

3:38-2.2 Loan application information

(a) Each licensee shall maintain a loan application system containing the following information for each application:

- 1. Case number;
- 2. Application date;

3. Name;
4. Property address;
5. Disposition;
6. Type of loan.

3:38-2.3 Loan documentation file

(a) Each licensee shall maintain for each mortgage loan application the following data, if utilized by the licensee in connection with the mortgage loan application:

1. Loan application;
2. Loan commitment;
3. Truth-in-Lending disclosure statement;
4. Loan closing statement;
5. Copy of mortgage note or bond;
6. Adverse action or rejection of application letter;
7. Appraisal report;
8. Credit report.

3:38-2.4 Documentation

(a) Every loan application must be signed by the borrower or his agent. If more than one borrower applies, all borrowers or their agents must sign the application.

(b) Each credit report for which a separate charge is made to an applicant shall consist of at least a written memorandum that the credit history of the applicant was investigated and by whom.

(c) Every appraisal report for which a separate charge is made to an applicant shall consist of at least a written memorandum indicating that the value of the property was evaluated and by whom.

3:38-2.5 Reproduction of documents and records

A licensee may reproduce documents and records relating to the operation of its business for the purpose of complying with this subchapter and may substitute the copy for the original.

SUBCHAPTER 3. EXAMINATIONS

3:38-3.1 Examination of books and records

(a) The Department of Banking shall examine the books and records of licensees at such times as are determined by the Commissioner in accordance with the statute.

(b) The cost of examination shall be borne by the licensee.

(c) The official report of examination shall be submitted to such individual representative of the licensee as shall be designated by the licensee for such purpose.

SUBCHAPTER 4. FEES AND CHARGES

3:38-4.1 Application

(a) No licensee shall charge for any fees or services in the application for or the processing of a loan commitment or at the closing of a loan other than the following, except as otherwise permitted by State or Federal law.

1. Application fee: Defined as any fee imposed by the licensee for accepting and processing the mortgage loan application;
2. Credit report fee;
3. Appraisal fee;
4. Commitment fee: Defined as a fee, exclusive of third party charges, imposed by the licensee as consideration for binding the licensee to make a loan in accordance with the terms and conditions of its commitment;
5. Warehouse fee: Defined as a fee charged to the licensee for the cost associated with holding the mortgage loan pending its sale to a permanent investor.
6. Reimbursement for third party charges paid by or charged to the licensee;
7. Discount points.

SUBCHAPTER 5. OBLIGATION OF LICENSEES

3:38-5.1 Application process

(a) Before accepting any application fee in whole or in part, or any credit report, appraisal, or any fee or charge imposed or to be imposed by a third party, for services rendered incident to the processing of that application, the licensee shall have made written disclosure to the applicant setting forth:

1. The amount of application fee and identifying the type and nature of each such fee or charge;
2. Whether all or any part of the application fee or such fees or charges are refundable; and
3. The terms and conditions for the refund, if all or any part of the application fee or such charges are refundable.

(b) Not later than three business days after the licensee receives the borrower's written application or before consummation of the transaction whichever is earlier, the licensee shall provide the applicant with a good faith estimate as a dollar amount or range of each charge for a settlement service which the borrower is likely to incur.

1. For the purpose of this section, "settlement service" shall mean a charge which the lender anticipates that the borrower will pay at settlement based upon the lender's general experience.

2. With respect to the settlement charges imposed on a borrower by the licensee (and not by third parties), the licensee shall indicate which, if any, of such fees are refundable in whole or in part and the terms and conditions for such refund.

(c) The licensee shall notify the borrower in writing, as to whether the application for a mortgage loan has been approved, conditionally or otherwise, or disapproved within 30-days after receipt by the licensee of all information and documentation, including approval of insurers, guarantors, investors or other third parties which a licensee requires to determine whether the application should be approved or disapproved.

3:38-5.2 Commitment process

(a) For the purpose of this section, a loan commitment means a signed statement by the licensee setting forth the terms and conditions upon which the licensee is willing to make a particular mortgage loan to a particular applicant.

(b) At or prior to the issuance of the commitment, the licensee shall disclose the following:

1. Amount financed: Which shall mean the amount of credit provided to the borrower or in his behalf.
2. Finance charge: Which shall mean the dollar amount the credit will cost the borrower.
3. Annual percentage rate: Which shall mean the cost of the credit to the borrower as a yearly rate.
4. Variable rate: If the application is for a loan in which the interest rate, annual percentage rate, payments or term may vary after consummation, then the following disclosures shall be made:
 - i. The circumstances under which the above terms may change;
 - ii. Any limitation on a change;
 - iii. The effect of a change; and
 - iv. An example of the payment terms that would result from an increase.

5. Payment schedule: which shall mean the number, amounts and timing of payments scheduled to repay the obligation.

6. All other charges, including, but not limited to, warehousing fees and discount points.

(c) If any information necessary for an accurate disclosure required by N.J.A.C. 3:38-5.1(b) or (b) above is unknown to the licensee at the time disclosure is required, the licensee shall make the disclosure based on the best information reasonably available to him and shall state that the disclosure is an estimate.

(d) Rediscovery required: If any of the following occur subsequent to any disclosure, the licensee shall redisclose the changed terms to the borrower at time of issuing its commitment, or if changes occur subsequent thereto, then prior to consummation of the transaction:

1. If the annual percentage rate varies from the annual percentage rate disclosed by more than one quarter of one percentage point;
2. An increase of the warehouse fees or discount points to be charged at the closing;
3. If the licensee intends to impose any increase in any charges referred to in these regulations or any charges not previously disclosed.

(e) A loan commitment shall set forth the time within which the commitment must be accepted by the borrower and the expiration date of the commitment.

(f) Before accepting a commitment fee, as defined in N.J.A.C. 3:38-4.1(a)4, the licensee shall have disclosed in writing the amount of the commitment fee, if charged as a separate fee. The commitment shall set forth whether all or any part of the commitment fee is refundable. If all or any part of the commitment fee is refundable, the licensee shall set forth the terms and conditions for the refund. A refundable commitment fee shall not be considered a trust fund pursuant to N.J.A.C. 3:38-2.1(c).

(g) The terms and conditions of a commitment cannot be changed prior to the timely acceptance of the commitment by the applicant.

(h) All commitments issued shall state clearly whether the terms or conditions of the commitment including rate of interest and fees set forth therein will remain constant or are subject to change prior to or at closing. If subject to change, the commitment must clearly state the basis, index or method used to determine the rate and fees at the time of closing (which can include a rate and fees set at the discretion of the lender).

(i) A failure to comply with this subchapter shall not be deemed to provide a party to the transaction with any legal rights or remedies he or she would not otherwise enjoy pursuant to the contractual relationship between the parties.

(j) Where any disclosure is required pursuant to this subchapter which is also required by any Federal law or regulation, compliance with such Federal law or regulation shall be deemed to be in compliance with this subchapter.

3:38-5.3 Closing settlements

Provided that the conditions of its commitment have been met, and upon reasonable notice, each licensee shall be ready, willing and able to meet any closing date scheduled in accordance with the term of its commitment.

3:38-5.4 Trust funds

For accepting any trust funds, each licensee shall disclose in writing to the party or parties depositing such funds the purpose for which the fund is established, the amount of the trust fund, the period for which the trust fund will be held, and the conditions upon which the funds will be disbursed or released.

SUBCHAPTER 6. HEARING PROCEDURES

3:38-6.1 Order to Show Cause

(a) Before any license is suspended, or revoked, or any penalties assessed against a licensee, the Commissioner shall afford the licensee a hearing initiated by serving upon the licensee an Order to Show Cause why the contemplated action should not be taken.

(b) The Order to Show Cause shall set forth the ground or grounds upon which the contemplated action is based.

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING

Uniform Construction Code
Interlocal Enforcement Fees

Proposed Amendment: N.J.A.C. 5:23-4.8

Authorized By: Sidney L. Willis, Assistant Commissioner,
Department of Community Affairs.
Authority: N.J.S.A. 52:27D-124.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-192.

The agency proposal follows:

Summary

The proposed rule stipulates that any local enforcing agency for the Uniform Construction Code operating in more than one municipality as provided by an interlocal services agreement shall have the same fee schedule for each municipality, collect all fees directly without splitting or sharing fees with any municipality or county, and maintain complete financial records.

Social Impact

One fee will be collected. The public will not be inconvenienced to pay separate fees for the same service to the enforcing agency and a municipality or county.

Economic Impact

This rule should generally result in lower fees, the elimination of multiple charges for the same service and greater financial accountability for interlocal enforcing agencies.

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

5:23-4.8 Fees

(a) Rules concerning the municipal enforcing agency fees are:

1.-3. (No change.)

4. **Interlocal enforcement: When two or more municipalities or a county and one or more municipalities enter into an agreement to administer and enforce this chapter pursuant to N.J.A.C. 5:23-4.4(a)2 and the Interlocal Service Act (N.J.S.A. 40:8A-1 et seq.), there shall be one uniform fee schedule which shall be applied by all parties to the agreement. Said fee shall be collected by the interlocal enforcing agency performing the administration and enforcement of the regulations. No additional fee shall be required to be paid or be paid by an applicant to any municipality or county for any Uniform**

Construction Code enforcement service. The enforcing agency shall maintain financial records showing for each municipality the amounts of money collected and expended in the enforcement of this chapter.

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

(a)

DIVISION OF HOUSING

Uniform Construction Code
Manufactured Housing

Proposed Amendment: N.J.A.C. 5:23-4.10A

Authorized By: Sidney L. Willis, Assistant Commissioner,
Department of Community Affairs.
Authority: N.J.S.A. 52:27D-124 and 52:27D-124f.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-188.

The agency proposal follows:

Summary

Two technical changes, required by the United States Department of Housing and Urban Development, are made to the regulations concerning State enforcement of the Federal Manufactured Home Construction and Safety Standards.

Social Impact

The changes are technical in nature and will have no social impact.

Economic Impact

The changes will have no economic impact because they are technical in nature.

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

5:23-4.10A Enforcement of Federal manufactured home standards

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

(e) The Bureau shall monitor manufacturer compliance with the requirements of **24 C.F.R. Section 3282.401 et seq. (Subpart I) primarily by checking** records required to be kept by manufacturers in the State pursuant to 24 C.F.R. Section 3282.404(b) at least once annually.

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

(j) There is hereby established a monitoring inspection fee of \$19.00 which is to be paid by manufacturers [to the Bureau, for transmission to the Secretary,] for each manufactured home manufactured in New Jersey.

(k) (No change.)

Division of Housing Note: N.J.A.C. 5:23-4.10A, as adopted and promulgated in the March 1, 1982 Register at 14 N.J.R. 233(a), became operative on May 4, 1982 (see N.J.A.C. 5:23-4.10A(k)).

(b)

DIVISION OF HOUSING

Rooming and Boarding Houses
Fire Safety; Life Safety LoansProposed Amendments: N.J.A.C. 5:27-2.1,
4.8, 5.1, 5.2, 5.3, 5.8 and 5.9
Proposed New Rules: N.J.A.C. 5:27-12

Authorized By: Sidney L. Willis, Assistant Commissioner,
Department of Community Affairs.
Authority: N.J.S.A. 55:13B-4 and 55:14J-57.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-174.

The agency proposal follows:

Summary

Use of cellar areas for rooming units is prohibited. Use of a bathroom for a required means of egress is prohibited. Standards for exitways are established. It is required that all required means of egress be used during fire drills and that all residents be instructed in the use of all alternate exits and be required to demonstrate the ability to use the required exits.

Single station smoke detectors are required to conform to either NFPA 72E or 74 and U.L. 217 standards. The requirement that the alarm system be connected to the fire department is limited to Class B and Class C boarding houses and NJPA 72C is established as a reference standard. Smoke detectors are required in basements and cellars at a spacing of one per 450 square feet where there is no one-hour fire-rated ceiling and one per 900 square feet where such fire-rated ceiling exists. Additional installation requirements are established.

Fully sprinklered buildings are excluded from the one-hour fire-rated partition requirement for non-electric furnaces and heaters. Hollow core wooden doors are prohibited for rooming unit entrance doors. The requirement for fire protection of wood panels is expanded to include fire retardant materials other than sheet steel and that such doors, when replaced, be replaced with solid core doors or class "C" rated fire doors. Unit doors must be self-closing.

The sprinkler requirement for larger facilities is extended to bedrooms and bathrooms. NFPA 13D is adopted as a standard for sprinkler heads in bedrooms. Hard wired AC power is required for emergency exit lighting. Facilities which have **either** 21 or more residents **or** are more than two stories with resident access above the second floor are required to be sprinklered.

The powers of the Department under the Boarding House Life

Safety Improvement Act of 1981 are delegated to the Bureau of Rooming and Boarding House Standards. Standards are established for rental assistance agreements and for determining who is a senior citizen or disabled resident of the State, all as required by that Act.

Social Impact

The proposed regulations will strengthen the life safety requirements previously established for rooming and boarding houses and will thereby better protect the residents.

Economic Impact

The cost of making the necessary life safety improvements will be considerable in many cases. However, the Boarding House Life Safety Improvement Act of 1981 provides a means whereby owners who cannot otherwise afford to make the improvements can get loans from the New Jersey Housing Finance Agency which are repaid out of casino revenues and other State funds so long as the facility continues to be used to house persons of low and moderate income.

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

5:27-2.1 Definitions

“HFA” means the New Jersey Housing Finance Agency.

“Story, cellar” means any story below the first story.

“Story, first” means the lowest story which contains habitable or occupiable rooms and which is more than 50 percent above grade. A story shall be considered more than 50 percent above grade whenever the number of stair risers to grade at any required exit from the lowest story shall be equal to less than half the number of stair risers in any stair connecting the lowest story with the next above.

“Story, ground” means any first story which provides barrier free access to grade at each of its required means of egress.

5:27-4.8 Use and occupancy of space

(a)-(c) (No change.)
 (d) A room located [in whole or] in part below the level of the ground may be used for sleeping provided that the walls and floor thereof in contact with the earth have been damp-proofed in accordance with a method approved by the Bureau; and provided that all requirements otherwise applicable to habitable rooms generally are satisfied.

5:27-5.1 Egress requirements

(a) Every rooming unit shall have a safe and unobstructed means of egress usable by its occupants or any intended occupant. Such means of egress shall not be through any other rooming unit or bathroom and shall lead to a safe and open space at ground level accessible to a street. **No rooming unit shall be located in a cellar story.**

(b) There shall be not fewer than two independent means of egress remote from each other from every floor of a building having habitable rooms above the second floor or housing six or more residents and having habitable rooms above the first floor.

1. **Exit travel distance from the door of a rooming unit to an exterior door or the entrance to an enclosed stair shall not exceed 100 feet except that the travel distance may be increased to 150 feet in sprinklered buildings.**

2. **Each shall provide at least 22 inches of total exit width for each 22 residents to be served by such exit in the case of Class B and C facilities and for each 100 residents in the case of Class A facilities. Where Class B or C facilities are fully sprinklered, then 22 inches of exit width shall be provided for each 35 residents.**

3. **No exit passageway shall be less than 36 inches wide and no exit stairway or door shall be less than 32 inches wide.**

4. **Fire escapes, where used on existing facilities shall conform to the requirements of the current edition of the Life Safety Code (NFPA 101).**

(c) (No change.)

(d) Fire drills shall be conducted in every rooming and boarding house at least once per month and a permanent record of fire drills, indicating the date and hour and the time required to evacuate all residents from the building, shall be maintained by the licensee and shall be available to the Bureau upon request. At least 50 percent of drills shall be conducted at night. Every rooming and boarding house shall have an evacuation plan which includes provision for mutual responsibility of residents for each other's safe egress. All residents and employees shall be required to participate in fire drills. **Every required means of egress shall be used during drills and each resident shall demonstrate, at the time of drills, the physical ability to use all required means of egress.** The building shall be completely evacuated immediately upon the sounding of a fire alarm. Notice of drills shall be given to the local fire department or company.

5:27-5.2 Fire detection equipment

(a) Smoke detectors shall be installed in all rooming and boarding houses and shall be Underwriters Laboratory, Inc. (U.L.), Factory Mutual Research Corporation (F.M.) or other recognized testing agency listed ionization or photo-electric type units. Smoke detectors installed in areas other than sleeping rooms shall sound one or more alarms audible throughout the building at a minimum sound intensity of 85dbA.

1. Single station units shall be provided as follows:

i. (No change.)

ii. All units shall be installed and maintained as per manufacturers recommendations, shall be listed as conforming to [comply with] the latest NFPA 72E [and] or 74 and U.L. 217 standards and shall be cleaned by the licensee at least twice a year.

iii.-v. (No change.)

(b) The following requirements shall apply to detection systems:

1. All rooming and boarding houses occupied or intended to be occupied by six or more residents which do not comply fully with the minimum life safety requirements of the Uniform Construction Code shall be required to have an approved early warning smoke detection system in all areas other than sleeping rooms. Detection systems shall be powered by a concealed, hard wired, constantly active electric circuit which cannot be deactivated by the operation of any inter-connected switching device [and shall be connected to a central alarm system that will notify the fire department or company having jurisdiction]. All detectors shall be interconnected so that the activation of any one detector [alarm] will also simultaneously activate all the individual alarms of all other detection units in the system. All detection units, wiring and systems installations shall conform to latest U.L. 268, [217] NFPA No. 72A and 72E [and No. 74] standards. **All Class B and Class C boarding houses shall be equipped with a remote station protective signaling system conforming to the requirements of NFPA Standard 72C. Such systems shall be connected by a direct circuit to a central alarm system which will simultaneously alert the fire department or company having jurisdiction. Where the adopted NFPA standards allow or require determinations by the "authority having jurisdiction" then that authority shall be exercised by the municipal fire subcode official appointed pursuant to the Uniform Construction Code Act.**

i. All interior stairways shall have detectors installed at either the ceiling of the stair landing or high point of the sloped staircase soffit at each floor level.

ii. Basements or cellars which lack a minimum one hour fire-rated smooth ceiling surface shall have approved smoke detectors installed at a spacing not to exceed [625] 450 square feet of floor

space coverage per detector [, unless the unit is listed for a larger spacing]. One such detectors shall be located [at] on the ceiling [of the first floor stair landing] or other approved location where the earliest detection of fire would activate the alarm. Maximum spacing [shall conform to U.L./F.M. listings for "1/2 S" distances of individual manufactured units. The "1/2 S" distance spacing] in open joist ceilings **shall be 15 feet perpendicular to the joists and 30 feet parallel to the joists.** [perpendicular to the joists shall be one half of that listed.] Detectors shall be installed on the bottom surface of the joist. Compartmentized and partially enclosed areas shall have additional detectors as required to afford complete protection of total basement/cellar area conforming to the above criteria.

iii. Basements or cellars which have an existing approved minimum one hour fire-rated ceiling assembly shall have a minimum of one approved smoke detector per [2,500] **900** square feet of area, one such detector to be located at the ceiling of the cellar or basement as close as possible to the stairway opening [the first floor stair landing] or other approved location where the earliest detection of fire would activate the alarm. Additional detectors shall be required in ceiling areas that are enclosed or separated by [a] **any** dropped girder or similar type projection **which exceeds eight inches in depth** to afford complete protection of total basement/cellar area.

iv. (No change.)

v. Approved heat detectors shall be installed in lieu of smoke detectors in all heating equipment rooms, furnace areas, elevator machine rooms, laundry rooms, **kitchens** and other similar type areas and shall be connected to the **general alarm[s] system** throughout the building.

2. (No change.)

(c) (No change.)

5:27-5.3 Fire partitions and doors

(a) All non-electric furnaces and other heating or hot water facilities shall be separated from living areas by partitions having a fire resistance rating of not less than one hour **except in fully sprinklered buildings.**

(b) (No change.)

(c) No entrance door to a rooming unit shall consist either in whole or in part of glass, of louvers, or **hollow core wood**, or of wood panels having a thickness of less than 1/2 inch [and not having sheet steel of not less than 28 guage securely attached on the inside of such door with bolts or screws and covering the entire area of such wood panels.] **unless such panels are covered with a fire retardant material so as to be flush with the door stiles and rails; there shall be no voids behind such fire retardant covering. Where doors must be replaced they shall be replaced with solid wood core doors or class "C" rated fire doors. All unit doors shall be self-closing.**

5:27-5.8 Sprinkler systems

Every boarding house operating with a Class B or Class C license which is occupied by at least 21 residents, or which is greater than two stories, and in which residents have access to rooms above the second story, shall be equipped with an approved sprinkler system in all **rooms and other interior areas** [other than sleeping rooms and bathrooms]. All materials and installations shall comply with the latest NFPA 13 standards [.] **except that fast acting sprinkler heads conforming to the requirements of NFPA 13D may be used in sleeping rooms.**

5:27-5.9 Emergency lighting

Every rooming and boarding house occupied or intended to be occupied by six or more residents shall be equipped with **hard wired AC powered** emergency lighting facilities in all means of egress. Emergency lighting shall be installed and connected to an auxiliary electrical supply or battery-operated system or equivalent, so that they will be operational during any emergency or interruption of regular electrical service.

SUBCHAPTER 12. LIFE SAFETY LOANS

5:27-12.1 Purpose; delegation to Bureau

(a) The regulations in this subchapter are promulgated for the purpose of facilitating the discharge by the Department of Community Affairs of the functions assigned to it by the Boarding House Life Safety Improvement Act of 1981 (P.L. 1981, c. 515; N.J.S.A. 5:14J-52 et seq.)

(b) The functions assigned to the Department of Community Affairs by the Boarding House Life Safety Improvement Act of 1981 shall be discharged by the Bureau.

5:27-12.2 Rental assistance agreements

(a) No rental assistance shall be paid by the Bureau to any owner except pursuant to a rental assistance agreement signed by the owner and the Chief of the Bureau. In the case of a corporation or association, the primary owner shall sign the agreement and an appropriate resolution of the corporation or association shall be submitted.

(b) The agreement shall provide that payment of the rental assistance funds shall be made by the Bureau directly to the HFA, for credit to the owner's loan account.

(c) Pursuant to statute, the agreement shall require that the owner remit to the Bureau, upon demand by the Bureau, an amount equal to any rental assistance payment made by the Bureau on behalf of any resident having an income in excess of **the maximum amount established by the HFA at any time during the period of time covered by the rental assistance payment.**

(d) The agreement shall require the owner to submit to the Bureau quarterly reports setting forth the names, ages, and incomes of all residents and whether or not they are disabled. This information shall be verified by the Bureau at least once annually.

(e) The agreement shall provide that payments on behalf of a resident who leaves the facility shall continue so long as such resident's place is taken within 90 days by another resident.

1. If the place of a resident receiving assistance is not taken by another such eligible resident within 90 days, all rental assistance payments made for the period after the departure of the eligible resident shall be returned to the Bureau upon demand. Such determination shall be made by the Bureau upon review of consecutive quarterly reports.

(f) In the event that the owner commits, or allows to be committed, any violation of the Act or of this chapter or, in the case of a residential health care facility, of applicable Department of Health regulations, and continues to do so after being ordered by the Bureau or Department of Health, as the case may be, to terminate such violation, the Bureau may suspend or terminate rental assistance payments.

5:27-12.3 Casino Revenue Fund rental assistance eligibility

(a) The following standards are established for the purpose of determining eligibility of residents for rental assistance made with funds appropriated from the Casino Revenue Fund:

1. A person 65 years of age or older shall be deemed to be a "senior citizen."

2. A person having his principal residence within the State of New Jersey who is totally and permanently unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment shall be deemed to be a "disabled resident of the State."

(a)

DIVISION OF HOUSING

**Rooming and Boarding Houses
Placement of Non-ambulatory Residents;
Supervision of Self-Administration of
Medication**

Proposed Amendment: N.J.A.C. 5:27-3.5
Proposed New Rule: N.J.A.C. 5:27-10.6

Authorized By: Sidney L. Willis, Assistant Commissioner,
Department of Community Affairs.
Authority: N.J.S.A. 55:13B-4.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-178.

The agency proposal follows:

Summary

The Department of Community Affairs, through its legal counsel, has been advised that legal counsel to the Department of Health has determined that supervision by boarding house licensees of residents' self-administration of medicine would not violate statutes or regulations administered by the Department of Health. Consequently, the Department of Community Affairs proposes to amend its regulations to remove the prohibition on the placement in boarding houses of persons regularly requiring supervision of self-administration of medicine and to establish a new rule defining the permitted scope of such supervision. Clarification is also provided as to the appropriate placement of non-ambulatory residents who are able to move from one place to another without assistance.

Social Impact

As a result of deinstitutionalization policies, many people who must regularly take certain medication in order to function in a non-institutional environment are living in boarding houses. The likelihood that these people can live in a boarding house without becoming disruptive is increased if the operator of the boarding house is able to take steps, short of providing nursing care, to assure that the medication is taken in the proper dosages and at the proper times.

Economic Impact

If more residents who require this medication are to take it in the intended manner, there will be fewer emergency transfers back to mental hospitals, with consequent savings.

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

5:27-3.5 Appropriate placement

(a) No licensee shall accept as a resident in a rooming or boarding house a person who is not ambulatory, with or without assistive

devices who is not certified by a physician to be free of communicable diseases and not in need of nursing care[, who regularly requires supervision of self-administration of medication] or who requires services not available in such rooming or boarding house. **The foregoing notwithstanding, a person who is not ambulatory but who is capable of moving unassisted from room to room with the aid of an assistive device or a wheelchair may be accepted for residence on the ground floor of a rooming or boarding house that is fully covered by a sprinkler system.**

(b) (No change.)

5:27-10.6 Supervision of self-administration of medicine

(a) When necessary for the health, safety or welfare of a resident, a licensee providing supervision of self-administration of medication shall provide the following services:

1. Storage of medication in a locked cabinet to which only the licensee has access;
2. Notifying residents of the time of taking their medication; and
3. Presenting residents with bottles of medication, reminding them of the proper dosage and watching which they remove and take the medication by themselves.

(b) Supervision of self-administration of medicine shall not include the following services:

1. Placement or pouring of the dosage in a container for the resident;
2. Placing of medication in the mouth or the food of the resident; or
3. Administration of injections.

(b)

STATE BOARD OF EDUCATION

Business Services

Method of Determining Tuition Rates

**Notice of Correction: N.J.A.C. 6:20-3.1 (14
N.J.R. 458(a))**

Take notice that an error appears in the May 17, 1982 Register at 14 N.J.R. 458(a) concerning the method of determining tuition rates. N.J.A.C. 6:20-3.1(c)12ii should have appeared as follows: **Multiply the debt service interest charges paid by the ratio of State support obtained in (c)12i above;**

This notice is published as a matter of public information.

(c)

DIVISION OF WATER RESOURCES

**Water Supply Bond Loan Regulations
Rehabilitation of Water Supply Facilities**

**Proposed Amendments: N.J.A.C. 7:1A-2.5,
2.12 and 2.13**

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

Authority: Water Supply Bond Act of 1981, P.L. 1981, c.261, section 5.

Two **public hearings** concerning this rule will be held at the following times and locations:

June 24, 1982
7:00 P.M.
Waterford Township Municipal Building
125 Auburn Avenue
Atco, New Jersey
June 25, 1982
10:00 A.M.
Labor Education Center
Rutgers University
Ryderson Lane and Clifton Avenue
New Brunswick, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

William Whipple, Administrator
Water Supply and Watershed Management
Administration
Division of Water Resources
P.O. Box CN 029
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-213.

The agency proposal follows:

Summary

These proposed rules complete and further supplement the procedures governing loans for State or local projects for the rehabilitation or repair of antiquated, obsolete, damaged or inadequately operating publicly owned water supply facilities pursuant to the Water Supply Bond Act of 1981, P.L. 1981, c.261, and as recommended by the New Jersey Statewide Water Supply Plan. The Water Supply Bond Loan Regulations for the Rehabilitation of Water Supply Facilities were originally proposed on January 4, 1982 at 14 N.J.R. 10(a). The majority of the January 4, 1982 proposal has been adopted with substantive changes not requiring additional public notice and comment in this issue of the New Jersey Register (see 14 N.J.R. 573(c) in this Register).

However, public comments and further Departmental review indicated that certain sections should be withdrawn and repropoed, including the addition of some new material. In particular, additional Departmental staff review and public comment provided the basis for a determination that the initially proposed priority determination section was not workable. Much of the information required would be difficult to obtain by the applicants and unverifiable by the Department. Provisions to consider questions of cost effectiveness were not included in the previous proposal. Thus, the Department determined that major revisions were required.

The entire priority determination section, N.J.A.C. 7:1A-2.12, has been revised to insure that appropriate priority criteria will be considered according to a method that facilitates both public understanding and Departmental administration. The revised priority determination reflects priority categories which shall more equitably and rationally rank water supply rehabilitation projects for eligibility.

Application procedures, N.J.A.C. 7:1A-2.5(b)8, 9 and 10, have been added to require an applicant for a project to submit cost estimates for the project, environmental impact information and all documentation necessary for the Division of Water Resources to

adequately determine the applicant's eligibility under the revised priority determination section. New proposals have been made for portions of the project development phase of the water supply bond loan program (see N.J.A.C. 7:1A-2.13(b), (c)1, 2ii and iii), including the incorporation of the New Jersey Safe Drinking Water Regulation standards, N.J.A.C. 7:10-1 et seq., into all water supply bond loan rehabilitation project designs.

Social Impact

A major positive social impact will result from the proposed rule. More efficient operation of the water supply facilities in the State will result from the completion of rehabilitation projects financed by water supply bond loan funds. The rehabilitation and repair of antiquated or damaged water supply facilities will help conserve our vital water resources and lend increased support to the State's revitalization and economic development.

Economic Impact

The economic impact of the proposed rule will be realized by the provision of bond fund loans for the rehabilitation or repair of antiquated, obsolete, damaged or inadequately publicly owned water supply facilities. While the expenditure of such funds will require repayment in accordance with the Water Supply Bond Act of 1981, and these proposed regulations, economic benefits will be realized by the improvement of such eligible water supply facilities.

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

7:1A-2.5 Application procedures

(a) (No change.)

(b) (No change.)

1.-7. (No change.)

8. An estimate of preliminary, developmental, and construction costs by unit prices for the project. Labor, equipment, materials, supplies, overhead and contractor's and consultant's profit with supporting background and summary sheets shall be included to substantiate the estimates of unit costs. Total project costs and those project costs that the applicant anticipates to be eligible for a bond loan shall be separately summarized;

9. A brief description of the environmental impact of the proposed project, including brief identifications of environmental impacts of the proposed project on water quality, plant and animal life, project site land characteristics, historical sites and other environmental factors; and

10. All documentation and other information as may be necessary for the Division to adequately determine the applicant's priority point total pursuant to N.J.A.C. 7:1A-2.12.

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

7:1A-2.12 Priority determination

(a) Each project shall be assigned priority points in accordance with the provisions outlined in this section. A project shall be ranked by the number of priority points it receives.

1. A water supply system serving less than or equal to 10,000 residents shall be eligible for a loan if it receives at least eight priority points.

2. A water supply system serving between 10,001 and 75,000 residents shall be eligible for a loan if it receives at least 12 priority points.

3. A water supply system serving greater than 75,000 residents shall be eligible for a loan if it receives at least 20 priority points.

4. In the instance of systems with a large seasonal variation in the number of residents, the residential population figure utilized for the purpose of this section shall be the mean of the greater and twice the lower residential population as

determined by data deemed acceptable to the Department for the most recent calendar year.

(b) All applications must also meet the criteria set forth in N.J.A.C. 7:1A-2.3 to be eligible for a loan.

(c) Three separate priority lists shall be established in each program year according to the size of the water supply system as set forth in (a) above. Appropriations for each of the three separate priority lists shall be determined as a percentage of the total periodic appropriations by the Legislature to the Department for the purpose of implementing this chapter.

1. Thirty percent of the total Department appropriation for the purposes of implementing this regulation shall be appropriated for those eligible water supply systems that serve less than or equal to 10,000 residents.

2. Forty percent of the total Department appropriation for the purposes of implementing this regulation shall be appropriated for those eligible water supply systems that serve between 10,001 through 75,000 residents; and

3. Thirty percent of the total Departmental appropriation for the purposes of implementing this regulation shall be appropriated for those eligible water supply systems that serve greater than 75,000 residents.

(d) If in any program year there are an insufficient number of eligible projects on any of the three separate priority lists, the funds designated for said category shall be disbursed to eligible projects on the other priority lists in the same proportions as set forth in (c) above.

(e) A maximum loan amount for each project shall be set for each of the three categories of projects as follows:

1. A water supply system serving less than or equal to 10,000 residents may receive a loan of up to \$500,000 maximum;

2. A water supply system serving between 10,001 and 75,000 residents may receive a loan of up to one million dollars maximum;

3. A water supply system serving greater than 75,000 residents may receive a loan of up to three million dollars maximum;

4. Any loan funds appropriated for a project in excess of the actual costs spent for the completed project shall be returned to the Water Supply Fund created pursuant to the act within 30 days of final inspection of the project by the Department.

(f) Priority points shall be given for the following factors and in the amount shown below:

1. An applicant shall receive priority points listed in priority categories set forth in (f)2, 3, 4, 5, 6 and 9 below only if the project scope includes the actual repair, rehabilitation, or correction of a problem item clearly related to said priority categories.

2. Priority points shall be awarded for the age of transmission lines and appurtenances including interconnections and surge tanks to be rehabilitated.

i. Two points shall be awarded for transmission lines and appurtenances constructed between the years 1966 through 1970;

ii. Four points shall be awarded for transmission lines and appurtenances constructed between the years 1951 through 1965;

iii. Eight points shall be awarded for transmission lines and appurtenances constructed between the years 1926 through 1950;

iv. Twelve points shall be awarded for transmission lines and appurtenances constructed between the years 1901 and 1925;

v. Sixteen points shall be awarded for transmission lines and appurtenances constructed in or before the year 1900.

3. The applicant shall be required to submit justification to the satisfaction of the Department before priority points are awarded under priority categories (f)4 and 5 below. The justification may consist of, but not be limited to, a technical analysis, a professional certification, unresolved Departmental administrative orders, unresolved Departmental directive

letters, verifiable system failures and malfunctions, or other justifications as deemed acceptable by the Department.

4. Priority points shall be awarded, subject to (f)3 above, for the age of the pump station(s) to be rehabilitated.

i. Two points shall be awarded for each pump station constructed between the year 1960-65.

ii. Four points shall be awarded for each pump station constructed between the year 1955-59.

iii. Eight points shall be awarded for each pump station constructed between 1950-54.

iv. Twelve points shall be awarded for each pump station constructed before the year 1950.

5. Priority points shall be awarded, subject to (f)3 above, for the age of storage tank(s) to be rehabilitated.

i. Two points shall be awarded for each storage tank constructed between the years 1960-65.

ii. Four points shall be awarded for each storage tank constructed between 1955-59.

iii. Eight points shall be awarded for each storage tank constructed between 1950-54.

iv. Twelve points shall be awarded for each storage tank constructed before 1950.

6. In the instance where the project scope includes rehabilitation of different items, items of different ages, or both, the total points awarded under priority categories in (f)1,2,3,4 and 5 above shall be the weighted average in accordance with the capital value associated with each item. Capital value is defined as the estimated installed cost of an item in its new state at the present time.

i. As an example: (see Table 1)

ii. The points awarded under (f)1,2,3,4 and 5 above shall be rounded to the nearest whole number. In the example in (f)6i above, seven priority points would be awarded.

7. Priority points shall be awarded for the percentage of the present daily demand of the applicant's water supply system that can be supplied from interconnections with other water systems. The present daily demand for the applicant's service area shall be calculated by totaling the daily water supply demand over a one year period ending in the month of the submission of the applicant's rehabilitation loan application and dividing this sum by 365.

i. One point shall be awarded for a system having interconnections that can supply between 71 through 80 percent of the present daily demand for the service area;

ii. Two points shall be awarded for a system having interconnections that can supply between 61 through 70 percent of the present daily demand for the service area;

iii. Three points shall be awarded for a system having interconnections that can supply between 41 through 60 percent of the present daily demand for the service area;

iv. Four points shall be awarded for a system having interconnections that can supply between 21 and 40 percent of the present daily demand for the service area;

v. Five points shall be awarded for a system having interconnections that can supply less than or equal to 20 percent of the present daily demand for the service area;

vi. Six points shall be awarded for a system having no interconnections with any other water supply system.

8. Priority points shall be awarded to systems serving a greater number of residents in proportion to water used. This shall be done in accordance with the ratio of present daily demand, as calculated in (f)7 above, to residential population served by the water supply system. In the instance of systems with a large seasonal variation in the number of residents, the residential population figure shall be determined pursuant to (a)4 above.

i. 70 gallons per capita per day or less: 12 points;

ii. 71-90 gallons per capita per day: 10 points;

iii. 91-110 gallons per capita per day: eight points;

iv. 111-130 gallons per capita per day: six points;

- v. 131-154 gallons per capita per day: four points;
- vi. 155 gallons per capita per day: two points.

9. Priority points shall be awarded for the leakage and other unaccountable water losses from the transmission system expressed as a percentage of the present daily demand, as calculated in (f)7 above.

i. Two points shall be awarded for a system experiencing water losses between nine through 12 percent of the present daily demand.

ii. Seven points shall be awarded for a system experiencing water losses between 13 through 16 percent of the present daily demand.

iii. Twelve points shall be awarded for a system experiencing water losses between 17 through 20 percent of the present daily demand.

iv. Fourteen points shall be awarded for a system experiencing water losses between 21 through 24 percent of the present daily demand.

v. Sixteen points shall be awarded for a system experiencing water losses between 25 through 28 percent of the present daily demand.

vi. Eighteen points shall be awarded for a system experiencing water losses between 29 through 32 percent of the present daily demand.

vii. Twenty points shall be awarded for a system experiencing water losses of 33 percent or more of the present daily demand.

10. Priority points shall be awarded to each application for its cost effectiveness as compared to all the other applications within each of the population size categories specified in (a) above. The cost effectiveness of each project shall be expressed as gallons per day estimated to be saved per thousand dollars of estimated loan amount. Mean cost effectiveness for each population size category will be estimated by dividing total estimated water savings within the category by the corresponding total estimated loan amount. Priority points will then be awarded in accordance with the following:

i. Cost Savings: 50 percent or more above the mean: 30 points;

ii. Cost Savings: 30 percent or more above the mean: 25 points;

iii. Cost Savings: 10 percent or more above the mean: 20 points;

iv. Cost Savings: Within 10 percent of the mean: 10 points;

v. Cost Savings: 10 percent or more below the mean: 10 points;

vi. Cost Savings: 30 percent or more below the mean: five points;

vii. Cost Savings: 50 percent or more below the mean: zero points.

viii. As an example: (see Table 2)

(g) Total priority points shall be determined by totalling all the points awarded an applicant by (f) above.

(h) The Division shall establish and maintain a separate priority list for each program year for each of the size groups as set forth in (a) above in accordance with the number of priority points awarded each project pursuant to this section.

(i) The Department shall send a Notice of Intent to Award a loan to those approved applicants ranking high enough on the appropriate priority list to receive funds.

(j) The applicants receiving a Notice of Intent to Award a loan shall obtain all necessary Federal, State and local permits and approvals within six months of receipt of the Notice of Intent to Award a loan. Failure to obtain the required permits within the required time period shall make the project ineligible for a loan for that year unless prior approval for an extension has been granted by the Division pursuant to N.J.A.C. 7:1A-2.13(g).

(k) If subsequent to the issuance of an Intent to Award, the applicant discovers that costs will exceed those previously estimated, or that the scope of the project will be modified, or any other circumstances appear which affect the award of

priority points, the applicant shall notify the Department immediately. The Department shall then recalculate, if appropriate, the applicant's priority determination utilizing the new information submitted. At the discretion of the Department, the Intent to Award maybe recalled if the revised priority determination indicates that some other project should be given priority for selection or that sufficient funds would not be available for the project.

(l) Any applicant receiving a Notice of Intent to Award who decides not to proceed with a project shall notify the Department promptly.

(m) Applicants with approved projects on a priority list that are not awarded loans in a year, who wish to apply for a position on any subsequent priority list in any subsequent year, may apply by a timely filing of a new Water Supply Loan Application Form and by updating the other application documents required by N.J.A.C. 7:1A-2.5. This application will be treated as a new application for a Water Supply Loan and evaluated in accordance with this chapter.

7:1A-2.13 Project development phase of water supply bond loan program

(a) (No change.)

(b) During the pre-design conference the Division personnel shall identify and explain the requirements of this section, including design criteria and review of the requirements of the Environmental Assessment specified in (d) below. Based on information furnished by the applicant, Division personnel shall also determine if an approval is required for the project or any portion thereof pursuant to the Standards for Construction of Public Community Water Systems, N.J.A.C. 7:10-11.1 et seq., or the Standards for the Construction of Public Non-Community and Non-Public Community Water Systems, N.J.A.C. 7:10-12.

1. If an approval is not required pursuant to the construction standards referred to in (b) above, the applicant shall still be required to comply with the requirements of said construction standards.

2. If an approval is required pursuant to the construction standards referred to in (b) above, the Division shall provide reasonable assistance to the applicant to insure compliance with the requirements of said construction standards as applicable. The Department reserves the right to require approval in accordance with said construction standards at a later date should revised or additional information so indicate.

(c) (No change.)

1. A complete Engineer's Report shall be prepared, signed and sealed by a New Jersey licensed professional engineer experienced in the field of water supply. The Report shall include but not be limited to the engineering assumptions, references, calculations and conclusions relative to the structural, sanitary and hydraulic design of all elements within the project scope including all information, narrative, data, and computations necessary to support and describe the design developed and shall be in such detail as to permit complete understanding of the project design. Depending on the project scope, the Engineer's Report shall address the distribution network, topographic conditions, geotechnical consideration, pump station performance, and operating characteristics of the distribution storage system, capacity, adequacy, condition, and any changes in estimated priority points.

2. (No change.)

i. (No change.)

ii. A profile and a plan, if required in the judgement of the Division, of the entire transmission - grid system that is to be rehabilitated. The plan shall include but not be limited to an index map, water mains, service connections, fire hydrants, gage valves, blowoff valves, gate valves, air relief valves, pressure reducing valves, pumping stations, surge chambers,

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storage tanks. The Plan shall also include but not be limited to the location of all utilities and sewer lines, i.e. pipelines, telegraph and telephone lines, electrical conduits, and sanitary and storm sewers that will have an effect on the project implementation.

iii. **If required by the Division, a topographic and pressure contour map of the transmission grid system showing ground elevations, water main elevations and water pressure at various points in the system.**

iv.-vi. (No change.)

3.-5. (No change.)

(d)-(g) (No change.)

OFFICE OF ADMINISTRATIVE LAW NOTE: See this issue of the Register at 14 N.J.R. 573(c) for adopted rules concerning N.J.A.C. 7:1A.

TABLE 1

| Item | Age Subcategory | Points | New Cap. Cost (Million \$) | Fraction Total Cost | Points (weighted) |
|-----------|-----------------|--------|----------------------------|---------------------|---------------------|
| lines | 1951-65 | 4 | .5M | .213 | .852 |
| lines | 1926-50 | 8 | 1.0 | .426 | 3.408 |
| tank | 1950-54 | 8 | .50 | .213 | 1.704 |
| pump sta. | 1955-59 | 4 | .10 | .043 | .172 |
| pump sta. | 1950-54 | 8 | .25 | .106 | .848 |
| | | | 2.35M | 1.001 | 6.984 weighted avg. |

TABLE 2

| Applicant | Savings (gal/day) | Estimated (thousand \$) Loan Amount | Gal. saved/day/\$1000 estimated loan amt. | Percentage of mean | Percentage Deviation from Mean | Points Awarded |
|-----------|-------------------|-------------------------------------|---|--------------------|--------------------------------|----------------|
| A | 20,000 | 1300 | 15.4 | 87.5 | 12.5 | 10 |
| B | 30,000 | 1270 | 23.6 | 134 | 34 | 25 |
| C | 50,000 | 2910 | 17.2 | 97.7 | 2.3 | 10 |
| D | 42,000 | 1960 | 21.4 | 121.6 | 21.6 | 20 |
| E | 15,500 | 1520 | 10.2 | 58 | 42 | 5 |
| | 157,500 gal/day | \$8960 | | | | |
| | | | Mean: 157,500/8,960=17.6 gal/day per \$1000 | | | |

(a)

DIVISION OF WATER RESOURCES**Water Pollution Control****Installation of Sewerage Facilities in Critical Areas****Proposed Suspension (One Year): N.J.A.C. 7:9-10.4, 10.5 and 10.6****Proposed Amendments: N.J.A.C. 7:9-10.2 and 10.3****Proposed New Rule: N.J.A.C. 7:9-10.9**

Authorized By: Robert E. Hughey, Commissioner,
 Department of Environmental Protection.
 Authority: N.J.S.A. 13:1D-9 and 58:11-47.
 DEP Docket No.: 010-82-05

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles Licata, Esq.
 Division of Water Resources
 CN-029
 Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-187.

The agency proposal follows:

Summary

This proposal, which effects only the Central Pine Barrens and coastal areas, will eliminate duplication of work. Presently, local boards of health review applications for installation of sewerage facilities in the coastal areas; the Pinelands Commission does the same in the Central Pine Barrens. Therefore, adequate review of the proposed facilities takes place, and there is no need for the Department to review each and every proposal. However, the Department will still review all applications as appropriate pursuant to the Realty Improvement Sewerage and Facilities Act (N.J.S.A. 58:11-23 et seq.) and N.J.A.C. 7:9-2.1 et seq. and also shall retain ultimate enforcement authority over the local boards of health.

Social Impact

This proposal will not be detrimental to environmental interests or public welfare, since the interests are being adequately protected by the local boards of health and the Pinelands Commission. Furthermore, the safeguards of the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.) and the Wetlands Act (N.J.S.A. 13:9A-1 et seq.) make review of each application by the Department unnecessary.

Economic Impact

This proposal will eliminate wasteful duplication of work. In addition, applicants will be saved the expense and delay of the application procedure. Finally, the Department will have more time to work in other areas.

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

7:9-10.2 Definitions

...

"Sewerage facilities" means any installation or structure to provide for the collection and disposal of sewage.

7:9-10.3 Building permits, [and] construction and approvals
 (a) No building permit for the construction of a realty improvement in a critical area shall hereafter be issued by any municipality or other authority nor shall any person begin the construction or site preparation or any realty improvement within a critical area until the Department [shall have] or the board of health as appropriate, pursuant to the "Realty Improvement Sewerage and Facilities Act (1954) N.J.S.A. 58:11-23 et seq., and N.J.A.C. 7:9-2.1 et seq., has reviewed and [approved] certified the proposed sewerage facilities.

(b) In reviewing plans for such systems and in determining conditions under which such plans may be approved, the Department of Environmental Protection shall require strict compliance with the "Standards for the Construction of Sewerage Facilities for Realty Improvements" promulgated pursuant to the authority of the "Realty Improvement Sewerage and Facilities Act (1954)", N.J.S.A. 58:11-23 et seq.

The following rules (7:9-10.4, 10.5, 10.6) are proposed for **suspension** for a period of one year from the effective date of the adoption of this notice of proposed rule (see N.J.A.C. 1:30-4.5).

7:9-10.4 Department approval

(a) No person shall hereafter construct or install sewerage facilities in a realty improvement in a critical area until approval has first been obtained in writing from the Department.

(b) In reviewing plans for such systems and in determining conditions under which such plans may be approved, the Department of Environmental Protection shall require strict compliance with the "Standards for the Construction of Sewerage Facilities for Realty Improvements" promulgated pursuant to the authority of the "Realty Improvement Sewerage and Facilities Act (1954)", N.J.S.A. 58:11-23 et seq.

(c) The Department may also consider such other factors which affect, or may tend to affect, the safe and proper operation of sewerage facilities, including but not limited to:

1. Soil conditions;
2. Ground-water table levels;
3. Population densities;
4. Projected growth trends.

(d) The Department's review of sewerage facilities in the Central Pine Barrens Critical Area, in addition to those factors listed in (c) above, shall also consider factors which affect or may tend to affect, ground-water quality and the safe and proper operation of sewerage facilities, including but not limited to:

1. The impact of such sewerage facilities on ground-water quality; and
2. The densities appropriate for sewerage facilities.

7:9-10.5 Covering of system

No person shall hereafter cover from view a septic tank, tile field, seepage pit or system or structure designed to provide sewerage facilities to any realty improvement in a critical area until approval has first been obtained from the Department.

7:9-10.6 Filled lands

Compliance with the "Standards for the Construction of Sewerage Facilities for Realty Improvements" for land upon which fill has been placed shall be determined, to the extent the Department deems practicable, on the basis of compliance with those standards in the ground over which the fill has been placed or will be placed.

7:9-10.9 Notification of approvals

All boards of health shall forward copies of all certifications of sewerage facilities for proposed realty improvements in the critical areas to the Department of Environmental Protection.

This should include a copy of the certification letter and a copy of the application for said sewerage facility.

(a)

DIVISION OF WATER RESOURCES

**Flood Hazard Area Delineations
Flood Delineations Along the Big Timber
Creek, South Branch Big Timber Creek,
Mantua Creek, Edward Run, Duffield Run,
Woodbury Creek and Its Tributaries**

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

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.
Authority: N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et
seq.
DEP Docket No.: 012-82-05

A public hearing concerning this rule will be held on June 28,
1982 at 10:00 A.M. at:

Woodbury City Hall
33 Delaware Street
Woodbury, New Jersey

Interested persons may submit in writing, data, views or
arguments relevant to the proposal on or before July 7, 1982. These
submissions, and any inquiries about submissions and responses,
should be addressed to:

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

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

This proposal is known as PRN 1982-185.

The agency proposal follows:

Summary

This proposed amendment provides for the application of rules
and regulations concerning the development and use of land in
designated floodways to portions of the Big Timber Creek and some
of its tributaries, as described above. Regulations of delineated
flood hazard areas are designed to preserve flood carrying capacity
and to minimize the threat to the public safety, health and general
welfare.

Social Impact

This proposed delineation applies added flood protection to the
following areas within the Delaware River Basin: Townships of
Deptford, East Greenwich, Greenwich, Mantua, Washington and
West Deptford, the Boroughs of Glassboro, Paulsboro and National
Park and the City of Woodbury, all within the County of
Gloucester; and the Township of Gloucester and the Boroughs of
Bellmawr and Runnemede, all within the County of Camden.

Economic Impact

This proposed amendment will have only a minor economic
impact. The proposed delineation would more clearly define the
flood hazard area thus resulting in less requirements for flood
insurance. Minor reductions of property value could result by

restricting future development in the floodway and requiring
elevated construction designs in flood fringe areas.

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

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

7:13-1.11 Delineated floodways

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

(c) A list of delineated streams in the Delaware Basin follows:

The flood hazard area of the Big Timber Creek from Route
295 in Deptford Township, Gloucester County and Bellmawr
Borough, Camden County upstream through Deptford and
Bellmawr and the Borough of Runnemede and the Township of
Gloucester, Camden County to its confluence with South
Branch Big Timber Creek; South Branch Big Timber Creek
from its confluence with Big Timber Creek to the downstream
Washington Township Gloucester County-Gloucester
Township, Camden County Corporate limit all within the
Townships of Deptford and Washington, Gloucester County
and the Township of Gloucester, Camden County and the
South Branch Big Timber from the upstream Washington-
Gloucester Corporate boundary to Redwood Street within
Washington Township, Gloucester County and Gloucester
Township, Camden County; Mantua Creek from its confluence
with the Delaware River upstream to Bridgewater Pike (Route
45) within the Townships of West Deptford, East Greenwich
and Mantua and the Borough of Paulsboro, Gloucester County,
and Mantua Creek from Route 47 to Fish Pond Road within the
Township of Washington and the Borough of Glassboro,
Gloucester County; Edwards Run from its confluence with
Mantua Creek to a point approximately 740 feet upstream of
the New Jersey Turnpike within the Township of Greenwich,
Gloucester County; Duffield Run from its confluence with
Mantua Creek at Kressey Lake to a point approximately 1,370
feet upstream from the Kandle Lake Dam, within the Township
of Washington, Gloucester County; Woodbury Creek from its
confluence with the Delaware River upstream 17,200 feet or to
approximately 800 feet downstream from Route 45 within the
Township of West Deptford, the Borough of National Park, and
the City of Woodbury, including the Hazard Area along
Hessian Run from its confluence with Woodbury Creek
upstream to Belmont Avenue within the Township of West
Deptford and the Borough of National Park, Gloucester
County.

(d)-(i) (No change.)

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

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

or

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

(a)

DIVISION OF WATER RESOURCES**Flood Hazard Area Delineations
Flood Delineations Along the Pond Run and
the North Branch of Pond Run****Proposed Amendment: N.J.A.C. 7:13-1.11**

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.
Authority: N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et
seq.
DEP Docket No.: 011-82-05

A **public hearing** concerning this rule will be held on June 25,
1982 at 10:00 A.M. at:

Division of Water Resources
1474 Prospect Street, Conference Room B
Trenton, New Jersey

Interested persons may submit in writing, data, views or
arguments relevant to the proposal on or before July 7, 1982. These
submissions, and any inquiries about submissions and responses,
should be addressed to:

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

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

This proposal is known as PRN 1982-186.

The agency proposal follows:

Summary

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

Social Impact

This proposed delineation applies added flood protection to the
Township of Hamilton, County of Mercer within the Delaware
River Basin.

Economic Impact

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

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

7:13-1.11 Delineated Floodways

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

(c) A list of delineated streams in the Delaware Basin follows:

The flood hazard area of the Pond Run from its confluence
with the Assumpink Creek to a point upstream from the
Whitehorse-Hamilton Square Road and the North Branch of
the Pond Run from its confluence with Pond Run upstream to
the Whitehorse-Mercerville Road, all within the Township of
Hamilton, Mercer County.

(d)-(i) (No change.)

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

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

or

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

(b)

DIVISION OF WATER RESOURCES**Water Quality Management
Industrial Waste Management Facilities****Proposed Amendment: N.J.A.C. 7:14A-4.3**

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.
Authority: N.J.S.A. 58:10A-4 and 13:1E-6.
DEP Docket No.: 013-82-05

Interested persons may submit in writing, data, views or
arguments relevant to the proposal on or before July 7, 1982. These
submissions, and any inquiries about submissions and responses,
should be addressed to:

J. Mark McQuerrey, Esq.
Solid Waste Administration
32 East Hanover Street
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-214.

The agency proposal follows:

Summary

This amendment consists of adding a third criterion to the
definition of what comprises a wastewater treatment unit. This
amendment is necessary inasmuch as both the New Jersey Pollutant
Discharge Elimination Permit System, pursuant to the New Jersey
Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) and the
New Jersey Hazardous Waste Management Program, pursuant to
the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1

et seq.) are required by Federal law to be equivalent to or more stringent than the Federal program standards. (See the Federal Water Pollution Control Act, 33 USC 1251, and Federal Resource Conservation and Recovery Act, 42 USC 1601.)

The rules of the United States Environmental Protection Agency include a definition of "wastewater unit" with which New Jersey's rule must be equivalent (see 40 CFR 260.10).

Social Impact

The proposed amendment will have no social impact because it merely conforms State regulations concerning wastewater treatment to the requirements of Federal law and regulations.

Economic Impact

Minimal economic impact will result from the proposed amendment inasmuch as it is intended to conform the State regulatory requirements with that of the Federal program under 40 CFR 260.10.

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

7:14A-4.3 Definitions

- ... "Wastewater treatment unit" means a device which:
 - i. (No change.)
 - ii. Receives and treats or stores an influent wastewater which is a hazardous waste as defined in N.J.A.C. 7:26-1, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in N.J.A.C. 7:26-1, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in N.J.A.C. 7:26-1[.];and
 - iii. Meets the definition of tank in this section.

(a)

COMMISSION ON RADIATION PROTECTION

**Radiation Protection
Nuclear Medicine Technology**

Proposed Amendments: N.J.A.C. 7:28-24

Authorized By: Max M. Weiss, Ph.D., Chairman,
Commission on Radiation Protection.
Authority: N.J.S.A. 13:1D-1, et seq. and 26:2D-1 et seq..
DEP Docket No.: 014-82-05

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 22, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Frank Cosolito, Chief
Bureau of Radiation Protection
Division of Environmental Quality
CN-027
Labor and Industry Building, Room 1108
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-215.

The agency proposal follows:

Summary

N.J.A.C. 7:28-24.1 et seq., Nuclear Medicine Technology, which became effective January 1, 1980, requires that all who practice nuclear medicine technology within New Jersey be licensed by the department. By requiring such licensure, the rules will insure that these technologists satisfy certain training and educational requirements. The use of nuclear medicine procedures has increased dramatically during recent years. These procedures involve the administration of radioactive substances (radiopharmaceuticals) to humans for both diagnostic and therapeutic purposes. It is, therefore, necessary to evaluate the technologists performing these procedures so as to minimize or eliminate unnecessary radiation exposure to patients. The proposed amendments include:

1. Throughout the subchapter, "license" and "licensing" is inserted as appropriate, in place of "certificate", "certifying" and "certification".
2. N.J.A.C. 7:28-24.5(a): An addition has been inserted at the end of this provision specifying that the department may accept, in lieu of its own examination, a certificate, registration or license in nuclear medicine technology issued by another state.
3. N.J.A.C. 7:28-24.5(c) is deleted, eliminating the requirement for continuing education after two failures. A new subsection (c) is added addressing those situations where an applicant fails to pass the licensing examination. The proposed amendment would provide for re-application in the same manner as the initial application.
4. N.J.A.C. 7:28-24.6 (a)-(c): The six year license renewal period has been deleted and an annual renewal is required, in a new N.J.A.C. 7:28-24.6(a).
5. N.J.A.C. 7:28-24.9(b)6: The word "Must" was deleted to clarify the syntax.
6. N.J.A.C. 7:28-24.13(a), 7:28-24.14(a): Reference to subchapter 5 as "Licensing" was corrected to refer to subchapter 4.
7. N.J.A.C. 7:28-24.13(b) Reference to subchapter 4 as "Registration" was corrected to refer to subchapter 3.
8. N.J.A.C. 7:28-24.15(b) 4 and 5 are deleted. Temporary certifications will only be issued to individuals who have filed acceptable applications for the State examination and an expiration date for such a temporary license will be established sufficient to allow for the next examination and a period for examination grading and administrative processing.

Social Impact

Throughout the existing subchapter, "certification" was meant to mean either the process by which a nongovernmental agency or association granted recognition to an individual for completion of certain requirements of training and examination or licensure by the State.

In order to conform more closely to the nomenclature of A967, recently enacted, in which x-ray technologists are now referred to as licensed where formerly they were certified, all references to State certification and State certificate are being changed to State licensure or State license. Certification will be used to refer to recognition by a nongovernmental agency or association, a distinction which should increase the clarity of the subchapter.

The present text in N.J.A.C. 7:28-24.5(a) allows for recognition of certification by recognized national organizations to be accepted in lieu of New Jersey State examination when granting licensure. Since the subchapter was promulgated, other states are developing licensure examinations and following recent congressional action, most states are expected to examine and license nuclear medicine technologists. An increasing number of candidates may seek New Jersey licensure on the basis of such certification and the amendment will allow for recognition of such licensure as well as certification by nationally recognized associations.

At the time subchapter 24 was promulgated, most medical

professional organizations considered continuing medical education or recertification examination necessary to maintain the quality of professional practice. Since that time, there has been little objective evidence that this requirement has had any influence on the quality of practice, and as a result many of the professional societies including medical specialty boards have discontinued this requirement.

The intention of the authors of subchapter 24 in providing temporary licensure was to permit individuals who had completed approved courses of training to practice until such time as they had had an opportunity to take a certification examination and receive its results. The issuance of specific licenses of 120 days or 450 days evolved through misunderstanding of the intent and could serve to go against the intent of the subchapter. For example an individual who failed the examination might be permitted to continue his practice for an unduly long period because of the specific terms of the temporary license. In any case, temporary licensure is given only to an individual who has submitted an application for examination for State license and has been found to have had satisfactory education to permit him to take the examination. The authors of the subchapter did not intend the temporary certification to be granted in any other situation and therefore no application for temporary certification should be required other than the application for State examination and licensure. The proposed amendment would provide temporary licensure to individuals qualified to take the examination, for a period long enough to include the next examination and the time required for grading and reporting the results.

Inasmuch as an application for examination would be considered to include an application for temporary licensure, no separate application or application fee would be required.

Economic Impact

The expense incurred by the department in its implementation of this subchapter involves the development or acquisition and administration of examinations to evaluate technologists. Administrative support must be provided to score all examinations, address and mail applications, licenses and registrations and to conduct the examinations. Enforcement and curriculum accreditation procedures must be developed and personnel and other resources provided to implement them. Calculated projections have indicated that the expenses relating to this program will be recovered by the assessment of the fees described in N.J.A.C. 7:28-24.15(b) 1, 2 and 3. The department has evaluated the administrative expenses it will incur by implementing the nuclear medicine technology program and has determined that there is no need for additional fees. The fee assessed for the licensing examination application review is sufficient to cover the cost of the issuance of a temporary license. The assessment of an additional fee is an unnecessary burden upon the nuclear medicine technology community.

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

7:28-24.2 Definitions

...
[“Certificate”] **“License”** means a written authorization issued by the department pursuant to this subchapter.

...
“Initial application” means the first application submitted by an individual to the State for a license to practice nuclear medicine technology subsequent to completing the requirements in N.J.A.C. 7:28-24.4 and 7:28-24.5(a).
...

7:28-24.3 Use of radionuclides and radiopharmaceuticals

(a) No owner or licensee shall cause, suffer, allow or permit any person to act as a nuclear medicine technologist unless such person

has been issued a [certificate] **license** as provided for by this subchapter.

(b) No person shall cause, suffer, allow or permit the use or application of radionuclides or radiopharmaceuticals or otherwise engage in the practice of nuclear medicine technology without having first satisfied the [certification] **licensing** requirements of this subchapter.

(c) The [certification] **licensing** requirements of this subchapter shall not apply to a hospital resident or intern who is specializing in nuclear medicine or to students enrolled in and attending a school or college of medicine, osteopathy or nuclear medicine technology provided such students are acting under the direct supervision of a physician or a [certified] **licensed** nuclear medicine technologist responsible to such physician.

(d) The [certification] **licensing** requirements of this subchapter shall not apply to hospital residents or interns involved in nuclear medicine procedures but not specializing therein provided that they are acting under the direct supervision of a physician or a [certified] **licensed** nuclear medicine technologist responsible to such physician under special circumstances.

7:28-24.4 Examination requirements

(a) In order to be eligible for admission to a [certification] **licensing** examination, an applicant must:
1.-2. (No change.)

7:28-24.5 [Certification] **Licensing** requirements

(a) In order to become [certified] **licensed**, an applicant shall be required to pass the [certification] **licensing** examination given pursuant to this subchapter, which may be written and, when deemed necessary by the department, may include proficiency testing. The department may waive the examination requirements for any applicant who has demonstrated competency by passing a national registry examination. **The department may accept in lieu of its own examination a certificate, registration, or license as a nuclear medicine technologist issued by another state; such acceptance will be based on standards in the other state being satisfactory to the department.** All certification examinations must be approved by the commission.

(b) (No change.)

(c) [An applicant who fails to receive a passing grade on the initial examination will be permitted to retake the examination. If the examination is failed twice, evidence of formal study in an approved continuing education program, will be required before the applicant may again take the examination.] **An applicant who fails to pass the examination may reapply in accordance with the application provisions of this subchapter.**

(d) [Certification] **Licenses** issued by the department pursuant to this subchapter shall be displayed prominently in the work area utilized by the [certified] **licensed** nuclear medicine technologist.

7:28-24.6 [Recertification] **Relicensing** requirements

[(a) Certificates issued pursuant to this subchapter shall be renewable every six years after the initial certification.

(b) In order to become recertified, a nuclear medicine technologist must submit written evidence of formal study in a continuing education program, approved by the commission.

(c) In lieu of satisfactory completion of a continuing education program, a recertification examination may be taken. A nuclear medicine technologist who fails to receive a passing grade on the recertification examination may retake the examination. If the recertification examination is failed twice, evidence of formal study in an approved continuing education program, will be required before the nuclear medicine technologist may again take the examination. The recertification examination must be passed within three years of the expiration of certification.] **A license issued pursuant to this subchapter shall be renewed annually upon submission of a renewal application provided by the department and containing such information as the department**

deems necessary to show that the nuclear medicine technologist is in good standing.

7:28-24.7 [Limited certification] **Conditional License**

(a) Any [certification] **license** issued pursuant to this subchapter may be conditional, as the department deems appropriate, including, but not limited to, a condition limiting the scope of the nuclear medicine practice authorized by such [certification] **license**.

(b) The department may issue temporary [certification] **licenses** to graduates of approved schools or to persons whose applications have been approved by the commission pursuant to [section 10 of this subchapter] **N.J.A.C. 7:28-24.10**.

(c) No person shall cause, suffer, allow or permit the breach of any condition of a [certification] **license** issued pursuant to this subchapter.

7:28-24.9 School curriculum and requirements

(a) (No change.)

(b) In order to maintain approval, a school must:

1.-5. (No change.)

6. [Must not] **Not** assign students excessive night or weekend experience. All night and weekend experience must be assigned only under adequate supervision and when sufficient education benefit may be derived from such service. Students shall not be assigned unsupervised night or weekend experience during their entire period of training.

7:28-24.10 Consideration of experience or training in lieu of attendance at an approved school

(a) Any person who believes he is qualified for [certification] a **license** pursuant to this subchapter based on training and/or experience in lieu of attendance at an approved school, may apply to the department for approval to take the [certification] **license** examination. The department will submit all applications to the commission for review prior to approval.

(b) Admission to [certification] **the license** examination pursuant to [subsection] (a) **above** [of this section] shall be permitted for a period of three years only from the effective date of this subchapter.

(c) (No change.)

7:28-24.12 Revocation; penalties

(a) The department, in addition to any penalties authorized by the Act, may deny, suspend or revoke an application or [certificate] **license** of a nuclear medicine technologist when the applicant or [certified] **licensed** nuclear medicine technologist has:

1. Falsified or made misleading statements in the application for [certification] a **license**;

2. Has altered his or her [certification] **license**;

3.-4. (No change.)

(b) (No change.)

7:28-24.13 Registration and licensing requirements

(a) The possession and use of radiopharmaceuticals are subject to the licensing requirements of [subchapter 5] **N.J.A.C. 7:28-4** [(Licensing) of this chapter].

(b) All owners of radiopharmaceuticals not subject to specific State licensing requirements, must register them in accordance with the requirements of [subchapter 4] **N.J.A.C. 7:28-3** [(Registration) of this chapter].

7:28-24.14 Responsibility of physician

(a) Only a physician who has lawfully obtained a Federal or New Jersey State license as per [subchapter 5] **N.J.A.C. 7:28-4** [of this chapter], or is authorized under such a license, to own or possess or use radioactive substances, shall prescribe dosage, administer, or shall arrange for the administration of said substances to a human being or irradiate, or arrange for the irradiation of human beings by said substances.

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

7:28-24.15 Fees

(a) Any person who submits an application for [certification] a **license**, [recertification] **relicensing** or [renewal of certification] **license renewal** to the department shall include as an integral part of said application a service fee as follows.

1. Application Fee: \$40.00;

2. Renewal Fee: \$20.00.

[(b) Each application or registration for the initial certification examination, renewal or certification by an annual certification registration or recertification shall be accompanied by the following fees:

1. Certification Examination or Application Review for either Unlimited or Limited Certification - \$40.00;

2. Renewal of Certification by annual registrations of either Limited or Unlimited Certifications - \$20.00;

3. Recertification Examination - \$40.00;

4. Temporary Certificates for 450 days - \$20.00;

5. Temporary Certificates for 120 days - \$20.00.

(c)[(b) The fees accompanying the application or annual registration renewal shall be in the form of a certified check or money order made payable to the State of New Jersey.

1. The fees submitted to the department are not refundable.

2. The applications or registrations and the fees

accompanying them shall be mailed to:

State of New Jersey

Department of Environmental Protection

[Central] **Bureau** of Collection and Licensing Unit

[Wallach Building, 4th Floor

88 East State Street

Trenton, New Jersey 08625]

CN 402

Trenton, New Jersey 08625

[d](c) The waiving of the written examination of any applicant whom the Commission on Radiation Protection has deemed competent will not result in any reduction of the fee for the [certification] **license** examination [or recertification examination].

[e](d) The [certification] **license** issued pursuant to this subchapter shall be validated on an annual term commencing with January 1 of the year for which it is issued and expiring 12:00 midnight December 31 of the same year.

HEALTH

(a)

PUBLIC HEALTH COUNCIL

CONSUMER HEALTH SERVICES

State Sanitary Code: Chapter XII
Retail Food Establishments and Food and
Beverage Vending Machines

Proposed Amendments: N.J.A.C. 8:24

Authorized By: Public Health Council, Evelyn Geddes,
Chairperson.

Authority: N.J.S.A. 26:1A-7.

A public hearing concerning this rule will be held on June 28, 1982 at 10:30 A.M. at:

Health-Agriculture Building
Room 106, 1st Floor
John Fitch Plaza
Trenton, New Jersey 08625

Participants at the **public hearing** will be requested to provide a written copy of their comments.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter Stratton
Chief, Food and Milk Program
Community Health Services
CN 364
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-202.

The agency proposal follows:

Summary

On July 6, 1972 the Public Health Council pursuant to its authority delegated in N.J.S.A. 26:1A-7, adopted sanitary regulations pertaining to retail food establishments. The purpose of the proposed amendments is to update the regulations to reflect the changes and current problems that have occurred in the retail food industry in the last 10 years. The revisions also place a greater emphasis on control measures that cause foodborne outbreaks, e.g. time-temperature controls, proper cooling and heating procedures, food handling, thawing procedures and other preventive measures. The proposal also includes new rules concerning the sanitary operation of food and beverage vending machines. This proposal totally revises the existing N.J.A.C. 8:24-1 et seq., otherwise known as Chapter 12 of the State Sanitary Code.

Social Impact

This proposal would have a beneficial social impact by increasing consumer protection. The proposal updates and expands current sanitary regulations in order to: (1) prevent food related morbidity and mortality; (2) avoid cost-associated adversities resulting from foodborne illness; and (3) create and maintain an environment in which foods are produced, processed, stored, or prepared that promotes mental health as well as physical health, by providing safe foods and beverages which meet society's accepted aesthetic values.

Economic Impact

The proposed amendments if adopted would not cause any significant financial burden to the retail food industry. To the contrary, by identifying the critical control points in a food service operation, these amendments aid the industry in directing their limited resources to those areas which have been shown to be most cost beneficial in controlling foodborne disease. The amendments parallel the United States Food and Drug (FDA) Administration's Retail Food Code. Adoption of standards similar to the FDA will promote uniformity in enforcement and standardize regulations applicable to nationwide retail food chains.

Outbreaks of foodborne disease cause economic losses and problems for patients and their families, for the establishment that processed the implicated food and the related segment of the food industry, and for governmental agencies responsible for food protection and disease surveillance. These amendments are aimed at mitigating foodborne outbreaks.

Full text of the proposal follows. **Delete** in its entirety the

existing text of N.J.A.C. 8:24 as it appears in the New Jersey Administrative Code and replace it with the following.

SUBCHAPTER 1. GENERAL PROVISIONS

8:24-1.1 Violations; declaration of nuisances

Retail food establishments in violation of this chapter are hereby declared to be nuisances, hazardous to health.

8:24-1.2 Separability

If any provision or applications of any provision of this chapter is held invalid, that invalidity shall not affect other provisions or applications of this regulation.

8:24-1.3 Definitions

For the purpose of this chapter, the following words, phrases, names and terms mean the following.

"Adulteration" means the definition in N.J.S.A. 24:5-8.

"Agricultural market" means any fixed or mobile retail food establishment which is engaged in the sale of raw agricultural products; but may include as a minor portion of the operation the sale of factory-sealed or pre-packaged food products that do not normally require refrigeration.

"Approved" means acceptable to the Department or health authority based on its determination as to conformance with appropriate standards and good public health practice.

"Closed" means fitted together snugly leaving no openings large enough to permit the entrance of vermin.

"Corrosion-resistant material" means a material which maintains its original surface characteristics under prolonged exposure to the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other condition-of-use environment.

"Easily cleanable" means readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

"Employee" means any person working in a retail food establishment who transports food or food containers who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

"Equipment" means all stoves, ranges, hoods, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steamtables, food transport vehicles and similar items, other than utensils, used in the operation of a retail food establishment.

"Food" means any raw, cooked, processed edible substances, water, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food contact surfaces" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

"Food processing establishment" means a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

"Health authority" means the duly licensed agent of the local board of health and/or State Department of Health to act in the enforcement of its ordinances and sanitary laws of the State.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

"Kitchenware" means all multiuse utensils other than tableware used in the storage, preparation, conveying, or serving of food.

"Law" means Federal, State and local statutes, ordinances, and regulations.

"Misbranded" means the definition in N.J.S.A. 24:5-16,17.

"Mobile retail food establishments" means any movable restaurant, truck, van, trailer, cart, bicycle or other movable unit including hand carried, portable containers in or on which food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations.

"Perishable food" means raw fruits and vegetables, live seafood other than soft shell clams (species *mya arenaria*) and mussels, or any food of such type or in such condition as may spoil.

"Person" means an individual, or a firm, partnership, company, corporation, trustee, association, or any public, private or other legal entity.

"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection.

"Potentially hazardous food" means any food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Retail food establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge night club; roadside stand; industrial feeding establishment; private, public or nonprofit organization, institution, or group preparing, storing or serving food; catering kitchen; commissary; box lunch establishment; retail bakery, meat market; delicatessen; grocery store; public food market, or any similar place in which food or drink is prepared for retail sale or service on the premises or elsewhere, and any other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge; except that agricultural markets, covered dish suppers or similar type of church or nonprofit type institution meal services shall meet the special provisions of N.J.A.C. 8:24-8; provided further, that any food and beverage vending machine shall meet the requirements of N.J.A.C. 8:24-11.

"Safe materials" means articles or substances manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in Section 201 (S) or (T) of the Federal Food, Drug, and Cosmetic Act they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in Section 201 (S) or (T) of the Federal Food, Drug and Cosmetic Act and are used in conformity with all applicable regulations of the U.S. Food and Drug Administration.

"Safe temperatures", as applied to potentially hazardous food, means temperatures of 45 degrees Fahrenheit or below, and 140 degrees Fahrenheit or above unless otherwise specified, and 0 degrees Fahrenheit or below for frozen foods.

"Sanitize" means effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the Department or health authority as being effective in destroying microorganisms, including pathogens.

"Sealed" means free of cracks or other openings which permit the entry or passage of liquid, dirt or debris.

"Shellfish" means all edible species of clams, oysters and mussels either shucked or in the shell, fresh or frozen.

"Single service articles" means cups, containers, lids or closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping materials, and all similar articles which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

"State Department", Department of Health and Department means the New Jersey State Department of Health.

"Tableware" means all multiuse eating and drinking utensils, including flatware (knives, forks, and spoons).

"Temporary retail food establishment" means any retail food

establishment which operates at a fixed location for a temporary period of time in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering, including church suppers, picnics or similar organizational meetings, mobile retail food establishments, as well as agricultural markets.

"Utensil" means any tableware and kitchenware used in the storage, preparation, conveying, or serving of food.

"Wholesome" means in sound condition clean, free from adulteration, and otherwise suitable for use as human food.

SUBCHAPTER 2. FOOD SUPPLIES

8:24-2.1 Source; protection; wholesomeness; misbranding

(a) Food in the retail food establishment shall be from a source which is in compliance with applicable State and local laws and regulations. Food from such sources shall have been protected from contamination and spoilage during subsequent handling, packaging, and storage, and while in transit. Home preparation and storage of food is prohibited for use in any retail food establishment.

(b) All food in retail food establishments shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. The use of food in hermetically sealed containers that was not prepared in an approved food processing establishment is prohibited.

(c) All milk, milk products, and milk substitutes including fluid milk, other fluid dairy products and manufactured milk products, shall meet applicable State and local laws and regulations.

(d) Only pasteurized fluid milk or fluid milk products from approved sources shall be used or served, except that reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking purposes only. Nondairy creaming, whitening or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers not exceeding one gallon in capacity and cooled throughout to 45 degrees Fahrenheit or below within four hours after preparation. Reconstituted dry milk and dry milk products shall be considered as potentially hazardous foods.

(e) All milk, fluid milk products and milk substitutes for drinking purposes shall be purchased and served from the original, individual container in which they were packaged at the milk plant, or shall be served from an approved bulk milk dispenser.

(f) Multiuse pitchers may be used for service of milk, fluid milk products or substitutes for use in beverages such as coffee, tea, cocoa, and in other items such as cereals and fruits, provided that:

1. The unused portions of such products must be discarded after its use by the customer or group served; and
2. All such products must be served at a temperature of 45 degrees Fahrenheit or below.

8:24-2.2 Frozen desserts

All frozen desserts such as ice cream, soft frozen desserts, ice milk, sherbets, ices and mix shall meet applicable State and local laws and regulations.

8:24-2.3 Shellfish source

(a) All shellfish shall be received from dealers which are currently certified by the New Jersey State Department of Health; provided, that if shellfish are received from dealers outside New Jersey they must be listed in the current Interstate Certified Shellfish Shippers List published by the U.S. Food and Drug Administration.

(b) Shellfish tagging and labeling shall be as follows:

1. Each container of unshucked shellfish received by a retail food establishment shall be identified by an attached tag that states the name and address of the certified shellfish dealer, the kind and quantity of shellfish, and the certification number issued by the State or the number published in the Interstate Certified Shellfish Shippers List.

2. Fresh and frozen shucked oysters, clams, and mussels shall be packed in nonreturnable containers permanently identified with the

name and address of the certified packer or repacker preceded by the abbreviated name of the state. A properly completed shellfish tag shall accompany each lot of shucked shellfish.

3. Shellstock and shucked shellfish shall be kept in the container in which they were received until they are empty. The stub or the tag shall not be removed from any container until the container is empty.

4. Immediately upon receipt of a container of shellstock or a lot of shucked stock, the purchaser shall mark the date of receipt on the stub or tag and when the package is empty, and keep such stubs or tags on file for a period of not less than 90 days in an orderly fashion.

8:24-2.4 Meat, meat products, poultry, poultry products and game

(a) All meat and meat products including poultry and game animals shall have been inspected for wholesomeness under an official regulatory program; provided, that the health authority may accept other sources which are in its opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

(b) Storage and custom processing of game animals and custom slaughtering of other animals may be done upon request by an individual provided that:

1. The local health authority is notified annually of the establishment's intent to custom process and store these animals.
2. There is no cross contamination during storage and handling.
3. Carcasses are processed at a separate time from the normal establishment operation.
4. Equipment must be washed and sanitized immediately after processing game animals before resuming regular activities of the establishment.
5. There must not be any visible dirt, filth, fecal matter or hair on the carcass.
6. There must be an identifying tag on each carcass and each piece if quartered or divided.
7. The tag(s) must have the owner's name, address and phone number.
8. "Not For Sale" must be marked on each carcass and/or primal parts; and
9. When packaged, each package must be marked "Not For Sale."

8:24-2.5 Eggs

Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used except that hard-boiled, peeled eggs, commercially prepared and packaged, may be used.

8:24-2.6 Emergency occurrences

In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at safe temperatures, the person in charge shall immediately take necessary remedial action so as to prevent the adulteration of food. A fire, flood, or power outage of such duration or similar event which jeopardizes food safety shall be reported promptly to the health authority.

8:24-2.7 Salvaged foods

Only those salvaged foods which comply with N.J.A.C. 8:21-11.1 entitled "Dented Cans: Salvaged or Distressed Foods, Alcohol and Nonalcoholic Beverages and Industrial Mishandling" may be used or offered for sale.

SUBCHAPTER 3. FOOD PROTECTION

8:24-3.1 General protection of foods

(a) All food, while being stored, prepared, displayed, served or sold in retail food establishments, or transported shall be protected against contamination from dust, flies, rodents and other vermin,

unclean utensils and work surfaces, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage, poisonous and toxic materials and any other source.

(b) Conveniently located refrigeration facilities, hot food storage and display facilities, and effective insulated facilities, shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, transportation, display, and service. Each refrigerated facility used for the storage of potentially hazardous food shall be provided with an indicating thermometer accurate to ± 3 degrees Fahrenheit, located in the warmest part of the facility in which food is stored, and of such type and so situated that the thermometer can be easily and readily observed for reading.

(c) Each hot food facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to ± 3 degrees Fahrenheit located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording thermometers, accurate to ± 3 degrees Fahrenheit may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.

(d) Metal or plastic stem-type indicating thermometers, accurate to ± 3 degrees Fahrenheit, shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.

8:24-3.2 Food temperatures

(a) All perishable food, such as raw fruits and vegetables, shell eggs, live hardshell clams and oysters, shall be stored at such temperatures as will protect against spoilage.

(b) All potentially hazardous food, including shucked shellfish, unshucked mussels and soft shell clams, except when being prepared, displayed and served as provided in (c) below, shall be kept at 45 degrees Fahrenheit or below, or 140 degrees Fahrenheit or above. Frozen foods shall be maintained at or below 0 degrees Fahrenheit until removed from storage for preparation and use except as noted in (e) below. Potentially hazardous foods of large volume or prepared in large quantities which will be refrigerated after preparation, shall be rapidly cooled, below 45 degrees Fahrenheit utilizing such methods as shallow pans, agitation, quick chilling or water circulation external to the food container so that the cooling period shall not exceed four hours; provided, that refrigeration of mayonnaise and salad dressings containing eggs and egg products at temperatures of 45 degrees Fahrenheit or below may be waived if:

1. All mayonnaise or salad dressings received from the manufacturer in the original container shall have a pH of not more than 4.1 and the acidity of the aqueous phase, expressed as acetic acid, is not less than 1.4 percent.

2. When the original container of such product is opened for use, and part of the product placed in another container, and not held at temperatures required for potentially hazardous food products, the mayonnaise or salad dressing in the "working container" shall be discarded after three hours. Where the product is kept covered and held on the service line at 45 degrees Fahrenheit or below, the three hour time limit shall not apply and it may be stored under refrigeration for future use.

3. Under no circumstance shall the product, in whole or in part be returned to the original container whether it is or is not held under refrigeration. Where the product is removed from the original container, under sanitary procedures, the original container need not be refrigerated.

4. When the original product is diluted, in any manner, the resulting product shall be subjected to temperature requirements for potentially hazardous food products.

(c) All potentially hazardous food, when placed on display shall be kept hot or cold as required hereafter:

1. If served hot, the temperature of such food shall be kept at 140 degrees Fahrenheit or above, except that whole rare roast beef shall be held for service at a temperature of at least 130 degrees Fahrenheit;

2. If displayed cold, such food shall be:

i. Displayed in or on a refrigerated facility which can reduce or maintain the product temperature at 45 degrees Fahrenheit or below; or

ii. Prechilled rapidly to a temperature of 45 degrees Fahrenheit or below, when placed on display for service, and the food temperature shall at no time during the display period exceed 55 degrees Fahrenheit. Foods shall not be held above 45 degrees Fahrenheit for a total time period exceeding four hours.

(d) Following preparation, hollandaise and other sauces which, pending service, must be held in the temperature of 45 degrees Fahrenheit to 140 degrees Fahrenheit, may be exempt from the temperature requirements of this subsection, if they are prepared from fresh ingredients and are discarded as waste within three hours after preparation. Where such sauces require eggs as an ingredient, only uncracked shell eggs, pasteurized frozen or dried eggs shall be used.

(e) Foods intended for sale in a frozen state shall be displayed at an air temperature of 0 degrees Fahrenheit or below; provided, that during defrost cycles and brief periods of loading or unloading, the air temperature may rise to levels which do not cause product thawing or product container sweating. Frozen foods on display shall be stored below or behind case fill lines according to the cabinet manufacturer's specifications.

(f) Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed:

1. In refrigerated units at a temperature not to exceed 45 degrees Fahrenheit; or

2. Under potable running water of a temperature of 70 degrees Fahrenheit or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or

3. In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

4. As part of the conventional cooking process; or

5. By any other method satisfactory to the Department or health authority.

8:24-3.3 Food preparation

(a) During the preparation of all raw meats, poultry and fish, other ready to eat foods shall not be permitted to touch these uncooked products or any equipment surfaces which such raw products have touched prior to sanitization. After handling such raw products, hands shall be carefully washed and all equipment and surfaces that the raw meats, poultry, and fish touched shall be washed and sanitized. Special emphasis shall be given to situations where cross contamination may occur.

(b) Convenient and suitable equipment and utensils, slicers, grinders, saws, cleavers, can openers, forks, knives, tongs, spoons, spatulas, scoops and the like shall be provided to minimize handling of food, particularly potentially hazardous food, at all points where food is prepared.

(c) All raw fruits and vegetables shall be washed thoroughly before being combined with other ingredients, cooked or served.

(d) Potentially hazardous foods requiring cooking or smoking shall be cooked to heat all parts of the food to a temperature of at least 140 degrees Fahrenheit except that:

1. Poultry, poultry stuffings, stuffed meats, and stuffings containing meat shall be cooked to heat all parts of the food to at least 165 degrees Fahrenheit with no interruption of the initial cooking process;

2. Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150 degrees Fahrenheit; and

3. Rare whole roast beef shall be cooked to an internal temperature of at least 130 degrees Fahrenheit, and rare beef steak shall be cooked to a temperature of 130 degrees Fahrenheit unless otherwise ordered by the immediate consumer.

(e) Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served or before being placed in a hot food storage facility; provided, that rare whole roast beef may be reheated to at least 130 degrees Fahrenheit. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

(f) Meat, poultry, fish, potato, egg, and similar salads, cream filled pastries, and other potentially hazardous prepared food shall be prepared (preferably from chilled products) with a minimum of manual contact, and on surfaces and with utensils which are clean and which, prior to use, have been sanitized.

(g) Custards, cream fillings, and similar products which are prepared by hot or cold processes, and which are used as puddings or pastry fillings, shall be kept at safe temperatures at or above 140 degrees Fahrenheit or at or below 45 degrees Fahrenheit except during necessary periods of preparation and service, and shall meet the following requirements as applicable:

1. Pastry fillings shall be placed in shells, crusts, or other baked goods either while hot (not less than 140 degrees Fahrenheit) or immediately following preparation, if a cold process is used; or

2. Such fillings and puddings shall be refrigerated at 45 degrees Fahrenheit or below in shallow pans properly protected from dust and other contamination, immediately after cooking or preparation, and held thereat until combined into pastries, or served.

3. All completed custard filled and cream filled or similar type pastries shall, unless served immediately following filling, be refrigerated at 45 degrees Fahrenheit or below promptly after preparation, and held at that temperature until served. Synthetic filled products may be excluded from this requirement if:

i. The filling has a pH level of 4.6 or less; or

ii. It is handled in such a manner as to preclude contamination with and the growth of pathogenic microorganisms after heat processing; or

iii. Other scientific evidence is on file with the health authority demonstrating that the specific product will not support the growth of pathogenic microorganisms.

iv. Synthetic filled products not requiring refrigeration shall be so labeled.

8:24-3.4 Food storage

(a) Containers of food shall be stored above the floor, on clean racks, dollies or other clean surface in such a manner as to be protected from splash and other contamination. Additionally, foods in bulk storage must be elevated four to six inches above the floor on racks or dollies and aisles must be provided between articles in storage and walls, and masses of foods must be broken down into manageable cells with aisles to allow for cleaning and inspection and to prevent insect and rodent harborage. Foods in bulk storage shall be stored at least 12 inches from each wall and there shall be a white inspection strip on the floor along each wall where food is stored: provided, foods packaged in cans, glass or other vermin-proof containers sealed in shipping cartons and stored on clean surfaces in rooms, the floors of which are not frequently washed or otherwise subjected to water, need not be elevated and aisles need not be provided if containers are in temporary storage for five days or less, the areas are clean, and rodent, insect or other vermin harborages are not provided.

(b) Food not subject to further washing or cooking before serving shall be stored in such a manner as to be protected against contamination from food requiring washing or cooking.

(c) Packaged or bottled foods shall not be stored submerged in water or other liquids; provided, that wet storage of pressurized containers of beverages may be permitted when:

1. The water contains at least 50 ppm of available chlorine or equivalent; and

2. The iced water is changed frequently enough to keep both the water and container clean.

(d) Wet storage of shellfish is prohibited.

8:24-3.5 Food display and service

(a) Where prepared, unwrapped food is placed on display in all types of retail food establishments, it shall be protected by cleanable counters, service line or salad bar protector devices, cabinets, sneeze guards, display cases, containers, or similar type of protective equipment. Self-service openings in counter guards shall be so designed and arranged to protect food from manual contact by customers. Portions of food once served to a customer shall not be served again. Wrapped food, other than potentially hazardous food, which is still wholesome and has not been unwrapped, may be served again.

(b) Temporary buffets, smorgasbords, salad bars, or other foods offered to the consumer where the consumer may make a choice to partake, need not be covered, provided other sections applicable to such forms of service of food particularly including those of N.J.A.C. 8:24-3.2 relating to temperatures shall apply and:

1. Potentially hazardous foods are held at safe temperatures;
2. Limited quantities of foods are offered to allow a fast turnover;
3. Fresh supplies shall be provided in such a way as to ensure proper rotation of the foods.

(c) Where unwrapped bulk foods such as pickles or dried foods are provided to consumers for self-service sale they shall be in cleanable, covered containers provided with utensils to minimize handling.

(d) Tongs, forks, spoons, picks, spatulas, scoops, and other suitable utensils shall be provided and shall be used by employees to reduce manual contact with food to a minimum. For self-service by customers, similar implements shall be provided in a manner as to encourage their use.

(e) Between uses dispensing utensils shall be:

1. Stored in the food with the dispensing utensil handle extended out of the food; or
2. Stored clean and dry; or
3. Stored in running water; or
4. Stored either in a running water dipper well, or clean and dry in the case of dispensing utensils and malt collars; or
5. Or in a manner satisfactory to the Department.

(f) Sugar, condiments, seasonings and dressings shall be provided only in sanitary dispensers or in individual single service packages.

(g) Potentially hazardous food shall not be held or displayed in hot or cold holding units beyond the case fill line designed by the manufacturer of the case to ensure proper air flow and circulation.

8:24-3.6 Food transportation

(a) The requirements for storage, display, and general protection against contamination as contained in this section, shall apply in the transporting of all food from a retail food establishment to another location for service, catering or other distribution. All potentially hazardous food shall be kept at 45 degrees Fahrenheit or below 140 degrees Fahrenheit or above, and frozen foods at or below 0 degrees Fahrenheit during transportation: Provided that cold food may be allowed to reach 55 degrees Fahrenheit and hot food may be allowed to reach 130 degrees Fahrenheit if they are to be consumed within one-half hour of plating.

(b) During the transportation of food to or from a retail food establishment, all food shall be in covered containers or completely wrapped or packaged so as to be protected from contamination and maintain safe temperatures except for hanging meats and raw agricultural products, which will be prepared for consumption in such a manner to remove the danger of possible contaminants.

(c) All food transportation vehicles, including carts, trucks, vans, and trailers shall be kept clean, free of vermin and in good repair.

8:24-3.7 Poisonous and toxic materials

(a) Only those poisonous and toxic materials required to maintain

the establishment in a sanitary condition, and for sanitization of equipment and utensils shall be present in any area used in connection with retail food establishments, other than those products for sale which must be stored in a specifically identified and designated area. Poisonous polishing materials shall not be used on equipment or utensils, nor stored in the establishment other than as indicated previously.

(b) All containers of poisonous and toxic materials shall be prominently and distinctively marked or labeled for easy identification as to contents.

(c) All poisonous or toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials shall not be stored or displayed above food, food equipment, utensils or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations. Bactericides and cleaning compounds shall not be stored in the same cabinet or area of the room with insecticides, rodenticides, or other poisonous materials. First-aid supplies and personal medication shall be stored in a way that prevents them from contaminating food and food contact surfaces.

(d) Bactericides, cleaning compounds, or other compounds, intended for use on food contact surfaces, shall not be used in such a manner as to leave a toxic residue on such surfaces, or to constitute a hazard to employees or customers.

(e) Poisonous compounds, such as insecticides and rodenticides, in powdered form, shall have a distinctive color so as not to be mistaken for food or food condiments.

(f) Poisonous materials and compounds shall not be used or stored in any way as to contaminate food, equipment, or utensils, nor to constitute other hazards to employees or customers. Poisonous and toxic materials shall be used in full compliance with the manufacturer's labeling.

(g) No person shall apply insecticides or rodenticides in or around any retail food establishment unless they do so in full compliance with New Jersey Department of Environmental Protection regulations N.J.A.C. 7:30-1.

SUBCHAPTER 4 FOOD SERVICE PERSONNEL

8:24-4.1 Health and disease controls

(a) Persons while affected with any disease in a communicable form, or while a carrier of such disease, or while affected with boils, infected wounds, sores, acute respiratory infection, nausea, vomiting, diarrhea which could cause food borne diseases such as staphylococcal intoxication, salmonellosis, typhoid fever or hepatitis shall not work in any area of a food establishment in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms, or transmitting disease to other individuals and no person known or suspected of being affected with any such disease or condition shall be employed in any such area or capacity.

(b) If the manager or person in charge has reason to suspect that any employee has contracted any disease in a communicable form which could result in food borne disease or has become a carrier of such disease, he shall advise the employee to contact his physician for treatment and shall relieve him of duties relating to food handling or food contact surfaces.

8:24-4.2 Hygiene practices

(a) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods. Persons engaged in handling food and food contact surfaces shall not wear jewelry in a manner which could contaminate or become incorporated in the food.

(b) Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in equipment and utensil washing or food preparation areas. Provided that locations in such areas may be designated by management for smoking, where no

contamination of food, equipment, utensils, or other items needing protection will result.

(c) Employees shall consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils, or other items needing protection.

8:24-4.3 Handwashing

(a) The hands of all employees shall be kept clean while engaged in handling food and food contact surfaces. Employees shall thoroughly wash their hands and exposed arms with soap and warm water before starting work, and shall wash hands during work hours as often as is necessary to keep them clean, and after smoking, eating, drinking, or visiting the toilet room. Approved separate handwashing facilities shall be provided at convenient locations as necessary to maintain clean hands and arms during working hours. Utensil washing sinks or vats are not acceptable as washing facilities for personnel.

(b) Employees shall keep their fingernails clean and neatly trimmed.

8:24-4.4 Clothing

(a) All persons, including dishwashers, engaged in handling food or food contact surfaces shall wear clean outer garments.

(b) Employees engaged in the preparation of food and other persons who may come in contact with these operations shall use effective hair restraints to prevent the contamination of food. Service personnel shall take steps necessary to keep hair from food and food contact surfaces.

SUBCHAPTER 5. FOOD EQUIPMENT AND UTENSILS

8:24-5.1 Design, construction and materials

(a) Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials. They shall be corrosion resistant, nonabsorbent and shall be smooth, easily cleanable, and durable. Under conditions of normal use they shall be resistant to denting, buckling, pitting, chipping, crazing, and excessive wear; and shall be capable of withstanding repeated scrubbing, scouring, and the corrosive action of cleaning and sanitizing agents and food with which they come in contact. Except that corrosion resistant requirements shall not preclude the use of cast iron as a food contact material when approved by the health authority.

(b) Food contact surfaces of equipment and utensils shall be smooth, free of breaks, open seams, cracks, chips, pits difficult to clean internal corners and crevices and similar imperfections; shall be in good repair; and shall be easily accessible for cleaning and inspection. Threads which routinely contact food shall be of sanitary design and no V-type threads shall be used. Provided, wicker or plastic woven type or other hard to clean breadbaskets, when suitably lined with a clean disposable material or clean washable materials, may be used for unwrapped food.

(c) Cutting blocks, boards, and bakers' tables shall be of hard maple or equivalent material which is nontoxic, nonabsorbent, smooth, and free of cracks, crevices, and open seams. Cutting boards shall be easily removable and cleanable. Wood may be used for single-service articles, such as chop sticks, stirrers, or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited.

(d) Safe plastic, safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods, and which meet the general requirements set forth in (a) above are permitted for repeated use. Scratching and scoring of cutting surfaces that do not interfere with cleaning and sanitizing shall not constitute a violation of this section.

(e) Mollusk and crustacea shells may be used only once as a serving container. Further reuse of such shells for food service is prohibited unless these shells are thoroughly washed, rinsed and sanitized. Sanitization of these shells shall be accomplished by immersion in boiling water for three minutes or immersion in a 100 ppm solution of chlorine for one minute.

(f) Equipment containing bearings and gears requiring unsafe lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food contact surfaces. Only safe food grade lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food contact surfaces.

(g) Soft solder, when used as a food contact surface, shall be limited to joining metal or sealing seams between abutting metal surfaces; shall be of such formulation as to be nontoxic under use conditions; shall contain at least 50 percent tin; shall contain no more lead than is necessary under good manufacturing practice; and shall, consistent with good industrial practice in the refining of its constituent elements, be free of cadmium, antimony, bismuth, and other toxic materials.

(h) Hard solder (silver solder), when used as a food contact surface, shall be of such formulation as to be nontoxic under use conditions; shall be corrosion resistant; and shall be consistent with good industrial practice in the refining of its constituent elements, be free of cadmium, antimony, bismuth, and other toxic materials.

(i) Ventilation hoods and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement if not designed to be cleaned in place.

(j) Surfaces of equipment including shelves, not intended for contact with food, but which are exposed to splash, food debris, or otherwise require frequent cleaning, shall be reasonably smooth, washable, free of unnecessary ledges, projections, or crevices, readily accessible for cleaning, and of such materials and in such repair as to be readily maintained in a clean and sanitary condition. Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches, and connections.

(k) Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice; provided, that such tubing is fabricated from safe materials, is grommited at entry and exit points to preclude moisture (condensation) from entering the ice machine or the ice storage bin, and is kept clean. Condensate drainage or non-potable water drainage tubes from dispensing units shall not pass through the storage bin.

(l) All food contact surfaces, unless designed for in-place cleaning, shall be accessible for manual cleaning and for inspection either:

1. Without being disassembled; or
2. By disassembling without the use of tools; or
3. By easy disassembling with the use of only simple tools kept available near the equipment, such as a mallet, a screwdriver or an open end wrench.

(m) Equipment intended for in-place cleaning shall be so designed and constructed that:

1. Cleaning and sanitizing solutions can be circulated throughout a fixed system; and
2. Cleaning and sanitizing solutions will contact all interior surfaces; and
3. The system is self-draining or otherwise completely evacuated; and
4. Cleaning procedures result in thorough cleaning of the equipment.

(n) Sinks and drain boards shall be self-draining.

8:24-5.2 Equipment installation and location

(a) Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines, water lines, that are leaking on which condensate water may accumulate, open stairwells, or other sources of contamination.

(b) Equipment that is placed on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a four-inch clearance between the table or counter and equipment and shall be installed to facilitate the cleaning of the equipment and adjacent areas.

(c) Equipment is portable if:

1. It is small and light enough to be moved easily; and

2. It has no utility connection or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.

(d) Floor-mounted equipment, unless readily movable, shall be:

1. Sealed to the floor; or

2. Installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements for sealing or floor clearance; or

3. Elevated on legs to provide at least a six-inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a four-inch clearance between the floor and equipment if no part of the floor under the mixer is more than six inches from cleaning access.

(e) Equipment is easily movable if:

1. It is mounted on wheels or casters; and

2. It has no utility connection or has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

(f) Unless sufficient space is provided for easy cleaning between, behind and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch; or if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls or ceilings.

(g) Aisles and working spaces between units of equipment and walls, shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food contact surfaces by clothing or through personal contact. All easily movable storage equipment such as pallets, racks, and dollies shall be positioned to provide accessibility to working areas.

8:24-5.3 Equipment and utensil cleanliness

(a) After each usage, all tableware shall be thoroughly cleaned to sight and touch.

(b) After each usage, all kitchenware and food contact surfaces of equipment, exclusive of cooking surfaces, used in the preparation, serving, display, or storage of food, shall be thoroughly cleaned to sight and touch. The food contact surfaces of grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned after daily use; except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil. Unused equipment shall be maintained clean to sight and touch or removed.

(c) Nonfood contact surfaces of all equipment used in the operation of a retail food establishment including tables, transport vehicles, counters, shelves, mixers, grinders, slicers, hoods, and fans, shall be cleaned at such frequency as is necessary to be free of accumulations of dust, dirt food particles, other debris, and to maintain them in a sanitary condition.

(d) Detergents and abrasives shall be rinsed off food contact surfaces.

(e) Cloths used by waiters, chefs, and other personnel, shall be clean, and any such cloths used for wiping food contact surfaces shall be used for no other purpose.

8:24-5.4 Equipment and utensil sanitization

(a) All tableware shall, after each use, be sanitized. A spoon or other utensil, once used for tasting food, shall not be reused until it has been cleaned and sanitized.

(b) All kitchenware and food contact surfaces of equipment used in the preparation, service, display, or storage of potentially hazardous food shall be sanitized prior to such use, and following any interruption of operations during which contamination of the food contact surfaces is likely to have occurred. Where equipment and utensils are used for the preparation of potentially hazardous food on a continuous or production line basis, the food contact surfaces of such equipment, and utensils shall be cleaned and sanitized at intervals throughout the day on a schedule satisfactory to the Department of Health authority.

8:24-5.5 Methods and facilities for washing and sanitizing

(a) For both manual and machine washing and sanitizing:

1. Prior to washing, all equipment and utensils shall be preflushed or prescraped, and when necessary, presoaked to remove gross food particles and soil;

2. Dish tables, drainboards, or racks of impervious material of adequate size shall be provided for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization. They shall be so located and constructed as not to interfere with the proper use of the diswashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

3. Washing of utensils and equipment shall include effective treatment to remove all foreign matter.

4. After washing, utensils and equipment shall be rinsed free of detergent solution and foreign matter.

5. All utensils and food contact surfaces of equipment shall be sanitized.

6. Following sanitization, all utensils and food contact surfaces of equipment shall be air dried. Towel drying of equipment and utensils is prohibited.

(b) Manual washing and sanitizing:

1. Within two years of the enactment of this chapter, all establishments engaging in manual washing, rinsing and sanitizing of utensils and equipment, shall provide and use a sink with not fewer than three compartments provided that all newly constructed retail food establishments engaged in manual washing, rinsing and sanitizing shall have a three compartment sink. Sink compartments shall be large enough to permit the complete immersion of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned through pressure spray methods; provided, that establishments where the only utensils to be washed are limited to spatulas, tongs, and similar devices, and when the only equipment to be cleaned is stationary and does not require disassembly for proper cleaning, a one compartment sink may be approved by the health authority for this purpose. At least a two compartment sink shall be provided and used for washing kitchenware and equipment which does not require sanitization. Single compartment sinks, such as cooks' and bakers' sinks, may be used for the prerinsing of utensils. Hot and cold running water shall be supplied for each compartment. Dish baskets, where used, shall be of such design to permit complete immersion of equipment and utensils.

2. Manual washing, rinsing and sanitizing shall be conducted in the following sequence:

i. Sinks shall be clean prior to use. Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

ii. Equipment and utensils shall be thoroughly washed in the first compartment with a detergent solution that is kept clean and used in accordance with manufacturer's directions.

iii. Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.

iv. Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in (c)1 through 4 below.

(c) Manual sanitization shall be accomplished by one of the following methods:

1. Immersion for at least 30 seconds in clean hot water at a temperature of at least 170 degrees Fahrenheit. When hot water is used for sanitizing, the following facilities shall be provided and used:

- i. An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit; and
- ii. A numerically scaled indicating thermometer, accurate to ± 3 degrees Fahrenheit, for frequent checks of water temperature; and
- iii. Dish baskets or similar devices of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

2. Immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit; or

3. Immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75 degrees Fahrenheit; or

4. Immersion in a clean solution containing any other chemical sanitizing agent listed in N.J.A.C. 8:24-11.15(b) that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit for one minute; or

5. Treatment with steam free from materials or additives other than those specified in N.J.A.C. 8:24-11.15(a) in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under (b)-(d) of this section in the case of equipment too large to sanitize by immersion.

6. Chemical sanitizers used shall meet the requirements of N.J.A.C. 8:24-11.15(b) and used in accordance with manufacturer's directions. A test kit or other device that accurately measures the parts per million concentration of the solution and a thermometer accurate to ± 3 degrees Fahrenheit to check water temperature shall be provided and used.

(d) Mechanical washing and sanitizing:

1. When spray type dishwashing machines are used, the following additional requirements shall be met:

i. Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.

ii. Wash water shall be kept clean, and rinse water tanks shall be so protected by distance, baffles, or other effective means as to minimize the entry of wash water into the rinse water.

2. The flow pressure shall not be less than 15 or more than 25 pounds per square inch on the water line at machine, and not less than 10 pounds per square inch at the rinse nozzles. A suitable gauge cock shall be provided immediately upstream from the final rinse valves to permit checking the flow pressure of the final rinse water on all machines installed after the effective date of this regulation.

3. Machines using hot water for sanitizing shall maintain clean wash and rinse water at not less than the following temperatures:

- i. Single-tank, stationary-rack, dual-temperature machine:
 - (1) Wash temperature: 150°F;
 - (2) Final rinse temperature at manifold: 180°F.
- ii. Single-tank, stationary-rack, single-temperature machine:
 - (1) Wash temperature: 165°F;
 - (2) Final rinse temperature manifold: 165°F.
- iii. Single-tank, conveyor machine;

- (1) Wash temperature: 160°F;
- (2) Final rinse temperature at manifold: 180°F.

iv. Multitank, conveyor machine:

- (1) Wash temperature: 150°F;
- (2) Pumped rinse temperature: 160°F;
- (3) Final rinse temperature at manifold: 180°F.

v. Single-tank, pot, pan, and utensil washer (either stationary or moving-rack):

- (1) Wash temperature: 140°F;
- (2) Final rinse temperature at manifold: 180°F.

vi. To ensure proper sanitization in no instance shall the plate temperature be less than 160 degrees Fahrenheit after the cycle is complete.

4. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturers' specifications.

5. An easily readable thermometer shall be provided in each tank of the dishwashing machine which will indicate to an accuracy of ± 3 degrees Fahrenheit the temperature of the water or solution therein. In addition, a thermometer of equal accuracy shall be provided which will indicate the temperature of the final rinse water as it enters the manifold.

6. Jets, nozzles, strainers, and all other parts of each machine shall be maintained free of excessive chemical deposits, debris, and other soil. Automatic detergent dispensers, if used, shall be kept in proper operating condition.

7. Machines (single or multi-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used; provided that:

- i. The temperature of the wash water shall not be less than 120 degrees Fahrenheit;
- ii. The wash water shall be kept clean;
- iii. Chemicals added for sanitization purposes shall be automatically dispensed;
- iv. Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with manufacturers' specifications for time, temperature and concentration. This shall be posted at the machine;
- v. The chemical sanitizing rinse water temperature shall be not less than 75 degrees Fahrenheit nor less than the temperature specified by the machine's manufacturer;
- vi. Chemical sanitizers used shall meet the requirements of N.J.A.C. 8:24-11.15(b).

vii. A test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

8. Any other type of machine, device, or facilities and procedures may be approved by the department or local health authority for cleaning or sanitizing equipment and utensils, if it can be readily established that such machine device, or facilities and procedures will routinely render equipment and utensils clean to sight and touch, and provide effective bactericidal treatment.

9. All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.

(e) Pressure spray cleaning and sanitizing: When pressure spray methods are used for cleaning and sanitizing, the equipment and utensils shall be thoroughly flushed with a cleaning solution until the article being cleaned is free of visible food particles and soil. The detergent-sanitizer shall be used in accordance with manufacturers label directions.

8:24-5.6 Storage and handling of cleaned equipment and utensils

(a) Food contact surfaces of cleaned and sanitized equipment and utensils shall be handled in such a manner so as to be protected from contamination. Cleaned spoons, knives, and forks shall be picked up and touched only by their handles. Clean cups, glasses, and bowls shall be handled so that fingers and thumbs do not contact inside surfaces or lip contact surfaces.

(b) Cleaned, and cleaned and sanitized, portable equipment and utensils shall be stored at least six inches above the floor in a clean, dry location, and suitable space and facilities shall be provided for such storage so that food contact surfaces are protected from splash, dust, and other contamination. Utensils shall be air-dried before being stored, or shall be stored in self-draining position unsuitably located hooks or racks constructed of corrosion resistant material. Wherever practicable, stored containers and utensils shall be covered or inverted; facilities for the storage of flatware (silverware) shall be provided and shall be designed and maintained to present the handle to the employee or customer.

(c) The storage of food equipment, utensils or single-service articles in toilet room, toilet vestibules or garbage or mechanical rooms is prohibited.

8:24-5.7 Single service articles

(a) Single-service articles shall be made from clean, sanitary, nontoxic, safe materials. Equipment and utensils, articles shall not impart odors, color, or taste, nor contribute to the contamination of food.

(b) Single-service articles shall be stored at least six inches above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or water lines that are leaking or on which condensate water may accumulate.

(c) Single-service knives, forks and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his hands immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks and spoons are prewrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.

(d) Single-service articles shall be used only once.

(e) All retail food establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles.

SUBCHAPTER 6. SANITARY FACILITIES AND CONTROLS

8:24-6.1 Adequacy, safety and quality of water

(a) The water supply shall be adequate as to quantity, of a safe, sanitary quality, and from a public or private water supply system which is constructed, protected, operated, and maintained in conformance with the New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A-1 et. seq.) and regulations (N.J.A.C. 7:10) et al. and local laws, ordinances, and regulations; provided, that if approved by the Department of Environmental Protection, a nonpotable water supply system may be permitted within the establishment for purposes such as air conditioning and fire protection, only if such system complies fully with N.J.A.C. 8:24-6.5 (Size, installation and maintenance of plumbing), and the nonpotable water supply is not used in such a manner as to bring it into contact, either directly or indirectly, with food, food equipment or utensils.

(b) Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, and where equipment, utensils or containers are washed.

8:24-6.2 Transporting and dispensing water

(a) All water, not piped into the establishment directly from the source, shall be transported, handled, stored, and dispensed in a sanitary manner whereby it will not become contaminated.

(b) Drinking water, if not dispensed through the water supply system of the retail food establishment, may be stored in a separate nonpressurized tank, reservoir, or other covered container.

8:24-6.3 Ice

(a) Ice shall be made from water meeting the requirements of

N.J.A.C. 8:24-6.1(a) (Adequacy, safety and quality of water) in an icemaking machine which is located, installed, operated and maintained so as to prevent contamination of the ice; or shall be obtained from a source meeting standards approved by law or regulation.

(b) Ice shall be handled, transported, and stored in a sanitary manner so as to be protected against contamination.

(c) If block ice is used, the outer surfaces shall be thoroughly rinsed so as to remove any soil before it is used for any purpose.

(d) If ice crushers are used, they shall be maintained in a clean condition and shall be covered when not in use.

(e) If ice is used, containers and utensils shall be provided for storing and serving it in a sanitary manner. Ice buckets, other containers, and scoops, unless they are of the single service type, shall be of a smooth, impervious material, and designed to facilitate cleaning. Ice-dispensing utensils shall be stored on a clean surface which is self draining or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination. Ice storage bins shall be drained through an indirect waste.

(f) Only sanitary containers shall be used for the transportation or storage of any ice used in the retail food establishment. Canvas containers shall not be used unless provided with a sanitary, single service liner so as to completely protect the ice.

(g) Ice used for cooling stored food and food containers shall not be used for human consumption. Ice intended for human consumption may be used for cooling tubes conveying beverage ingredients to a dispenser head.

8:24-6.4 Steam

Steam used in contact with food or food-contact surfaces shall be free from any materials or additives other than those specified in N.J.A.C. 8:24-11.15(a).

8:24-6.5 Sewage

(a) All sewage shall be disposed of by means of:

1. A public sewerage system; or

2. A disposal system which is constructed and operated in conformance with N.J.A.C. 7:9-2 Standards for the Construction of Individual Sub-surface Sewage Disposal Systems, the New Jersey Water Pollution Control Act regulations, N.J.A.C. 7:14 and local laws, ordinances, and regulations.

8:24-6.6 Size, installation and maintenance of plumbing

(a) All plumbing shall be sized, installed and maintained in accordance with applicable State and local plumbing laws, ordinances and regulations as to:

1. Carry adequate quantities of water to required locations throughout the establishment;

2. Prevent contamination of the water supply;

3. Properly convey sewage and liquid wastes from the establishment to the sewerage or sewage disposal system;

4. Not constitute a source of contamination of food, equipment or utensils or create an unsanitary condition or nuisance.

(b) The potable water supply piping shall not be directly connected with any nonpotable water supply system whereby the nonpotable water can be drawn or discharged into the potable water supply system. The piping of any nonpotable water system shall be adequately and durably identified, such as by distinctive yellow colored paint and labels, so that it is readily distinguished from piping which carries potable water; and such piping shall not be connected to equipment or have outlets in the food preparation area.

(c) The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and back-siphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

(d) If used, grease traps shall be located to be easily accessible for cleaning and shall be installed and maintained in accordance with the New Jersey Uniform Construction Code.

(e) If used, food waste grinders shall be installed and maintained in accordance with N.J.A.C. 5:23-1.

8:24-6.7 Drains

(a) Refrigerators, steam kettles, potato peelers and similar types of enclosed equipment in which food, portable equipment or utensils are placed, shall not be directly connected to the drainage system.

(b) Each waste pipe from such equipment shall discharge into an open, accessible, individual waste sink, floor drainer, or other suitable fixture which is properly trapped and vented; provided that indirect connections of drain lines from other equipment used in the preparation of food or washing of equipment and utensils may be required by the Department or health authority when, in its opinion, the installation is such that backflow of sewage is likely to occur.

(c) Each walk-in refrigerator shall be equipped with a floor drain, so installed as to preclude the backflow of sewage into the refrigerator; or all parts of the floor of each walk-in refrigerator shall be graded to drain to the outside through a wastepipe, doorway or other opening. Walk-in refrigerators installed before enactment of this chapter shall be excluded from the requirement for a floor drain, and such floors shall be kept in a sanitary condition.

(d) Indirect waste connections shall be provided for drain overflows, or relief vents from the water supply system.

(e) Drainlines from equipment shall not discharge waste water in such a manner as will permit the flooding of floors or the flowing of water across working or walking areas, or into difficult to clean areas, or otherwise create a nuisance. All new drains shall be installed in accordance with applicable sections of N.J.A.C. 5:23-1.

8:24-6.8 Toilet facilities

(a) Each retail food establishment shall be provided with adequate, conveniently located toilet facilities accessible to the employees at all times; provided, that mobile units from which only prewrapped food or beverages are served are exempt. All new establishments shall provide toilets for the public as per the requirements of N.J.A.C. 5:23-1.

(b) Toilet facilities shall be installed in accordance with N.J.A.C. 5:23 and local laws, ordinances and regulations. When a common toilet is used for employees and patrons, access shall not be through food preparation, food storage and utensil and equipment washing areas.

(c) Water closets and urinals shall be of a sanitary design and be cleanable.

(d) Toilet rooms shall be easily cleanable, completely enclosed, and shall have tight-fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance. If vestibules are provided, they shall be kept in a clean condition and in good repair.

(e) Toilet facilities, including toilet rooms and fixtures, shall be kept clean and in good repair, and free of objectionable odors.

(f) A supply of toilet tissue shall be provided at each toilet at all times.

(g) Handwashing signs stating "Wash Hands Before Resuming Work" shall be posted conspicuously in all toilet rooms and at each separate lavatory facility in a retail food establishment. It is also recommended that a statement concerning disease transmission be included. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Such receptacles shall be emptied at least once a day, and more frequently when necessary to prevent excessive accumulation of waste material.

8:24-6.9 Handwashing facilities

(a) Handwashing facilities shall be adequate in size and number

and shall be so located as to permit convenient and expeditious use by all employees.

(b) Handwashing facilities shall be located within or immediately adjacent to all toilet rooms or vestibules. In all new establishments, and establishments which are extensively altered or change ownership, employee lavatories shall also be located within the area where food is prepared.

(c) Lavatories shall be installed in accordance with N.J.A.C. 5:23 and local laws, ordinances, and regulations.

(d) Each handwashing facility shall be designed to provide hot and cold or tempered water (100 degrees Fahrenheit to 115 degrees Fahrenheit). Tempering may be accomplished by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactive the faucet. Steam-mixing valves are prohibited.

(e) An adequate supply of hand cleansing soap or detergent shall be available at each handwashing facility. An adequate supply of sanitary towels, or an approved hand drying device, shall be available and conveniently located near the lavatory. Common towels are prohibited. Where disposable towels are used, waste receptacles shall be located conveniently near the handwashing facilities.

(f) All other components of the handwashing facilities shall be kept clean and in good repair.

8:24-6.10 Garbage and rubbish disposal facilities

(a) All garbage and rubbish containing food waste shall be kept in leakproof, nonabsorbent containers constructed of durable metal or other approved types of material, which do not leak and do not absorb liquids.

(b) All containers shall be provided with tight fitting lids or covers and shall, unless kept in a special vermin proofed room or enclosure or in a waste refrigerator, be kept covered when stored or not in continuous use. Working containers used in food preparation and utensil washing areas need not be covered provided they are removed to the garbage storage area upon being filled or otherwise emptied at least daily.

(c) Each container shall be maintained in a clean condition on the inside and outside. Garbage containers shall be cleaned in a manner so as not to contaminate food, equipment, utensils, or food preparation areas. Adequate cleaning facilities, including brushes, shall be provided for washing garbage containers and shall be used for no other purpose. Can washing machines, steam cleaning devices, or similar equipment should be used where the operation is large enough to warrant this type of equipment. Liquid waste from such cleaning operations shall be disposed of as sewage.

(d) There shall be a sufficient number of containers to hold all of the garbage and rubbish containing food waste which accumulates between periods of removal from the premises. Sufficient containers shall also be provided in exterior areas of take-out establishments in such a manner as to encourage litter control by patrons.

(e) Garbage and rubbish containing food waste shall be stored so as to be inaccessible to vermin. All other rubbish shall be stored in containers, rooms, or areas in such a manner as not to constitute a public nuisance. The rooms, enclosures, areas, and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises.

(f) Storage facilities shall be adequate for the proper storage of all garbage and rubbish.

(g) Storage areas shall be clean, and shall not constitute a nuisance.

(h) Garbage or refuse storage rooms, if used shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall be vermin-proof and shall be large enough to store the garbage and refuse containers that accumulate.

(i) Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall

be kept clean. Garbage and refuse containers, dumpsters and compactor systems located outside shall be located on or above a smooth surface of nonabsorbent material such as concrete that is kept clean and maintained in good repair.

(j) All garbage and rubbish shall be disposed of daily, or at such other frequencies and in such a manner as to prevent a public health nuisance. Including the development of odors and the attraction of vermin.

(k) Where garbage or combustible rubbish is permitted to be incinerated on the premises, such materials must be burned in an incinerator operated in accordance with N.J.A.C. 7:27-11. Areas around such incinerators shall be kept in a clean and orderly condition. Open burning of garbage and combustible rubbish is prohibited.

8:24-6.11 Vermin control

(a) Effective control measures shall be utilized to minimize and eliminate the presence of rodents, flies, roaches, and other vermin in the establishment and on the premises. The premises shall be kept in such condition as to prevent the breeding, harborage or feeding of vermin.

(b) All openings to the outer air shall be effectively protected against the entrance of insects by self-closing doors, closed windows, screening, controlled air currents, or other effective means.

(c) Screening material shall not be less than 16 mesh to the inch or equivalent.

(d) Screen doors to the outer air shall be self-closing; and screens for windows, doors, skylights, transoms, and other openings to the outer air shall be tight fitting and free of breaks.

(e) All openings to the outside shall be effectively protected against the entrance of rodents.

SUBCHAPTER 7. OTHER FACILITIES AND OPERATIONS

8:24-7.1 Floor, walls and ceilings

(a) All floors shall be kept clean and in good repair. Non-slip agents may be used on floors under the following conditions:

1. Such agent shall be dry, clean, free of foreign material, obnoxious odors and shall not create dust or tracking problem. If such agent is woodshavings, it shall contain not more than five percent fines by weight passing a No. 20 screen. The use of sawdust, baked clay, peanut hulls, or similar material as a floor covering is prohibited.

2. Such agent shall be packaged in single service paper or plastic containers.

3. Such agent shall be changed at least daily and more often if deemed necessary.

(b) The floor surfaces in kitchens, in all other rooms and areas in which food is stored or prepared and in which utensils are washed, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall be of smooth, nonabsorbent materials, and so constructed as to be easily cleanable; provided, that in areas subject to spilling or dripping of grease or fatty substances, such floor coverings shall be of grease resistant materials; and provided further, that floors of nonrefrigerated dry food storage areas need not be nonabsorbent.

(c) Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. Installation of exposed horizontal utility lines and pipes on the floor is prohibited.

(d) Properly installed, floor drains with covers, traps and seals shall be provided in floors that are water-flushed for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used. Such floors shall be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials, and shall be graded to drain.

(e) Carpeting, if used as a floor covering shall be of closely woven construction, properly installed, easily cleanable, and shall be kept clean as to sight, touch and smell and maintained in good repair. Carpeting is prohibited in food preparation, equipment-washing and utensil-washing areas where it would be exposed to large amounts of grease and water, in food storage areas, and toilet room areas where urinals or toilet fixtures are located.

(f) The walking and driving surfaces and all other exterior areas of retail food establishments shall be kept clean and free of debris, and shall be properly graded and drained so that water will not accumulate.

(g) Walking and driving surfaces shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate, maintain and to minimize dust.

(h) Mats or duckboards, if utilized, shall be so constructed as to facilitate easy cleaning, and shall be kept clean. They shall be of such design and size as to permit easy daily removal for cleaning. Duckboards shall not be used as storage racks.

(i) All concrete, terrazzo, ceramic tile or floors of similar impervious material hereafter installed in food preparation, food storage, and utensil washing rooms and areas, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall provide a coved juncture between the floor and wall. In all other cases, the juncture between the floor and wall shall be closed.

(j) All walls and ceilings, including doors, windows, skylights, and similar closures, shall be kept clean and in good repair.

(k) The walls of all food preparation, utensil washing, and handwashing rooms or areas, shall have light colored, smooth, easily cleanable surfaces, and such surfaces shall be washable up to at least the highest level reached by splash or spray; provided, in instances where movable grills have been made part of the decor of a dining area in view of the public, the requirement for smooth, light-colored surfaces is waived providing these surfaces are maintained in a clean condition and meet all other requirements of this regulation. Acoustical materials may be used on the ceiling, provided ventilation is adequate to minimize grease and moisture absorption. When rough surfaced acoustical materials are used, a smooth, cleanable material should be provided around the ventilation ducts to facilitate cleaning. The use of such materials on kitchen ceilings should be discouraged. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules.

(l) Wall covering materials used, such as sheet metal, linoleum, plastic, paper and similar materials, shall be so attached and sealed to the wall or ceiling as to leave no open spaces or cracks which would permit accumulation of grease or debris, or provide harborage for vermin.

(m) Studs, joists, and rafters shall not be left exposed in food preparation or utensil washing areas or toilet rooms. If left exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface and shall be kept clean and in good repair; provided that when rough surfaced materials are used for decorative or display purposes, they shall be maintained in a clean condition.

(n) Wherever food is exposed, decorative material attached to walls or ceilings shall be of safe design or otherwise protected, and kept clean. Lighting fixtures shall be protected from breakage and contamination of food and food contact surfaces through the use of effective protective devices such as shields, guards, sleeves, coatings or covers. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

8:24-7.2 Lighting

(a) Permanently fixed artificial light sources shall be installed to provide at least 30 foot candles of light on all food preparation surfaces and at equipment or utensil-washing work levels.

(b) Permanently fixed artificial light sources shall be installed to provide, at a distance of 30 inches from the floor:

1. At least 20 foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas; and
2. At least 10 foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas. This shall also include dining areas during cleaning operations.

8:24-7.3 Ventilation

(a) All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, grease, condensation, vapors, obnoxious odors, smoke and fumes.

(b) Exhaust hoods and ventilating devices shall be maintained clean and operated in areas where needed to expel excessive heat, steam, vapor, smoke, grease, fumes and obnoxious odors and to prevent the dissipation of these objectionable odors throughout the room.

(c) On all new installations or in extensively remodeled establishments, ventilating systems, including hood ventilators, shall be designed, maintained and operated in accordance with N.J.A.C. 5:23-1 and shall be designed to prevent grease or condensate from dripping into food onto food preparation surfaces.

(d) All ducts in ventilating hoods shall be provided with filters which are readily removable for cleaning and replacement excepting those systems which are effectively self-cleaning.

(e) Ventilation systems shall comply with applicable State and local fire prevention requirements and shall, when vented to the outside air, discharge in such a manner as not to create a nuisance.

(f) Where intake or exhaust air ducts are used, they shall be designed and maintained so as to prevent the entrance of dust, dirt, insects, rodents or other contaminating materials.

(g) In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors or fumes originate shall be mechanically vented to the outside.

(h) Where intake air ducts are used, they shall be designed and maintained so as to prevent the entrance of dust, dirt, insects, rodents or other contaminating materials.

8:24-7.4 Housekeeping

(a) Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Dressing rooms or designated areas shall be provided. Such designated areas shall be located outside of food preparation, storage and serving areas, and utensil washing and storage areas; provided that, the Department or health authority may approve such an area in a storage room where only completely packaged food is stored.

(b) Adequate lockers within dressing rooms or other suitable facilities shall be provided and used for the storage of employees' coats, clothing and personal belongings.

(c) Dressing rooms or areas, and lockers, shall be kept in a clean condition.

(d) All parts of the establishment and its premises shall be kept neat, clean, and free of litter and rubbish.

(e) None of the operations connected with the establishment shall be conducted in any room used as living or sleeping quarters. Private residences are prohibited from use as retail food establishments, provided that a specially designated area of a residence may be used if it meets all the requirements of this chapter, it is physically separated from living areas, and it is approved by the health authority.

(f) Vacuum cleaning, wet cleaning, or other dustless methods of floor and wall cleaning shall be used; or dust arresting sweeping compounds and pushbroom shall be employed; and all such cleaning, except emergency floor cleaning, shall be done during those periods when the least amount of food is exposed, such as after closing or between meals in such a manner as to minimize contamination of food and food contact surfaces.

(g) Laundered cloths and napkins shall be stored in a clean protected place until used.

(h) Nonabsorbent containers or laundry bags shall be provided, and damp or soiled linens and clothing shall be kept therein until removed for laundering.

(i) In new or extensively remodeled establishments at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mopwater or similar liquid wastes. In all facilities the use of lavatories, utensil-washing or equipment-washing, or food preparation sinks for this purpose is prohibited.

(j) Only articles necessary for the operation and maintenance of the establishment shall be stored on the premises.

(k) The traffic of unnecessary persons through the food-preparation and utensil-washing areas is prohibited.

(l) Maintenance and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and shall be stored in an orderly manner for the cleaning of that storage location.

(m) Laundry facilities in a retail food establishment shall be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used. Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

8:24-7.5 Live birds and animals

No live birds or animals shall be allowed in any area used for the storage, preparation, or serving of food, or for the cleaning or storage of utensils, or in toilet rooms, employees' dressing rooms or areas, in vehicles used for transporting food, or in any other areas or facility used in the conduct of retail food establishment operations; provided, that guide dogs accompanying blind or deaf persons may be permitted in dining areas and public areas of markets; restrained dogs on patrol may be permitted throughout the establishment; unrestrained dogs may be permitted in office areas and dining areas during hours when the establishment is closed.

SUBCHAPTER 8. TEMPORARY AND MOBILE RETAIL FOOD ESTABLISHMENTS AND AGRICULTURAL MARKETS

8:24-8.1 General provisions

(a) All temporary retail food establishments, mobile retail food establishments and agricultural markets shall comply with all provisions of this chapter which are applicable to its operation; provided that the Department or health authority may augment such requirements when needed to assure the service of safe food; may prohibit the sale of certain potentially hazardous food; and may modify specific requirements for physical facilities when in its opinion no imminent health hazard will result.

(b) Due to the nature, location and variety of conditions surrounding the operation of such establishments it is frequently not possible to provide certain physical facilities required for "permanent" establishments.

(c) In order to assure adequate protection of food served by temporary establishments, mobile establishments and agricultural markets which are unable to meet fully the requirements of this chapter, it may be necessary to restrict the types of food sold or the methods by which served, to modify some requirements for procedures and facilities, and to impose additional requirements.

(d) When, in the opinion of the Department or health authority, no imminent hazard to the public health will result, such establishments which do not fully meet the requirements N.J.A.C. 8:24-5 through N.J.A.C. 8:24-7 may be permitted to operate when food preparation and service are restricted and deviations from full compliance are covered by the additional or modified requirements, as set forth in this subchapter.

8:24-8.2 Preparation of potentially hazardous food

(a) The preparation of potentially hazardous food, such as cream filled pastries, custards and similar products, and meat, poultry, and fish in the form of salads or sandwiches, shall be prohibited, except that this prohibition shall not apply to:

1. Hamburgers, frankfurters and other food which, prior to service, requires only limited preparation, such as seasoning and cooking; or

2. Potentially hazardous food which is obtained in individual servings and is stored in approved facilities which maintain food at safe temperatures, below 45 degrees Fahrenheit or above 140 degrees Fahrenheit, and is served directly in the original individual container in which it was packaged at a food processing establishment.

8:24-8.3 Sources of ice

(a) Ice which will be consumed, or which will come into contact with food, shall be obtained in chipped, crushed or cubed form from a source meeting standards approved by law.

(b) Such ice shall be obtained, transported and stored in sanitary closed containers satisfactory to the Department or health authority.

8:24-8.4 Wet storage of food and beverages

(a) Wet storage of packaged food and beverage shall be prohibited; provided that wet storage of pressurized containers of beverages may be permitted when:

1. The water contains at least 50 parts per million of available chlorine; and

2. The used water is changed frequently enough to keep both the water and container clean.

8:24-8.5 Food contact surfaces

(a) Food contact surfaces of food preparation equipment such as grills, stoves and worktables shall be protected from contamination by dust, customers, insects or any other source.

(b) Where necessary, effective shields shall be provided.

8:24-8.6 Equipment

Equipment shall be installed in such a manner that the establishment can be kept clean, and so that food will not become contaminated.

8:24-8.7 Water supply

(a) An adequate supply of water for cleaning and handwashing shall be maintained in the establishment, and auxiliary heating facilities, capable of producing an ample supply of hot water for such purposes, shall be provided.

(b) Exceptions are listed in N.J.A.C. 8:24-8.9.

8:24-8.8 Liquid waste

If liquid waste results from the operation of a mobile food unit the waste shall be stored in permanently installed retention tank that is at least 15 percent larger in capacity than the water supply tank. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system. Liquid waste which is not discharged into a sewerage system shall be disposed of in such a manner as not to create a public health hazard or nuisance condition. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion.

8:24-8.9 Handwashing facilities

(a) Adequate facilities shall be provided for employee handwashing.

(b) Such facilities may consist of commercially packaged handwash tissues, or a pan, water, soap and individual paper towels.

(c) Handwashing facilities shall be provided for employee handwashing for mobile retail food service establishments where food products are directly handled and fabricated, but need not be provided for mobile units serving prepackaged foods, milk, cold sealed beverages and tea, coffee, hot chocolate or other hot drinks at temperatures above 140 degrees Fahrenheit.

8:24-8.10 Floors

Floors shall be of tight wood, asphalt or other cleanable material; provided that, the Department or health authority may accept dirt or gravel floors when covered with removable, cleanable, platforms or duckboards, and graded to preclude the accumulation of liquids.

8:24-8.11 Walls and ceilings

(a) Walls and ceilings shall be so constructed as to minimize the entrance of flies and dust. Temporary construction may be accepted.

(b) Ceilings may be of wood, canvas or other materials which protect the interior of the establishment from the elements, and walls may be of such materials or of 16 mesh screening or equivalent.

(c) When flies are prevalent, counter service openings shall either be equipped with self-closing, fly-tight doors, or the opening protected by effective fans. Where fans are used for this purpose, the size of the opening shall be so limited that the fans employed will effectively prevent the entrance of flies.

8:24-8.12 Further authority

Any other requirement deemed necessary by the Department or health authority to protect the public health in view of the particular nature of the food service operation shall be met.

8:24-8.13 Base of operations

(a) Mobile food units shall operate from a commissary or other fixed wholesale or retail food establishment and shall report at least daily to such location for all food supplies and for all cleaning and servicing operations.

(b) The commissary or other fixed wholesale or retail food establishment used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with the requirements.

8:24-8.14 Servicing area

(a) A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged placed on the mobile food unit or pushcart or where all mobile food units contain waste retention tanks.

(b) The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

8:24-8.15 Servicing operations

(a) Potable water servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and equipment from contamination.

(b) The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewerage disposal system in accordance with N.J.A.C. 8:24-6.5.

SUBCHAPTER 9. ENFORCEMENT PROVISIONS

8:24-9.1 Legal authority

All retail food establishments shall be operated in compliance with the provisions of this chapter and Title 24, Revised Statutes of New Jersey.

8:24-9.2 Inspection of retail food establishments

(a) The Department or health authority shall inspect as often as he deems necessary, every retail food establishment.

(b) The person operating a retail food establishment shall permit access to all parts of the establishment.

8:24-9.3 Examination of records

Upon request, the Department or health authority shall be permitted to examine the records of a retail food establishment to obtain information pertaining to food and supplies purchased, received or used and persons employed.

8:24-9.4 Examination and condemnation of unwholesome, contaminated or adulterated food and drink

(a) The Department or health authority, for examination purposes, may take and examine samples of food, drink and other substances as often as he deems necessary for the detection of unwholesomeness, adulteration or contamination.

(b) At the time such samples are taken, a receipt shall be delivered to the person in charge of the retail food establishment.

(c) The Department or health authority may forbid the sale or use of any food or drink which is, or is suspected of being unwholesome, adulterated or contaminated as defined by N.J.S.A. 24:5-8.

(d) The Department or health authority may forbid the use of any equipment or utensils which have not been properly sanitized.

8:24-9.5 Retail food establishments outside jurisdiction

(a) Food from a retail food establishment outside the jurisdiction of the Department or health authority shall not be sold or otherwise distributed if adulterated or misbranded.

(b) Determination of whether food is adulterated or misbranded shall be based upon the provisions of N.J.S.A. 24:5-8 and 24:5-17.

(c) The Department or health authority may accept and rely upon reports from other government officials responsible for administration of laws relating to public health and food and drugs as an aid to it in determining compliance with this section.

8:24-9.6 Closure for infection

(a) The Department or health authority having reason to suspect that any retail food establishment is or may be a source of food borne infection shall advise the owner, manager or employees thereof accordingly and order appropriate action to be taken which will eliminate the source of infection.

(b) In the event such action is not taken immediately, the Department or health authority may cause an order to be issued requiring the establishment to be closed in order to protect the public health.

(c) The order will give the alleged violator an opportunity to be heard within a reasonable time not to exceed 15 days while the order remains in effect.

(d) The Department or health authority which suspects an employee of any retail food establishment is ill or infected with a disease, or may be a carrier of a disease, which may be transmitted through food, may order him or her to leave the establishment and refrain from returning to work in or about such establishment and order the employer to prohibit such employee from returning to work, until permission is granted to return by the Department or health authority.

8:24-9.7 Penalties

Any person who shall violate any provision of this chapter or who

shall refuse to comply with a lawful order or direction of the Department or health authority, shall be liable to penalties as provided by law or an injunctive action as provided by law, or both.

8:24-9.8 Public posting of inspection reports

(a) The operator of every food establishment shall post on a placard approved by the New Jersey State Department of Health the most recent evaluation made by a licensed municipal, county, regional, or State health department employee.

(b) An inspection report shall be presented by the inspector to the owner or person in charge or in their absence any employee of the establishment at the completion of each inspection the evaluation placard shall be posted immediately in a conspicuous place near the public entrance of the establishment in such manner that the public may view the placard.

(c) The most recent inspection report shall be maintained by the operator of each food establishment on the premises for review by the public, upon request. Inspection reports and other applicable records shall be maintained on the premises for review for a minimum of two years.

8:24-9.9 Public availability of inspection records

Records of inspections of food establishments maintained by the health authority shall be made available to the public.

8:24-9.10 Report of inspections

Whenever an inspection of a retail food establishment is made, the findings shall be recorded on an inspection report form approved by the State Department of Health. The inspection report form shall identify in a narrative form the violations of this regulation and shall be cross referenced to the section of the regulation being violated.

8:24-9.11 Evaluation of reports.

(a) Immediately upon the conclusion of the inspection the licensed health officer or licensed sanitary inspector shall issue the evaluation of the establishment and leave the original copy with the person in charge. Evaluations shall be as follows:

1. Satisfactory - The establishment is found to be operating in substantial compliance with this chapter and food service personnel have demonstrated that they are aware of and are practicing sanitation and food safety principles as outlined in this chapter.

2. Conditionally Satisfactory - At the time of the inspection the establishment was found not to be operating in substantial compliance with this chapter and was in violation of one or more provisions of this chapter. During the nature of these violations a re-inspection is scheduled. The re-inspection shall be conducted at an unannounced time and a full inspection must be conducted. Opportunity for re-inspection shall be offered within a reasonable time and determined by the nature of the violation.

3. Unsatisfactory - Whenever a retail food establishment is operating in violation of this chapter, with one or more violations that constitute gross unsanitary or unsafe conditions which pose an imminent health hazard, the health authority shall issue an unsatisfactory evaluation. The health authority shall immediately request the person in charge to voluntarily cease operation until it is shown on re-inspection that conditions which warrant an unsatisfactory evaluation no longer exists. The health authority shall institute necessary measures provided by law to assure that the establishment does not prepare or serve food until the establishment is re-evaluated. These measures may include embargo condemnation and injunctive relief.

SUBCHAPTER 10. REVIEW OF PLANS

8:24-10.1 Submission of plans

Whenever a retail food establishment is constructed or extensively remodeled and whenever a structure is converted to use as a retail food establishment, plans and specification such as construction, remodeling, or conversion shall be submitted to the health authority

for review before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. No retail food establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications previously submitted to the health authority.

8:24-10.2 Pre-operational inspection

Whenever plans and specifications are required by N.J.A.C. 8:24-10.1 to be submitted to the regulatory authority, the regulatory authority shall inspect the retail food establishment prior to the start of operations, to determine compliance with the requirements of this chapter.

8:24-10.3 Food manager certification

Every retail food establishment should have supervisory personnel certified in food safety and sanitation through a course of instruction approved by the State Department of Health. Organization or groups which hold periodic gatherings and meals should make every effort to have a responsible officer of the group certified in food safety.

SUBCHAPTER 11 SANITARY REQUIREMENTS FOR THE VENDING OF FOOD AND BEVERAGES

8:24-11.1 Definitions

"Bulk food" means a food which when dispensed to the customer is not packaged, wrapped or otherwise enclosed.

"Commissary" means a catering establishment, restaurant, or any other approved facility in which food, containers or supplies are kept, handled, prepared, packaged, or stored for use in vending machines. The term shall not apply to an area or conveyance at a vending machine location used for the temporary storage of packaged food or beverages.

"Condiment" means any food such as salt, pepper, mustard and ketchup that is used to enhance the flavor of other food.

"Controlled location vending machine (limited service vending machine)" means a vending machine which:

1. Dispenses only nonpotentially hazardous food, and
2. Is of such design that it can be filled and maintained in a sanitary manner by untrained persons at the location, and
3. Is intended for and used at locations in which protection is assured against environmental contamination.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residues may be effectively removed by normal cleaning methods.

"Employee" means the individual having supervisory or management duties and any other person who handles any food to be dispensed through vending machines, or who comes into contact with food contact surfaces of containers.

"Equipment" means vending machines, ovens, tables, counters, sinks, and similar items, other than utensils used in vending operations.

"Food" means any raw, cooked, processed edible substance, water, ice, beverage or ingredient used or intended for use for sale in whole or in part for human consumption.

"Food contact surfaces" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

"Health authority" means the duly licensed agent of the local board of health and/or State Department of Health to act in the enforcement of its ordinances and sanitary laws of the State.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

"Law" means Federal, State and local statutes, ordinances, and regulations.

"Machine location" means the room, enclosure, space, or area where one or more vending machines are installed and operated.

"Operator" means any person, who by contract, agreement, or ownership, takes responsibility for furnishing, installing, servicing, operating, or maintaining one or more vending machines.

"Packaged" means bottled, canned, cartoned or securely wrapped.

"Person" means an individual, or a firm, partnership, company, corporation, trustee, association, or any public, private or other legal entity.

"Potentially hazardous food" means any food that consists in whole or in part of milk, milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients including synthetic ingredients, which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs, foods which have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less or foods in hermetically sealed containers.

"Readily accessible" means exposed or capable of being exposed for cleaning and inspection without the use of tools.

"Safe materials" means articles or substances manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in Section 201(S) or (T) of the Federal Food, Drug, and Cosmetic Act they are "safe" only if, as used, they are not food additives or color additives as defined in Section 201 (S) or (T) of the Federal Food, Drug and Cosmetic Act and are used in conformity with all applicable regulations of the U.S. Food and Drug Administration.

"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

"Scaled" means free of cracks or other openings that permit the entry or passage of moisture.

"Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, tooth picks, and similar articles designed for one time, one person use, and then discarded.

"Utensil" means any implement used in the storage, preparation, transportation or service of food.

"Vending machine" means any self-service device which, upon insertion of a coin, paper currency, token, card or key, dispenses unit servings of food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation. It shall also include self service dispensers equipped for coin, paper currency, token, card or key operation and optional manual operation. Unless otherwise stated, vending machine includes controlled location vending machines.

8:24-11.2 Food supplies

Food exposed for sale, offered for sale, sold through vending machines and offered to patrons of vending machines shall be sound and free from spoilage, filth, or other contamination and shall be safe for human consumption. The food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited.

8:24-11.3 Food protection

(a) At all times, including while being prepared, stored, loaded, displayed, or transported, food intended for sale through vending machines shall be protected from contamination by all agents, including dust, insects, rodents, unclean equipment and utensils,

unnecessary handling, coughs, sneezes, flooding, draining, overhead leakage or condensation, poisonous or toxic materials or any other source.

(b) The temperature of potentially hazardous foods shall be 45 degrees Fahrenheit (7.2 degrees C.) or below or 140 degrees Fahrenheit (60 degrees C.) or above at all times, except as otherwise provided in Section 8:24A-2.3(9). Frozen foods shall be held at 0 degrees Fahrenheit (-17.8 degrees C.) at all times except during transfer and loading of product or during defrost cycles the foods may reach a temperature of 10 degrees Fahrenheit (-8 degrees C).

8:24-11.4 Special requirements

(a) Milk and fluid milk products offered for sale through vending machines shall be pasteurized, shall meet all applicable State laws and regulations, and shall be dispensed only in individual original containers.

(b) Milk and fluid milk products and fluid non-dairy products (creaming agents) shall not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods.

(c) When condiments are provided in conjunction with food dispensed by a vending machine, they shall be:

1. Packaged in individual portions in single-service containers; or
2. Dispensed from sanitary dispensers which are cleaned, rinsed and sanitized and filled at the commissary or at the machine location if sanitary facilities are provided; or
3. Made available from condiment self-service dispensing equipment at those locations having an on-duty attendant.

(d) Fresh fruits which may be eaten without peeling shall be thoroughly washed in potable water at the packing plant by the processor, or at the commissary before being placed in the vending machines for dispensing. The washed fruit shall be protected from contamination after the washing process.

(e) All food, other than fresh fruit, shall be stored or packaged in clean protective containers, and all food shall be handled and vended in a sanitary manner.

(f) Potentially hazardous food offered for sale through vending machines shall be dispensed to the consumer in the individual, original container or package into which it was placed at the commissary or at the manufacturer's or processor's plant. Potentially hazardous food shall not be dispensed from bulk food machines.

(g) Potentially hazardous food shall be maintained at safe temperatures except as follows:

1. During necessary periods of preparation and packaging; and
2. During the actual time required to load or otherwise service the machine and for a maximum machine ambient temperature recovery period of 30 minutes following completion of loading or servicing operation.

(h) Vending machines dispensing potentially hazardous food shall be provided with adequate refrigerating or heating units and thermostatic controls which insure the maintenance of safe temperatures at all times. Such vending machines shall also have automatic controls which prevent the machine from vending potentially hazardous food until serviced by the operator in the event of power failure, mechanical failure or other condition which results in noncompliance with temperature requirements in the food storage compartment.

(i) Potentially hazardous food that has failed to conform to the time-temperature requirements of this chapter shall be removed from the vending machine, and be denatured or otherwise rendered unusable for human consumption.

(j) Vending machines dispensing potentially hazardous food shall be provided with one or more thermometers which, to an accuracy of ± 3 degrees Fahrenheit indicate the air temperature of the warmest part of the refrigerated food storage compartment, or the coldest part of the heated food compartment, whichever is applicable.

8:24-11.5 Personal cleanliness

(a) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices while engaged in handling foods or food-contact surfaces of utensils or equipment.

(b) Employees shall thoroughly wash their hands with soap and warm water immediately prior to engaging in any vending machine servicing operation which may bring them into contact with food, or with food-contact surfaces of utensils, containers, or equipment. While engaged in such servicing operations, employees shall wear clean outer garments, shall not use tobacco in any form and shall keep their fingernails clean and trimmed.

8:24-11.6 Interior construction and maintenance

(a) The nonfood contact surfaces of the interior of vending machines shall be designed and constructed to permit easy cleaning and to facilitate maintenance operations and shall be kept clean and in good repair. Inaccessible surfaces and areas shall be minimized.

(b) All food-contact surfaces of vending machines shall be smooth, in good repair, and free of breaks, corrosion, open seams, cracks, and chipped places. The design of such surfaces shall preclude routine contact between food and "V" type threaded surfaces except that in equipment where such contact is unavoidable, such as ice makers, such threads shall be minimized. All joints and welds in food-contact surfaces shall be smooth, and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning.

(c) If solder or other sealer is used on food-contact surfaces, it shall be composed of safe materials and be corrosion resistant.

(d) All food-contact surfaces of vending machines, including containers, pipes, valves, and fittings, shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion-resistant, nonabsorbent, easily cleanable and durable under conditions of normal use and shall be cleaned, rinsed, and sanitized as often as necessary to maintain the equipment in a clean and sanitary condition.

(e) All food-contact surfaces, unless designed for in-place cleaning, shall be accessible for manual cleaning, rinsing, sanitizing and inspection:

1. Without being disassembled; or
2. By disassembly without the use of tools; or
3. By easy disassembling with the use of only simple tools such as a screwdriver or an open-end wrench.

(f) All food-contact parts or surfaces not designed for in-place cleaning shall be cleaned, rinsed and sanitized in a manner described in N.J.A.C. 8:24-5.5 and 5.6.

(g) In machines designed so that food-contact surfaces are not readily removable, all such surfaces intended for in-place cleaning shall be designed and fabricated that:

1. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and
2. Cleaning and sanitizing solutions will contact all food-contact surfaces; and
3. The system is self draining or capable of being completely evacuated; and
4. The procedures utilized result in thorough cleaning and sanitizing of the equipment. (Min. temperature of 75 degrees and spray sanitizing).

(h) The openings into all nonpressurized containers used for the storage of vendible food, including water, shall be provided with covers which prevent contamination from reaching the interior of the containers. Such covers shall be designed to provide a flange which overlaps the opening, and shall be sloped to provide drainage from the cover wherever the collection of condensation, moisture, or splash is possible. Concave covers are prohibited. Any port opening through the cover shall be flanged upward at least three-sixteenths inch, and shall be provided with an overlapping cover flanged downward. Condensation, drip, or dust deflecting aprons shall be provided on all piping, thermometers, equipment, rotary

shafts, and other functional parts extending into the food container unless a water-tight joint is provided. Such aprons shall be considered as satisfactory covers for those openings which are in continuous use. Gaskets, if used, shall be of safe materials, durable and relatively nonabsorbent, and shall have a smooth surface. All gasket retaining grooves shall be easily cleanable.

(i) The delivery tube or chute and orifice of all bulk food vending machines shall be protected from normal manual contact, dust, insects, rodents, and other contamination. The design shall divert condensation or moisture from the normal filling position of the container receiving the food. The vending stage of such machines shall be provided with a tight-fitting, self-closing door or cover which is kept closed except when food is being removed. The cup filling area or platform of controlled location vending machines shall not require a door or cover if there is no opening into the cabinet interior at that point other than for dispensing tubes(s) or trapped waste tubing. The dispensing compartment of prepackaged candy and similar product vending machines shall be equipped with a self-closing lid at vending locations where insect or rodent entry into the machine may occur.

(j) The food storage compartment and other compartments in refrigerated vending machines which are subject to condensation or cooling water retention shall be self draining or equipped with a drain outlet which permits complete draining. In vending machines designed to store cartoned beverages, diversion devices and retention pans or drains for leakage shall be provided. All such drains, devices, and retention pans shall be easily cleanable.

(k) Can and bottle openers which come into contact with the food or the food-contact surfaces of the containers shall be constructed of corrosion-resistant, nonabsorbent, and safe materials and shall be kept clean. Cutting or piercing parts of multiuse openers which come into contact with the food or food-contact surface of containers shall be reasonably protected from manual contact, dust, insects, rodents, and other contamination; and such parts shall be readily removable for cleaning.

8:24-11.7 Exterior construction and maintenance

(a) The vending machine shall be of sturdy construction and the exterior shall be designed, fabricated, finished and maintained to facilitate its being kept clean, and to minimize the entrance of insects and rodents. The exterior of the machine shall be kept clean.

(b) Door and panel access openings to the food and container storage spaces of the machine shall be tight fitting, and if necessary, gasketed to prevent the entrance of dust, moisture insects, and rodents.

(c) All ventilation louvers or openings into vending machines shall be effectively screened. Screening material for openings into food and container storage spaces of the machine shall be less than 16 mesh to the inch or equivalent. Screening material for openings into condenser units which are separated from food and container storage spaces shall be not less than eight mesh to the inch or equivalent.

(d) In all vending machines in which the condenser unit is an integral part of the machine, such unit when located below the food and container storage space, shall be separated from such space by a dust proof barrier, and when located above, shall be sealed from such space.

(e) In order to prevent seepage underneath the machine and to promote cleaning, free standing vending machines shall have one or more of these elevation or movability features:

- i. Be light enough to be manually moved with ease by one person; or
- ii. Be elevated on legs or extended sidewalls to afford with or without kickplates, an unobstructed vertical space of at least 6 inches (15.24 cm) under the machine; or
- iii. Mounted on rollers or casters which permit easy movement; or
- iv. Be sealed to the floor so as to prevent the entry or passage of liquids, debris or dirt.

(f) Where used, kickplates shall be easily removable or be capable of being rotated. These kickplates shall be designed and installed to make the area under the machine easily accessible for routine cleaning without unlocking the cabinet door.

(g) Counter type machines shall be:

- i. Sealed to the counter; or
- ii. Mounted on 4-inch (10.16 cm) legs or the equivalent; or
- iii. Easily moved for cleaning with service connections in place.

(h) All service connections through an exterior wall of the machine including water, gas, electrical, and refrigeration connections, shall be grommeted, or closed with no opening over 1/32 inch (0.79mm) to prevent the entrance of insects and rodents. All service connections to machines vending potentially hazardous food shall be such as to discourage their unauthorized or unintentional disconnection.

8:24-11.8 Equipment location

(a) Vending machines, ovens and other equipment shall be located in a room, area or space which can be maintained in a clean condition and which is protected from overhead leakage or condensation from water, waste or sewer piping. The immediate area in which the equipment is located shall be well lighted and ventilated. Each vending machine shall be located so that the space around and under the machine can be easily cleaned and maintained, and so that insect and rodent harborage is not created.

(b) The floor area where vending machines are located shall be reasonably smooth, of cleanable construction, and be capable of withstanding repeated washing and scrubbing. This space and the immediate surroundings of each vending machine shall be maintained in a clean condition.

(c) Adequate handwashing facilities including hot and cold or tempered running water, soap and individual towels, shall be convenient to the machine location and shall be available for use by employees servicing or loading bulk food machines.

8:24-11.9 Single-service articles

Single-service articles shall be purchased in sanitary packages which protect the articles from contamination, shall be stored in a clean, dry place until used, and shall be handled in a sanitary manner. Such articles shall be furnished to the customer in the original individual wrapper or from a sanitary single-service dispenser. All single-service articles shall be protected from manual contact, dust, insects, rodents, and other contamination.

8:24-11.10 Other equipment

(a) All other equipment at the vending location must be kept clean. Food-contact surfaces, if any, must be cleaned, rinsed and sanitized as often as necessary to maintain the machine in a clean and sanitary manner.

(b) The cavities and door edges of microwave ovens must be cleaned at such frequency with nonabrasive cleaners to assure that the equipment is kept free of encrusted grease deposits and other accumulated soil. All doors, seals, hinges, and latch fasteners (screws and related hardware) shall be kept tight and adjusted in accordance with manufacturer's procedures. Microwave ovens shall be in compliance with applicable safety standards of the U.S. Food and Drug Administration's Bureau of Radiological Health, as enforced by the New Jersey Department of Environmental Protection, Bureau of Radiation Protection.

(c) Food-contact surfaces of all equipment and utensils must be protected from contamination at all times including while being transported from the commissary to the vending location.

(d) All countertop vending machines as well as other types of countertop equipment must comply with the applicable provisions of N.J.A.C. 8:24-4.2.

8:24-11.11 Water supply

(a) All water used in vending machines shall be of a safe and sanitary quality and from a source constructed and operated in

accordance with the Department's and/or New Jersey State Department of Environmental Protection laws and regulations. Water used as a food ingredient shall be piped to the vending machine under pressure, except that in controlled location vending machines, water may be obtained from a safe source and carried to the machines in containers that are clean and of good sanitary construction and protection.

1. External water fill ports or drawers of controlled location vending machines shall be designed so that covers and drawers are secured to the machine.

2. All plumbing connections and fittings shall be installed and maintained in conformance with the regulations set forth in the New Jersey Uniform Construction Code (N.J.A.C. 5:23) and applicable subcodes.

(b) If used, water filters or other water conditioning devices shall be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.

(c) To prevent leaching of toxic materials caused by the possible interaction of carbonated water, piping and contact surfaces, post-mix soft drink vending machines manufactured after January 1, 1975, which are designed with an incoming water supply air gap shall have no copper tubing or other potentially toxic water system tubing between the air gap and the downstream, carbonated water dispensing nozzle.

(d) To prevent leaching of toxic materials caused by the possible interaction of carbonated water, piping and contact surfaces, post-mix soft drink vending machines which are directly connected to the external water supply system shall be equipped with a double (or two single) spring-loaded check valves or other devices which will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system. Backflow preventive devices shall be located to facilitate servicing and maintenance. No copper tubing or other potentially toxic tubing or contact surfaces shall be permitted in or downstream from the check valves backflow devices. These check valves or devices should be inspected and cleaned or replaced annually.

(e) Where spring-loaded check valves are used to prevent the backflow of carbon dioxide into accessible upstream copper or other potentially toxic piping or tubing, a screen of not less than 100 mesh to the inch shall be installed in the water line immediately upstream from the check valves in a location which permits servicing or replacement.

(f) In all vending machines in which carbon dioxide is used as a propellant, all food-contact surfaces from the check valves or other protective devices, including the valves or devices, shall be of such material as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water.

8:24-11.12 Waste disposal

(a) All trash and other solid or liquid waste shall be removed from the machine location as frequently as may be necessary to prevent nuisances and unsightliness, and shall be disposed of according to law.

(b) Self-closing, leak-proof, easily cleanable, and rodent-proof waste receptacles of adequate number and capacity shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures, and other items. Plastic bags and wet-strength paper bags may be used to line the receptacles. Soiled waste receptacles shall be cleaned and replaced at a frequency to prevent insect and rodent attraction and other nuisances.

(c) Waste receptacles shall not be located within the vending machines with the exception of those machines dispensing only packaged food with crown closures; in which case, the closures receptacles may be located within the machine. Waste receptacles shall not be located under counters or otherwise enclosed in a manner that will create a nuisance or prevent space around and under the counter or enclosure from being easily cleaned and

maintained. Suitable racks or cases shall be provided for multiuse containers or bottles.

(d) Containers shall be provided within all machines dispensing liquid food in bulk for the collection of drip, spillage, overflow, or other internal wastes. Such machines shall be equipped with an automatic shutoff device at the waste pail or other devices or valves which will place the machine out of operation before the waste pail overflows. Such devices shall prevent water or liquid product from continuously running in the event of the failure of any single control, high level control, or other flow control device in the liquid product or water system.

(e) Controlled location vending machines not connected to a water supply system, and which generate no internal liquid wastes, may be equipped with easily removable drip pans at the dispensing platform in lieu of internal waste containers and automatic shut-off devices.

(f) Controlled location vending machines that are connected to a water supply and have no internal waste containers, shall be equipped with at least two independently operated controls to prevent the continued flow of water in event of failure of any single flow control device.

8:24-11.13 Inspection frequency

The regulatory authority shall select vending locations for inspection by a method which assures the inspection of representative machines and locations services by each of the operator's routemen and supervisors.

8:24-11.14 Access for inspections

The regulatory authority, after proper identification, shall be permitted to enter at any reasonable time, upon any private or public property where vending machines or commissaries are operated, or from which such machines are otherwise serviced, for the purpose of determining compliance with the provisions of these regulations. The operator shall make provision for the regulatory authority to have access, either in company with the operator or his authorized agent to the interior of all food vending machines operated by him.

8:24-11.15 Tables of approved water additives and chemical sanitizing solutions

(a) Appendix A - Boiler Water Additives: Boiler water additives may be safely used in the preparation of steam that will contact food, under the following conditions:

1. The amount of additive is not in excess of that required for its functional purpose, and the amount of steam in contact with food does not exceed that required for its functional purpose and the amount of steam in contact with food does not exceed that required to produce the intended effect in or on the food.

2. The compounds are prepared from substances identified in (a)3 and 4 below, and are subject to the limitations, if any, prescribed:

3. List of substances (with limitations):

Acrylamide-Sodium Acrylate Resin (Contains not more than 9.05 Percent by weight of Acrylamide Monomer.)

Ammonium Alginate

Cobalt Sulfate (as Catalyst)

Lignosulfonic Acid

Monobutyl Ether of Poly-Ethylene-Polypropylene Glycol produced by random condensation of 1:1 mixture by weight of Ethylene Oxide and Propylene Oxide with Butanol (Minimum Mol. Wt. 1,500.)

Polyethylene Glycol (The additive is an addition Polymer of Ethylene Oxide and water with a mean molecular weight of 200 to 9,500, containing no more than 0.2 percent total by weight of Ethylene and Diethylene Glycols.)

Polyoxypropylene Glycol Do.

Potassium Carbonate

Potassium Tripolyphosphate

Sodium Acetate

Sodium Alginate

Sodium Aluminate
 Sodium Carbonate
 Sodium Carboxymethylcellulose (Contains not less than 95 percent sodium carboxymethylcellulose on a dry-weight basis, with maximum viscosity of 15 centipoises for two percent by weight aqueous solution at 25 degrees celsius; such determinations to be made by method described in food chemicals Codex (2d Ed.) monograph for Sodium Carboxymethylcellulose.)
 Sodium Glucoheptonate (Less than one part per million Cyanide in the Sodium Glucoheptonate.)
 Sodium Hexametaphosphate
 Sodium Humate
 Sodium Hydroxide
 Sodium Lignosulfonate
 Sodium Metasilicate
 Sodium Metabisulfite
 Sodium Nitrate
 Sodium Phosphate (Mono-, Di-, Tri-)
 Sodium Polyacrylate
 Sodium Polymethacrylate
 Sodium Silicate
 Sodium Sulfate
 Sodium Sulfite (Neutral or Alkaline)
 Sodium Tripolyphosphate
 Tannin (including Quebracho Extract)
 Tetrasodium Edta
 Tetrasodium Pyrophosphate

4. Substances used alone or in combination with substances in (a)3 above with limitations:
 Cyclohexylamine (Not to exceed 10 parts per million in steam, and excluding use of such steam in contact with milk and milk products.)
 Diethylaminoethanol (Not to exceed 15 parts per million in steam, and excluding use of such steam in contact with milk and milk products.)
 Hydrazine (Zero in steam.)
 Morpholine (Not to exceed 10 parts per million in steam and excluding use of such steam in contact with milk and milk products.)
 Octadecylamine (Not to exceed 3 parts per million in steam and excluding use of such steam in contact with milk and milk products.)
 Trisodium Nitrilotriacetate (Not to exceed five parts per million in boiler feedwater; Not to be used where steam will be in contact with milk and milk products.)

5. To assure safe use of the additive, the product label or labeling shall bear:

- i. The common or chemical name or names of the additive or additives.
- ii. Adequate directions for use to assure compliance with all the provisions of this appendix.

(b) Appendix B - Substances Utilized to Control the Growth of Microorganisms:

1. Sanitizing solutions: Sanitizing solution may be safely used on food-processing equipment and utensils, and on other food-contact articles as specified in this section, within the following prescribed conditions:

- i. Such sanitizing solutions are used, followed by adequate draining, before contact with food.
- ii. The solutions consist of one of the following, to which may be added components generally recognized as safe and components which are permitted by prior sanction or approval.

(1) An aqueous solution containing potassium, sodium, or calcium hypochlorite, with or without the bromides of potassium, sodium, or calcium.

(2) An aqueous solution containing dichloroisocyanuric acid, trichloroisocyanuric acid or the sodium or potassium salts of these acids, with or without the bromides of potassium, sodium, or calcium.

(3) An aqueous solution containing potassium iodide, sodium p-tolueneulfonchloroamide, and sodium lauryl sulfate.

(4) An aqueous solution containing iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol having a cloudpoint of 90 degrees-100 degrees celsius in 0.5 percent aqueous solution and an average molecular weight of 3,300, an ethylene glycol monobutyl ether. Additionally, the aqueous solution may contain diethylene glycol monoethyl ether as an optional ingredient.

(5) An aqueous solution containing elemental iodine, hydriodic acid, a-(p-nonylphenyl)-omega-hydroxypoly-(oxyethylene) (complying with the identity prescribed in 21CFR Section 178.3400(c) and subsequent amendments and supplements thereto, and having a maximum average molecular weight of 748) and/or polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 1,900). Additionally, the aqueous solution may contain isopropyl alcohol as an optional ingredient.

(6) An aqueous solution containing elemental iodine, sodium iodide, sodium dioctylsulfosuccinate, and polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 1,900).

(7) An aqueous solution containing dodecylbenzenesulfonic acid, polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,800). In addition to use on food-processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk.

(8) An aqueous solution containing elemental iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol having a minimum average molecular weight 2,400 and a-lauroyl-omega-hydroxypoly (oxyethylene) with an average 8-9 moles of ethylene oxide and an average molecular weight of 400. In addition to use on food-processing equipment and utensils, this solution may be used on beverage containers, including milk containers or equipment. Rinse water treated with this solution can be recirculated as a preliminary rinse. It is not to be used as final rinse.

(9) An aqueous solution containing n-alkyl (C₁₂₋₁₈) benzyl-dimethylammonium chloride compounds having average molecular weights of 341-380 and consisting principally of alkyl groups with 12-16 carbon atoms with or without not over one percent each of groups with 8 and 10 carbon atoms. Additionally, the aqueous solution may contain isopropyl alcohol as an optional ingredient.

(10) An aqueous solution containing trichloromelamine and either sodium lauryl sulfate or dodecylbenzenesulfonic acid. In addition to use on food-processing equipment and utensils and other food-contact articles, this solution may be used on beverage containers except milk containers or equipment.

(11) An aqueous solution containing equal amounts of n-alkyl (C_{12-C₁₈}) dimethyl ethylbenzyl ammonium chloride (having an average molecular weight of 384). In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(12) An aqueous solution containing the sodium salt of sulfonated oleic acid polyoxyethylene-polyoxypropylene block polymers (having an average molecular weight of 2,000 and 27 to 31 moles of polyoxypropylene). In addition to use on food-processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk. All equipment, utensils, glass bottles, and other glass containers treated with this sanitizing solution shall have a drainage period of 15 minutes prior to use in contact with food.

(13) An aqueous solution containing elemental iodine and alkyl (C_{12-C₁₅}) monoether of mixed (ethylene-propylene) polyalkylene glycol, having a cloud-point of 70 degrees 77 degrees celsius in 1 percent aqueous solution and an average molecular weight of 807.

(14) An aqueous solution containing iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol, having a cloud-

point of 90 degrees - 100 degrees celsius in 0.5 percent aqueous solution and an average molecular weight of 3,300, and polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,000).

(15) An aqueous solution containing lithium hypochlorite.

(16) An aqueous solution containing equal amounts of n-alkyl (C₁₂ - C₁₈) benzyl dimethyl ammonium chloride and n-alkyl (C₁₂-C₁₄) dimethyl ethylbenzyl ammonium chloride (having average molecular weights of 377 to 384), with the optional adjuvant substances tetrasodium ethylenediaminetetraacetate and/or alpha-(p-nonylphenol)-omega-hydroxy-poly (oxyethylene) having an average poly (oxyethylene) content of 11 moles. Alpha-hydro-omega-hydroxypoly-(oxyethylene) poly (oxypropylene) (15 to 18 mole minimum) poly (oxyethylene) block copolymer, having a minimum molecular weight of 1,900 CAS Registry No. 90031-11-6) may be used in lieu of alpha-(p-nonylphenol)-omega-hydroxy-poly (oxyethylene) having an average poly (oxyethylene) content of 11 moles. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(17) An aqueous solution containing di-n-alkyl (C₈-C₁₀) dimethyl ammonium chlorides and isopropyl alcohol, having average molecular weights of 332-361. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(18) An aqueous solution containing n-alkyl (C₁₂-C₁₈) benzyl dimethyl ammonium chloride, sodium metaborate, alpha-terpineol and alpha-omega-hydroxy-poly (oxyethylene) produced with one mole of the phenol and 4 to 14 moles ethylene oxide.

(19) An aqueous solution containing sodium dichloroisocyanurate and tetrasodium ethylenediaminetetraacetate. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(20) An aqueous solution containing ortho-phenylphenol, ortho-benzyl-para-chlorophenol, para-tertiaryamylphenol, sodium-alpha-alkyl (C₁₂-C₁₅) omega-hydroxypoly (oxyethylene) sulfate with the poly (oxyethylene) content averaging one mole, potassium salts of coconut oil fatty acids, and isopropyl alcohol or hexylene glycol.

(21) An aqueous solution containing sodium dodecylbenzenesulfonate. In addition to use on food-processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk.

iii. The solutions identified in (b)1ii above will not exceed the following concentrations:

1. Solutions identified in (b)1ii(1) above will provide not more than 200 parts per million of available halogen determined as available chlorine.

2. Solutions identified in (b)1ii(2) above will provide not more than 100 parts per million of available halogen determined as available chlorine.

3. Solution identified in (b)1ii(3) will provide not more than 25 parts per million of titratable iodine. The solutions will contain the components potassium iodide, sodium p- toluenesulfonchloramide and sodium lauryl sulfate at a level not in excess of the minimum required to produce their intended functional effect.

4. Solutions identified in (b)1ii(4), (5), (6), (8), (13), and (14) above will contain iodine to provide not more than 25 parts per million of titratable iodine. The adjuvants used with the iodine will not be in excess of the minimum amounts required to accomplish the intended technical effect.

5. Solutions identified in (b)1ii(7) above will provide not more than 400 parts per million of dodecylbenzenesulfonic acid and not more than 80 parts per million of polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,800).

6. Solutions identified in (b)1ii(9) above shall provide when ready to use no more than 200 parts per million of the active quaternary compound.

7. Solutions identified in (b)1ii(10) above shall provide not more

than sufficient trichloromelamine to produce 200 parts per million of available chlorine and either sodium lauryl sulfate at a level not in excess of the minimum required to produce its intended functional effect or not more than 400 parts per million of dodecylbenzenesulfonic acid.

8. Solutions identified in (b)1ii(11) above shall provide, when ready to use, not more than 200 parts per million of active quaternary compound.

9. The solution identified in (b)1ii(12) above shall provide not more than 200 parts per million of sulfonated oleic acid, sodium salt.

10. Solutions identified in (b)1ii(15) above will provide not more than 200 parts per million of available chlorine and not more than 30 ppm lithium.

11. Solutions identified in (b)1ii(16) above shall provide not more than 200 parts per million of active quaternary compound.

12. Solutions identified in paragraph (b)1ii(17) above shall provide, when ready to use, a level of 150 parts per million of the active quaternary compound.

13. Solution identified in (b)1ii(18) above shall provide not more than 200 parts per million of active quaternary compound and not more than 66 parts per million of alpha-omega-hydroxypoly (oxyethylene).

14. Solutions identified in paragraph (b)1ii(19) above shall provide, when ready to use, a level of 100 parts per million of available chlorine.

15. Solutions identified in (b)1ii(20) above are for single use applications only and shall provide, when ready to use, a level of 800 parts per million of total active phenols consisting of 400 parts per million ortho-phenylphenol, 320 parts per million ortho-benzyl-para-chlorophenol and 80 parts per million paratertiaryamylphenol.

16. Solution identified in (b)1ii(21) above shall provide not more than 430 parts per million and not less than 25 parts per million of sodium dodecylbenzenesulfonate.

(d) Sanitizing agents for use in accordance with this section will bear labeling meeting the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

(a)

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**Standards for Licensure of Ambulatory Care
Facilities
Drug Abuse Treatment Services**

**Proposed Amendments: N.J.A.C. 8:43A-9.4,
9.7, and 9.11**

Authorized By: Shirley A. Mayer, M.D., M.P.H.,
Commissioner, Department of Health (with Approval
of Health Care Administration Board).
Authority: N.J.S.A. 26:2H-1 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dr. Solomon Goldberg, Director
Licensing, Certification and Standards
Division of Health Facilities Evaluation
N.J. Department of Health
CN 367
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-201.

The agency proposal follows:

Summary

The proposed amendments to Standards for Licensure of Ambulatory Care Facilities, Drug Abuse Treatment Services, N.J.A.C. 8:43A-9.4, 9.7, and 9.11, will clarify and revise the existing regulations as follows.

An assessment by a licensed physician of the physical condition of the applicant for drug abuse treatment services will be required. However, the physician will determine if the assessment will be based on a physical examination or reports of physical and laboratory examinations or review of the medical history (only in outpatient drug-free treatment programs).

Information required in the patient's personal, medical, and drug history has been expanded to include the presenting problem, the source of referral, and a history of past drug abuse treatment.

Staffing requirements for methadone detoxification and methadone maintenance programs have been clarified to ensure the availability of a physician at all times the facility is in operation, to ensure that a licensed nurse will be on duty and a registered professional nurse will be available when medications are administered, and to limit each counselor's caseload to no more than 50 patients.

Procedures for urine surveillance have been revised to require monthly, rather than weekly, analysis of urine specimens for opiates as well as other drugs in facilities dispensing methadone. In drug-free outpatient and drug-free day care programs, the facilities, with Departmental approval, may determine the method and frequency of evaluating patients for drug usage.

Social Impact

There is no discernible social impact since the amendments are clarifying existing regulations rather than establishing additional rules.

Economic Impact

These amendments should result in reduced cost without a decrease in quality of patient care since fewer urine surveillance analyses are required and physical and laboratory examinations need not be repeated if so determined by the patient's physician. Because the licensed nurse to patient ratio has been prorated from 2:300 to 1:150, there is a potential savings for facilities of 150 or fewer patients since only one licensed nurse will be required. This prorating of the staffing pattern will not decrease the nursing care but will reduce unnecessary nursing staff time in underutilized facilities.

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

8:43A-9.4 Patient admission criteria

(a) No applicant is to be processed for admission to a drug abuse treatment facility until it has been verified that he/she meets all criteria including:

1. (No change.)
2. [Determination of opiate or other controlled dangerous substance abuse through physician examination, urinalysis for drug

abuse, and verification of a history of drug abuse.] **Assessment of the physical condition of the applicant is made and documented in the patient record in one of the following ways:**

- i. **A physical examination by a licensed physician; or**
- ii. **A determination made by a licensed physician that physical and laboratory examination reports in the patient record are adequate and further examinations are not required at the present time; or**
- iii. **A determination made by a licensed physician in outpatient drug-free treatment programs based on the review of the medical history (POTS, Health Questionnaire, T & R 69, January 1979) and any other appropriate material, of the need for a physical and laboratory examination. The physician shall record his determination in the patient record.**

(b) Patient admission criteria for all programs which use methadone for detoxification and maintenance (including maintenance build-up) shall comply with [application] **applicable** Food and Drug Administration regulations and other current Federal and State regulations as promulgated.

(c) Each facility shall establish procedures under which a complete personal, medical [(including physical and laboratory examination)], and drug history for each patient shall be secured upon the patient's entry into the program and kept up-to-date throughout the patient's treatment. **This material shall minimally include the presenting problem, the source of referral, the patient's social and economic status, educational and vocational achievements, and history of past drug abuse treatment, any record of past or present involvement in the criminal justice system, and any other information which may be useful in determining an appropriate treatment plan.** The intake process [must] **shall** be completed within [ten] **10** days of the patient's date of entry. [Intake information secured from a Central Intake Unit shall be acceptable if current (within 30 days of the date of admission).]

(d)-(g) (No change.)

8:43A-9.7 Staffing patterns

(a) Each facility shall provide the following minimum medical and ancillary staff on the premises for its operation including, but not limited to:

1.-2. (No change.)

3. Drug-free outpatient and drug-free day care programs shall provide physician and nurse coverage to ensure compliance with N.J.A.C. 8:43A-9.5 and 9.6; [and]

4. [Methadone detoxification and methadone maintenance programs shall maintain the equivalent of one full-time physician (35 hours per week) for every 300 patients. A physician not present during some of the clinic hours shall be available for consultation and emergency attendance. There shall be no less than the equivalent of two full-time registered or licensed practical nurses for up to 300 patients. Where specific approval to serve over 300 patients has been granted, there shall be one nurse for each additional 100 patients or fraction thereof. The nursing staff shall include, however, one registered nurse who shall be responsible for the general supervision of the nursing staff. The total number of nurses on the staff must be commensurate with the facility hours of operation and the number of patients to be served in order to ensure that nursing care will be provided at all times the facility is in operation. Methadone shall be administered only under direct physician or nurse observation and control.] **Methadone detoxification and methadone maintenance programs shall maintain a physician to serve as medical director who shall be responsible for the direction, provision, and quality of medical care.**

i. **The medical director or his/her alternate, who shall be a physician, shall be available to patients at all times the facility is in operation. Available, in this instance, shall mean capable of being reached within 15 minutes. The medical director or his/her alternate shall be on the facility's premises daily except for**

weekends, unless otherwise specified in the facility's policies and procedures, approved by the Department. In the absence of a physician on the premises, the facility shall transfer patients having medical emergencies to a hospital within 15 minutes.

ii. The facility shall establish and implement written policies and procedures, approved by the Department, delineating the specific hours of service available to the facility by the medical director or his/her alternate.

5. Methadone detoxification and methadone maintenance programs shall have on site during all hours when medications are administered at least the equivalent of one full-time licensed nurse for each 150 patients or fraction thereof.

i. The facility shall have available at all times when medications are administered a registered professional nurse designated in writing as director of nursing. A registered professional nurse shall be designated in writing to act in the absence of the director of nursing.

6. All methadone detoxification and methadone maintenance programs shall provide counseling services to patients as specified in this chapter; however, no counselor's caseload shall exceed 50 patients.

8:43A-9.11 Urine surveillance

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

(c) All facilities dispensing methadone shall analyze urine specimens [weekly] **monthly** for opiates [and monthly for methadone, amphetamines, and barbiturates], as well as for other drugs as indicated.

(d) [In drug-free outpatient and drug-free day care programs, urine specimens or an alternate method approved by the Department from all patients shall be analyzed at least monthly for opiates, methadone, amphetamines, barbiturates, as well as for other drugs as indicated. More frequent testing shall occur when clinically indicated.] **In drug-free outpatient and drug-free day care programs, all patients shall be evaluated for drug usage either by urine surveillance or an alternate method approved by the Department in accordance with a schedule approved by the Department.**

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

HUMAN SERVICES

(a)

DIVISION OF MENTAL RETARDATION

Manual of Standards for Community Residences for the Developmentally Disabled

Proposed Amendment: N.J.A.C. 10:44A

Authorized By: George Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 30:11B-1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

James M. Evanochko, Chief
Bureau of Operations
Division of Mental Retardation
New Jersey Department of Human Services
CN 700
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-169.

OFFICE OF ADMINISTRATIVE LAW NOTE: Division of Mental Retardation Circular Letters Nos. 20 and 34 were submitted as part of this proposal but are not reproduced herein. Copies of these Letters, which are incorporated by reference in N.J.A.C. 10:44A-2.1(k)3 and 4, can be obtained from:

Division of Mental Retardation
Capital Place One
222 South Warren Street
Trenton, N.J. 08625

or

Office of Administrative Law
Administrative Publications and Filings
CN 301
Trenton, N.J. 08625

The agency proposal follows:

Summary

The standards reflect current consensus on desirable and beneficial services to the developmentally disabled. The Community Residence Program was established in 1977, with the first set of standards promulgated in 1978.

Three years of implementing these standards has indicated that some rules were inappropriate or unclearly worded. The primary importance of these new regulations governing the program is to clarify the licensing regulations for the licensees and the citizens of New Jersey. This set of standards will supersede any previously published revision (see September 10, 1981 Register at 574(a)).

Social Impact

These amendments are intended to improve the standard of care available to the developmentally disabled persons living in community residences (other than their own homes). The proposed amendments will affect 87 existing community residences. However, these amendments merely clarify the licensing requirements and reflect more clearly the concept of integrating the developmentally disabled clients into the community. The social impact for the developmentally disabled clients served will be positive as the programs to be provided are more specific.

Economic Impact

The economic impact is negligible. The proposed amendments do not require the licensee to spend additional money on programming or building renovations.

Full text of the proposal follows. Delete the existing text of N.J.S.A. 10:44A as it appears in the New Jersey Administrative Code.

CHAPTER 44A
[MANUAL OF STANDARDS FOR LICENSED
COMMUNITY RESIDENCES FOR DEVELOPMENTALLY
DISABLED] MANUAL OF STANDARDS FOR
LICENSED GROUP HOMES AND SUPERVISED APART-
MENTS FOR THE DEVELOPMENTALLY DISABLED

FOREWORD

N.J.S.A. 30:11B-1 et seq. assigns the responsibility for the licensing and regulation of Community Residences for the Developmentally Disabled to the Department of Human Services.

All such residences which are operated by any individual or individuals, corporation, partnership, society, or association whether public or private, whether incorporated or unincorporated, whether for profit or non-profit, shall be licensed by the Division of Mental Retardation under appropriate regulations. Such regulations shall govern the operation and maintenance of residences, and prescribe conditions for admission and discharge of clients. The regulations contained in this manual shall deal with those categories of Community Residences known as group homes and supervised apartments. The regulations shall assure that essential life-safety, health, education, training, and comfort conditions exist in a home-like atmosphere.

The geographic location of group homes and supervised apartments shall be monitored by the Division of Mental Retardation to insure that such residences are available through the area. Such consideration of availability shall affect the granting or refusal of licenses.

All clients of group homes or supervised apartments in any municipality and county of the State shall be deemed residents of such municipality and county for all purposes, and shall be entitled to the use and benefit of all health, education, vocational and other facilities of such municipality and county in the same manner and extent as any other persons living in such municipality and county.

Inherent in the granting and fostering of autonomy and independence in disabled persons is the acceptance of a measure of dignified risk. In the past, disabled persons' lives have been geared toward a sheltered and dependent existence. As human beings, disabled people are citizens in the same social, political, and constitutional sense as non-disabled people; and they are capable of growth and adaptation, even if profoundly handicapped. Therefore, they are deserving of challenges for growth, even if these challenges imply a measure of risk and discomfort. The acceptable degree of risk for any individual shall be indicated in his Individualized Habilitation Plan.

This manual of standards replaces the Manual of Standards for Licensed Community Residences for the Developmentally Disabled promulgated in 1978, and provides the regulations for group homes and supervised apartments for the developmentally disabled. A separate manual is available for the categories of Family Care and Skill Development Homes (see N.J.A.C. 10:44B). Copies of these manuals may be obtained by writing to:

Division of Mental Retardation
Capital Place One
222 South Warren Street
Trenton, New Jersey 08625

or

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

The following Manual of Standards, which is designed specifically for group homes and supervised apartments, addresses the minimum acceptable level of living conditions for clients in such residences. The purpose of the regulations is to assure conditions of safety, health, and comfort. All regulations apply to both group homes and supervised apartment programs unless otherwise indicated by (not applicable, etc.).

SUBCHAPTER 1: GENERAL INFORMATION

10:44A-1.1 Definitions

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

"Abuse" shall include, but not be limited to, acts of cruelty, abandonment, sexual assault, poisoning, or the inflicting of physical injury of any type. Furthermore, acts which subject the client to chronic and/or intense ridicule, criticism, threats, or punishment shall also constitute acts of abuse.

"Autism" is a behaviorally defined syndrome of both children and adults. The essential features are typically manifested prior to 30 months of age and include:

1. Disturbances of developmental rates and sequences:

i. Normal coordination of the three developmental pathways (motor, socioadaptive, cognitive) is disrupted. Delays, arrests, and/or regressions occur among or within one or more of the pathways:

(1) Within the motor pathway: for example, gross motor milestones may be normal while fine motor milestones are delayed;

(2) Between pathways: for example, motor milestones may be normal while social-adaptive and cognitive are delayed;

(3) Arrests, delays, and regression: for example, motor development may be normal until the age of two when walking stops;

(4) Some cognitive skills may develop at expected times while others are delayed or absent; imitative behavior and/or speech may be delayed in onset until age three, followed by rapid acquisition to expected developmental level.

2. Disturbances of responses to sensory stimuli:

i. There may be generalized hyper-activity or hypo-reactivity, and alternation of these two states over periods ranging from hours to months. For example:

(1) Visual symptoms: These may be close scrutiny of visual details, apparent non-use of eye contact, staring, prolonged regarding of bands or objects, attention to changing levels of illumination;

(2) Auditory symptoms: these may be close attention to self-induced sounds, non-response or over-response to varying levels of sound;

(3) Tactile symptoms: These may be over or under-response to touch, pain, and temperatures, prolonged rubbing of surfaces, and sensitivity to food textures;

(4) Vestibular symptoms: These may be over or under-reactions to gravity stimuli, whirling without dizziness, and preoccupation with spinning objects;

(5) Olfactory and gustatory symptoms: These may be repetitive sniffing, specific food preferences, and licking of inedible objects;

(6) Proprioceptive symptoms: These may be posturing, darting-lunging movements, hand flapping, gesticulations and grimaces.

3. Disturbances of speech, language-cognition, and nonverbal communication:

i. Symptoms may include:

(1) Speech: For example, mutism, delayed onset, immature syntax and articulation, modulated but immature inflections;

(2) Language-cognition: For example, absent or limited symbolic capacity, specific cognitive capacities such as rote memory and visual-spatial relations intact with failure to develop the use of abstract terms, concepts, and reasoning immediate delayed, negative echolalia with or without communicative intent; nonlogical use of concepts; neologisms;

(3) Nonverbal communication: For example, absence or delayed development of appropriate gestures, disassociation of gestures from language, and failure to assign symbolic meaning to gestures.

4. Disturbances of the capacity to appropriately relate to people, events, and objects:

i. This is manifested by failure to develop appropriate responsivity to people and assignment of appropriate symbolic meaning to objects. For example:

(1) People: Absence, arrests and/or delays of smiling response, stranger anxiety, anticipatory response to gestures, playing "peek-a-boo," playing "patty-cake," and waving "bye-bye," reciprocal use of eye contact and facial responsivity, and appropriate reciprocal responsiveness to physical contact; failure to develop a relationship with significant caretakers or excessive reliance on caretakers. For example, caretakers may be treated indifferently, interchangeably, with only mechanical clinging, or with panic or separation. Cooperative play and friendships (usually appearing between two and four) may not develop. Expected responses to adults and peers (usually appearing between five and seven) may develop, but are superficial, immature, and only in response to strong social cues;

(2) Objects: Absent, arrested, and/or delayed capacities to utilize objects and/or toys in an age-appropriate manner and/or to assign them symbolic and/or thematic meaning. Objects are often used in idiosyncratic, stereotypic, and/or perseverative ways. Interference with this use of objects often results in expressions of discomfort and/or panic;

(3) Events: There may be a particular awareness of the sequence of events and disruption of this sequence may result in expressions of discomfort and/or panic.

"Capacity" means the maximum number of clients who may be accommodated in the residence at any time under the terms of the homes' licensure.

"Casemanager" shall mean the authorized representative of any agency supervising the placement.

"Cerebral palsy" means a persisting qualitative motor disturbance appearing before the age of three, due to a nonprogressive damage of the brain.

"Client" refers to those developmentally disabled persons admitted to or eligible for admission to a community residence.

"Community residence" for the developmentally disabled means any community residential facility housing up to 16 developmentally disabled persons which also provides food, shelter, and personal guidance for developmentally disabled persons who require assistance, temporarily or permanently, in order to live independently in the community.

1. Such residences shall not be considered health care facilities within the meaning of the "Health Care Facilities Planning Act," P.L. 1971 C. 136 (C.26:211.1 et seq.) and shall include, but not be limited to, group homes, halfway houses, supervised apartment living arrangements, and hostels.

"Developmentally disabled" means a disability which originated before 18 years of age, which has continued or is expected to continue indefinitely, which constitutes a substantial handicap, and which is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other conditions found by the Commissioner of Human Services to give rise to an extended need for similar services.

"Epilepsy" means a chronic disease of the nervous system characterized by convulsions and often unconsciousness.

"Group homes" are residential placements which provide the opportunity for a wide range of program options.

1. Program patterns can and should run the gamut from minimal supervision for those persons being prepared for independent living to structured environments for severely impaired persons, some of whom may reside in such settings permanently. It follows, therefore, that some homes should accommodate short term placements while others should be geared to long term residence. Group homes may house from four to 16 clients.

"Individualized Habilitation Plan" means a plan written in terms of measurable goals and behaviorally stated objectives. It shall prescribe an integrated program of individually suited activities, experiences, or therapies necessary to achieve the optimal physical, intellectual, social, or vocational functioning of which the individual is capable.

"License" means the authorization issued by the Department of Human Services for a period up to one year to a community residence providing services to developmentally disabled persons.

A license can be denied, revoked, suspended, or can be placed on provisional status by the Department of Human Services for violations of minimum standards promulgated herein.

"Licensee" means the adult person responsible for the overall operation of the home.

"Mental deficiency" means that state of mental retardation in which the reduction of social competence is so marked that persistent social dependency requiring guardianship of the person shall have been documented or be anticipated (see N.J.S.A. 30:4-23). Basic criteria for the determination of mental deficiency are:

1. Mental retardation, substantiated by measured intelligence with I.Q. scores.

2. Reduced level of adaptive behavior with behavioral description.

3. Clinical and social factors.

"Mental retardation" means a state of significant sub-average intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

"Neglect" shall include, but not be limited to, a failure to provide an adequate degree of care and supervision, particularly in regards to food, clothing, shelter, education, or medical care. Intentional impairment of a client's development also constitutes neglect.

"Normalization" is the philosophy that the developmentally disabled individual has the same fundamental rights as other persons, plus the right to receive adequate treatment and habilitation. Services must be provided in a manner as culturally normal as possible; acknowledging each individual's capacity for learning, growing, and developing, regardless of how severely disabled he or she may be.

"Provisional license" is issued to new homes or may be used to prompt corrective actions in existing homes. A provisional license shall not exceed a six month period.

"Supervised apartment" means a variant of the group home model under which three or more apartments are leased by the licensee and one or more of these apartment houses live-in staff who are available at all times the clients are in the apartments.

"Waiver" is the temporary suspension of a standard. It is valid only for the term of the license. Waivers may be invalidated by any change in the condition or circumstances of the home.

10:44A-1.2 Background

(a) Licensees assuming the responsibility of providing housing for developmentally disabled persons should also provide guidance and training for them. Clients should be expected and taught to assume responsibility by sharing duties within their capacity. Such work in a residential setting must not result in exploitation of the client or cause them to feel they are wanted only because of the work they do. Such involvement in living skills will help each person to gain practical knowledge and will help prepare him for greater independence.

(b) People who are developmentally disabled may further need guidance in the areas of grooming, hygiene, budgeting, and socialization. They should be encouraged to participate in leisure activities and to make use of community resources commensurate with the desires and abilities of each individual.

(c) Discretion must be used in determining which responsibilities and freedom any one person can reasonably be expected to handle. Realistically, some developmentally disabled people are not prepared to cope with all of the responsibilities involved with individual rights and freedoms. Goals must be determined individually and realistically so that they are able to succeed. Clients should share in the selection of their own goals. Their right to try (risk-taking) should always be remembered.

(d) Group homes and supervised apartments should offer a warm, supportive environment. Clients must have the opportunity for a total array of services and programs to meet their various needs and levels of capability. Such programs and services will promote a complete life for these individuals in the community setting.

10:44A-1.3 Application for license

(a) All inquiries related to group homes and supervised apartments should be made to:

Office of Resource Development
N.J. Division of Mental Retardation
Capital Place One
222 South Warren Street
Trenton, New Jersey 08625

(b) All applicants must submit a Letter of Intent to the Office of Resource Development.

(c) Falsification of the Letter of Intent or any information required during the application process shall be the basis for the denial of the application or revocation of a license.

(d) Conviction of crimes appearing under N.J.A.C. 10:44A-2.1 shall be sufficient cause to deny a license to an applicant.

10:44A-1.4 License and Inspection

(a) Upon obtaining an approved Letter of Intent and the completion of all renovations to the physical site, the applicant may request a final inspection. All requests are made to:

Bureau of Operations
Division of Mental Retardation
Capital Place One
222 South Warren Street
Trenton, New Jersey 08625

(b) The following documents must be supplied to the Bureau of Operations before a license will be issued (all documents must be legible):

1. Copies of proposed lease/purchase agreement (not applicable to supervised apartments);

2. Deed and title insurance (not applicable to supervised apartments);

3. Proof of residential and vehicle insurance;

4. A permanent Certificate of Occupancy (not applicable to supervised apartments);

5. If the building is not serviced by a public water supply and public sewage disposal system, the local health department shall be requested to inspect these services and submit a written statement of approval which shall be filed with the Bureau of Operations (not applicable to supervised apartments).

(c) An on-site inspection will be scheduled after the renovations have been completed.

1. A representative of the company installing the fire alarm and detection system and/or sprinkler system shall be available for a test of the comprehensive alarm and detection system.

2. Adequate furnishings shall be available to provide for all clients to be housed within the licensed capacity prior to opening.

(d) A license shall be issued if all requirements have been met, all inspections are satisfactory, and there is a reasonable assurance that the residence will be operated in the manner required by the standards.

1. The license is issued by the Department of Human Services.

2. The license shall specify the maximum number of clients to be placed in the home.

3. The license is non-transferrable.

4. The initial license shall be issued as provisional to permit licensees a six month period to demonstrate their ability to comply with minimum standards.

5. Each subsequent license shall be in effect for one year from the date of issue unless suspended, reduced, or revoked by the Division of Mental Retardation.

6. The licensee shall submit a copy of the license to the local building code official.

7. The group home or supervised apartment is subject to inspection by the Division of Mental Retardation at least annually, but without limitation or prior notice.

8. The license shall be available on the premises.

9. The Department of Human Services may revoke, suspend, or

reduce the license whenever the licensee or designated administrator shall be found to be violating the laws of the State of New Jersey, or whenever such residences shall fall below the standards established by the Division of Mental Retardation.

10. The home shall be given 30 days notice by the Division of Mental Retardation of intentions to revoke, reduce, or suspend a license, unless the Division is in possession of information that the client(s) may be in danger of abuse, neglect, or other life-threatening conditions.

11. The home shall give at least 30 days notice to the Division of Mental Retardation of any intention to close.

12. A licensee shall not deny access to a group home or supervised apartment to any individual or group with statutory authority or court appointment to protect the rights of, and advocate on the behalf of, the developmentally disabled.

13. Waivers of specific standards may be granted at the discretion of the Division of Mental Retardation providing that such a waiver would present no danger to the health, safety, welfare, or rights of the clients. Requests for waivers must be made in writing. Specific standards may be waived under certain conditions:

i. Where strict enforcement of the standard would result in unreasonable hardship on the residence.

ii. Where the waiver is in accordance with the particular needs of clients.

14. The waiver must not adversely affect the health, safety, welfare, or rights of any client.

15. The waiver must be requested by the licensee with substantial detail justifying the request.

10:44A-1.5 Options of non-compliance of standards

(a) If minor renovations or programmatic changes are required to correct violations, a plan of correction shall be submitted within 30 days after notification to the agency. Included in the plan of correction should be:

1. Target dates for compliance;

2. Details of plans to correct violations.

(b) Major violations shall be corrected within the time frame established by the Division of Mental Retardation.

(c) If deficient conditions are not corrected within the time period designated by the Division of Mental Retardation, the residence may have its license reduced, revoked, or suspended under appropriate regulations in accordance with N.J.S.A. 30:11B-1 et seq. The licensee shall be informed of the specific action.

(d) In lieu of action against the license, admissions may be suspended until the deficient conditions are corrected.

(e) Key standards have been identified by the Division of Mental Retardation and are attached to the annual inspection report. Failure to successfully comply with 85 percent of these standards constitutes substantial non-compliance and shall be reason for reduction in the status of or revocation of licensure.

(f) Substantial violation of any subchapter (i.e., Administrative Policies and Practices, Client Care, Habilitation, Health Services, Support Services, and Transportation) shall be reason for reduction in the status of or revocation of licensure.

(g) The standards found in this chapter will apply to supervised apartments as well as group homes, unless otherwise noted in the standard. N.J.S.A. 10:44A-8 provides specific standards for the staffing and physical plant requirements in supervised apartments.

SUBCHAPTER 2. ADMINISTRATIVE POLICIES AND PRACTICES

10:44A-2.1 Administrative standards

(a) The licensee and his employees shall be of good moral character.

1. Except as otherwise provided in the Rehabilitated Offenders Act, no license will be issued to any person who, at any time, has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud, crimes against the person or other like offense(s).

2. Except as otherwise provided in the Rehabilitated Offenders Act, no licensee shall employ any person who has been convicted of any of the aforementioned offenses.

3. The licensee or the administrator shall have a Bachelor's Degree or a high school education and two years working with the developmentally disabled population.

4. The House Manager shall have a high school education and one year experience working with the developmentally disabled population.

5. Direct care staff shall have the ability to read and write English and be at least 18 years of age.

(b) Falsification of information submitted to the Division of Mental Retardation, Department of Human Services, shall constitute justifiable grounds for immediate termination of the license or the licensure process.

1. The licensee shall be responsible for ensuring that all staff of the home are in such physical and mental health that they will not adversely affect the health, safety or personal welfare of the clients.

2. A licensee or his employees shall not accept an appointment as guardian or representative payee for any client.

3. No licensee shall employ or continue to employ any person known to the licensee to have engaged in conduct violative of the rights of clients or who the licensee has reason to believe would be likely to engage in such conduct.

4. The licensee shall use the least restrictive alternatives that are consistent with the developmental needs and objectives for the individuals served.

5. The residence shall operate in accordance with the principles of "normalization".

(c) In a non-profit residence there shall be a Board of Directors.

1. The names and addresses of all Board members shall be supplied to the Division of Mental Retardation.

2. Additionally, the names, addresses and professional background with regard to developmental disabilities of each member shall be provided. Changes in the membership of the Board shall be reported to the Division of Mental Retardation, Bureau of Operations, as they occur.

(d) Any residence operated by a religious organization may have as its governing body its highest ranking person in authority.

(e) A proprietary residence may be operated by an individual, partnership, or corporation.

1. Any owner, partnership, or corporation operating a residence for the developmentally disabled shall certify to the Division of Mental Retardation names, addresses, occupation or profession of owners, and the extent of the financial interest of each.

2. In instances where the owner of the residence assigns the responsibility for management to an administrator, all standards shall apply to that individual.

(f) A residence shall not admit more clients into care than the number specified in the license capacity.

(g) The group home shall be the primary home of its clients. Use of the home for any other purpose, while clients are present, is prohibited.

(h) Group homes and supervised apartments shall not be located on institutional grounds.

(i) The only people who may reside in a group home shall be the clients, direct care employees, or members of the direct care employees' immediate family.

(j) Staff shall not sleep in client bedrooms.

(k) The following policies must be written and maintained in the residence operating manual:

1. Clearly defined techniques to be employed in a discipline situation;

2. Statements defining and prohibiting abuse/neglect;

3. Statements defining and prohibiting isolation/segregation and physical/mechanical restraints-locking a client in a room is considered isolation except in accordance with Division Circular No. 20, which is incorporated by reference as part of this rule.¹

4. Aversive stimuli shall be prohibited except in accordance with

Division Circular No. 34 which is incorporated by reference as part of this rule.¹

5. There shall be a clearly defined system for the client or an advocate on his behalf to express any grievance or complaint.

i. There shall be provision for routine house meetings (not applicable in supervised apartments).

ii. The means of making legal counsel available to the clients shall be defined.

6. A statement outlining the client's rights.

7. Written procedures shall be available in the program manual to insure that appropriate action is taken in the case of:

i. The death of a client;

ii. The admission of a client to a hospital or an emergency room;

iii. The emergency removal of a client due to inappropriate behavior;

iv. A missing client;

v. Serious injuries such as fractures, lost teeth, or those requiring sutures.

8. A written procedure shall provide for the appropriate notification of the placing agency, parent, legal guardian, or guardianship worker in the event of any of the above situations.

9. There shall be a written procedure to ensure the investigation and reporting of all alleged mistreatment of a client and an unusual incident/accident. The procedure shall contain, but not be limited to, the following information:

i. The name of the client(s), date, and time of incident;

ii. The names of the persons involved, including participants and witnesses;

iii. A description of the incident, including any medical treatment administered;

iv. Appropriate sanctions that were invoked when the allegation was substantiated;

v. Any corrective actions taken to prevent a reoccurrence.

10. Any unusual incident/accident shall be reported to the Bureau of Field Services' emergency telephone answering service immediately and a copy of the written investigation forwarded to the casemanager within 72 hours of the incident.

11. In case of minors, allegations of abuse shall additionally be reported to the local district office of the Division of Youth and Family Services or to the Office of Child Abuse Control. Telephone: (800) 792-8610.

¹These documents may be obtained from:

Division of Mental Retardation
Capital Place One
222 South Warren Street
Trenton, New Jersey 08625

or

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

10:44A-2.2 Admission and release

(a) Each residence shall have definite recorded statements regarding its standards for admission and fees for private clients.

(b) All admissions or discharges of private clients must be reported in writing to the Division of Mental Retardation, Bureau of Operations, within five days.

1. All clients admitted shall be developmentally disabled according to N.J.S.A. 30:11B-2.

2. The licensee shall not admit clients who do not comply with their admission criteria.

3. All clients and their parents or legal guardian shall be afforded the opportunity of making a preplacement visit to the residence prior to admission.

(c) Clients of decidedly different ages, developmental levels, and behavior patterns may not be housed together if the arrangement would be harmful to the health, safety, and welfare of the clients.

(d) A licensee shall not refuse admission to any client on grounds of race, religion, or ethnic origin.

1. Clients who require, at the time of admission, regular use of locked doors, physical/mechanical restraints, or isolation/segregation, aversive techniques, to control their behavior, or have a recent history of such, shall not be accepted into the residence unless approved in writing in advance by the Division of Mental Retardation.

(e) If it can be documented that a client is no longer suitable for the residence, he/she shall not be maintained at that residence as agreed upon with the placing agency.

(f) In the case of unplanned or involuntary release, the licensee shall prepare a notification explaining the reason, which shall be sent to the placement agency. This shall be completed within 24 hours of any unplanned release.

1. The licensee shall, except in the case of emergency, prepare in consultation with the client, casemanager, parent, legal guardian or guardianship worker, a release plan not less than 60 days prior to discharge.

2. The release plan shall assess the client's continuing needs and recommend a plan for provision of follow-up services in the client's new environment.

10:44A-2.3 Personnel standards

(a) All professional services procured either by direct employment or contract by the residence shall be rendered by persons who possess recognized professional qualifications.

(b) Twenty-four hour staff coverage shall be approved by the Division of Mental Retardation, reviewed at each annual inspection, and not altered without the written approval of the Bureau of Operations.

(c) A written staff schedule for at least a two-week period shall be available in the residence. The employee in-charge should be designated on the schedule for each shift. (See N.J.A.C. 10:44A-8 regarding staff coverage for supervised apartments. N.J.A.C. 10:44A-2.3(d), (e), (f), (g), and (h) are related to group homes.)

(d) At least one staff member shall be present in the group home during the night for emergencies.

(e) In special situations, including but not limited to residences housing multi-handicapped clients and clients who exhibit behavior problems which present a danger to self or others, the staff shall be awake at night.

(f) Staff coverage must be in accordance with Appendix A of this chapter.

(g) Staff are not required to be on-site at the group home when all clients are in a weekday program, but paid agency staff must be available for emergencies.

(h) No clients may be without staff supervision in the residence.

(i) All direct care staff who are regularly scheduled for at least 19 hours of work weekly shall:

1. Have a physical examination upon employment to be on file at the residence;

2. Have a Mantoux Skin Test for tuberculosis or chest X-ray for previous positive reactions upon employment and every three years thereafter, to be on file at the residence;

3. Be trained, within 90 days of employment, in Multimedia Standard First Aid Training offered by the American Red Cross, and have a certificate on file at the residence;

4. Be trained, within 90 days of employment, in Cardio-Pulmonary Resuscitation, and have a valid certificate on file at the residence;

5. Complete training classes, within 90 days of employment, as mandated by the Division of Mental Retardation.

(j) Personnel absent from duty because of any reportable communicable disease, infection, or exposure thereto shall be excluded from the residence until a physician shall certify to the licensee prior to the employee's return to work that he/she is not suffering from any condition that may endanger the health of the clients or other employees.

(k) Personnel practices shall comply with all Federal, State, and local laws, ordinances, rules and regulations pertaining to employment, including civil rights, social security, minimum wages, hours, workmen's compensation, withholding taxes and employment of women, handicapped, and minors.

(l) The licensee is responsible to ensure that each employee shall be thoroughly familiar with their duties and responsibilities. Job descriptions must be maintained in the residence for all positions.

(m) Volunteers may be used, but not in lieu of paid staff.

(n) Volunteers shall have planned duties and be supervised at all times by staff.

(o) Residences utilizing students for field placements/internships shall have a written plan for using their services.

10:44A-2.4 Records and reports

(a) Individual records shall be kept on all clients living at the residence and shall include the following:

1. The name, age, sex, and date of admission;

2. The names, addresses, and telephone numbers of parents, legal guardians and other persons or agencies responsible for the client;

3. Social Security and Medicaid numbers;

4. Pre-admission data, including diagnosis, a psychological evaluation, and developmental history;

5. Admission physical examination and the results of the Mantoux Skin Test for tuberculosis, obtained within 30 days prior to admission;

6. Immunization record, if below the age of 18 years.

7. An annual physical examination and the results of the Mantoux Skin Test for tuberculosis every three years;

8. Annual reports from the dentist of dental examinations and corrective work done;

9. Reports of accidents, illnesses, and unusual incidents;

10. Seizure records, where indicated;

11. An Individualized Habilitation Plan detailing the client's program prescription within the residence;

12. Monthly reports of client's social and behavioral progress to correspond to the Individualized Habilitation Plan;

13. A medically prescribed diet, if required;

14. Known allergies.

(b) Records shall be retained for a minimum of five years following discharge, death or transfer.

(c) All active records shall be maintained on the premises and be complete, current, and readily available for review by representatives from the Division of Mental Retardation or other authorized persons.

(d) Records shall be stored in a locked area to safeguard the confidentiality of their content.

SUBCHAPTER 3. CLIENT CARE

10:44A-3.1 Staff-client relationships and activities

(a) The residence shall be appropriate to the client's chronological age, provide the most open and permissive environment possible, and be conducive to the optimal development of the client.

(b) Clients shall be assigned responsibilities/chores in the residence in order to enhance feelings of self-respect and to develop skills in independent living.

1. A written chore schedule shall be available in the group home.

2. Clients shall receive remuneration for productive work, excluding normal chores, within the residence.

(c) Clients shall be allowed free use of all common living areas within the residence.

(d) When male and female clients are housed in the residence, only clients of the same sex may be assigned to the same bedroom, unless married to each other, in which case only one married couple can be assigned to a room.

(e) The location of the residence shall allow clients access to local community resources by foot, public transportation, or as arranged and provided by the licensee.

(f) Clients shall be instructed in the unsupervised use of communication processes which include:

1. Having access to a telephone in the residence at a reasonable hour, but not the right to make toll calls at any other person's expense or otherwise infringe upon the rights of others;
2. Opening their own mail and packages without direct surveillance;
3. Not having outgoing mail read by staff unless requested by the client;
4. Assistance in writing letters if the client's abilities are limited.

(g) A daily log of activities and events shall be maintained by staff. Entries into the log shall indicate the individual making that entry and the date.

(h) Smoking shall be permitted consistent with the client's abilities. The rights of smokers and non-smokers shall be observed. Smoking shall be prohibited in any room where flammable liquids or combustible materials are stored.

(i) Each licensee shall assist the client in participating in religious activities, consistent with the client's desires and religious preferences.

10:44A-3.2 Personal health, hygiene and grooming

(a) Clients shall be trained to exercise maximum independence in health, hygiene, and grooming practices.

(b) Each client shall have the opportunity for daily personal care to include:

1. A bath or shower, with assistance as required;
2. Oral hygiene twice daily, to keep mouth, teeth or dentures clean;
3. Opportunity for shampooing and cutting hair as necessary.

(c) Individual toilet articles, including but not limited to, toothbrush, razor, hairbrush, or comb, wash cloths and towels, shall be available to each client and these items shall be maintained in a sanitary manner.

(d) Wash cloths and towels shall be replaced at least once a week or as needed to assure cleanliness and freedom from odors.

(e) Bed linens shall be changed a minimum of once a week or as needed.

(f) Female clients shall be assisted to obtain maximum independence in caring for menstrual needs.

10:44A-3.3 Food and food service

(a) Each client shall be provided with three meals daily, either in the residence itself or at a daily program site.

(b) There shall be reasonable adjustments to the food preferences, habits, customs, and appetites of all individual clients.

(c) Clients shall not routinely eat meals in their bedrooms.

(d) A variety of foods shall be provided.

(e) Food returned from the clients' plates shall be discarded.

(f) Food shall meet the medical and dietary needs of the client, and shall be served in a manner which is culturally normal.

(g) Clients shall be allowed to eat at their own pace.

(h) Unless medically contraindicated, snacks shall be available for the clients.

(i) Menus, to include all meals (breakfast, lunch and dinner), shall be dated, prepared with the clients' assistance at least one week in advance, and retained on file for a period of 30 days.

(j) Any substitution of food from the menu must be of equal nutritional value and must be indicated on the menu.

(k) If a medically prescribed diet is required, the menu planning shall be appropriate to client needs and be approved by the attending physician.

(l) The daily diet for each client shall include foods from the four basic food groups below:

1. Milk, cheese, and other dairy products;
2. Vegetables, fruits;
3. Meats, fish, poultry, and eggs;
4. Bread, cereals, and grains.

(m) All food and drink shall be safe for human consumption and prepared and served in a sanitary manner.

10:44A-3.4 Clothing

(a) The clients shall determine, to the best of their ability, their own dress and hairstyle.

(b) The clients' clothing shall be age and season appropriate.

(c) The clients' clothing shall be clean and in good repair.

(d) Each client shall have an adequate supply of properly fitted clothing to allow for laundering. Clothing shall not be shared or taken from a common pool.

10:44A-3.5 Privacy

(a) The licensee shall make certain that the privacy of the clients is respected at all times.

(b) There shall be no unreasonable or age inappropriate schedule concerning the hours at which clients shall rise or retire.

(c) Clients shall be permitted to rest in their rooms for such periods as may be consistent with personal needs.

(d) Privacy shall be afforded during visits.

(e) Visiting is to be permitted during reasonable hours.

SUBCHAPTER 4. HABILITATION SERVICES

10:44A-4.1 Individualized Habilitation Plan

(a) The licensee or his designee shall participate, at the direction of the placing agency, in the development and implementation of an Individualized Habilitation Plan (IHP) for each client. The IHP shall be kept on file at the residence and be available to staff.

1. Within 30 days following admission, a complete and comprehensive written Individualized Habilitation Plan shall be developed.

2. The clients, parents, guardians, or other interested parties shall have the opportunity to participate in planning.

3. A representative of the client's day program and other professionals shall be included in the development of the plan.

4. The Individual Habilitation Plan shall comply with the guidelines established by the Division of Mental Retardation.

5. The Individualized Habilitation Plan shall include:

i. A statement of the long-term habilitation goals for the client and the intermediate objectives relating to the attainment of such goals.

ii. A description of the program to be utilized to attain those objectives and the means to be used to evaluate progress.

iii. The name of the personnel who will be responsible for implementing the plan.

iv. The time period to achieve the desired goals including the date when the person might be expected to leave the residence for a more appropriate type of living situation.

6. Written monthly progress notes must be available in the residence and correspond to the IHP objectives and goals currently being implemented for each client.

7. The Individual Habilitation Plan shall be revised as needed, but at least annually.

(b) In the case of private placements, it shall be the responsibility of the licensee to develop the Individualized Habilitation Plan.

10:44A-4.2 Day programs

(a) Clients placed in a residence must have a community day program or be competitively employed during the normal workweek.

(b) All clients, if between the ages of five and 21, must receive a thorough and efficient education provided through the local school board or the Bureau of Day Training Services.

(c) Clients of advanced age may elect to retire.

(d) Programs for clients within the residence, in place of community programs, may be allowed for a period up to three months if they are oriented toward client adjustment and approved by the placing agency.

10:44A-4.3 Ancillary services

(a) If guidance and counseling beyond the expertise of the residence staff and/or case manager is required, professional services shall be obtained through community resources.

(b) The licensee shall provide social services corresponding to the Individualized Habilitation Plan, to be provided by staff, by contract, or by the placing agency, as agreed upon by the placing agency.

(c) The clients shall use community resources for recreation and shopping.

(d) The staff shall obtain or provide recreation and leisure time activities that are designed to develop social interaction skills, including the opposite sex.

(e) Client participation in recreational activities shall be voluntary.

(f) Clients shall participate in the selection of the recreational activities.

(g) In addition to the IHP goals, residence staff shall provide training for all clients, commensurate with their abilities and potential. These training areas include but are not limited to:

1. Sex education;
2. Grocery shopping;
3. Personal needs shopping;
4. Meal planning and preparation;
5. Use of telephone and postal services;
6. Public transportation;
7. Etiquette;
8. Launder, mend, or iron clothing;
9. Appropriate management of money, including everyday purchasing and consumer self protection;
10. Safety in the residence and community;
11. Driver education;
12. Self-help skills.

SUBCHAPTER 5. HEALTH SERVICES

10:44A-5.1 General medical and health care

(a) A primary physician shall be identified for each client.

(b) Each client shall have an annual medical examination.

(c) Each client shall have an annual dental examination.

(d) A Mantoux Skin Test shall be administered to every client prior to admission and every three years thereafter.

(e) The licensee shall make arrangements for medical care to be available in emergencies.

(f) Upon confirmation of any reports of communicable disease, the New Jersey Department of Health, the Division of Mental Retardation, and the placing agency shall be notified.

1. Clients must be seen by a physician who will determine if further medical care is required.

10:44A-5.2 Medication and drugs

(a) Clients receiving medication shall be trained to take their own medication to the extent that it is feasible.

(b) If the client is not responsible or capable enough to take his own medication, the licensee or his designee shall give it to him/her exactly as prescribed and assure that the medication is taken.

1. If a client is capable of taking medication without assistance, no daily medication record is required. The determination of whether a particular client is capable of self-administering medication should be made jointly by the casemanager and the residence staff.

2. If the client is determined capable of administering their own medication, the following must be observed:

i. Staff must record in each individual folder the date of the prescription, the name of the medication, dosage, frequency, and where the medication is stored.

ii. Documentation by the licensee or designee of the client's ability to self-administer the medication.

(c) A written record shall be maintained of all medication administered where assistance is required. This record must include the client's name, date, type of medication, dosage, frequency, initials and corresponding signatures of staff administering the medication.

(d) Life-sustaining drugs such as injectable insulin may be self-

administered if the client has documented medical training from licensed medical personnel.

(e) If the client is unable to be trained to self-administer the injectable medication, a staff member who has documented medical training from licensed medical personnel and approved by the Division of Mental Retardation may administer such.

(f) All prescribed medication must be reevaluated at least annually.

(g) Staff shall be aware of all clients on medication and be trained to recognize side effects and report them to the physician who prescribed the medication. Suspected side effects shall be noted on the medication record.

(h) Any change in medication dosage from the physician shall be noted on the medication record until such time as the prescription label is revised.

(i) An adequate supply of medication shall be available to clients at all times.

(j) The licensee or his designee shall supervise the use and storage of prescription medicines and drugs.

1. A storage area of adequate size for prescribed medications and drugs shall be provided and kept locked when not in use, if the clients are not capable of self-administering medication.

2. The key to the storage area shall be inaccessible to all persons except those staff designated by the licensee.

3. Each clients' prescribed medication, except in instances where they self-administer, shall be separated and compartmentalized within the storage area.

4. Medications which require refrigeration shall be properly maintained in a locked box.

5. All medications shall be kept in their original containers and shall be properly identified with the pharmacist's label.

6. No stock supply of medicines shall be kept other than those that can be bought without a prescription.

7. Medications no longer in use, outdated, or having illegible or makeshift labels shall be destroyed.

8. Non-prescription drugs shall not be stored with prescription drugs and shall be properly safeguarded.

9. When psychotropic medication is prescribed "as needed," the prescription label shall include the following:

i. Dosage;

ii. Time intervals between dosages;

iii. Maximum number of times medication may be administered in a 24 hour period;

iv. Indications.

10. There shall be no automatic renewal of psychotropic medication.

10:44A-5.3 Death of a client

(a) All unused portions of prescribed medications shall be placed in a sealed bag for a reasonable period of time, and if there is no question regarding the cause of death, shall be returned to the legal guardian.

(b) The Coroner or Medical Examiner shall be notified in accordance with State law.

(c) The family, placing agency, and legal guardian or guardianship worker of the client shall be notified immediately.

(d) Personal effects of the client shall be given to the client's family.

10:44A-5.4 First aid

(a) A first aid kit shall be readily available to provide for proper first aid treatment. In the case of supervised apartments, a first aid kit shall be kept in each client's apartment.

(b) The first aid kit shall include:

1. Antiseptic;

2. Band-aids;

3. A one-inch or two-inch rolled bandage;

4. Two inch by two inch gauze;

5. First aid tape;

6. Surgical scissors;

- 7. Triangular bandage;
- 8. Thermometer.
- (c) Items must be replaced when needed.

SUBCHAPTER 6. SUPPORT SERVICES

10:44A-6.1 Physical plant and safety

(a) Measures shall be taken as may be reasonably necessary to protect the occupants from hazards to health and safety arising from the location or environment of the residence.

(b) All group homes and supervised apartments shall comply with every State, county, and local law, ordinance or code governing such residence, including but not limited to the Uniform Construction Code of New Jersey. (The remainder of subchapter 6 does not apply to supervised apartments. Applicable standards appear in N.J.A.C. 10:44A-8.)

(c) When any group home acts as noted in (c)1, 2 or 3 below, then the licensee shall submit to the Division of Mental Retardation, Bureau of Operations, upon completion of the actions noted in (c)1, 2, or 3 below, a copy of a new certificate of occupancy issued by the municipality reflecting the building's conformance with the provisions of the Uniform Construction Code.

1. The group home seeks to change its use group to one other than that designated on its original certificate of occupancy; or

2. The group home seeks to make a major alteration or renovation, as defined by the Uniform Construction Code (see N.J.A.C. 5:23), of the building or premises in which the group home is located; or

3. The group home seeks to increase its floor area or the number of stories to the building or premises in which the group home is located.

(d) Group homes housing six to 16 ambulatory or mobile non-ambulatory clients shall be guided by the requirements of the Use Group, Residential II of the Uniform Construction Code (see N.J.A.C. 5:23).

(e) Fire safety features in group homes housing six to 16 clients include, but are not limited to:

1. An enclosed, approved means of egress with a one-hour fire separation from the building leading directly to grade if a second floor is to be utilized.

2. A smoke separation between each floor utilizing a one-hour fire-rated door equipped with an automatic closing device.

3. A comprehensive automated fire alarm and detection system with manual pull stations located at the front door and at the exit to the second floor enclosed means of egress, if present.

(f) Smoke detectors shall be located as follows:

- 1. One unit for each bedroom;
- 2. One unit in each hallway on all floors;
- 3. One unit in the living room and/or all indoor recreational areas;
- 4. One unit at the top of every stairway;
- 5. One unit in the laundry room.

(g) Thermal detectors shall be located as follows:

- 1. One unit in the kitchen;
- 2. One unit in the furnace room;
- 3. Other special high risk areas.

(h) Boiler or furnace rooms shall be separated from the living and common areas by a minimum one-hour fire-rated material.

(i) If boiler or furnace rooms are in the basement, a readily identifiable heater disconnect switch shall be provided at the top of the stairs leading to the basement area.

(j) If the boiler or furnace room is located on the first floor, a readily identifiable heater disconnect switch shall be located outside of the room.

(k) Those boilers carrying more than 15 lbs. per square inch and having a rating in excess of 100 square feet of heat transfer surface shall be enclosed in a minimum two-hour fire-rated material.

(l) Exit requirements:

1. Exit to the second floor enclosed stairwell shall not be permitted through any bedroom, and the corridor to the stairwell provided to the exit shall be at least 36 inches wide.

2. If the basement is to be used by clients as an activity room, an exit other than an interior stairwell must be provided and the ceiling must be enclosed with 5/8 inch sheetrock or 3/4 inch wire lathe and plaster. The basement must be warm, dry, and adequately illuminated.

3. Exit areas shall not be permitted through furnace area, storage areas, or bedrooms.

4. The approved means of egress shall not be permitted through kitchens if commercial type cooking equipment is used.

5. Doors used for exits shall be unlocked from the inside of the building.

(m) There shall be at least one ABC type fire extinguisher, with a 2A rating, mounted in the kitchen and outside the furnace room(s).

(n) All floors shall be provided with at least one ABC type fire extinguisher with a minimum of a 2A rating.

(o) Fire extinguishers shall be checked monthly by staff and serviced at least annually by a qualified person or service company.

(p) Fire safety features in group homes housing five or fewer clients shall include, but not be limited to a system of U.L. approved single station battery operated smoke detectors, wired in series as follows:

- 1. One unit in each bedroom;
- 2. One unit in each hallway on all floors;
- 3. One unit in the living room and/or indoor recreation area;
- 4. One unit at the top of every stairway.

(q) Non-ambulatory clients shall not have bedrooms above or below the first floor of any residence.

(r) Occupancy shall not be permitted for staff or clients above the second floor in buildings.

(s) All staff and clients shall be trained in the use and operation of the fire extinguisher.

(t) Space heaters, including but not limited to electrical, kerosene, and quartz heaters, shall be prohibited.

(u) A fire evacuation plan must be posted on each floor in a prominent location.

(v) For residences with physically handicapped clients, accommodations must be made to ensure the maximum physical accessibility feasible for entrance to, and movement within the residence based upon client characteristics.

(w) The following special requirements shall be met by group homes serving nonambulatory clients who are not considered mobile non-ambulatory. The Use Group Category 1-2 shall apply:

1. A sufficient number of doors, corridors, ramps, or walkways and landings shall be provided and be wide enough to permit use by clients having wheelchairs, braces, walkers, or any other prosthetic equipment or devices.

2. Ramps shall have a grade not greater than the equivalent of one foot rise for every 12 feet of length. Handrails shall be provided on both sides of the ramps.

(x) Fire drills involving all clients shall be held at least once a month and at unexpected times. Records of these drills shall be maintained and shall include the date and time of drill, time required for evacuation, and the number of persons involved.

10:44A-6.2 General requirements

(a) Storage space or closets under any stairway shall be permitted only if such space is enclosed in a one-hour fire-rated material.

(b) Non-skid surfaces, to reduce or prevent slipping, shall be used on all stairs or where slippery surfaces present a hazard.

(c) All stairways and hallways shall be kept free and clear of obstructions at all times.

(d) Every habitable room shall have at least one operable window opening directly to the outside.

(e) First floor windows shall have an operable window space of five square feet. Second floor windows shall have an operable window space of 5.7 square feet.

(f) All openable windows and doors used for natural ventilation shall be provided with easily removable insect screening in good condition from May through October.

(g) Every group home shall have heating facilities which are properly installed, maintained in good and safe working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms to a temperature of at least 68 degrees Fahrenheit.

(h) Every group home shall be provided with a safe supply of potable water meeting the standards set forth in the New Jersey Safe Drinking Water Act Regulations (see N.J.A.C. 7:10).

(i) Every group home shall have water heating facilities which are installed and maintained in good and safe working condition, connected with hot water lines, and capable of delivering water at the minimum temperature of not less than 110 degrees Fahrenheit and at a maximum temperature of not more than 160 degrees Fahrenheit at all times with anticipated needs.

(j) All electrical wiring and equipment shall comply with local or municipal requirements and shall be maintained in good operating condition. Any new equipment and wiring must be installed by a licensed electrician and shall be in compliance with "The National Electrical Code/1978" (Electrical Sub-Code of the Uniform Construction Code, N.J.A.C. 5:23-3.6), including all subsequent revisions and amendments thereto.

(k) The residence shall, every five years, submit to the Division of Mental Retardation, Bureau of Operations, a report of an electrical inspection confirming that the electrical system is adequate and in conformance with the National Electric Code. Inspections must be performed by an approved service organization or a licensed electrician.

10:44A-6.3 Physical accommodations

(a) Client occupancy shall be limited to floors above grade. However, under certain conditions, basement occupancy may be permitted. No such occupancy shall be allowed if more than half the height of the room is below grade or if there are other conditions which might militate against the health, safety, or welfare of the clients. The floors and walls of all such rooms must be damp proofed.

(b) There shall be at least one toilet and sink for every eight clients. These facilities shall not be further than one floor from any living area.

1. The sink shall be located in/or adjoining the toilet area.

(c) There shall be at least one bathtub or shower for every eight clients.

(d) Shower heads, taps, and Valves shall be so equipped that the temperature of the water cannot exceed 110 degrees Fahrenheit at any time.

(e) All bathrooms shall include:

1. Hot and cold running water;
2. Non-slip surfaces in the showers or bathtubs;
3. Toilet accessories;
4. Mirrors securely fastened to the wall.

(f) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in case of emergency.

(g) There shall be a minimum of 70 square feet per adult client in each bedroom.

(h) Childrens' bedroom(s) containing single beds and occupied by more than one child shall provide a minimum of 70 square feet of floor space for the first child and 50 square feet of floor space for each additional child.

(i) There shall be a limit of three clients to a bedroom.

(j) In bedrooms with slanted ceilings, the usable room size shall be determined by measuring from a point on the ceiling that is five feet from the floor to a point on the ceiling across the room that is also five feet from the floor. This area shall constitute usable floor space in determining the licensing capacity of the room.

(k) Bedrooms shall not be a means of access to any other room.

(l) All rooms used by clients shall be suitably decorated.

(m) All furniture must be clean and in good repair.

(n) Each client shall be provided:

1. A standard bed which is at least 30 inches wide and six inches longer than the height of the client;

2. A box spring and mattress of fire resistant material not less than four inches thick and a pillow;

3. A chest of drawers for each client and sufficient closet space for the storage of personal items;

4. A bedside light and nightstand for each client;

5. Two sets of bed linens and at least one blanket in good repair.

(o) A suitable living room, comfortably furnished, shall be provided to insure adequate seating for at least 2/3 of the capacity of the home.

(p) A dining room of sufficient size and equipped to seat comfortably all clients in one sitting shall be provided.

(q) Kitchen facilities:

1. Kitchens shall be provided with either natural or mechanical ventilation at the stove area. Four burner stoves (normally used in homes) shall be ventilated by a mechanical exhaust system. Commercial stoves shall be vented with a system having a capacity of at least three cubic feet per minute per square foot of floor area, but not less than 150 cubic feet per minute.

2. Storage space shall be clean and well ventilated; containers of food shall be covered and stored above the floor on shelves or other clean surfaces.

3. Refrigeration of food shall be provided at not more than 45 degrees Fahrenheit for food requiring refrigeration.

4. The kitchen shall have sufficient floor space and equipment to meet dietary needs and shall be conveniently located to dining areas.

5. All equipment and utensils used for eating, drinking, preparation and serving of food shall be kept clean, in good condition, and free from chips and cracks.

6. Disposable dinnerware shall not be used except as accessories to picnics or special occasions.

7. Floors, walls, and surfaces for food preparation shall be kept clean and in good condition at all times.

10:44A-6.4 Maintenance and sanitation

(a) The indoor and outdoor areas of the group home shall be maintained in a safe and sanitary manner.

(b) All exterior areas of the group home shall be clean and free from garbage or rubbish and hazards to safety. Lawns, hedges, and bushes shall be kept trimmed and shall not be permitted to become overgrown and unsightly. Fences shall be kept in good repair.

(c) The exterior of the premises shall be maintained free of all nuisances, unsanitary conditions, or any other hazards to the health, safety, and welfare of the clients.

(d) The premises shall be properly graded and provided with drains to dispose of surface water.

(e) All swimming pools must be enclosed with a fence of adequate height and comply with local regulations.

(f) The accumulation of garbage or waste shall be prevented. All receptacles shall be provided with tight fitting covers and shall be sufficient in size and number to contain the accumulated waste.

(g) Combustible materials shall be stored in non-combustible containers.

(h) Floors, walls, ceilings, and other surfaces shall be kept clean and in good repair. These areas shall be covered, repaired, or painted when necessary, and only lead free paint shall be used.

(i) Chimneys, flues, and vent attachments shall be structurally sound, free from defects, and cleaned and maintained as necessary.

(j) Fireplaces which are utilized must be equipped with a glass tempered enclosure.

(k) Exterminator services shall be required immediately when there is evidence of any infestation.

SUBCHAPTER 7. TRANSPORTATION

10:44A-7.1 General requirements

(a) All vehicles used to transport clients shall have the following:

1. Emergency equipment, which shall include a spare tire, jack, and at least three portable red reflectors warning devices or flares.
2. A first aid kit meeting the same requirements as Standard.

3. Snow tires or chains when weather conditions dictate.

(b) All vehicles used to transport clients shall comply with all applicable safety and licensing regulations established by the New Jersey Division of Motor Vehicles and shall be inspected annually.

(c) All vehicles used to transport clients shall have liability insurance for bodily injury or death as evaluated by a qualified insurance agency.

(d) All drivers must have a valid New Jersey license.

(e) Young children and clients with a history of erratic behavior shall never be left unattended in a vehicle.

(f) The interior of each vehicle shall be maintained in a clean, safe condition, and no obstacles shall obstruct clear passage to operable doors.

(g) Each residence shall keep on file the name of each driver, a photostatic copy of his/her driver's license, and the year, make, and model of each vehicle used for client transportation.

10:44A-7.2 Special requirements

(a) The following additional regulations shall be required for residences serving non-ambulatory clients:

1. A ramp device to permit entry and exit of a client 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. The arrangement of the wheelchairs shall provide an adequate aisle space and shall not impede access to the exit door.

SUBCHAPTER 8. SUPERVISED APARTMENTS

10:44A-8.1 Personnel Standards

(a) Staff coverage must be in accordance with Appendix A of this chapter.

(b) Staff shall be on the grounds of the apartment complex at all times a client is present.

(c) In special situations, including but not limited to apartments housing multi-handicapped, behavior management problems, or severely/profoundly retarded clients, staff shall visit the apartment hourly at times when clients are asleep.

(d) At least one staff member must be available on the grounds of the apartment complex during the night for emergencies.

(e) Staff are not required to be on-site when all clients are in a week day program, but paid agency staff must be available for emergencies.

(f) Staff shall visit each apartment during waking hours at least once within every eight hour period in conjunction with the client's needs and rights:

1. Documentation of such visits shall be recorded in the daily log.
2. These visits shall not be in lieu of time staff spends in working on individual client training.

10:44A-8.2 Physical plant and safety

(a) Supervised apartments shall not be housed in single family dwellings.

(b) Supervised apartments shall not be located in the home of the licensee or his designee.

(c) There may be up to four clients housed in a single apartment.

(d) There shall be no more than two clients housed in a bedroom.

(e) There shall be up to eight apartment units under a single license.

(f) The staff residence shall be located up to 500 feet from the farthest client apartment unit.

(g) In multi-story buildings, the staff shall be located no more than two floors from the farthest apartment unit.

(h) In multi-story buildings, no client shall be located above the sixth floor.

(i) A single station battery operated smoke detector shall be located in the following areas:

1. One unit at the top of each indoor stairway;
2. One unit in the living room and/or all indoor recreational areas;
3. One unit in each hallway.

(j) There shall be one fire extinguisher, ABC type with a minimum 2A rating, mounted in the kitchen.

(k) Fire extinguishers shall be checked monthly by staff and serviced at least annually by a qualified person or service company.

(l) All staff and clients shall be trained in the use and operation of the fire extinguishers.

(m) Non-ambulatory clients shall not have bedrooms above or below the first floor of any residence.

(n) For apartments with physically handicapped clients, accommodations must be made to ensure the maximum physical accessibility feasible for entrance to, and movement within the apartment based upon client characteristics.

(o) Fire drills involving all clients shall be held at least once a month and at unexpected times. Records of these drills shall be maintained and shall include the date of the drill, the time required for evacuation, and the number of persons involved.

10:44A-8.3 General requirements

(a) Non-skid surfaces, to reduce or prevent slipping, shall be used on all stairs or where slippery surfaces present a hazard.

(b) All stairways or hallways shall be kept free and clear of obstructions at all times.

(c) Every habitable room shall have at least one operable window opening directly to the outside.

(d) All openable windows and doors used for natural ventilation shall be provided with easily removable insect screening in good condition from May through October.

(e) Every supervised apartment shall have heating facilities which are capable of safely and adequately heating all habitable rooms and bathrooms to a temperature of at least 68 degrees Fahrenheit.

(f) Space heaters, including but not limited to electrical, kerosene, and quartz heaters, shall be prohibited.

(g) Every supervised apartment shall be provided with a safe supply of potable water meeting the standards as set forth in the New Jersey Safe Drinking Water Act Regulations (see N.J.A.C. 7:10).

(h) Every supervised apartment shall have water heating facilities which are capable of delivering water at a minimum temperature of not less than 110 degrees Fahrenheit and at a maximum temperature of not more than 160 degrees Fahrenheit at all times with anticipated needs.

(i) All electrical wiring and equipment shall comply with local or municipal requirements and shall be maintained in good operating condition. Any new equipment and wiring must be installed by a licensed electrician and shall be in compliance with "The National Electrical Code/1978" (Electrical Sub-Code of the Uniform Construction Code, N.J.A.C. 5:23-3.6), including all subsequent revisions and amendments thereto.

10:44A-8.4 Physical accommodations

(a) Client occupancy shall be limited to floors above grade. However, under certain conditions, basement occupancy may be permitted. No such occupancy shall be allowed if more than half the height of the room is below grade or if there are other conditions which might militate against the health, safety, or welfare of the resident. The floors and walls of all such rooms must be damp proofed.

(b) There shall be at least one toilet and sink for every four clients. These facilities shall not be further than one floor from any living area.

1. The sink shall be located in/or adjoining the toilet areas.

(c) There shall be at least one bathtub or shower for every four clients.

(d) All bathrooms shall include:

1. Hot and cold running water;
2. Non-slip surfaces in the showers or bathtubs;
3. Toilet accessories;
4. Mirrors securely fastened to the wall.

(e) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in case of emergency.

(f) There shall be a minimum of 70 square feet per adult client in each bedroom.

(g) Children's bedrooms containing single beds and occupied by more than one child shall provide a minimum of 70 square feet of floor space for the first child and 50 square feet of floor space for each additional child.

(h) In bedrooms with slanted ceilings, the usable room size shall be determined by measuring from a point on the ceiling that is five feet from the floor to a point on the ceiling across the room that is also five feet from the floor. This area shall constitute usable floor space in determining the licensing capacity of the room.

(i) A suitable living room, comfortably furnished, shall be provided to insure adequate seating.

(j) All furniture must be clean and in good repair.

(k) All rooms used by clients shall be suitably decorated.

(l) Bedrooms shall not be a means of access to any other room.

(m) Each client shall be provided:

1. A standard bed which is at least 30 inches wide and six inches longer than the height of the client;

2. A box spring and mattress of fire resistant material not less than four inches thick and a pillow;

3. A chest of drawers for each client and sufficient closet space for the storage of personal items;

4. A bedside light and nightstand for each client;

5. Two sets of bed linens and at least one blanket in good repair.

(n) Kitchen facilities:

1. Storage space shall be clean and well ventilated; containers of food shall be covered and stored above the floor on shelves or other clean surfaces.

2. Refrigeration and storage of food shall be provided at not more than 45 degrees Fahrenheit for food requiring refrigeration.

3. The kitchen shall have sufficient floor space and equipment to meet dietary needs and shall be conveniently located to dining areas.

4. All equipment and utensils used for eating, drinking, preparation and serving of food, shall be kept clean, in good condition, and free from chips and cracks.

5. Disposable dinnerware shall not be used except as accessories to picnics or special occasions.

6. Floors, walls, and surfaces for food preparation shall be kept clean and in good condition at all times.

10:44A-8.5 Maintenance and sanitation

(a) The supervised apartment shall be maintained in a safe and sanitary manner.

(b) Combustible materials shall be stored in non-combustible containers.

(c) Floors, walls, ceilings, and other surfaces shall be kept clean and in good repair.

(d) Chimneys, flues, and vent attachments shall be structurally sound, free from defects, and cleaned and maintained as necessary.

(e) Exterminator services shall be required immediately when there is evidence of any infestation.

(f) The accumulation of garbage or waste shall be prevented. All receptacles shall be provided with tight fitting covers and shall be sufficient in size and number to contain the accumulated waste.

APPENDIX A

| | Mild and Moderate | Severe and Profound |
|-------------------------|--------------------------------------|------------------------------------|
| Day | | |
| 7:00 A.M. to 3:00 P.M. | four to eight clients one staff | four to eight clients two staff |
| † | nine to sixteen clients two staff | |
| Evening | | |
| 3:00 P.M. to 11:00 P.M. | four to sixteen clients two staff | four to eight clients two staff |

| | | |
|-------------------------|--|--|
| Night | | |
| 11:00 P.M. to 7:00 A.M. | four to sixteen clients one staff (sleep) | four to eight clients one staff (awake) |

†On the weekends, the evening staff schedule shall apply.

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Pharmaceutical Service Manual
Pharmaceutical Services Provided to Patients
in Long Term Care Facilities**

**Proposed Amendments: N.J.A.C. 10:51-3.14
and 5.18**

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.

Authority: N.J.S.A. 30:4D-6b(6) and 7 and 7b, and 30:4D-20 and 24.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-176.

The agency proposal follows:

Summary

These proposed amendments will apply to both the Medicaid (Title XIX) and Pharmaceutical Assistance for the Aged and Disabled (PAAD) Programs. It applies to pharmaceutical providers with institutional permits in long term care facilities.

These pharmacies currently bill the Medicaid and PAAD programs at the Average Wholesale Price (AWP). This proposal will enable the Division to make reimbursement at the actual acquisition cost, rather than the AWP.

Social Impact

There should be no social impact on Medicaid and/or PAAD patients in long term care facilities, since they will continue to receive drugs as prescribed.

Economic Impact

There will be no economic impact on Medicaid patients, because they are not required to pay for this service. PAAD patients are required to pay the \$2.00 co-payment as required by State law (N.J.S.A. 30:4D-22).

There will be no economic impact on pharmacies who do not have institutional permits. Pharmacies who do have institutional permits will receive less reimbursement, since the actual acquisition cost is less than the AWP.

The economic impact on the Division cannot be determined at the present time because data from the various facilities involved is not available.

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

10:51-3.14 Basis of payment

(a) (No change.)

1. Maximum allowable cost is defined as:

i.-ii. (No change.)

iii. Pharmacies with institutional permits in any public or quasi-public facility who may participate in the drug purchasing plan via State bid must bill the Medicaid program at actual acquisition cost, not Average Wholesale Price (AWP). No regression discount will be applied to such charges. Such facilities shall be required to purchase available drugs through the State bidding process. In an emergency, when the successful bidder is unable to supply drugs, the pharmacy may purchase them from an outside wholesaler and bill at AWP.

10:51-5.18 Legend drugs

(a) (No change.)

1. Maximum allowable cost is defined as:

i.-ii. (No change.)

iii. Pharmacies with institutional permits in any public or quasi-public facility who may participate in the drug purchasing plan via State bid must bill the Medicaid program at actual acquisition cost, not Average Wholesale Price (AWP). No regression discount will be applied to such charges. Such facilities shall be required to purchase available drugs through the State bidding process. In an emergency, when the successful bidder is unable to supply drugs, the pharmacy may purchase them from an outside wholesaler and bill at AWP.

(a)

DIVISION OF PUBLIC WELFARE

**General Assistance Manual
Legally Responsible Relatives**

Proposed Amendment: N.J.A.C. 10:85-9.1

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-189.

The agency proposal follows:

Summary

This proposal merely revises an obsolete statement so as to conform to both law and practice. It corrects the regulation to reflect the statutory provision that parental responsibility for a person who applies for and is found eligible to receive assistance does not

extend beyond age 18. The nature of the program allows the use of the simplified wording.

Social Impact

Because the local assistance agencies have been following the law directly, the change in this wording will have no social impact.

Economic Impact

There will be no economic impact for the reason stated in the social impact statement above.

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

10:85-9.1 General provisions

(a) (No change.)

(b) **Relatives who are legally responsible:** Certain relatives are specifically identified by law as legally responsible for persons applying for or receiving General Assistance:

1. An individual under age 55 is responsible for his/her parents, spouse and children [of any age] **under age 18.**

2. (No change.)

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

INSURANCE

(b)

INSURANCE GROUP

**Automobile Insurance Plan
Automobile Repair Reform Act**

**Proposed Amendments: N.J.A.C. 11:3-7.3
and 7.7**

Authorized By: Joseph F. Murphy, Commissioner,
Department of Insurance.
Authority: N.J.S.A. 17:1C-6c and 39:6A-19.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Herman W. Hansler, Assistant Commissioner
New Jersey Department of Insurance
CN 325
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-212.

The agency proposal follows:

Summary

The proposed amendments to N.J.A.C. 11:3-7.3 and 11:3-7.7 have the following purposes: 1. to ensure compliance with 39:6A-10 as amended by L. 1981 c. 533; and 2. to eliminate language which was necessary to implement the then newly enacted Automobile Repair Reform Act in 1972 but which is no longer necessary or is purely historical.

Table 1, found in N.J.A.C. 11:3-7.7 provides the minimum schedule of additional personal injury protection coverage benefits that insurers must make available in accordance with N.J.S.A. 39:6A-10. This additional coverage must be offered by insurers at least annually on a form attached to or accompanying all applications, initial policies or notices.

While not found as part of the proposed amendments to N.J.A.C. 11:3-7.3 and 11:3-7.7, (since it would be repetitious) it should be pointed out that N.J.S.A. 39:6A-10, as amended by L.1981, c.533 provides among other things, that "income continuation and essential source benefits shall cease upon the death of the claimant, and shall not operate to increase the amount of any death benefits payable under section 4 (N.J.S.A. 39:6A-4)".

Social Impact

The amendments would increase the availability of additional personal injury protection coverage.

Economic Impact

Insurers would have to offer this additional coverage at least annually and provide at least the benefit schedules set forth in Table 1.

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

11:3-7.3 Minimum schedule of additional personal injury protection

[(a) Appendix A outlines the minimum schedule of "additional personal injury protection" coverage benefits that insurers must make available in accordance with Section 10 of the Act.

(b) In the Appendix A table, only five weekly indemnity schedules are shown, with a two-year benefit duration. It is believed that these ranges of benefits will meet the demand for this additional coverage in most cases.

(c) Consequently, at least for the initial period, it will be sufficient if your manuals exhibit these minimum benefit schedules with corresponding rates.

(d) However, benefits in excess of those set forth in Appendix A must be made available at the option of the named insured at reasonable intervals subject to the specific approval by the Commissioner, up to a maximum additional weekly loss of income benefit of \$35,000 per year, as well as reasonable essential service benefits, survivor benefits and funeral expense benefits, as required by Section 10 of the Act.]

(a) Table 1 in N.J.A.C. 11:3-7.7(b) outlines the minimum schedule of "additional personal injury protection" coverage benefits that insurers must make available in accordance with N.J.S.A. 39:6A-10.

(b) The additional coverage shall be offered by the insurer at least annually on a form attached to or accompanying all applications, initial policies or notices (see N.J.S.A. 39:6A-10, as amended by L.1981 c.533).

(c) Each insured shall be provided with a form on which he may conveniently indicate any change in benefits desired.

11:3-7.7 Filings

[(a) Filings to comply with the New Jersey Automobile Insurance Reparation Reform Act shall be submitted on or before November 15, 1972, as follows:

1. Bodily Injury Increased Limits Table: The present table in use by the rate filer shall be adjusted to a starting point of 15/30 by the usual actuarial method. If any table values are adjusted to obtain proper graduation, an appropriate explanation shall be included in the filing.

2. Bodily injury rates:

i. The present 10/20 bodily injury rates shall be reduced by 15 percent to produce the rate reduction mandated by the Act, and the result shall be adjusted to a 15/30 basis to comply with the newly-required financial responsibility limits by application of the present 15/30 increased limits factor.

ii. It is required in Section 6 above that a residual medical payment coverage be included with the bodily injury coverage. This residual coverage will be applicable in the rare situations where an insured under the policy providing the P.I.P. coverage would not be able to obtain reimbursement for medical expenses, such as in the situation where he is injured while riding in a truck. It is noted that this coverage will be on an excess basis over other collectible insurance and the insurer will have the right of subrogation.

iii. It is estimated that this exposure will be approximately five percent of the exposure presented under the present medical payments coverage. The present average medical payment rate in the State of New Jersey amounts to approximately \$8.00. Five percent of that amount would be \$0.40, which would be the appropriate charge for this reduced coverage.

iv. A charge for this medical payments coverage may be included in the bodily injury rate as follows: For companies that round their manual rate to the nearest dollar, the rate under subparagraph i above may be rounded to the next higher dollar. Companies that round rates to other than whole dollar amounts shall modify this procedure appropriately and so explain in their rate filing.

v. Each rate filer shall review all other rates in the manual related by formula to the private passenger bodily injury rate, and shall revise these rates for classifications affected by the P.I.P. provisions of the Act, and use for such adjustment the private passenger bodily injury rates developed in accordance with the above procedure.

vi. It is also required that rates in the garage section of the manual for Hazard 1 be modified to reflect the 15 percent reduction in the private passenger exposure. It is estimated that 70 percent of the Hazard 1 garage bodily injury rate reflects the private passenger exposure, the remainder is attributed to the premises exposure which is not affected by the Act. In order to reflect the 15 percent reduction in the bodily injury premium charge, the garage Hazard 1 bodily injury rate shall be reduced by 10.5 percent. The minimum premium shall be adjusted by the same method that was used in the last rate filing approved for the rate filer in New Jersey.

vii. Bodily injury rates for classifications other than those referred to above shall be adjusted to a 15/30 basis by applying to the present rate the present factor for 15/30 coverage.

3. Additional personal injury protection: Every rate filer shall submit a proposed schedule of rates to provide at least the benefit schedules set forth on Exhibit A.

4. Rules and policy forms: Rating organizations and independent filers shall file the appropriate policy forms or endorsements as well as the necessary manual rules for the implementation of this program.

APPENDIX A
ADDITIONAL PERSONAL INJURY PROTECTION
Maximum Additional Weekly
Loss of Income Benefit

| During Period of Basic Benefits Pay- ments (a) | After Period of Basic Benefits Pay- ments (b) | Total Maximum Income Ben- efits | |
|---|--|--|--|
| \$ 0 | \$100 | \$ 5,200 | |
| 25 | 125 | 7,800 | |
| 75 | 175 | 13,000 | |
| 150 | 250 | 20,800 | |
| 300 | 400 | 36,400 | |
| | | | Maximum Additional Essential Services |
| During Basic Pay- ments | After Basic Pay- ments | Total Max. E. Serv. | Death Bene- fits |
| \$0 | \$12 | \$ 4,380 | \$10,000 |
| 8 | 20 | 10,220 | 10,000 |

| | | | |
|---|----|--------|--------|
| 8 | 20 | 10,220 | 10,000 |
| 8 | 20 | 10,220 | 10,000 |
| 8 | 20 | 10,220 | 10,000 |

NOTES TO TABLE

(a) Subject to 75 percent of the amount of weekly income in excess of \$100.00 per week. (b) Subject to 75 percent of the total weekly income. (c) Death benefit shall be payable provided death occurs within 90 days from date of accident.

GENERAL: Above schedules applicable to named insured as defined; limits apply per person, per accident. Broader forms of additional personal injury protection benefits are available on a "refer to company" basis. Nothing herein is intended to prohibit the marketing of additional coverage on a per car basis.]

(a) **Additional personal injury protection coverage: Every rate filer shall submit a proposed schedule of rates to provide at least the benefit schedules set forth in Table 1 in (b) below.**

(b) **The additional personal injury protection coverage table follows:**

Table 1

| Option | Income | | Essential Services | | Death |
|--------|--------|----------|--------------------|----------|----------|
| | Weekly | Total | Per Day | Total | |
| 1 | \$100 | \$10,400 | \$12 | \$ 8,760 | \$10,000 |
| 2 | 125 | 13,000 | 20 | 14,600 | 10,000 |
| 3 | 175 | 18,200 | 20 | 14,600 | 10,000 |
| 4 | 250 | 26,000 | 20 | 14,600 | 10,000 |
| 5 | 400 | 41,600 | 20 | 14,600 | 10,000 |
| 6 | 500 | 52,000 | 20 | 14,600 | 10,000 |
| 7 | 600 | 62,400 | 20 | 14,600 | 10,000 |
| 8 | 700 | 72,800 | 20 | 14,600 | 10,000 |

(c) The following rules apply to Table 1 in (b) above.

1. The benefit indicated in each option for Income Benefits and Essential Services Benefits is the aggregate of the Basic and Additional Personal Injury Protection Benefits.

2. The additional personal injury protection income benefits are limited to 75 percent of the insured's weekly income.

3. Limits apply per person, per accident.

4. Death Benefits shall be payable provided death occurs within 90 days from the date of the accident.

(d) Broader forms of additional personal injury protection benefits may be made available on a "refer to Company" basis.

(e) Nothing in this section is intended to prohibit the marketing of Additional Coverage on a per car basis.

LAW AND PUBLIC SAFETY

(a)

BOARD OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

General Administrative Regulations Licensure Requirements

Proposed Amendments: N.J.A.C. 13:33-1.1, 1.2, 1.3, 1.4, 1.7, 1.11, 1.12, 1.13, 1.19, 1.25, 1.39 and 1.42

Proposed Repeal: N.J.A.C. 13:33-1.5, 1.6, 1.9, 1.10, 1.15, 1.16, 1.17, 1.18 and 1.34

Authorized By: State Board of Ophthalmic Dispensers and Ophthalmic Technicians, Robert C. Troast, President.

Authority: N.J.S.A. 52:17B-41.13 and 45:1-3.1 and 3.2.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert C. Troast, President
Board of Ophthalmic Technicians
1100 Raymond Boulevard, Room 503
Newark, New Jersey 07102

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

This proposal is known as PRN 1982-208.

The agency proposal follows:

Summary

N.J.A.C. 13:33-1.1 and 1.2 would be amended to bring the effective period of apprentices' certificates into conformance with N.J.S.A. 52:17B-41.9.

N.J.A.C. 13:33-1.3 and 1.4, as amended, clarifies the permissible functions of apprentices.

N.J.A.C. 13:33-1.5 and 1.6 would be deleted as their provisions are now subsumed by N.J.A.C. 13:33-1.13.

N.J.A.C. 13:33-1.7 would be amended to extend the effective period of branch office certificates and to remove specific fee designation.

N.J.A.C. 13:33-1.8 and 1.9 would be deleted since they are no longer applicable.

N.J.A.C. 13:33-1.11 would be amended to bring standards of issuance of Temporary Ophthalmic Dispenser Permit into line with N.J.S.A. 52:17B-41.9 regarding qualifications for licensure.

N.J.A.C. 13:33-1.12 would be amended to bring standards of issuance of Temporary Ophthalmic Technician Permit into line with N.J.S.A. 52:17B-41.9 regarding qualifications for licensure.

N.J.A.C. 13:33-1.13 would be amended to clarify the requirements to sit for examinations and to fully inform potential licensees of their responsibilities with respect thereto.

N.J.A.C. 13:33-1.15 and 1.16 would be deleted as their provisions are subsumed in N.J.A.C. 13:33-1.13.

N.J.A.C. 13:33-1.17, 1.18 and 1.34 would be deleted since they merely repeat a statute and are, therefore, not necessary.

N.J.A.C. 13:33-1.19, 1.20 and 1.21 would be amended to bring provisions into line with administrative practices.

N.J.A.C. 13:33-1.25 would be amended to better inform licensees of when requirement to notify of change of address comes into effect.

N.J.A.C. 13:33-1.28 would be amended to remove reference to a limited technician apprentice since no such category exists.

N.J.A.C. 13:33-1.42 would be amended to impose the additional requirement that license number appear on name tags.

Social Impact

The proposed revisions of N.J.A.C. 13:33-1.3, 1.4, 1.11, 1.12, and 1.13 will provide to licensees and potential licensees a better understanding of their functions and responsibilities. As to the remainder of the amendments and the deletions, the proposals will bring the regulatory scheme into conformance with current administrative procedures.

Economic Impact

The statute from which the regulation flow provides for increased educational requirements for licensure, thereby increasing the financial cost to those who wish to become licensed ophthalmic dispensers or ophthalmic technicians.

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

13:33-1.1 Ophthalmic dispenser apprentice certificate

An ophthalmic dispenser apprentice certificate shall expire [four] **three** years after date of issue.

13:33-1.2 Ophthalmic technician apprentice certificate

An ophthalmic technician apprentice certificate shall expire [two] **one** year [s] after date of issue.

13:33-1.3 Supervision of apprentice ophthalmic dispensers

Apprentice ophthalmic dispensers shall prepare and/or dispense ophthalmic **appliances, eyeglasses or ophthalmic lenses as set forth in N.J.S.A. 52:17B-41.5**, only under the immediate supervision of a licensed ophthalmic dispenser.

13:33-1.4 Supervision of apprentice ophthalmic technicians

Apprentice ophthalmic technicians may prepare and process ophthalmic lenses **and kindred products and mount same to supporting materials as set forth in N.J.S.A. 52:17B-41.5**, only under the immediate supervision of a licensed ophthalmic dispenser, or a licensed ophthalmic technician.

13:33-1.5 [Renewal of apprentice certificates] (Reserved)

(a) An apprentice certificate for an ophthalmic dispenser or an ophthalmic technician will not be renewed except for the following reasons:

1. An apprentice for reasons beyond his control is unable to work the full time designated on the apprentice certificate.
2. If the apprentice is unsuccessful in passing the examination, the certificate can be renewed for sufficient time to permit the apprentice to take the next scheduled examination.]

13:33-1.6 [Apprenticeship credit] (Reserved)

[Two years apprenticeship credit will be given the licensed ophthalmic technician toward the four-year apprenticeship requirements of an ophthalmic dispenser.]

13:33-1.7 Branch office certificate

- (a) A branch office or other place of employment certificate will be issued for a period of [one] **two** years.
- (b) A fee [of \$5.00] will be charged for this certificate[.] as indicated in **N.J.A.C. 13:33-1.41**.

13:33-1.9 [Ophthalmic dispenser exempt licenses] (Reserved)

[To qualify for an exempt license as an ophthalmic dispenser, a person must be principally engaged as an ophthalmic dispenser, in the State of New Jersey for two years, immediately preceding September 18, 1952, the effective date of the law.]

13:33-1.10 [Ophthalmic technician exempt licenses] (Reserved)

[To qualify for an exempt license as an ophthalmic technician, a person must be principally engaged as an ophthalmic technician in the State of New Jersey, for two years, immediately preceding September 18, 1952, the effective date of the law.]

13:33-1.11 [Temporary ophthalmic dispenser permit] **Out-of-State Applicants: Ophthalmic Dispensers****(a) Temporary Ophthalmic Dispenser Permit:**

1. [Effective March 1, 1980 a] A temporary **Ophthalmic Dispenser Permit** shall be issued only to an individual from out of the State of New Jersey who is licensed as an ophthalmic dispenser in another State, has an associate degree in ophthalmic science from a Board-approved school or 18 credits Board-approved course work in ophthalmic science, and has worked in the optical field for a minimum of three years following the award of his/her license, the last year of ophthalmic dispensing having been acquired within five years of the date of application for such Permit.

2. **The holder of a Temporary Ophthalmic Dispenser Permit may work in the optical field in New Jersey without supervision but may not supervise any apprentices; must take the first Ophthalmic Dispenser examination following the issuance of**

the Permit; and may have such Permit renewed once only, should the failing examination grade fall within the administrative guidelines adopted by the Board. If the holder of a Temporary Ophthalmic Dispenser Permit fails the Ophthalmic Dispenser examination, and the failing examination grades do not meet the standards set by the Board for renewal of this Permit, this individual must cease work in the optical field in the State of New Jersey but may continue to apply for the examination, subject to the provision that the last year of work in the optical field has been acquired within the five years last preceding the date of such application.

(b) Qualifications for examinations and licensure:

1. Any individual with out-of-State optical qualifications may apply for examination and licensure as an Ophthalmic Dispenser, without having worked in the State of New Jersey, subject to the provisions that:
 - i. The last year of work in the optical field has been acquired within five years of the date of application for examination;
 - ii. The applicant holds an associate degree in ophthalmic science and has worked in the optical field at least four months following the award of the degree; or
 - iii. The applicant has worked in the optical field for at least three calendar years and has satisfactorily completed 18 credit hours of Board-approved courses in ophthalmic science.

13:33-1.12 [Temporary ophthalmic technician permit] **Out-of-State Applicants: Ophthalmic Technicians****(a) Temporary Ophthalmic Technician Permit:**

1. A Temporary **Ophthalmic Technician Permit** shall be issued only to any individual from out of the State of New Jersey who can prove at least one year of optical laboratory experience acquired within five years of the date of application for such Permit.

2. **The holder of a Temporary Ophthalmic Technician Permit may work in the optical field in New Jersey without supervision of a New Jersey licensee but may not supervise any apprentices; must take the first Ophthalmic Technician examination following the issuance of the Permit; and may have such Permit renewed once only should the failing examination grade fall within the administrative guidelines adopted by the Board. If the holder of a Temporary Technician Permit fails the Ophthalmic Technician examination and the failing examination grades do not meet the standards set by the Board for renewal of this Permit, this individual must cease work in the optical field in the State of New Jersey but may continue to apply for the examination, subject to the provision that the last year of experience in the optical field has been acquired within the five years last preceding the date of such application.**

(b) Qualifications for examinations and licensure: Any individual with out-of-State optical qualifications as set forth in N.J.S.A. 52:17B-41.9(b) may apply for examination and licensure as an Ophthalmic Technician, without having worked in the State of New Jersey, subject to the provision that the last year of experience in the optical field has been acquired within five years of the date of application for examination.

13:33-1.13 Examinations

[(a) An apprentice dispenser who has served as a registered apprentice of not less than four calendar years' full-time employment is required to apply for the first examination after the completion of his four calendar years' full-time employment, but may be granted an extension of application to the next succeeding examination for good cause such as illness or extreme emergency. If candidate is unsuccessful in passing three consecutive examinations, he must return his permit. However, such individual may not be denied the right to continue to take any examination for licensure for which he qualifies.

(b) An apprentice technician who has served as a registered

apprentice of not less than two calendar years' full time employment is required to apply for the first examination after the completion of his two calendar years' full-time employment, but may be granted an extension of application to the next succeeding examination for good cause such as illness or extreme emergency. If candidate is unsuccessful in passing three consecutive examinations, he must return his permit. However, such individual may not be denied the right to continue to take any examination for licensure for which he qualifies.

(c) An unsuccessful candidate may apply to the board for a review of his or her examination work and grades. Such application must be submitted to the board secretary in writing within one month following notification of examination results. The secretary shall subsequently arrange a date for the candidate to review the deficiencies in his or her examination work in the board office in conference with an examiner.]

(a) Qualifying Technical:

1. An Apprentice Dispenser must complete not less than six credit hours of Board-Approved course work in ophthalmic science within the first 12 months of the registered apprenticeship. The Apprentice Dispenser is required to apply for the first Qualifying Technical examination subsequent to the completion of the first 12 months. In the event of illness, extreme emergency, or other good cause, an extension of application to the next succeeding examination may be granted by the Board.

2. If the candidate is unsuccessful in passing three consecutive examinations, he/she must return his/her permit. In the event that the candidate meets the requirements to sit for examination and neither applies for, appears at, or is excused from said examination, an automatic failure will be imposed.

3. The Qualifying Technical examination shall consist of a written test and practical tests in neutralization and fabrication and shall be offered twice annually.

(b) Dispenser:

1. An Apprentice Dispenser must complete not less than 18 credit hours of Board-Approved course work in ophthalmic science within the required 36 months of registered apprenticeship. The Apprentice Dispenser is required to apply for the first examination subsequent to the completion of said 36 months.

2. In the event of illness, extreme emergency, or other good cause, an extension of application to the next succeeding examination may be granted by the Board.

3. If the candidate is unsuccessful in passing three consecutive examinations, he/she must return his/her permit. However, no individual may be denied the right to continue to take any examination for licensure for which he/she qualifies, provided that the last year of experience in the optical field has been acquired within the past five years. In the event that the candidate meets the requirements to sit for examination and neither applies for, appears at, or is excused from said examination, an automatic failure will be imposed.

(c) Technician:

1. An Apprentice Technician who has served as a registered Apprentice of not less than one calendar year of full time employment is required to apply for the first examination after the completion of his/her one calendar year of full-time employment.

2. In the event of illness, extreme emergency, or other good cause, an extension of application to the next succeeding examination may be granted by the Board.

3. If candidate is unsuccessful in passing three consecutive examinations, he/she must return his/her permit. However, no individual may be denied the right to continue to take any examination for licensure for which he/she qualifies, provided that the last year of experience in the optical field has been acquired within the past five years. In the event that the candidate meets the requirements to sit for examination and

neither applies for, appears at, or is excused from said examinations, an automatic failure will be imposed.

(d) An unsuccessful candidate may apply to the Board for a review of his/her examination work or grades except in such instance as the written Dispenser or Technician examination is failed. Such application must be submitted to the Executive Secretary of the Board in writing within one month following notification of examination results. The Executive Secretary shall subsequently arrange a date for the candidate to review the deficiencies in his/her examination work in the Board office in conference with an examiner.

13:33-1.15 [Ophthalmic dispenser examination and certification] **(Reserved)**

[A person may qualify for examination and certification as an ophthalmic dispenser without having worked in the State of New Jersey, provided said person can furnish proof, satisfactory to the Board, that the person:

1. Has been principally engaged in ophthalmic dispensing for not less than three years, of which the last year at least shall have been acquired within the five years last preceding the date of such application and has satisfactorily completed 18 credit hours of Board-approved courses in ophthalmic science; or

2. Holds a Board-approved associate degree in ophthalmic science and has worked in the optical field at least four months following the award of the degree within five years preceding the date of such application.

(b) When ophthalmic dispensing experience has been acquired in a state that requires registered apprenticeship, the Board will accept only that experience which can be proven to have been served under a properly-registered apprenticeship.]

13:33-1.16 [Ophthalmic technician examination and certification] **(Reserved)**

[A person may qualify for examination and certification as an ophthalmic technician, without having worked in the State of New Jersey, provided said person can furnish proof, satisfactory to the Board, that the person has been principally engaged as an Ophthalmic Technician for one year within the five years preceding the date of such application.]

13:33-1.17 [Ophthalmic dispenser defined] **(Reserved)**

[Any person who has received a certificate of registration as a qualified ophthalmic dispenser shall be permitted to practice as an ophthalmic dispenser as defined in N.J.S.A. 52:17B-41.12.]

13:33-1.18 [Ophthalmic technician defined] **(Reserved)**

[Any person who has received a certificate of registration as a qualified ophthalmic technician shall be permitted to practice as an ophthalmic technician as defined in N.J.S.A. 52:17B-41.12.]

13:33-1.19 Renewal of registration certificates

All ophthalmic dispenser, ophthalmic technician and branch office registration certificates shall be renewed **biennially** on or before December 31, [of each year] subject to the provisions of N.J.S.A. 52:17B-41.12.

13:33-1.25 Temporary employment address

(a) Any person who has received a certificate of registration to practice as an ophthalmic dispenser or ophthalmic technician shall be permitted to use his certificate to practice on a temporary basis, at some other address, for [a] any period of time up to 12 days, provided that the Board has been notified before date of change.

(b) (No change.)

13:33-1.34 [Prohibited practices] **(Reserved)**

[(a) A person registered under the provisions of this Act is specifically prohibited from engaging in the practice of ocular refraction, orthoptics, visual training, or fitting contact lenses, or

the prescribing of subnormal vision aids or telescopic spectacles, in his own behalf or as an employee or student of another, whether under the personal supervision of his employer or preceptor or not.

(b) No person not licensed to practice medicine or optometry in this State shall directly or indirectly, for himself or others, do or engage in any act or practice specifically prohibited to duly registered ophthalmic dispensers and ophthalmic technicians by the provisions of this Act.]

13:33-1.39 Permits: registration

(a) Any employer, before he permits a new employee to start work as a temporary ophthalmic dispenser, temporary ophthalmic technician, ophthalmic dispenser apprentice, or ophthalmic technician apprentice [or limited technician apprentice] is responsible for registering said employee under the applicable permit.

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

13:33-1.42 Identification tags

It shall be the responsibility of each licensed ophthalmic dispenser and each permit holder to wear an identification tag, which shall be clearly visible to the patient at all times. Such tag shall bear the first name or initial, [and] the full second name, **the registration number**, and the letters shall be in type not smaller than 1/4 inch.

(a)

BOARD OF MEDICAL EXAMINERS

Standards for Out-of-State Medical School Clinical Training

Proposed New Rules: N.J.A.C. 13:35-11

Authorized By: Board of Medical Examiners, Edwin H. Albano, M.D., President.

Authority: N.J.S.A. 45:9-2 and 18A:68-12.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Edwin H. Albano, M.D.
President, Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08608

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

This proposal is known as PRN 1982-211.

The agency proposal follows:

Summary

The proposed rules require that any medical school not accredited by an organization recognized by the New Jersey State Board of Medical Examiners, and desiring to conduct clinical training programs within the State shall secure the prior approval of the State Board of Medical Examiners. The rule establishes a procedure for making application to the Board, for demonstrating satisfaction of minimum requirements of academic resources, personnel and eligibility of students, for fair review of each proposal, and for public access to program evaluations. This proposal supersedes the one published in the July 9, 1981, register at 13 N.J.R. 443(b).

Social Impact

An essential portion of medical education is clinical training generally provided in hospitals during the final portion of the students' studies. The excellence of such training in American hospitals makes student placement therein highly competitive. Such places are sought after not only by students at American schools but also by students attending out-of-country medical schools. According to the Congressional General Accounting Office, some 10 to 11,000 Americans are presently studying medicine abroad. See: "Policies on U.S. Citizens Studying Medicine Abroad Need Review and Reappraisal," Report to the Congress, G.A.O., November 21, 1980. New Jersey residents are believed to comprise a substantial number of these students who, upon graduation, are desirous of returning to this State for licensure and establishment of practice. While most persons can become licensed in this State via endorsement of other types of examinations, many persons take the licensure exam given here. Indeed, out of 350 applicants for the New Jersey licensure examination in 1980, 94 percent were graduates of foreign medical schools. However, it appears that many, if not all, of the foreign medical schools most populated by American students lack adequate clinical facilities. The students therefore tend to leave the school campus after completion of the didactic course work and to seek out New Jersey hospitals for their clinical training, fully expecting that their distant schools will recognize the New Jersey activities and grant academic credit for it toward the diploma degree. The G.A.O. report and other information available to the Board suggests that the reliability of a medical degree founded upon what may have been unsupervised work in New Jersey is open to question, and may not satisfy the statutory requirement of four full years of medical course work. By establishing a rule regulating such clinical programs, the Board is facilitating all of the following: satisfying its mandate to regulate medical schools operating in the State; providing worthy students access to qualified New Jersey hospitals for superior training; promoting thorough medical education in those school years for which the student will be receiving academic credit; encouraging highly-trained graduates to remain in or settle in this State for subsequent service to our residents.

Economic Impact

The rule is formulated to be self-supporting, with costs of implementation being borne directly by the schools availing themselves of its benefits. The factors noted in the social impact statement have economic import as well. A recent survey of New Jersey hospitals by the Board demonstrates that at least 17 have a strong interest in accepting students for training programs and would do so as soon as legal and appropriate mechanisms were approved. As the proposed programs would be self-supporting, more hospitals could undertake to become "teaching hospitals", which is generally regarded as a strong indicator of high quality care for patients. Medical students, including those with New Jersey roots, will be enabled to return here and to make their high skills available to our population. They may also be protected against possible abuses regarding large monetary demands made on American students by certain foreign schools for the privilege of returning "home" for part of their training, even though the school was providing few or no services to the students during such time away from campus. Based on the survey and on the number of inquiries made to the Board by individual foreign schools as well as students, several hundred medical students would be expected to come to New Jersey for their clinical training, at no cost to the taxpayers and bringing with them the tangible and intangible benefits of a professionally educated population.

Full text of the proposal follows.

SUBCHAPTER 11. STANDARDS FOR NEW JERSEY CLINICAL TRAINING PROGRAMS SPONSORED BY MEDICAL SCHOOLS NOT APPROVED BY THE L.C.M.E., THE A.O.A. OR OTHER AGENCY RECOGNIZED BY THE NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS.

13:35-11.1 Definitions and principles of responsibility

(a) For the purpose of this subchapter, the term medical school or parent medical school shall mean a medical school approved by its country of domicile and listed in a current World Health Organization Directory, but which medical school is not currently approved by the Liaison Committee on Medical Education, the American Osteopathic Association or other group or agency recognized by the New Jersey State Board of Medical Examiners.

1. The term affiliate institution shall mean a licensed hospital in the State of New Jersey approved by the Accreditation Council on Graduate Medical Education, the American Osteopathic Association, or any other equivalent group or agency recognized by the New Jersey State Board of Medical Examiners, for the purpose of conducting therein one or more postgraduate training programs in specific medical specialties.

(b) A medical school offering or conducting a clinical training program in the State of New Jersey shall secure the prior approval of such program by the New Jersey State Board of Medical Examiners. Following receipt of approval for a specific program, the medical school (referred to hereinafter sometimes as the parent medical school) shall be responsible for the education, clinical training program and faculty performance at the affiliate institution in the State of New Jersey. The affiliate institution must have a current accredited postgraduate training program in the subject matter of the clinical training proposed for the program.

(c) The clinical programs as well as adequate supervision of the students assigned to such programs shall be planned and evaluated by the parent medical school and administered in close cooperation with representatives of the affiliate institution. Supervision shall include periodic on-site inspection by a member of the parent medical school's central administration.

13:35-11.2 Administration of the clinical training program

(a) A qualified director of the clinical medical education program at and acceptable to the affiliate hospital shall be appointed by and be responsible to the administrative head of the parent medical school. The position of program director shall be half-time or more, proportionate to the number of students approved by the Board and sufficient to assure comprehensive planning and supervision of the program.

(b) The clinical program of the affiliate institution with respect to instruction and faculty assignments shall be coordinated with the overall educational program of the parent medical school.

(c) The parent medical school shall file with the New Jersey State Board of Medical Examiners a certified copy of the written agreement between the parent and affiliate institution(s) establishing responsibility for the planning, financing, conduct and monitoring of the clinical program at the affiliate(s).

(d) Financial provision shall be made by the parent medical school to assure completion of each semester program at the affiliate hospital.

13:35-11.3 Faculty

(a) The director of the clinical program shall appoint, subject to the approval of the Board, clinical faculty at the affiliate institution who possess academic credentials and experience sufficient to assure competent performance of the instructional assignment.

(b) The program director shall be responsible for filing with the Board a syllabus for each course of instruction.

13:35-11.4 Educational/program

(a) Student eligibility:

1. The parent medical school shall establish academic eligibility criteria for student participation in the clinical training program. The criteria shall include minimum academic performance as demonstrated by maintenance of no less than a passing grade for all academic course work preceding entry into the clinical program, as shown on a certified copy of the transcript submitted directly by the medical school to the director of the clinical program at the affiliate institution.

2. In addition, the student shall provide to the said director proof of having received all prior clinical training, if any, in a licensed teaching hospital which has been previously approved by the A.C.G.M.E., the A.O.A. or any other equivalent organization recognized by the New Jersey State Board of Medical Examiners for the purpose of conducting therein one or more postgraduate training programs in specific medical specialties. If the hospital in which the prior clinical training took place is outside of the geographical jurisdiction of the abovesaid accrediting organizations, the student shall provide to the director proof of having received said training in a hospital approved for the purpose by the student's medical school; the record of training shall include proof of program supervision by the medical school.

3. Preparedness of each student applying for the clinical training program shall in addition be demonstrated by achievement of any one of the following:

i. A passing grade on Part I of the National Board of Medical Examiners Examination; or

ii. A grade on the Medical Science Knowledge Profile Examination (MSKP) which grade shall be determined by the New Jersey State Board of Medical Examiners as the equivalent of the aforesaid Part I National Board grade, or

iii. A passing grade on a similar examination acceptable to the New Jersey State Board of Medical Examiners.

4. Students who have satisfied (a)1, 2 and 3 above and who are permanent residents of the State of New Jersey shall be given preference in placement in New Jersey affiliate institutions, insofar as is practicable.

(b) Education:

1. The clinical training program shall be limited to students entering a level of education equivalent to the final two semesters or the equivalent of the final year of clinical experience in a United States medical school curriculum.

2. Clinical training programs may be established for a specified period of time, subject to approval of the Board, in any of the following subjects: medicine, surgery, obstetrics and gynecology, pediatrics, radiology, laboratory (pathology), psy-chiatry and neurology.

3. The student-faculty ratio of the program at each affiliate institution shall bear a reasonable relationship to the availability of service of the program director, the budget proposed, faculty, and facilities available, all subject to final approval of the Board.

4. Satisfactory completion of the clinical training program by each enrolled student shall be demonstrated by a certificate issued to each student by the director of the program noting the dates, type and length of each service and the date issued.

13:35-11.5 Facilities

(a) For the purpose of clinical training, the parent medical school shall propose an affiliate institution which must be a licensed hospital approved by the Accreditation Council on Graduate Medical Education, the American Osteopathic Association or other group acceptable to the Board for postgraduate training in subject area(s) of the proposed clinical training program, or which institution is part of such a program through affiliation(s) approved by the above bodies. The affiliate shall provide to the Board a certified copy of the approval(s).

(b) No hospital accredited for postgraduate training programs shall be under any obligation by virtue of these regulations to accept

medical students in clinical programs, and any medical school or hospital accredited for postgraduate training programs may impose standards for admission to the clinical programs which exceed the standard set forth in this regulation.

13:35-11.6 Request for approval

(a) At least six months prior to the anticipated start of the clinical program, two copies of a detailed outline of the entire proposed program shall be submitted to the Board on a form provided by the Board. The application shall include the certified copies of hospital approvals described in N.J.A.C. 13:35-11.5(a) and shall be signed by the administrative heads of both the parent medical school and the affiliate institution.

(b) The original application for Board approval as well as any request for renewal thereof shall be accompanied by an agreement signed by a school representative duly authorized to do so, consenting to financial responsibility for all reasonable costs incurred by the Board in performing the administrative review and monitoring of the program.

1. The application shall include a certified check for \$10,000 drawn on a United States bank payable to the New Jersey State Board of Medical Examiners, which sum shall serve as a deposit for costs incurred by the Board for review of the program and also for subsequent inspections to assure compliance during such period as the Board has authorized the program to function. If the school's application is denied, the Board shall deliver a statement of account and shall arrange to refund to the school in United States dollars any sum received in excess of the amount due. If the application is approved, the Board shall deliver a statement of account to the school from time to time, and shall arrange to refund to the school at the conclusion of Board monitoring of the program any sum received in excess of the amount due, in United States dollars. Should the statement of account at any time show a balance due and payable, the school shall promptly remit the payment due in United States dollars.

(c) At the sole discretion of the Board, an on-site inspection may be required at the affiliate institution during the review period. The parent medical school shall agree in advance to be responsible for all reasonable out-of-pocket expenses incurred by the Board and a three-person inspection team appointed by the Board.

(d) Following review of the program and on-site inspection visit, if any, the reviewing group shall submit a report to the Board, a copy of which shall be provided to the parent medical school and the proposed affiliate institution. The report may evaluate program strengths and weaknesses, if any, suggestions for improvement, if any, and shall make recommendations respecting approval.

(e) The parent medical school and/or affiliate shall have 30 days to comment in writing on the report, if desired.

(f) Following review of the report and written comments, if any, the Board shall attempt to issue notice of its decision no later than three months before the anticipated start of the program.

(g) Decision may provide for any of the following:

1. Approval for a period of two years;
2. Probationary approval for a specified period, with status-reporting requirements;
3. Denial of approval, with reasons;
4. Revocation of prior approval, with reasons;
5. Reapproval of prior approved program following review of status report updating all the elements of prior application.

(h) Subsequent to notice of program approval and prior to the start of any clinical program in this State, the medical school shall provide to the Board a list identifying each student participating in the clinical program, the affiliate institution(s) to which such person is assigned, and dates for such program participation. The school shall bring such records up to date as necessary.

13:35-11.7 Public record

A list of currently approved schools and affiliates together with the final Board determination on the status of their programs shall

be maintained at the office of the New Jersey State Board of Medical Examiners and shall be available on request.

13:35-11.8 Termination of program approval

(a) A program approved by the Board shall be deemed to have continuing approval for the time set forth in the Board decision unless and until:

1. A notice of revocation is sent by the Board to the parent medical school which may then request hearing on the matter; or

2. Any substantial change is made by either the parent medical school or affiliate institution in the program respecting general subject matter of the program, length of course components or topics, credentials or number of faculty assigned to the instruction, number of students per program, financial security of the program, program facilities at the affiliate institution or management thereof; or

3. A notice of termination is sent to the Board by either the parent medical school or the affiliate institution.

13:35-11.9 Violations

Violation of the above requirements for establishing a clinical education program in this State, or maintaining or participating in an unapproved program whether as student or faculty, may be regarded as engaging in the unlicensed practice of medicine or aiding and assisting in the unlicensed practice, pursuant to the residual or other general powers of the Medical Practice Act, N.J.S.A. 45:9-1 et seq. and also, in particular, N.J.S.A. 18A:68-12 et seq., N.J.S.A. 45:9-6, 45:9-8, 45:9-18, 45:9-22, and 45:1-21(e) and 45:1-23. Violators shall be subject to the monetary penalties and/or other disciplinary sanctions authorized by law.

13:35-11.10 Severability

If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

(a)

BUREAU OF SECURITIES

Brokers-Dealers; Agents Fingerprinting of Officers, Directors, Partners and Agents of Broker-Dealers

Proposed Amendments: N.J.A.C. 13:47A-1.1, 1.8 and 3.1

Authorized By: James McLelland, Chief, Bureau of Securities.

Authority: N.J.S.A. 49:3-67(a).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

James McLelland Smith
Chief, Bureau of Securities
80 Mulberry Street, Room 308
Newark, New Jersey 07102

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

This proposal is known as PRN 1982-209.

The agency proposal follows:

Summary

This proposal will accomplish the following: Individuals who are officers, directors, partners or agents who are employed by members of a self-regulatory organization as that term is defined in 15 U.S.C.A. 78c(a)(26) will not be required to duplicate the fingerprint requirements of such organization; however, individuals who are not so employed will still be required to submit fingerprint cards to the Bureau of Securities.

Social Impact

Applicants will experience less regulation which will ease somewhat the burden of registration borne by the securities industry. The public will be benefited to the extent that less time and energy will be expended by the Bureau of Securities in processing and filing fingerprint cards.

Economic Impact

The cost of obtaining fingerprints borne by applicants would be reduced and the State Police and Federal Bureau of Investigation would save printing and processing costs. The Bureau of Securities would, to some degree, save the cost of processing, filing and storing fingerprint cards.

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

13:47A-1.1 Application for registration

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

(e) Subsections (c) and (d) [of this section] **above** shall not apply to an applicant who is a member of [the New York Stock Exchange or American Stock Exchange] a **“self-regulatory organization” as that term is defined in Section 26 of the Securities Exchange Act of 1934 as amended (15 U.S.C.A. 78c(a) (26)).**

13:47A-1.8 Change of status; submission of form

(a)-(j) (No change.)

(k) Subsection (i) [of this section] **above** shall not apply to a registered broker-dealer who is a member of [the New York Stock Exchange] a **“self-regulatory organization” as that term is defined in Section 26 of the Securities Exchange Act of 1934 as amended (15 U.S.C.A. 78c(a)(26)).**

13:47A-3.1 Application for registration

(a) (No change.)

(b) Such application shall be accompanied by:

1.-2. (No change.)

3. Paragraph (b)2 above shall not apply to an applicant who is employed as an agent of a member of a self-regulatory organization as that term is defined in Section 26 of the Securities Exchange Act of 1934 as amended (15 U.S.C.A. 78c(a)(26)) and who has submitted fingerprints as part of an application reviewed by and passed upon by such self-regulatory organization.

(c) (No change.)

(a)

BUREAU OF SECURITIES

Renewal

**Application for Renewal of Broker-Dealer
Registration-Fingerprint Requirement**

Proposed Amendment: N.J.A.C. 13:47A-5.2

Authorized By: James McLelland Smith, Chief, Bureau of Securities.

Authority: N.J.S.A. 49:3-67(a).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

James McLelland Smith
Chief, Bureau of Securities
80 Mulberry Street, Room 308
Newark, New Jersey 07102

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

This proposal is known as PRN 1982-210.

The agency proposal follows:

Summary

N.J.A.C. 13:47A-5.2(d) requires all broker-dealers who had been registered with the Bureau of Securities at a time when fingerprints were not required, to file such fingerprints prior to renewal of registration. Since many registration periods have elapsed since that time, all broker-dealers have complied and there is no longer any need for subsection (d). N.J.A.C. 13:47A-5.2(e) provides an exception from subsection (d) and is therefore itself superfluous. The situation contemplated by subsection (d) will not occur in the foreseeable future.

Social Impact

Elimination of subsections (d) and (e), which are of no practical effect at this time, will eliminate a vestigial rule.

Economic Impact

Persons attempting to fathom the meaning of subsections (d) and (e) will be saved the effort and cost and all persons printing or copying it will be saved that cost.

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

13:47A-5.2 Application for renewal

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

[(d) Any registered broker-dealer who prior to his application for renewal has not complied with the requirements of N.J.A.C. 13:47A-1.2(c) and (d) or N.J.A.C. 13:47A-1.8(h) shall submit in connection with the aforesaid Form R-1, two applicant (noncriminal) fingerprint cards (one State Police card and one Federal Bureau of Investigation card) with impressions taken by a recognized law enforcement agency for the individual broker-dealer, or, if the registered broker-dealer is a corporation or partnership, for each officer, director, controlling person or partner. A check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of \$5.00 must also accompany each applicant fingerprint card.

(e) Subsection (d) of this section shall not apply to a registered broker-dealer who is a member of the New York Stock Exchange or American Stock Exchange.]

(a)

BUREAU OF SECURITIES**Intrastate Offerings
Exemption Restriction for Private Offering to
Sophisticated Investors****Proposed Repeal: N.J.A.C. 13:47A-9.13**

Authorized By: James McLelland Smith, Chief, Bureau
of Securities.

Authority: N.J.S.A. 49:3-67(a).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

James McLelland Smith
Chief, Bureau of Securities
80 Mulberry Street, Room 308
Newark, New Jersey 07102

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

This proposal is known as PRN 1982-190.

The agency proposal follows:

Summary

This proposal will repeal N.J.A.C. 13:47A-9.13, which does not allow the Bureau of Securities to grant exemptions from registration to New Jersey issuers who seek to raise capital via a "private placement" if the offering is also an intrastate offering. An exception is made only if offerees are included in the institutions enumerated.

Social Impact

Some New Jersey issuers described in the summary statement above will be able to raise additional capital and others who would not attempt to seek such capital because of the restriction may now do so.

Economic Impact

New Jersey issuers will be relieved of one of the burdens of raising capital, which if put to proper use, may create goods, services and jobs in New Jersey.

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

13:47A-9.13 [Exemption restriction for private offering to sophisticated investors] **(Reserved)**

[No exemptions shall be granted to an intrastate securities offering for what is commonly called "a private offering made to sophisticated investors." This rule shall not apply to offers or sales to banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit sharing trusts or other financial institutions, whether that institution is acting for itself or in some fiduciary capacity.]

TRANSPORTATION

(b)

TRANSPORTATION OPERATIONS**Restricted Parking and Stopping
Routes 3 and 5****Proposed Amendments: N.J.A.C. 16:28A-1.3
and 1.5**

Authorized By: David W. Gwynn, Chief Engineer,
Transportation Operations and Local Aid.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and
39:4-139.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-179.

The agency proposal follows:

Summary

This proposal will establish "no parking" zones along Routes 3 and 5 in Hudson and Bergen Counties, respectively, enhancing the safe and efficient flow of traffic. Appropriate signs have been erected to advise the motoring public.

Social Impact

These amendments will restrict parking along the Routes designated and enhance safety within the counties indicated and the well-being of the populace.

Economic Impact

The Department incurred direct and indirect costs for its workforce and the placement of signs. Costs were dependent upon mileage, personnel and equipment requirements.

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

16:28A-1.3 Route 3

(a) The certain parts of State highway Route 3 (Grace Street Connector Road) described [herein below] **in (a) of this section** shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. (No change.)

2. No stopping or standing in Secaucus Town, Hudson County:

i. Along both sides (Grace Street Connector Road):

(1) From the center line of Grace Street (Municipal Street), to a point 1,250 feet north thereof.

16:28A-1.5 Route 5

(a) The certain parts of State highway Route 5 described [herein below shall be, and hereby are.] in (a) of this section, shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. (No change.)

2. No stopping or standing in Palisades Park Borough, Bergen County:

i. Along the northerly (westbound) side:

(1) **Between the intersection of the Homestead Avenue cutoff to Route US 46 and the intersection of East Columbia Avenue.**

3. No stopping or standing in Ridgfield Borough, Bergen County:

i. Along the eastbound side:

(1) **From the center line of Ray Avenue, to the Ridgfield Borough-Palisades Park Borough corporate line.**

ii. Along the westbound side:

(1) **From the Palisades Park Borough-Ridgfield Borough corporate line, to the center line of Linden Avenue;**

(2) **From the center line of Elm Avenue to the center line of Route US 1 and 9.**

4. No stopping or standing in Fort Lee Borough, Bergen County:

i. Along both sides (Palisade Avenue):

(1) **For the entire corporate limits of Fort Lee Borough.**

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping
Route 24

Proposed Amendment: N.J.A.C. 16:28A-1.16

Authorized By: David W. Gwynn, Chief Engineer,
Transportation Operations and Local Aid.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and
39:4-139 and 39:4-199.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-180.

The agency proposal follows:

Summary

This proposal will establish "no parking" zones along Route 24 in Madison Borough, Morris County and Maplewood Township, Essex County, where bus stops are established. Appropriate signs have been erected advising the motoring public.

Social Impact

This amendment will restrict parking along the Route and at

established bus stops to provide the safe and efficient on/off loading of passengers and enhance safety within Morris and Essex Counties.

Economic Impact

The Department incurred direct and indirect costs for its workforce and the placement of signs. Costs were dependent upon mileage, personnel and equipment required.

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

16:28A-1.16 Route 24

(a) The certain parts of State highway Route 24 described [herein below shall be, and hereby] in (a) of this section are [,] designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-3. (No change.)

4. No stopping or standing in Madison Borough, Morris County:

i. Along the westbound side:

(1) **Between the Madison Borough-Chatham Borough corporate line and Prospect Street;**

(2) **Between a point 90 feet east of Green Village Road and the Madison Borough-Morris Township corporate line.**

ii. Along the eastbound side:

(1) **Between the Madison Borough-Morris Township corporate line and a point 90 feet east of Green Village Road;**

(2) **Between a point 725 feet west of Rosedale Avenue and the Madison Borough-Chatham Borough corporate line.**

(b) (No change.)

(c) The certain part of State highway Route 24 described in (c) of this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops.

1. Along the westbound side in Maplewood Township, Essex County:

i. Far side bus stops:

(1) **Pierson Road (100 feet);**

(2) **Laurel Avenue (100 feet).**

ii. Near side bus stops:

(1) **Boyden Avenue (105 feet);**

(2) **Tuscan Road (105 feet);**

(3) **Vermont Street (105 feet);**

(4) **Tuscan Street (105 feet);**

(5) **Wellesley Street (105 feet);**

(6) **Rutgers Street (105 feet);**

(7) **Oberlin Street (105 feet);**

(8) **Yale Street (105 feet);**

(9) **Prospect Street (105 feet);**

(10) **Indiana Street (105 feet);**

iii. Mid-block bus stop:

(1) **Beginning at a point 320 feet west of the Town of Irvington-Township of Maplewood corporate line.**

2. Along the eastbound side in Maplewood Township, Essex County.

i. Far side bus stops:

(1) **Laurel Avenue (110 feet);**

(2) **Oregon Street (100 feet);**

(3) **Princeton Street (100 feet);**

(4) **Rutgers Street (100 feet);**

(5) **Wellesley Street (100 feet);**

(6) **Burnett Avenue (100 feet).**

ii. Near side bus stops:

(1) **Indiana Street (105 feet);**

(2) **Prospect Street (105 feet);**

(3) **Tuscan Street (105 feet);**

(4) **Vermont Street (105 feet);**

(5) Boyden Avenue (105 feet);

(6) Jacoby Street (105 feet).

iii. Mid-block bus stops:

(1) Beginning at a point 60 feet east of the easterly curb line of Chancellor Avenue (130 feet).

3. All bus stops shall be the length specified measured from the curb line of the intersecting street, or the prolongation of the curb line of the street which intersects, where the bus stop is established.

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Routes 27 and 49

Proposed Amendments: N.J.A.C. 16:28A-1.18 and 1.34

Authorized By: David W. Gwynn, Chief Engineer,
Transportation Operations and Local Aid.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and
39:4-139.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-181.

The agency proposal follows:

Summary

This proposal will establish "no parking" and restricted Parking (Handicap) zones along certain parts of Routes 27 and 49 in Union and Cumberland Counties, respectively. Appropriate signs would be erected to advise the motoring public.

Social Impact

This proposal will restrict parking along the Routes and areas indicated for the enhancement of safety and the well-being of the populace, especially the handicapped.

Economic Impact

The Department will incur direct and indirect costs for its workforce and the placement of signs. Costs are dependent upon mileage, personnel and equipment requirements.

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

16:28A-1.18 Route 27

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

(c) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State highway Route 27 described in (c) of this section are designated and established as "restricted

parking" zones, for use by persons who have been issued special Vehicle Identification Cards by the Division of Motor Vehicles. No other person shall be permitted to park in these areas.

1. Restricted parking (Handicapped Parking) (for Burry Cookie Co.) in Elizabeth City, Union County:

i. Along the east side (Newark Avenue):

(1) Beginning at a point 269 feet from the prolongation of the southerly curb line of Durant Street and extending 22 feet south therefrom.

(d) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State highway Route 27 described in (d) of this section are designated and established as "no parking" zones for designated curb loading zones.

1. No parking loading zone (all times) (for Burry Cookie Co.) in Elizabeth City, Union County:

i. Along the east side (Newark Avenue):

(1) Beginning at a point 291 feet from the prolongation of the southerly curb line of Durant Street and extending 40 feet south therefrom.

16:28A-1.34 Route 49

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State highway Route 49 described [herein below, shall be, and hereby] in (a) of this section are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-6. (No change.)

7. No stopping or standing in Fairfield Township, Cumberland County:

i. Along both sides:

(1) Beginning at a point 1,600 feet east of the easterly curb line of County Road 675 (Fairton-Gouldtown Road) to a point 950 feet east therefrom.

(b)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Routes 29 and US 30

Proposed Amendments: N.J.A.C. 16:28A-1.20 and 1.21

Authorized By: David W. Gwynn, Chief Engineer,
Transportation Operations and Local Aid.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and
39:4-139.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-182.

The agency proposal follows:

Summary

This proposal will establish "no parking" zones along Routes 29 and US 30 in Mercer, Hunterdon and Camden Counties respectively. Appropriate signs have been erected to advise the motoring public.

Social Impact

This proposal will restrict parking along the Routes in the boroughs, townships and counties indicated for the enhancement of safety and well being of the populace.

Economic Impact

The Department incurred direct and indirect costs for its workforce and the placement of signs. Costs were dependent upon mileage, personnel and equipment requirements.

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

16:28A-1.20 Route 29

(a) The certain parts of State highway Route 29 described [herein below] **in (a) of this section** shall be [, and hereby are,] designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing in Hopewell Township [;], **Mercer County:**

i.-ii. (No change.)

iii. **Along both sides between a point 200 feet south of the center line of Church Road and a point 200 feet north of the center line of Church Road.**

iv. **Along the northbound side from the center line of Valley Road, to a point 275 feet south of the center line of Old River Road.**

2.-3. (No change.)

4. **No stopping or standing in West Amwell Township, Hunterdon County:**

i. **Along the northbound side:**

(1) **From the center line of Valley Road, to a point 275 feet south of the center line of Old River Road.**

(b) (No change.)

(c) **The certain parts of State highway Route 29 described in (c) of this section shall be designated and established as "no parking" zones for designated curb loading zones.**

1. **No parking loading zone - 6:00 A.M. to 7:00 P.M., Monday through Saturday in the City of Lambertville, Hunterdon County:**

i. **Along the southbound side:**

(1) **From a point 78 feet south of the southerly curb line of Bridge Street to a point 147 feet south of the southerly curb line of Bridge Street.**

16:28A-1.21 Route US 30

(a) The certain parts of State highway Route US 30 described [herein below] **in (a) of this section** shall be [, and hereby are,] designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-2. (No change.)

3. **No stopping or standing in Haddon Heights, Barrington, Lawside, Magnolia, Somerdale, Stratford, Laurel Springs, Clementon and Lindenwold Boroughs, Camden County:**

i. **Along both sides:**

(1) **Between the Haddon Heights Borough-Audubon Borough corporate line and the Lindenwold Borough-Berlin Borough corporate line.**

4. **No stopping or standing in Audubon Borough, Camden County:**

i. **Along both sides:**

(1) **For the entire length within the corporate limits of Audubon Borough.**

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Routes 31, 31-57 and 32

Proposed New Rules: N.J.A.C. 16:28A-1.72 and 1.73

Proposed Amendment: N.J.A.C. 16:28A-1.22

Authorized By: David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid.

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-183.

The agency proposal follows:

Summary

This proposal will establish "no parking" zones along Routes 31, 31-57 and 32 in Warren, Hunterdon and Middlesex Counties. Appropriate signs have been erected advising the motoring public.

Social Impact

The amendment and new rules will restrict parking along the Routes in the borough, and townships indicated, for the enhancement of the safety and well-being of the populace.

Economic Impact

The Department incurred direct and indirect costs for its workforce and the placement of signs. Costs were dependent upon mileage, personnel and equipment requirements.

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

16:28A-1.22 Route 31

(a) The certain parts of State highway Route 31 described [herein below shall be, and hereby are,] **in (a) of this section** shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-3. (No change.)

4. **No stopping or standing in Washington Borough, Warren County:**

i. **Along the northbound side:**

(1) **From a point 125 feet south of the center line of Upper Park Drive, to the center line of Boulevard.**

ii. **Along the southbound side:**

(1) **From the center line of Gibson Place, to a point 65 feet south of the center line of Hillcrest Avenue.**

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

i. Along the northbound side:

(1) From the center line of Cregar Road to the center line of Buffalo Hollow Road (south intersection);

(2) From a point 400 feet south of the center line of Rocky Run Road to a point 225 feet north of the center line of Rocky Run Road.

ii. Along the southbound side:

(1) From a point 230 feet north of the center line of Van Syckel's Road to a point 190 feet north of the center line of Cregar Road.

16:28A-1.72 Route 31-57 (Connection Boulevard)

(a) The certain parts of State highway Route 31-57 (Connection Boulevard) described in (a) of this section shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing in Washington Borough, Warren County:

i. Along both sides:

(1) For the entire length within the corporate limits of Washington Borough.

16:28A-1.73 Route 32

(a) The certain parts of State highway Route 32 described in (a) of this section shall be designated and established as "no parking" zones where stopping or standing are prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing in South Brunswick Township, Middlesex County:

i. Along both sides:

(1) Between a point 500 feet east of the easterly shoulder edge of Middlesex County Road 535 and a point 500 feet west of the westerly shoulder edge of Middlesex County Road 535.

(a)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Routes US 202-206 and 202-31**

**Proposed Amendments: N.J.A.C. 16:28A-1.56
and 1.63**

Authorized By: David W. Gwynn, Chief Engineer,
Transportation Operations and Local Aid.

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-184.

The agency proposal follows:

Summary

This proposal will establish "no parking" zones along Routes US 202-206 and 202-31 in Somerset and Hunterdon Counties, respectively. Appropriate signs will be erected to advise the motoring public.

Social Impact

These amendments will restrict parking along the areas designated and enhance the safety and well-being of the populace in the counties indicated.

Economic Impact

The Department will incur direct and indirect costs for its workforce and the placement of signs. Costs are dependent upon mileage, personnel and equipment requirements.

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

16:28A-1.56 Route US 202-206

(a) The certain parts of State highway Route US 202-206 described [herein below] in (a) of this section shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. (No change.)

2. No stopping or standing in Bedminster Township, Somerset County:

i. Along both sides:

(1) From the intersection of County Road number (Spur) 525 to a point 1,040 feet northerly therefrom.

16:28A-1.63 Route US 202-31

(a) The certain parts of State highway Route US 202-31 described [herein below shall be, and hereby are,] in (a) of this section shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. (No change.)

2. No stopping or standing in Raritan Township and Flemington Borough, Hunterdon County:

i. Along the northbound side:

(1) From the center line of Toad Lane to a point 1,225 feet north of the center line of Reaville Avenue.

ii. Along the southbound side:

(1) From a point 700 feet north of the center line of Reaville Avenue to the center line of Toad Road.

TREASURY-GENERAL

(b)

SUPPLEMENTAL ANNUITY COLLECTIVE TRUST COUNCIL

**Supplemental Annuity Collective Trust
Qualified Voluntary Employee Contributions**

Proposed New Rules: N.J.A.C. 17:8-4

Authorized By: William J. Joseph, Secretary, Supplemental Annuity Collective Trust Council.

Authority: N.J.S.A. 52:18A-111.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These

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

William J. Joseph, Secretary
Supplemental Annuity Collective
Trust Council
Division of Pensions
20 West Front Street
CN 295
Trenton, New Jersey 08625

The Supplemental Annuity Collective Trust Council thereafter may adopt this proposal without further notice (see: N.J.A.C. 17:8-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-206.

The agency proposal follows:

Summary

The proposed new rules set forth the practices and procedures concerning qualified voluntary employee contributions plans that were affected by the Economic Recovery Tax Act of 1981, which was enacted by the Federal government.

Social Impact

The proposed rules may affect current and future public employees participating in the Supplemental Annuity Collective Trust programs.

Economic Impact

Depending upon the amount of funds contributed by participants in such programs during their public employment, and the investment performance of such programs, the amount of funds or benefits available to participants upon their withdrawal from such programs may be affected by these proposed rules.

Full text of the proposal follows.

SUBCHAPTER 4. QUALIFIED VOLUNTARY EMPLOYEE CONTRIBUTIONS

17:8-4.1 Qualified voluntary employee contribution account

(a) An account shall be maintained in order to properly account for the receipt and accumulation of the contributions made pursuant to this subchapter.

(b) An individual account will be maintained for each participant.

(c) Participants' contributions shall be converted into equity units, which units shall be increased, converted and determined, all in accordance with the provisions of N.J.A.C. 17:8-1.5.

(d) At the retirement of a participant, the number of equity units in the participant's account as of the date of retirement shall be transferred, determined, and payable as an annuity, all in accordance with the provisions of N.J.A.C. 17:8-1.6.

(e) Investment income and gains and losses on the contributions made under this subchapter shall be credited or charged in accordance with the provisions of N.J.A.C. 17:8-1.7, and computation of dollar values of the equity units shall be made in accordance with N.J.A.C. 17:8-1.8.

17:8-4.2 Participant contributions

(a) In addition to any contributions which the participant may elect to contribute to the Trust in accordance with N.J.A.C. 17:8-2.4, a participant may contribute during a calendar year, or if he or she so elects, on or before April 15 of the succeeding calendar year, an amount up to \$2,000, but not more than 100 percent of his or her compensation, which shall be deemed a "qualified voluntary employee contribution", as that term is defined in Section 219 of the Internal Revenue Code, with respect to that calendar year. The participant shall specify the amount, if any, to be contributed by payroll deduction, or he or she may make those contributions in a

lump sum. The participant's qualified voluntary employee contributions shall be remitted to the Trust as soon as practicable after they are made.

(b) Subject to the approval of the council, a participant may transfer to the account maintained under this subchapter an amount from a plan of his or her immediately-preceding employer, provided:

1. Such other plan either was qualified under Section 401(a) of the Internal Revenue Code or consisted of employer-sponsored individual retirement accounts; and

2. Such amount is attributable to qualified voluntary employee contributions made under such other plan or individual retirement account.

(c) The participant may also transfer to the account maintained under this subchapter amounts held in any other individual retirement account established to accept qualified voluntary employee contributions on or after January 1, 1982. As a result, such amounts shall be deemed to be qualified voluntary employee contributions under the account maintained under this subchapter. That portion of any amount so transferred which was treated under such other plan or individual retirement account as qualified voluntary employee contributions with respect to the calendar year of transfer, shall reduce the \$2,000 limit on contributions that a participant may make under (a) above with respect to that calendar year.

(d) Notwithstanding the provisions of N.J.A.C. 17:8-3.5, a participant may designate an amount of his or her contributions previously made on or after January 1, 1982, pursuant to N.J.A.C. 17:8-2, as qualified voluntary employee contributions. That designation shall be made with respect to any calendar year not later than April 15 of the succeeding calendar year. In no event shall a participant's qualified voluntary employee contributions with respect to a calendar year from all sources exceed \$2,000, or, if less, his or her total remuneration from all employers during that calendar year.

17:8-4.3 Changes in election

(a) Subject to the provisions of N.J.A.C. 17:8-4.2, a participant may change the amount of his or her authorized payroll deduction under N.J.A.C. 17:8-4.2 by giving at least 30 days prior written notice to the Division of Pensions. Such change shall become effective beginning with the payroll period or month specified by the participant commencing after the expiration of the notice period.

(b) A participant may suspend his or her payroll deductions under N.J.A.C. 17:8-4.2 by giving at least 30 days prior written notice to the Division of Pensions. Such suspension shall become effective with the payroll period or month specified by the participant commencing after the expiration of the notice period. A participant who has suspended his or her payroll deductions may apply to have them resumed in accordance with N.J.A.C. 17:8-4.2 by giving at least 30 days prior written notice to the Division of Pensions; provided that no resumption of payroll deductions shall occur within six or seven biweekly payroll periods or three months of the date the contributions were suspended.

17:8-4.4 Order of distributions

Any distributions from the Trust shall not be treated as being attributable to qualified voluntary employee contributions until the value of all amounts not so attributable have first been distributed; unless, with respect to his or her distribution, a participant shall otherwise direct in writing filed with the council. For tax reporting purposes, any amount attributable to the participant's qualified voluntary employee contributions shall be reported separately from other amounts distributed from the Trust.

OTHER AGENCIES

(a)

NEW JERSEY ECONOMIC
DEVELOPMENT AUTHORITYNew Jersey Urban Loan Authority Procedure
Manual

Proposed Repeal: N.J.A.C. 5:90

Authorized By: New Jersey Economic Development
Authority, James J. Hughes, Jr., Executive Director.
Authority: N.J.S.A. 34:1B-5.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gary M. Nadler
Manager of Administration
New Jersey Economic Development Authority
CN 990
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-173.

The agency proposal follows:

Summary

The proposed repeal will eliminate from the Administrative Code the procedures which had governed the activities of the defunct New Jersey Urban Loan Authority. In 1978, then Governor Byrne issued Executive Order No. 56, which transferred the entire operation of the New Jersey Urban Loan Authority to the New Jersey Economic Development Authority. The New Jersey Economic Development Authority's existing procedures for administering its loan programs encompass the procedures described in the New Jersey Urban Loan Authority Procedure Manual. Therefore, it is not necessary to retain the New Jersey Urban Loan Authority Procedure Manual.

Social Impact

The repeal of N.J.A.C. 5:90 will have no social impact at all, because it does not in any way affect the financial assistance procedures or capabilities of the New Jersey Economic Development Authority or the ability of the New Jersey Economic Development Authority to carry out the mandate of the defunct New Jersey Urban Loan Authority.

Economic Impact

The repeal of N.J.A.C. 5:90 will have no economic impact at all, because it does not in anyway affect the financial assistance procedures or capabilities of the New Jersey Economic Development Authority or the ability of the New Jersey Economic Development Authority to carry out the mandate of the defunct New Jersey Urban Loan Authority.

Full text of the chapter proposed for repeal can be found in the New Jersey Administrative Code.

(b)

CASINO CONTROL COMMISSION

General Provisions
Construction and Amendments

Proposed Amendment: N.J.A.C. 19:40-1.3

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael A. Santaniello, Deputy Director
Casino Control Commission
3131 Princeton Pike Office Park
Building No. 5, CN-208
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-175.

The agency proposal follows:

Summary

This proposed amendment recognizes that during the conduct of tests or experiments authorized by the Commission, pursuant to N.J.S.A. 5:12-5, to determine whether or not a variation or composite of an authorized game may be found suitable for casino use, the Commission may find it necessary to approve terms and conditions which may be in conflict with the provisions of chapters 45, 46 and 47 of the Commission's regulations. Such terms and conditions will only be approved by the Commission when they are deemed appropriate to the conduct of the tests or experiments.

Social Impact

It is difficult to project the social impact of this amendment. It is expected that any social impact will not result from this proposed amendment but, instead, from the implementation of N.J.S.A. 5:12-5 which this proposed amendment would effectuate.

Economic Impact

Similar to the statement on social impact, this proposed regulation would not appear to create any economic impact that has not already been created by the statutory provision it implements.

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

19:40-1.3 Construction and amendments
(a)-(e) (No change.)

(f) In order to conduct tests and experiments pursuant to N.J.S.A. 5:12-5, to determine whether or not a variation or composite of an authorized game may be found suitable for casino use, the Commission may authorize terms and conditions which may be in conflict with the provisions of N.J.A.C. 19:45, 46 and 47, if the Commission deems such terms and conditions necessary or appropriate to the conduct of the test or experiments.

(a)

CASINO CONTROL COMMISSION

**Accounting and Internal Controls
Procedure for Control of Coupon Redemption
and Other Complimentary Distribution
Programs**

Proposed Amendment: N.J.A.C. 19:45-1.46

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Deno R. Marino, Manager
Division of Financial
Evaluation and Control
Casino Control Commission
3131 Princeton Pike Office Park
Building No. 5, CN-208
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-205.

The agency proposal follows:

Summary

This proposal supersedes the proposal appearing in the February 16, 1982 Register at 14 N.J.R. 203(a). Subsection (b) has been substantially changed from the February 16th proposal. See 14 N.J.R. 582(b), this issue.

This proposal controls the procedures for informational filings of all programs entitling patrons to complimentary items, or services, cash or slot token programs not regulated by other parts of N.J.A.C. 19:45-1.46.

Social Impact

Casino/hotels will be required to file with the Commission, before implementation, the procedures controlling all complimentary programs. This will make the Commission aware of the promotional activities occurring and provide the opportunity to review the procedures to insure the integrity of funds being distributed and their fairness to the public pursuant to such programs.

Economic Impact

The increased strengthening of internal control procedures could result in greater profitability to the casinos and would help insure that the value of the complimentary items are distributed to the general public.

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

19:45-1.46 Procedure for control of coupon redemption and other complimentary distribution programs

(a) (No change.)

(b) [(Reserved)] **Detailed procedures controlling all programs entitling patrons to complimentary cash or slot tokens not**

regulated by (a) above shall be submitted by the casino licensee to the Commission and Division at least 15 days prior to implementing the program. The procedures for all such programs shall be deemed acceptable by the Commission unless the casino licensee is notified in writing to the contrary. Detailed procedures controlling all programs entitling patrons to complimentary items or services other than cash or slot tokens shall be prepared prior to implementation of the programs and shall be maintained as an accounting record by the casino licensee.

(c)-(n) (No change.)

(b)

CASINO CONTROL COMMISSION

**Rules of the Games
Blackjack; Minimum and Maximum Wagers;
Game Equipment; Dealing Shoes**

**Proposed Amendments: N.J.A.C. 19:46-1.19,
19:47-2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.9,
2.10, 2.11, 2.12, 2.15 and 5.7**

**Proposed New Rules: N.J.A.C. 19:47-2.16,
2.20, 2.21 and 2.22**

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

A **public hearing** concerning this rule will be held on June 23, 1982 at 9:30 A.M. at:

New Jersey Casino Control Commission
Public Meeting Room
3131 Princeton Pike Office Park
Building No. 5
Trenton, New Jersey 08625

If necessary, the public hearing will continue into subsequent day(s) until conclusion. The location, date and time of the continuation of this hearing will be publicly announced at a later date.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael A. Santaniello, Deputy Director
Financial Evaluation and Control
Casino Control Commission
3131 Princeton Pike Office Park
Building No. 5, CN 208
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-204.

The agency proposal follows:

Summary

On May 5, 1982 the New Jersey Supreme Court held that casinos could not exclude card counters in the absence of a Commission regulation that authorized exclusion. Since no regulation had been adopted and the Court found unclear whether the Commission would have adopted regulations regarding this subject if it had

known that casinos could not exclude such individuals, the Court granted the Commission 90 days to adopt whatever rules might be necessary.

In light of the Supreme Court's ruling, the Commission has proposed several alternative amendments which are segregated into six groups, identified as Group A, Group B, Group C, Group D, Group E and Group F.

The proposals identified in Group A follows: Under Rules of the Games, N.J.A.C. 19:47-2.2 requires the use of eight decks. N.J.A.C. 19:47-2.3 contains four alternatives: Alternative A-1 gives the casinos the discretion to prohibit entry into the game in the middle of the shoe; Alternative A-2 gives the casinos the discretion to require any person entering the game in the middle of the shoe to bet the table minimum until the reshuffle occurs; Alternative A-3 prohibits an entry into the game after the first round; Alternative A-4 requires any person entering the game after the first round to only bet the table minimum until the reshuffle. N.J.A.C. 19:47-2.5 contains two alternatives: Alternative A-1 removes one-third cut card limitation; Alternative A-2 changes the cut card limitation from one-third to one-half. N.J.A.C. 19:47-2.10 contains eleven alternatives; Alternative A-1 limits doubling down to 9, 10 or 11 on the first two cards dealt or the first two cards of a split pair; Alternative A-2 limits doubling down to 10 or 11 on the first two cards dealt or the first two cards of a split pair; Alternative A-3 limits doubling down to 11 on the first two cards dealt or the first two cards of a split pair; Alternative A-4 gives the casinos the discretion to limit doubling down to 9, 10 or 11 on the first two cards dealt or the first two cards of a split pair; Alternative A-5 gives the casinos the discretion to limit doubling down to 9, 10 or 11, or 10 or 11, or 11 on the first two cards dealt or the first two cards of a split pair; Alternative A-6 eliminates doubling after splitting and gives casinos the discretion to limit doubling down to 9, 10 or 11; Alternative A-7 eliminates doubling down after splitting and gives casinos the discretion to limit doubling down to 9, 10 or 11, or 10 or 11, or 11 on the first two cards dealt; Alternative A-8 eliminates doubling down after splitting; Alternative A-9 eliminates doubling down after splitting and limits doubling down to totals of 9, 10, or 11; Alternative A-10 eliminates doubling down after splitting and limits doubling down to totals of 10 or 11; Alternative A-11 eliminates doubling down after splitting and limits doubling down to a total of 11. N.J.A.C. 19:47-2.11 eliminates doubling down after splitting. N.J.A.C. 19:47-2.12 requires the dealer to hit a soft 17. N.J.A.C. 19:47-2.20 authorizes the use of a continuous shuffling shoe. N.J.A.C. 19:47-2.21 gives the casinos the discretion to offer various options relating to doubling down, splitting pairs, dealer hit requirements and blackjack pay-offs. N.J.A.C. 19:47-5.7 contains two alternatives: Alternative A-1 reduces maximum limit at five dollar tables from \$500.00 to \$100.00; Alternative A-2 eliminates all required maximum wager limits. Under Gaming Equipment, N.J.A.C. 19:46-1.19 amends the dealing shoe requirement to a continuous shuffling dealer shoe.

Group B requires the use of a new shuffle procedure by all casinos.

Group C requires the use of a double dealing shoe by all casinos.

Group D makes optional the following with each casino: Bart Carter shuffle (i.e., new shuffle procedure), an eight deck dealing shoe, a double shoe, continuous shuffling shoe, shuffle-at-will and placement of the cut card.

Group E contains the following: N.J.A.C. 19:47-2.3. Three alternatives presented pertain to entry in the middle of the shoe; N.J.A.C. 19:47-2.4 gives the casino licensee the discretion to place the cards face down at an inactive table; N.J.A.C. 19:47-2.5 and 2.6 would permit casino licensees to submit for Commission approval alternate shuffle cut card and burn card procedures; N.J.A.C. 19:47-2.7 would allow the casinos to treat as a standoff, situations where dealer has blackjack and player has twenty-one (21) that is not a blackjack; N.J.A.C. 19:47-2.9 would make optional the offering of insurance wagers; N.J.A.C. 19:47-2.10

contains two alternatives, alternative E-1 would cause players to lose the additional wager made when doubling down if the dealer ends up with a blackjack. Alternative E-2 would permit the casinos to eliminate doubling down on hard or soft totals. N.J.A.C. 19:47-2.11 would cause players to lose the additional wagers made when splitting of a pair if the dealer ends up with a blackjack. N.J.A.C. 19:47-2.16 contains three Alternatives, E-1, E-2 and E-3. Each alternative, in one form or another, would prohibit the use of electrical or electronic devices by players at the game of blackjack. N.J.A.C. 19:47-5.7 would permit the casino licensee to limit wagers made by a patron depending on the amount previously wagered.

Group F refers to N.J.A.C. 19:47-2.22. Two alternatives are proposed; Alternative F-1 and Alternative F-2. Both alternatives would provide a six month period during which the Commission may modify, vary, suspend or waive any rule or procedure to test alternatives in the game of blackjack. The major difference between the two alternatives is that F-1 would permit professional card counters to play only at designated tables during any experimental period in one or more casinos.

To facilitate presentation, the Commission presented this rule proposal by segregating it into six separate groups. It should be clearly understood that the segregation of groups does not preclude the Commission from extracting certain alternatives from each group and combining them. As an example, certain alternatives in Group A may be combined with certain alternatives in Group B or Group C or Group D or Group E or Group F. It should also be noted that these proposed amendments should be considered in conjunction with those published in the May 17, 1982 Notice of the New Jersey Register, 14 N.J.R. 467(a) and 14 N.J.R. 469(a), which may also be adopted by the Commission.

Social Impact

The social impact of each of the proposed rule changes in all six groups is speculative at best. It is anticipated that the adoption of one or more of the proposals may impact on the mix and type of players in the casinos and might also have some impact on those persons being attracted to Atlantic City due to the availability of blackjack.

If an alternative is adopted that would not permit the exclusion of card counters, it would result in one player segment having the opportunity to play blackjack who has thus far been excluded from enjoying this game.

If any of the proposed amendments adopted effect a casino's revenue, it would have a corollary effect on the taxes derived from that revenue which would affect the socially oriented programs for which that revenue is used.

Economic Impact

Group A

The proposed amendment to N.J.A.C. 19:47-2.2, which requires the use of eight decks of cards would, by itself, have little economic impact except for the cost to the casinos of purchasing additional dealing shoes and decks of cards. When combined with other alternatives, however, such as moving the cut card further up in the stack, it would significantly impact on the hourly win rate for those players who follow card counting strategies. This combination additionally would impact on the revenues of the casinos by slowing the shuffle time which negatively impacts on the amount of casino revenue derived.

Under N.J.A.C. 19:47-2.3, Alternatives A-1 through A-4 deal with patrons entering the game in the middle of a shoe. The economic impact of each of these is varied. For example, they may negatively impact on a casino's revenue if the average and basic strategy players were precluded from entering the game in mid-shoe or if these players were required to bet the minimum amount in these circumstances. On the other hand, these alternatives would also

have a significant impact on the ability of players following card counting strategies to effectively shadow count or to engage in team play.

Alternatives A-1 and A-2 of N.J.A.C. 19:47-2.5 which deal with the cut card location should not have any significant impact on the average player or the basic strategy player. They will have a significant impact, however, on those implementing card counting strategies especially if combined with other proposed rule change alternatives. Of course, the further up in the deck that the cut card is moved, more shuffles will be required, which will slow the pace of the game and negatively impact on a casino revenue.

Under N.J.A.C. 19:47-2.10 are found eleven possible rule change alternatives concerning a player's ability to double down. Assuming all other variables remain constant, each of these alternatives would impact on the win or loss rate of the average player, basic strategy player and card counting strategist and on a casino's revenue. At one extreme, the alternative that would limit doubling down to 9, 10 or 11 would have the least impact and the alternative that would limit doubling to totals of 11 on the first two cards would have the most significant impact.

The proposed amendment to N.J.A.C. 19:47-2.11 that would eliminate doubling down after splitting is consistent with several of the alternatives listed as amendments to N.J.A.C. 19:47-2.10. This proposal would impact both the win or loss rate of blackjack players and the blackjack revenue derived from the casinos, assuming all other variables remain constant.

The proposed amendment to N.J.A.C. 19:47-2.12 that would require the dealer to draw a hit card when he had a soft 17 would have a significant negative impact on the average player, basic strategy player and card counting strategist. Assuming all other variables remained constant, this proposed amendment would also significantly increase a casino's blackjack revenue.

The proposed amendment to N.J.A.C. 19:47-2.20 that would authorize a continuous shuffling shoe would have minimal impact on the average player and basic strategy player. It would, however, affect very significantly those players who implement card counting strategies. For any casino wishing to utilize this shoe, it would also entail the cost of obtaining this type of device. It is anticipated that the use of this device will also reduce shuffling time which will have an impact on a casino's blackjack revenue.

The proposed amendment to N.J.A.C. 19:47-2.21 that would provide casinos discretion in choosing various blackjack rule alternatives has the potential of significantly affecting the casino advantage in the game and the win or loss rate of blackjack players depending on which options are chosen by each casino.

The proposed alternatives listed under N.J.A.C. 19:47-5.7 that would affect the maximum wager limits would have some economic impact but the precise impact is presently unknown since it depends on the betting strategies used by the individual players in the game and the precise maximum limits that would be chosen by each casino.

Group B

The proposed amendments in Group B pertain to a new shuffling procedure referred to as the Bart Carter Shuffle. This new shuffling procedure should not have any economic impact to the average player or the basic strategy player. Its implementation, however, is expected to have a substantial impact on the advantage presently enjoyed by those following card counting strategies. Since the number of hands per hour and the shuffle times are not precisely known for this new procedure, the impact on casino revenue is not presently known although it may have an impact on that blackjack revenue.

Group C

The proposed amendments in Group C would require blackjack in each casino in Atlantic City to be dealt from a double shoe. If adopted, this would require each casino to purchase new dealing shoes which would entail incurring the costs of these shoes. The

procedure of dealing from a double shoe should not have any impact on either the basic strategy player or the average player. When combined with the procedural changes contained in this proposal, the double shoe requirement is anticipated to have a significant impact on those implementing card counting strategies. Since the number of hands per hour and the shuffle times for the use of a double shoe are unknown, any effect on casino revenue cannot be projected at this time.

Group D

Since the proposed amendments contained in Group D would primarily make optional some of those proposed in prior Groups, the economic impact is the same as that described above depending on the alternative chosen.

Group E

The alternatives proposed under N.J.A.C. 19:47-2.3, which affects wagers made by patrons who enter the game in the middle of a shoe, would limit the wagers that could be made by such individuals. The economic impact of these proposals is varied. For example, they may negatively impact on casino revenue if average and basic strategy players were limited in the amount that could be wagered under these circumstances. In the case of card counting strategists, it would reduce the ability to shadow count and the win enjoyed by these types of players. The economic impact of the proposed amendment to N.J.A.C. 19:47-2.4 is anticipated to be minimal. Since the proposed amendment to N.J.A.C. 19:47-2.5 provides discretion to casinos in such things as shuffling procedure and cut card placement, the proposed economic impact to the general public player and the basic strategy player is expected to be minimal. Depending on the procedure adopted by each casino, the economic impact to those following card counting strategies could be significant. The procedure actually adopted by a given casino could also impact on the blackjack revenue derived by that casino.

It is expected that the economic impact of the proposed amendment to N.J.A.C. 19:47-2.6 will be minimal to the general public players and the basic strategy players although a more significant impact is possible with respect to those implementing card counting strategies.

If the option that would be available in the proposed amendment to N.J.A.C. 19:47-2.7 were chosen by a casino, it would have a favorable impact to all players in the game of blackjack.

The elimination of the insurance option as proposed in N.J.A.C. 19:47-2.9 would probably have a slight negative impact on those following card counting strategies and a positive impact for most others who play casino blackjack since this option is not frequently used to the player's advantage. The adoption of N.J.A.C. 19:47-2.10 would have a significant adverse impact on all blackjack players. Assuming all other variables remain constant, it would also significantly increase casino blackjack revenue.

The adoption of N.J.A.C. 19:47-2.11 would have a significant adverse impact on all blackjack players. Assuming all other variables remain constant, it would also significantly increase a casino's blackjack revenue. The proposal contained in N.J.A.C. 19:47-2.16 should only have an impact on those players who use the devices listed in that proposal. The proposed amendment to N.J.A.C. 19:47-5.7 will affect the amount players could wager in the game of blackjack. It should significantly affect those implementing card counting strategies.

Group F

Since both alternatives contained in Group F would permit the Commission to experiment with rule changes in the game of blackjack, including those changes proposed in Groups A through E, the potential economic impact is already contained in the discussion under those groups.

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

GROUP A

19:47-2.2 Cards; number of decks; value of cards

(a) Blackjack shall be played with at least [one] **eight** decks of cards with backs of the same color and design and one additional yellow or green cutting card.

(b) (No change.)

19:47-2.3 Wagers

Alternative No. A-1

(a)-(i) (No change.)

(j) **Unless permitted by the casino licensee, no person who has not made a wager on the first round of play may enter the game on a subsequent round of play prior to a reshuffle of the cards occurring. Any person permitted by the casino licensee to enter the game after the first round of cards is dealt from the dealing shoe may be required by the casino licensee to only wager the minimum limit posted at the table until the cards are reshuffled and a new shoe is commenced.**

(k) **Any player who, after placing a wager on a given round of play, declines to place a wager on any subsequent round of play may be precluded by the casino licensee from placing any further wagers until that shoe of cards is completed and a new shoe is commenced.**

Alternative No. A-2

(a)-(i) (No change.)

(j) **Unless permitted to wager a higher amount by the casino licensee, any person entering the game after the first round of cards is dealt from the dealing shoe shall only wager the minimum limit posted at the table until the cards are reshuffled and a new shoe is commenced.**

(k) **Any player who, after placing a wager on a given round of play, declines to place a wager on any subsequent round of play may be precluded by the casino licensee from placing any further wagers until that shoe of cards is completed and a new shoe is commenced.**

Alternative No. A-3

(a)-(i) (No change.)

(j) **No person who has not made a wager on the first round of play may enter the game on a subsequent round of play prior to a reshuffle of the cards occurring.**

(k) **Any player who, after placing a wager on a given round of play, declines to place a wager on any subsequent round of play shall be precluded from placing any further wagers until that shoe of cards is completed and a new shoe is commenced.**

Alternative No. A-4

(a)-(i) (No change.)

(j) **Any person entering the game after the first round of cards is dealt from the dealing shoe shall only wager the minimum limit posted at the table until the cards are reshuffled and a new shoe is commenced.**

(k) **Any player who, after placing a wager on a given round of play, declines to place a wager on any subsequent round of play shall be precluded from placing any further wagers until that shoe of cards is completed and a new shoe is commenced.**

19:47-2.5 Shuffle and cut of the cards

Alternative No. A-1

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

(d) Once the cutting card has been inserted by the player, the dealer shall take all cards in front of the cutting card and place them to the back of the stack after which the dealer shall insert the cutting card in a position at least approximately one-quarter [, but no more than one-third.] of the way in from the back of the stack. The stack

of cards shall then be inserted in the dealing shoe for commencement of play.

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

Alternative No. A-2

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

(d) Once the cutting card has been inserted by the player, the dealer shall take all cards in front of the cutting card and place them to the back of the stack after which the dealer shall insert the cutting card in a position at least approximately one-quarter, but no more than [one-third,] **approximately one-half**, of the way in from the back of the stack. The stack of cards shall then be inserted in the dealing shoe for commencement of play.

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

19:47-2.10 Doubling down

Alternative No. A-1

(a) [Except for Blackjack or a point count of twenty-one in two cards, a] **A player may elect to double down, i.e., make an additional wager not in excess of the amount of his original wager, whenever the point count is 9, 10 or 11 on the first two cards dealt to him or the first two cards of any split pair. Whenever a player elects to double down, [on the condition that] one and only one additional card shall be dealt to the hand on which he has elected to double down[.] which [In such circumstances, the one additional] card shall be dealt face upwards and placed sideways on the layout. For the purpose of this section, whenever an ace and 10 value card comprise the first two cards dealt or first two cards of a split pair, they shall be counted as a blackjack or twenty-one respectively and may not be counted as 11.**

(b) (No change.)

Alternative No. A-2

(a) [Except for Blackjack or a point count of twenty-one in two cards, a] **A player may elect to double down, i.e., make an additional wager not in excess of the amount of his original wager, whenever the point count is 10 or 11 on the first two cards dealt to him or the first two cards of any split pair. Whenever a player elects to double down, [on the condition that] one and only one additional card shall be dealt to the hand on which he has elected to double down[.] which [In such circumstances, the one additional] card shall be dealt face upwards and placed sideways on the layout. For the purpose of this section, whenever an ace and 10 value card comprise the first two cards dealt or first two cards of a split pair, they shall be counted as a blackjack or twenty-one respectively and may not be counted as 11.**

(b) (No change.)

Alternative No. A-3

(a) [Except for Blackjack or a point count of twenty-one in two cards, a] **A player may elect to double down, i.e., make an additional wager not in excess of the amount of his original wager, whenever the point count is 11 on the first two cards dealt to him or the first two cards of any split pair. Whenever a player elects to double down, [on the condition that] one and only one additional card shall be dealt to the hand on which he has elected to double down[.] which [In such circumstances, the one additional] card shall be dealt face upwards and placed sideways on the layout. For the purpose of this section, whenever an ace and 10 value card comprise the first two cards dealt or first two cards of a split pair, they shall be counted as a blackjack or twenty-one respectively and may not be counted as 11.**

(b) (No change.)

Alternative No. A-4

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

(c) **Notwithstanding the provisions of (a) above, a casino licensee may limit the ability of a player to elect to double down**

to those instances when the point count is 9, 10 or 11 on the first two cards dealt to the player or on the first two cards of any split pair.

Alternative No. A-5

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

(c) **Notwithstanding the provisions of (a) above, a casino licensee may limit the ability of a player to elect to double down to those instances when the point count is 9, 10 or 11, or 10 or 11, or 11 on the first two cards dealt to the player or on the first two cards of any split pair.**

Alternative No. A-6

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

(c) **Notwithstanding the provisions of (a) above, a casino licensee may limit the ability of a player to elect to double down to those instances when the point count is 9, 10 or 11 on the first two cards dealt to the player.**

Alternative No. A-7

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

(c) **Notwithstanding the provisions of (a) above, a casino licensee may limit the ability of a player to elect to double down to those instances when the point count is 9, 10 or 11, or 10 or 11, or 11 on the first two cards dealt to the player.**

Alternative No. A-8

(a) Except for Blackjack or a point count of twenty-one in two cards, a player may elect to double down, i.e., make an additional wager not in excess of the amount of his original wager, on the first two cards dealt to him [or the first two cards of any split pair] on the condition that one and only one additional card shall be dealt to the hand on which he has elected to double down. In such circumstances, the one additional card shall be dealt face upwards and placed sideways on the layout.

(b) (No change.)

Alternative No. A-9

(a) [Except for Blackjack or a point count of twenty-one in two cards, a] **A player may elect to double down, i.e., make an additional wager not in excess of the amount of his original wager, whenever the point count is 9, 10 or 11 on the first two cards dealt to him [or the first two cards of any split pair]. Whenever a player elects to double down, [on the condition that] one and only one additional card shall be dealt to the hand on which he has elected to double down[.] which [In such circumstances, the one additional] card shall be dealt face upwards and placed sideways on the layout. For the purpose of this section, whenever an ace and 10 value card comprise the first two cards dealt, they shall be counted as blackjack and may not be counted as 11.**

(b) (No change.)

Alternative No. A-10

(a) [Except for Blackjack or a point count of twenty-one in two cards, a] **A player may elect to double down, i.e., make an additional wager not in excess of the amount of his original wager, whenever the point count is 10 or 11 on the first two cards dealt to him [or the first two cards of any split pair]. Whenever a player elects to double down, [on the condition that] one and only one additional card shall be dealt to the hand on which he has elected to double down[.] which [In such circumstances, the one additional] card shall be dealt face upwards and placed sideways on the layout. For the purpose of this section, whenever an ace and 10 value card comprise the first two cards dealt, they shall be counted as a blackjack and may not be counted as 11.**

(b) (No change.)

Alternative No. A-11

(a) [Except for Blackjack or a point count of twenty-one in two cards, a] **A player may elect to double down, i.e., make an additional wager not in excess of the amount of his original wager,**

whenever the point count is 11 on the first two cards dealt to him [or the first two cards of any split pair]. Whenever a player elects to double down, [on the condition that] one and only one additional card shall be dealt to the hand on which he has elected to double down[.] which [In such circumstances, the one additional] card shall be dealt face upwards and placed sideways on the layout. For the purpose of this section, whenever an ace and 10 value card comprise the first two cards dealt, they shall be counted as a blackjack and may not be counted as 11.

(b) (No change.)

19:47-2.11 Splitting pairs

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

(c) After a second card is dealt to a split pair, the dealer shall announce the point total of such hand and the player shall indicate his decision to stand [,] or draw [or double down] with respect thereto except that:

1.-2. (No change.)

(d) (No change.)

19:47-1.12 Drawing of additional cards by players and dealers

(a) (No change.)

(b) Except as provided in [subsection] (c) below, shall draw additional cards to his hand until he has hard [or soft] total of 17 [, 18, 19, 20 or 21.] **or above or a soft total of 18 or above** at which point no additional cards shall be drawn.

(c) A dealer shall draw no additional cards to his hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will have no effect on the outcome of the round of play.

19:47-2.20 Continuous shuffling shoe or device

In lieu of the dealing and shuffling requirements set forth in N.J.A.C. 19:47-2.5 and 2.6, a casino licensee may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that such shoe or device and the procedures for dealing and shuffling the cards through use of this device are approved by the Commission or its authorized designee.

19:47-2.21 Rules at different minimum limit tables

Notwithstanding any other provision to the contrary, a casino licensee shall be permitted to offer the options listed below differentiated by the minimum limits at each table in the casino, provided that the options chosen are submitted to and approved by the Commission or its authorized designee prior to being utilized at such tables. In accordance with this provision, a casino licensee may select any of the following options or combinations thereof and may vary these options depending on the minimum wager limits of each table in the casino:

1. In lieu of the requirements of N.J.A.C. 19:47-2.10, the option to double down may be limited to totals of 9, 10, 11, or 10 or 11, or 11 and/or may be limited to the first two cards dealt to the player;

2. In lieu of the requirements of N.J.A.C. 19:47-2.11, the option to split pairs may be limited or prohibited;

3. In lieu of the requirements of N.J.A.C. 19:47-2.12, a dealer may be required to draw additional cards on soft totals of 17; and

4. In lieu of the requirements of N.J.A.C. 19:47-2.3(f) and 2.7, winning blackjacks may be paid at odds of one to one.

19:47-5.7 Minimum and maximum wagers

Alternative No. A-1

(a) Each casino licensee or applicant shall submit to the Commission a proposal specifying the minimum wagers [and any

maximum wagers] and **any** other limitations at all authorized table games in its casino. Such submission shall be made at least 30 days before gaming operations are to commence or before changes in a previously submitted proposal are to become effective, unless otherwise permitted by the Commission. Each such submission shall contain, but not be limited to the following information:

1.-4. (No change.)

(b) The spread between the minimum wager and the maximum wager at table games shall be as follows:

1. Blackjack: If the minimum wager at a table is five dollars (\$5.00) or less, the maximum wager shall be at least [five] **one hundred dollars [(\$500.00)] (\$100.00);**

2.-5. (No change.)

(c) (No change.)

Alternative No. A-2

(a) Each casino licensee or applicant shall submit to the Commission a proposal specifying the minimum wagers [and any maximum wagers] and **any** other limitations at all authorized table games in its casino. Such submission shall be made at least 30 days before gaming operations are to commence or before changes in a previously submitted proposal are to become effective, unless otherwise permitted by the Commission. Each such submission shall contain, but not be limited to the following information:

1.-2. (No change.)

3. The minimum [and maximum] amount that the applicant or licensee will permit patrons to place on the possible wagers at each gaming table (forms will be provided by the Commission).

4. (No change.)

(b) [The spread between the minimum wager and the maximum wager at table games shall be as follows:] **The requirements regarding minimum wagers shall be as follows:**

[1. Blackjack: If the minimum wager at a table is five dollars (\$5.00) or less, the maximum wager shall be at least five hundred dollars (\$500.00);

2. Craps: If the minimum wager at a table is five dollars (\$5.00) or less, the maximum wager shall be at least five hundred dollars (\$500.00); provided, however, that the maximum wager on the pass, don't pass, come, or don't come shall not preclude a casino patron from taking the odds or laying the odds in accordance with the Regulations of the Commission relating to craps;

3. Roulette: If the minimum wager at a table is:

i. Less than five dollars (\$5.00), the maximum wager shall be at least:

(1) One thousand dollars (\$1,000) on an even-money wager;

(2) Five hundred dollars (\$500.00) on a wager where the odds are two to one;

(3) Fifty dollars (\$50.00) on an inside wager, any way the patron can get the number;

ii. Five dollars, (\$5.00), the maximum wager shall be at least:

(1) Two thousand dollars (\$2,000) on an even-money wager;

(2) One thousand dollars (\$1,000) on a wager where the odds are two to one;

(3) One hundred dollars (\$100.00) on an inside wager, any way the patron can get to the number;]

[4.] **1. Big six wheel:** The minimum wager shall be one (\$1.00);[and the maximum wagers shall be at least:

i. Four hundred dollars (\$400.00) on a wager where the odds are even money;

ii. Two hundred dollars (\$200.00) where the odds are two to one;

iii. Eighty dollars (\$80.00) where the odds are five to one;

iv. Fifty dollars (\$50.00) where the odds are ten to one;

v. Fifty dollars (\$50.00) where the odds are twenty to one;

vi. Fifty dollars (\$50.00) where the odds are forty five to one.]

[5.] **2. Baccarat:**

[i.] There shall be at least one baccarat table where the minimum wager is not more than twenty-five dollars (\$25.00);];

[ii. If the minimum wager at a table is fifty dollars (\$50.00) or less, the maximum wager shall be at least two thousand dollars (\$2,000).]

(c) (No change.)

19:46-1.19 Dealing shoes

(a) Cards used to game at blackjack shall be dealt from a dealing shoe which shall be securely chained to the gaming table during gaming hours and secured in a locked compartment during non-gaming hours. **A dealing shoe or other device which automatically shuffles cards may be utilized at the game of blackjack, provided that such a shoe or device is submitted and approved by the Commission or its authorized designee.**

(b) (No change.)

(c) All dealing shoes **and shuffling devices** in the casino shall be inspected at the beginning of each gaming day by a floorman prior to cards being placed in them. The purpose of this inspection shall be to assure that there is no contrivance with or through the shoe **or shuffling device.**

GROUP B

19:47-2.2 Cards; number of decks; value of cards

(a) Blackjack shall be played with at least [one] **six** decks of cards with backs of the same color and design and one additional yellow or green cutting card.

(b) (No change.)

19:47-2.3 Wagers

(a)-(i) (No change.)

(j) Wagers made by a patron entering the game at any time other than a round immediately following a shuffle may be limited by a casino licensee to an amount not greater than the posted table minimum, until such time as a reshuffle occurs.

19:47-2.4 Opening of table for gaming

(a) After receiving the [one] **six** or more decks of cards at the table, the dealer shall sort and inspect the cards in accordance with N.J.A.C. 19:46-1.18(f) after which a floorman or other casino supervisor shall also inspect the cards.

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

19:47-2.5 Shuffle and cut of the cards

(a) Immediately prior to commencement of play [and after each shoe of cards is dealt], the dealer shall shuffle the cards so that they are randomly intermixed.

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

(d) Once the cutting card has been inserted by the player, the dealer shall take all cards in front of the cutting card and place them to the back of the stack after which the dealer shall [insert] **remove** the cutting card [in a position at least approximately one-quarter, but no more than one-third, of the way in] from the back of the stack. The stack of cards shall then be inserted in the dealing shoe for commencement of play.

(e) The player to cut the cards shall be [:

1. The] **the** first player to the table. [if the game is just beginning;

2. The player on whose box the cutting card appeared during the last round of play;

3. The player at the farthest point to the right of the dealer if the cutting card appeared on the dealer's hand during the last round of play.]

(f) (No change.)

(g) A reshuffle [of the cards in the shoe] shall [only] take place after the [cutting card is reached in the shoe] **cards in the discard rack exceed approximately one deck in number** as provided for in N.J.A.C. 19:47-2.6(j) except that a new dealer at the table shall have the discretion to reshuffle the cards in the shoe prior to continuing play[.]; provided, however, that a new dealer shall not be assigned to a table for the purpose of circumventing this rule by allowing a reshuffle to occur.

19:47-2.6 Procedure for dealing of cards

(a)-(i) (No change.)

(j) Whenever the [cutting card is reached in] **cards in the discard rack exceed approximately one deck in number** during the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed after which he shall [reshuffle] **remove the cards[.] from the discard rack and shuffle them so they are randomly intermixed. After the cards taken from the discard rack are shuffled, they shall be split into three separate stacks and each stack shall be inserted into premarked locations within the remaining decks contained in the dealing shoe.**

(k)-(l) (No change.)

19:47-2.15 Irregularities

(a)-(e) (No change.)

[(f) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut according to the procedures outlined in section 5 of this subchapter, the first card shall be drawn face downwards and burned, and the dealer shall complete the round of play.]

Renumber (g) as (f).

GROUP C

19:47-2.1 Definitions

“**Determinant card**” shall mean the first card drawn for each round of play to determine from which side of the double shoe the cards for that hand shall be dealt.

“**Double shoe**” shall mean a dealing shoe that has two adjacent compartments in which cards are stacked separately and which permits cards to be dealt from only one compartment at any given time.

...

19:47-2.2 Cards; number of decks; value of cards

(a) Blackjack shall be played with at least [one] **two decks of cards [with backs of the same color and design and one additional yellow or green cutting card.] that shall be dealt from a double shoe. The cards dealt from each side of the shoe shall have backs of the same color and design as all other cards being dealt from that side of the shoe. The backs of the cards being dealt from one side of the shoe, however, shall be of a different color than the backs being dealt from the other side. In addition to the cards used, a separate yellow or green cutting card shall be used in each side of the shoe.**

(b) (No change.)

19:47-2.3 Wagers

(a) Prior to the [first card] **determinant card** being dealt for each round of play, each player at the game of blackjack shall make a wager against the dealer which shall win if:

1.-3. (No change.)

(b) (No change.)

(c) Except as otherwise provided in [these regulations,] this chapter, no wager shall be made, increased or withdrawn after the [first card] **determinant card** of the respective round has been dealt.

(d)-(f) (No change.)

(g) Once the [first card] **determinant card** of any hand has been removed from the shoe by the dealer, no player shall handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager except as explicitly permitted by these regulations.

(h)-(i) (No change.)

19:47-2.4 Opening of table for gaming

(a) After receiving [the one] **two or more decks of cards at the table, the dealer shall sort and inspect the cards in accordance with N.J.A.C. 19:46-1.18(f) after which a floorman or other casino supervisor shall also inspect the cards.**

(b) (No change.)

(c) All the decks that are to be used in one side of the double shoe shall be spread out on the table separate from the decks that are to be used in the other side of the shoe.

[(c)] (d) After the first player or players is afforded an opportunity to visually inspect the cards, the cards **that are to be used in one side of the dealing shoe and the cards that are to be used in the other side of the dealing shoe shall separately** be turned face downward on the table, mixed thoroughly by a “washing” or a “chemmy shuffle” of the cards and stacked.

19:47-2.5 Shuffle and cut of the cards

(a) Immediately prior to commencement of play [and after each shoe of cards is dealt], **and as required by N.J.A.C. 19:47-2.6(k), the dealer shall shuffle the cards so that [they] all cards having backs of the same color** are randomly intermixed.

(b) After the cards have been shuffled, the dealer shall offer the stack(s) of cards, with backs facing away from him, to the players to be cut.

(c) The player designated by [subsection] (e) **below** [of this section] shall cut the cards by placing the cutting card(s) in the stack(s) at least [10] **ten (10)** cards in from either end.

(d) Once the cutting card(s) has been inserted by the player, the dealer shall take all cards in front of the cutting card and place them to the back of the stack after which the dealer shall insert the cutting card in a position at least approximately one-quarter, but no more than [one-third] **one-half**, of the way in from the back of the stack. The stack of cards shall then be inserted in the dealing shoe for commencement of play.

(e)-(f) (No change.)

(g) A reshuffle of the cards in the shoe shall only take place after the cutting card is reached in **either side** of the shoe as provided for in N.J.A.C. 19:47-2.6[(j)](k) except that a new dealer at the table shall have the discretion to reshuffle the cards in the shoe prior to continuing play[.]; provided, however, that a new dealer shall not be assigned to a table for the purpose of circumventing this rule by allowing a reshuffle to occur.

19:47-2.6 Procedure for dealing of cards

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

(c) [After each full set of cards is placed in the shoe, the dealer shall remove the first card therefrom face downwards and place it in the discard rack which shall be located on the table immediately in front of or to the right of the dealer. Each new dealer who comes to the table shall also burn one card as described herein before the new dealer deals any cards to the players. The burn card shall be disclosed if requested by the player.] **Prior to commencement of each round of play, the dealer shall draw a card from either side of the double shoe. The suit of that card shall determine from which side of the shoe that round of play will be dealt. The casino licensee shall designate that the suits of hearts and diamonds shall correspond to the color of the backs of the cards being dealt from one side of the shoe, and that the suits of spades and clubs shall correspond to the color of the backs of the cards being dealt from the other side of the shoe.**

(d) A determinant card corresponding to the side of the shoe from which it was drawn (as described in (c) above) shall become the player’s first card. A determinant card that does not correspond to the side of the shoe from which it was dealt shall be burned by placing it in a segregated area of the dealing shoe.

[(d)](e) [At the commencement of each round of play,] **Immediately after the determinant card has been drawn and either burned or used as the player’s first card, the dealer shall, starting on his left and continuing around the table, deal the cards in the following order:**

1.-3. (No change.)

Renumber (e)-(g) as (f)-(h).

[(h)] (i) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order

and in such a way that they can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to his far right and moving counter-clockwise around the table. After all the players' cards have been collected the dealer shall pick up his cards against the bottom of the players' cards and place them in [the discard rack.] **a segregated area of the double shoe.**

Renumber (i) as (j).

[(j)] (k) Whenever the cutting card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed after which he shall reshuffle the cards. **The shuffle of the cards shall be limited to the side of the shoe in which the cutting card appeared.**

Renumber (k) and (l) as (l) and (m).

19:47-2.15 Irregularities

(a) A card found turned face upwards in the shoe shall not be used in the game and shall be placed in [the discard rack.] **a segregated area of the double shoe.**

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

(f) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in [the discard rack.] **a segregated area of the double shoe** shall be shuffled and cut according to the procedures outlined in N.J.A.C. 19:47-2.5, the first card shall be drawn face downwards and burned, and the dealer shall complete the round of play.

(g) (No change.)

(h) **Any round of play drawn from the inappropriate side of a double shoe shall be treated as if it were drawn from the appropriate side of the shoe and concluded.**

GROUP D

19:47-2.1 Definitions

...
"Bart Carter shuffle" shall mean the shuffling procedure in which approximately one deck of cards is shuffled after being dealt, segregated into separate stacks and each stack is inserted into premarked locations within the remaining decks contained in the dealing shoe.

...
"Determinant card" shall mean the first card drawn for each round of play to determine from which side of the two compartment dealing shoe the cards for that hand shall be dealt.

"Double shoe" shall mean a dealing shoe that has two adjacent compartments in which cards are stacked separately and which permits cards to be dealt from only one compartment at any given time.

...

19:47-2.2 Cards; number of decks; value of cards

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

(c) If a double shoe is utilized, blackjack shall be played with at least two decks of cards that shall be dealt from separate sides of the dealing shoe. The cards dealt from each side of the shoe shall have backs of the same color and design as all other cards being dealt from that side of the shoe. The backs of the cards being dealt from one side of the shoe, however, shall be of a different color than the backs being dealt from the other side. In addition to the cards used, a separate yellow or green cutting card shall be used in each side of the shoe.

19:47-2.3 Wagers

(a)-(i) (No change.)

(j) **Wagers made by a patron entering the game at any time other than a round immediately following a shuffle may be limited by a casino licensee to an amount not greater than the posted table minimum, until such time as a reshuffle occurs.**

(k) **Any player who, after placing a wager on a given round of play, declines to place a wager on any subsequent round of play may be precluded by the casino licensee from placing any further wagers until a reshuffle occurs.**

(l) **If a double shoe is utilized, the term "first card" as used in (a), (c) and (g) above shall mean "determinant card".**

19:47-2.4 Opening of table for gaming

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

(d) **If a double shoe is utilized, all the decks that comprise one side of the dealing shoe shall be spread for inspection on the table separate from the decks that comprise the other side of the dealing shoe. After the player or players is afforded an opportunity to visually inspect the cards, the cards that comprise one side of the dealing shoe and the cards that comprise the other side of the dealing shoe shall separately be turned face downward on the table, mixed thoroughly by a "washing" or a "chemmy shuffle" of the cards and stacked.**

19:47-2.5 Shuffle and cut of the cards

(a) Immediately prior to commencement of play, **after any round of play as may be determined by the casino licensee** and after each shoe of cards is dealt, the dealer shall shuffle the cards so that they are randomly intermixed.

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

(d) Once the cutting card has been inserted by the player, the dealer shall take all cards in front of the cutting card and place them to the back of the stack after which the dealer shall insert the cutting card in a position at least approximately one-quarter [, but no more than one-third.] of the way in from the back of the stack. The stack of cards shall then be inserted **into** the dealing shoe for commencement of play. **If the "Bart Carter Shuffle" is utilized, the dealer shall not re-insert the cut card after the stack has been cut by the players.**

(e) The player to cut the cards shall be:

1.-3. (No change.)

4. The player at the farthest point to the right of the dealer if the reshuffle was initiated at the discretion of the casino licensee.

(f) (No change.)

(g) A reshuffle of the cards in the shoe shall [only] take place after the cutting card is reached in the shoe as provided for in N.J.A.C. 19:47-2.6[(j)](k) except that:

1. [a] A new dealer at the table shall have the discretion to reshuffle the cards in the shoe prior to continuing play, provided, however, that a new dealer shall not be assigned to a table for the purpose of circumventing this rule by allowing a reshuffle to occur[.];

2. **When the "Bart Carter Shuffle" is utilized a reshuffle shall take place after the cards in the discard rack exceed approximately one deck in number.**

19:47-2.6 Procedure for dealing of cards

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

(c) After each full set of cards is placed in the shoe, the dealer shall remove the first card therefrom face downwards and place it in the discard rack which shall be located on the table immediately in front of or to the right of the dealer. Each new dealer who comes to the table shall also burn one card as described herein before the new dealer deals any cards to the players. The burn card shall be disclosed if requested by the player. **This procedure shall not be applicable to the "Bart Carter Shuffle".**

(d) **If a double shoe is utilized, the following procedures shall be used in lieu of those set forth in (c) above.**

1. **Prior to commencement of each round of play, the dealer shall draw a card from either side of the double shoe. The suit of that card shall determine from which side of the shoe that round of play will be dealt. The casino licensee shall designate that the suits of hearts and diamonds shall correspond to the**

color of the backs of the cards being dealt from one side of the shoe, and that the suits of spades and clubs shall correspond to the color of the backs of the cards being dealt from the other side of the shoe.

2. A determinant card corresponding to the side of the shoe from which it was drawn shall become the player's first card. A determinant card that does not correspond to the side of the shoe from which it was dealt shall be burned by placing it in a segregated area of the dealing shoe.

[(d)] (e) At the commencement of each round of play, or immediately after the determinant card has been drawn and either burned or used as the player's first card, the dealer shall, starting on his left and continuing around the table, deal the cards in the following order:

1.-3. (No change.)

Renumber (e)-(g) as (f)-(h).

[(h)] (i) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in such a way that they can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to his far right and moving counter-clockwise around the table. After all the players' cards have been collected the dealer shall pick up his cards against the bottom of the players' cards and place them in the discard rack [.] or in a segregated area of the double shoe.

Renumber (i) as (j).

[(j)] (k) Whenever the cutting card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed after which he shall reshuffle the cards. If a double shoe is utilized, the shuffle of the cards shall be limited to the side of the shoe in which the cutting card appeared.

(l) If the "Bart Carter Shuffle" is utilized and the cards in the discard rack exceed approximately one deck in number, the dealer shall continue dealing the cards until that round of play is completed after which he shall remove the cards from the discard rack and shuffle those cards so that they are randomly intermixed. After the cards taken from the discard rack are shuffled, they shall be split into three separate stacks and each stack shall be inserted into premarked locations within the remaining decks contained in the dealing shoe.

Renumber (l) as (m).

19:47-2.15 Irregularities

(a) A card found turned face upwards in the shoe shall not be used in the game and shall be placed in the discard rack [.] or in a segregated area of the double shoe.

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

(f) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack or in a segregated area of the double shoe shall be shuffled and cut according to the procedures outlined in [section 5 of this subchapter] N.J.A.C. 19:47-2.5, the first card shall be drawn face downwards and burned, and the dealer shall complete the round of play.

(g) (No change.)

(h) Any round of play drawn from the inappropriate side of a double shoe shall be treated as if it were drawn from the appropriate side of the shoe and concluded.

19:47-2.20 Continuous shuffling shoe or device

In lieu of the dealing and shuffling requirements set forth in N.J.A.C. 19:47-2.5 and 2.6, a casino licensee may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that such shoe or device and the procedures for dealing and shuffling the cards through use of this device are approved by the Commission or its authorized designee.

GRUPE

Alternative No. E-1

19:47-2.3 Wagers

(a)-(i) (No change.)

(j) Unless permitted by the casino licensee, no person who has not made a wager on the first round of play may enter the game on a subsequent round of play prior to the reshuffle of the cards occurring. Any person permitted by the casino licensee to enter the game after the first round of cards is dealt from the dealing shoe may be required by the casino licensee to:

1. Make his or her first wager at the minimum limit posted at the table; and

2. Limit all subsequent bets until the cards are reshuffled and a new shoe is commenced to a fixed multiple (ratio) of his or her entry bet.

(k) Any player who, after placing a wager on a given round of play, declines to place a wager on any subsequent round of play may be precluded by the casino licensee from placing any further wagers until that shoe of cards is completed and a new shoe is commenced.

Alternative No. E-2

(a)-(i) (No change.)

(j) Unless permitted by the casino licensee, any person entering the game after the first round of cards is dealt from the dealing shoe shall:

1. Limit his or her first wager to the minimum limit posted at the table; and

2. Limit all subsequent bets until the cards are reshuffled and a new shoe is commenced to a fixed multiple (ratio) of his or her entry bet.

(k) Any player who, after placing a wager on a given round of play, declines to place a wager on any subsequent round of play may be precluded by the casino licensee from placing any further wagers until that shoe of cards is completed and a new shoe is commenced.

Alternative No. E-3

(a)-(i) (No change.)

(j) Any person entering the game after the first round of cards is dealt from the dealing shoe shall:

1. Limit his or her first wager at the minimum posted at the table; and

2. Limit all subsequent bets until the cards are reshuffled and a new shoe is commenced to a fixed multiple (ratio) of his or her entry bet as specified by the casino licensee.

(k) Any player who, after placing a wager on a given round of play, declines to place a wager on any subsequent round of play may be precluded by the casino licensee from placing any further wagers until that shoe of cards is completed and a new shoe is commenced.

19:47-2.4 Opening of table for gaming

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

(d) At the discretion of the casino licensee, cards may be spread face down at an inactive table where no play is taking place.

19:47-2.5 Shuffle and cut of the cards

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

(d) [Once the cutting card has been inserted by the player, the dealer shall take all cards in front of the cutting card and place them to the back of the stack after which the dealer shall insert the cutting card in a position at least approximately one-quarter, but no more than one-third, of the way in from the back of the stack. The stack of cards shall then be inserted in the dealing shoe for commencement of play.] A casino licensee may submit to the

Casino Control Commission for approval proposed shuffle, cut card placement, number of cut cards (to include shuffle techniques without the use of any cut cards), location of where the shuffle takes place, who is responsible for shuffling, shuffling equipment (dealing shoes or other dealing devices) and burn card procedures.

[(e) The player to cut the cards shall be:

1. The first player to the table if the game is just beginning;
2. The player on whose box the cutting card appeared during the last round of play;
3. The player at the farthest point to the right of the dealer if the cutting card appeared on the dealer's hand during the last round of play.

(f) If the player designated in subsection (e) of this section refuses the cut, the cards shall be offered to each other player moving clockwise around the table until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(g) A reshuffle of the cards in the shoe shall only take place after the cutting card is reached in the shoe as provided for in N.J.A.C. 19:47-2.6(j) except that a new dealer at the table shall have the discretion to reshuffle the cards in the shoe prior to continuing play, provided, however, that a new dealer shall not be assigned to a table for the purpose of circumventing this rule by allowing a reshuffle to occur.]

19:47-2.6 Procedure for dealing of cards

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

(c) After each full set of cards is placed in the shoe, the dealer shall remove [the first card] **one or more cards therefrom face downwards commensurate with the casino licensee's approved shuffle procedure** and place it in the discard rack which shall be located on the table immediately in front of or to the right of the dealer. Each new dealer who comes to the table shall also burn **one or more cards as [described herein] prescribed in the casino licensee's approved burn card procedure** before the new dealer deals any cards to the players. The burn card [shall] **may be disclosed at the discretion of the casino licensee** if requested by the player.

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

19:47-2.7 Payment of blackjack

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

(c) **A casino licensee may implement a blackjack policy in which a player has a point count total of twenty-one that is not a blackjack will not lose his/her bet but will "push" with the dealer when the dealer has a blackjack.**

19:47-2.9 Insurance wagers

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

(e) **At the discretion of the casino licensee, the insurance option may be eliminated.**

19:47-2.10 Doubling down

Alternative No. E-1

(a) (No change.)

[(b) If a dealer obtains blackjack after a player doubles down, the dealer shall only collect the amount of the original wager of such player and shall not collect the additional amount wagered in doubling down.]

Alternative No. E-2

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

(c) **At the discretion of the casino licensee, the option to double down on hard and/or soft totals may be eliminated.**

19:47-2.11 Splitting pairs

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

[(d) If the dealer obtains blackjack after a player splits pairs, the dealer shall only collect the amount of the original wager of such player and shall not collect the additional amount wagered in splitting pairs.]

19:47-2.16 Electronic, electrical and mechanical devices prohibited

Alternative No. E-1

It shall be unlawful for any person in a casino to possess with the intent to use, or to actually use, at the game of blackjack either by himself or in concert with others, any calculator, computer, or other electronic, electrical or mechanical device, to assist the player in keeping track of or analyzing either the cards having been dealt, the changing probabilities of the game, or the playing strategies to be utilized.

Alternative No. E-2

It shall be unlawful for any person in a casino to possess with the intent to use, or to actually use, at the game of blackjack either by himself or in concert with others, any note pad, tally card, decision rule card, calculator, computer, or other electronic, electrical or mechanical device, to assist the player in keeping track of or analyzing either the cards having been dealt, the changing probabilities of the game, or the playing strategies to be utilized.

Alternative No. E-3

(a) **It shall be unlawful for any person in a casino to possess with the intent to use, or to actually use, at the game of blackjack either by himself or in concert with others, any calculator, computer, or other electronic, electrical or mechanical device, to assist the player in keeping track of or analyzing either the cards having been dealt, the changing probabilities of the game, or the playing strategies to be utilized.**

(b) **A casino licensee may prohibit a player from using at the game of blackjack any note pad, tally card, decision rule card or any like materials.**

19:47-5.7 Minimum and maximum wagers

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

(d) **At the discretion of the casino licensee, the "bet to bet" betting increments may be limited to a fixed multiple (ratio) based on the players first bet at the table, first bet in the shoe, first bet upon entering the shoe after the first hand is dealt or as a function of the last bet or combination thereof.**

GROUP F

19:47-2.22 Blackjack alternatives: market testing

Alternative No. F-1

(a) **In view of the fact that statistical studies of the effect of various changes in equipment used or the rules of blackjack have been conducted for the past two years without field testing on the casino floors to determine operational impact and patron acceptability, there shall be a period of six months from the effective date of this section to permit experimental testing of blackjack rule changes pursuant to N.J.S.A. 5:12-5, which authorizes "tests and experiments of variations or composites of any authorized game". The object of this experimental period is to provide operational data to determine the potential impact of specific rule and procedure changes to the game of blackjack, and to assure maximum patron participation, fair odds as well as the economic viability of the industry.**

(b) **During this experimental period, the Commission may modify, vary, suspend or waive any rule or procedure or test any variation thereof pertaining to the equipment used or the rules of the game of blackjack, with such notice and under such terms and conditions as the Commission deems appropriate.**

The Commission authorized tests may involve a limited number of blackjack tables. The Commission may conduct more than one test simultaneously, and at the Commission's discretion in one or more casinos, professional card counters may be permitted to play only at designated experimental tables.

(c) The rule changes which may be tested during this experimental period shall include, but shall not be limited to modifications to rules appearing in N.J.A.C. 19:46 and 47.

(d) The experimental period shall terminate at the end of six months, unless, upon application by any interested party and upon notice and hearing pursuant to the requirements of the Administrative Procedure Act, the Commission extends the experimental period.

Alternative No. F-2

(a) In view of the fact that statistical studies of the effect of various changes in equipment used or the rules of blackjack have been conducted for the past two years without field testing on the casino floors to determine operational impact and patron acceptability, there shall be a period of six months from the date of adoption of this regulation to permit experimental testing of blackjack rule changes pursuant to N.J.S.A. 5:12-5, which authorizes "tests and experiments of variations or composites of any authorized game". The object of this experimental period is to provide operational data to determine the potential impact of specific rule and procedure changes to the game of blackjack, and to assure maximum patron participation, fair odds as well as the economic viability of the industry.

(b) During this experimental period, the Commission may modify, vary, suspend or waive any rule or procedure or test any variation thereof pertaining to the equipment used or the rules of the game of blackjack, with such notice and under such terms and conditions as the Commission deems appropriate. The Commission authorized tests may involve a limited number of blackjack tables. The Commission may conduct more than one test simultaneously, in one or more casinos.

(c) The rule changes which may be tested during this experimental period shall include, but shall not be limited to modifications to rules appearing in N.J.A.C. 19:46 and 47.

(d) The experimental period shall terminate at the end of six months, unless, upon application by any interested party and upon notice and hearing pursuant to the requirements of the Administrative Procedure Act, the Commission extends the experimental period.

(a)

CASINO CONTROL COMMISSION

Gaming Equipment
Issuance and Use of Tokens

Proposed Amendment: N.J.A.C. 19:46-1.33

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 7, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael A. Santaniello
Deputy Director – Operations
Financial Evaluation and Control
Casino Control Commission
3131 Princeton Pike Office Park
Building No. 5, CN-208
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-216.

The agency proposal follows:

Summary

This proposed amendment would further define the requirements of tokens issued after January 1, 1982 to conform with the requirements of the United States Treasury Department.

Social Impact

The social impact of the amendment to this regulation is minimal, if any. The real social impact will result from the public's use of the tokens defined by this regulation.

Economic Impact

Some economic impact may be felt by casino operators who would now have to submit their design schematics and sample tokens to the United States Treasury Department and Bureau of the Mint for approval. There may also be some economic impact on casino operators who already have tokens in use should these tokens not be approved by the Federal authorities.

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

19:46-1.33 Issuance and use of tokens

(a) A casino licensee may, with the approval of the Casino Control Commission, issue \$1.00 metal tokens designed for use in its slot machines provided that such tokens:

1.-7. (No change.)

8. Comply with either of the following specifications:

i. Measure [1.469] less than **1.475 inches or more than 1.525** inches in diameter and [.105] **not more than .115** inches in thickness, [to within a tolerance of plus or minus .010 of an inch,] with any reeds or serrations on the periphery not to exceed 150.

ii. Measure [1.077] **more than 1.068 inches or less than 1.120** inches in diameter and .074 inches in thickness, [to within a tolerance of plus or minus .010 of an inch,] with any reeds or serrations on the periphery not to exceed [100] **90**.

(b) (No change.)

(c) [The Commission shall have the discretion to withdraw approval of the use of tokens by a casino licensee upon his determination that United States coins of the particular denomination are available in sufficient quantities in the State of New Jersey without payment of a premium or for other cause deemed by him to warrant withdrawal of such approval.] **No casino licensee shall request design schematic approval of a \$1.00 token by the Casino Control Commission unless and until the casino licensee submits to the United States Treasury Department for approval a detailed schematic of its proposed token which shall show the front, back and edge of such token, its diameter, thickness, serrations and any logo, design and wording to be contained thereon all of which shall be depicted on such schematic as they will appear, both as to size and location, on the actual token. No casino licensee shall request sample approval of a \$1.00 token by the Casino Control Commission unless and until the casino licensee submits a sample token to the Bureau of the Mint for approval.**

(d) A casino licensee utilizing a \$1.00 token prior to the effective date of this regulation shall submit a sample to the United States Treasury Department for approval.

[(d)] (e) Tokens issued by a casino licensee shall:

1. Only be issued for use **in the slot machines** in the casino of such licensee and only be sold by such licensee at the request of its patrons and shall not be **used or** given as change in any other transaction;

2.-3. (No change.)

[(e)] (f) Notwithstanding the provisions of subsection **[(d)] (e)**, a casino licensee shall redeem promptly its own genuine tokens from other [casino licensees] **legally operated casinos** upon the representation that such tokens were unknowingly or inadvertently accepted, were unavoidably received in slot machines through patron play or were redeemed from patrons pursuant to [subsection (d)3 of this section] **(e)3 above**.

Renumber (f) and (g) as (g) and (h).

RULE ADOPTIONS

BANKING

(a)

DIVISION OF SAVINGS AND LOAN

Mortgage Bankers and Brokers License Fees and Procedures

Adopted Emergency Amendment and Concurrent Proposal: N.J.A.C. 3:38-1

Emergency Amendment Adopted: April 30, 1982 by
Michael M. Horn, Commissioner, Department of
Banking.

Gubernatorial Approval (see N.J.S.A. 52:14B-4(c)): May
7, 1982.

Emergency Amendment Filed: May 10, 1982 as R.1982
d.165.

Authority: N.J.S.A. 17:1-8.1 and 17:11B-5 (see P.L.
1981, c.18).

Emergency Amendment Effective Date: May 10, 1982.
Emergency Amendment Expiration Date: July 9, 1982.

Interested persons may submit in writing, data, views or
arguments relevant to the proposal on or before July 7, 1982. These
submissions, and any inquiries about submissions and responses,
should be addressed to:

William B. Lewis
Deputy Commissioner
Division of Savings and Loan
P.O. Box CN 040
Trenton, New Jersey 08625

This amendment was adopted on an emergency basis and became
effective upon acceptance for filing by the Office of Administrative
Law (see N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-
4.4). Concurrently, the provisions of this emergency amendment
are being proposed for readoption in compliance with the normal
rulemaking requirements of the Administrative Procedure Act,
N.J.S.A. 52:14B-1 et seq. The readopted rule becomes effective
upon acceptance for filing by the Office of Administrative Law (see
N.J.A.C. 1:30-4.4(d)).

The proposal is known as PRN 1982-177.

The agency emergency adoption and concurrent proposal
follows:

Summary

Amended N.J.A.C. 3:38-1 establishes license fees for Mortgage
Bankers and Mortgage Brokers as required by L.1981, c.18 Sec.
5 (N.J.S.A. 17:11B-5) as part of the new comprehensive scheme
of regulation. The new regulations set forth specific procedures for
the licensing process including license examinations and bond
requirements.

Social Impact

These amended and proposed new rules impact only upon the
applicants who are regulated by the statute cited in the authority.

There is no direct impact on consumers who deal with the
prospective licensees.

Economic Impact

The fees collected as a result of these regulations will offset a
substantial amount of the Departments' costs of administering the
statute. The economic impact to the public should be minimal if at
all.

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

CHAPTER 38

MORTGAGE BANKERS AND MORTGAGE BROKERS

SUBCHAPTER 1. [LICENSE FEES] GENERAL PROVISIONS

3:38-1.1 [License fees] License requirements

[(a) There will be a biennial license fee of \$700.00 for each
mortgage banker or mortgage broker. The biennial period shall
begin on July 1 and end on the second June 30 following the
effective date of the license.

(b) When an initial license is issued in the second year of the
biennial period, the license fee shall be \$350.00.]

**(a) The "license period" shall run from July 1 in all odd
numbered years to the second June 30 thereafter or any part
of that two-year period.**

**(b) Regardless of the date of issuance, all licenses shall expire
on June 30 following the effective date of issuance in odd
numbered years, the first expiration date for all licenses being
June 30, 1983.**

**(c) The license fee is \$700.00 for each mortgage banker or
mortgage broker for each license period, or any part thereof
provided, however, that if an initial license is issued after the
10th month of any license period, the license fee is \$400.00.**

3:38-1.2 Applications

**(a) Each applicant for a mortgage banker or mortgage broker
license must submit to the Department of Banking a completed
application in a form prescribed by the Commissioner together
with the required license fee and a non-refundable application
fee of \$125.00.**

**(b) In addition to the application form, the applicant shall file
a certified consent certificate with the Department permitting
the Department to make inquiries from the Department of Law
and Public Safety, Division of Criminal Justice, as to any
information they may have on file with respect to the applicant.**

**(c) Each individual applicant must qualify by passing an
examination administered under the direction of the
Department of Banking unless the examination requirement is
waived pursuant to N.J.A.C. 3:38-1.4.**

**(d) All applications must be accompanied by a letter of inquiry
from the applicant to a surety company authorized to do
business in the State of New Jersey regarding the issuance of a
bond in the amounts required by N.J.A.C. 3:38-1.5(c) upon
completion of all requirements for the issuance of a license.**

**(e) All applications for a corporate license, and all applications
for an individual license for a sole proprietor or partner or
officer in an unincorporated entity, shall include a financial
statement for the applicant and such additional information as
shall be required by the Commissioner for a newly-organized**

corporation. An individual applicant who will not operate as a sole proprietor or partner or officer in an unincorporated entity shall not be required to submit a financial statement with his application.

(f) A licensee may apply for renewal of his license, without application fee, by filing with the Department of Banking a completed application for that purpose in a form to be prescribed by the Commissioner along with the required license fees.

1. The Department shall notify all licensees at least 90 days prior to the expiration date of the license.
2. The completed renewal form must be received by the Department of Banking no fewer than 60 days prior to the expiration of the license.

3:38-1.3 Examinations

(a) Upon acceptance of an application for an individual, the Department will notify the applicant of the date of the next scheduled examination, which shall not be more than 90 days from the date of acceptance of the application. The failure of an applicant to take or pass the examination within one year of the acceptance of the application shall void the application. Any applicant who passes the exam but does not perfect his license by the posting of a bond within one year from the date of passage of the exam must resubmit to an examination.

(b) The examination shall be prepared by the Department of Banking and may cover, but is not limited to, the following topics:

1. The contents of Federal and State legislation and regulations on mortgage banking and brokering;
2. New Jersey real estate laws;
3. Basic knowledge of mortgage documents; and
4. Related State and Federal legislation such as the Real Estate Settlement Procedures Act, the Equal Credit Opportunity Act, and Regulation Z.

3:38-1.4 Waiver of examination

(a) An individual applicant shall notify the Department of Banking whether he requests a waiver of the examination requirement. The request for a waiver shall be made at the time of making application and shall be made in a manner prescribed by the Commissioner.

(b) If an applicant seeks a waiver based upon a claim that he has been principally engaged in the business of mortgage banker or mortgage broker for five years prior to the effective date of the statute, he shall provide with his application a list of all employers and places of employment during that period including addresses, names of immediate supervisors, and a description of the duties of the employment.

(c) If an applicant seeks a waiver based upon a claim that he has been principally engaged in the business of mortgage banker or mortgage broker for more than two years but less than five years and is otherwise qualified, he shall provide with his application a list of all employers and places of employment for the preceding 10 years, including addresses, names of immediate supervisors, and a detailed description of the duties involved, as well as a detailed basis of the qualifications on which the request is based.

(d) All requests for waivers from the examination requirement shall be acted upon by the Commissioner within 60 days of receipt of the application by the Department of Banking or such additional information as may be requested by the Department.

3:38-1.5 Bonds

(a) No license will be issued unless and until the applicant has posted with the Department of Banking a bond in the amount required by this subchapter in a form prescribed by the Commissioner by a surety company authorized to do business in the State of New Jersey.

(b) A mortgage banker or broker may procure a blanket bond to cover all licensees in his employ including a corporate entity which employs such other licensees.

(c) The minimum amount of the bond posted shall be as follows.

1. For an individual mortgage banker or broker: \$25,000.
2. For a corporate entity plus one individual licensee: \$35,000.
3. For a corporate entity plus two to five individual licensees: \$60,000.
4. For a corporate entity plus six to 10 individual licensees: \$75,000.
5. For a corporate entity plus 11 to 15 individual licensees: \$100,000.
6. For a corporate entity plus 16 or more individual licensees: \$125,000.

3:38-1.6 Interim license

In the event that an applicant in business for any period of time prior to the effective date of this subchapter shall make an initial application to the Commissioner for a license on or before May 21, 1982, or if a renewal application is filed in a timely fashion and the Commissioner does not approve the application on or before the expiration date of the license, the applicant or licensee may continue to transact business without interruption until such time as he is notified that his application for a license has been disapproved or his application for renewal denied.

3:38-1.7 Replacement of license

If a natural person upon whom a corporation, partnership, association, or other entity relies for its license pursuant to N.J.S.A. 17:11B-3(b) discontinues his affiliation or employment with such entity for any reason whatsoever, the entity may continue to operate under its license for a period of three months or for such other extended period as the Commissioner determines necessary for the entity to replace that natural person with another licensed natural person; provided, that the entity so notifies the Department of Banking within 10 days of the date upon which that natural person disassociates or leaves the employ of the entity.

3:38-1.8 Office requirements

(a) Each licensee which maintains more than one office must designate one office as the principal office. The designation of the principal office must be filed with the Commissioner of Banking. Any change in the designation must be filed within 10 days of the effective date of the change. The Commissioner shall endorse the change of address on the license.

(b) A licensee shall apply to the Commissioner for permission to establish a branch office or offices.

1. Application for branch offices shall include the following:
 - i. An application fee of \$250.00;
 - ii. A general description of the area to be served by the office;
 - iii. The name and license number of the mortgage banker or broker to be in charge of the office.

2. A licensee may relocate a branch office anywhere within 1,500 feet of an existing office or anywhere within the same building of an existing office. Relocation of a branch office more than 1,500 feet from the existing office shall require branch application.

3. Each licensee must submit any change of address to any branch office or any change in the licensed supervisory individual within 10 days of the change. The Commissioner shall endorse the change of address on the license.

(c) Unless the Commissioner determines within 30 days of receipt of a completed branch application that the office is located within an establishment which is exclusively devoted to social or recreational activities or is inconsistent with the ability of the public to gain access to the mortgage banker or broker,

a license shall be issued upon the posting thereafter with the Department of Banking of a bond or the receipt of a certification by the surety that the bond already posted with the Department has been appropriately increased and extended to include the branch and its individual licenses.

(d) Each licensee shall display his license so that it is easily observable by the general public. The address on the license must be the same as the address of the place of business where the license is on display.

CIVIL SERVICE

(a)

CIVIL SERVICE COMMISSION

**Examinations and Applications
Make-up Examinations**

Adopted Amendment: N.J.A.C. 4:1-8.21

Proposed: March 15, 1982 at 14 N.J.R. 259(a).
Adopted: May 20, 1982 by Civil Service Commission,
Peter J. Calderone, Director of Administrative Practice
and Labor Relations.
Filed: May 21, 1982 as R.1982 d.178, **without change**.

Authority: N.J.S.A. 11:1-7, 11:5-1 and 11:9-1.

Effective Date: June 7, 1982.

(b)

CIVIL SERVICE COMMISSION

**Separation and Demotions
Request for Reemployment**

Adopted Amendments: N.J.A.C. 4:1-16.13

Proposed: March 15, 1982 at 14 N.J.R. 260(a).
Adopted: May 20, 1982 by Civil Service Commission,
Peter J. Calderone, Director of Administrative Practice
and Labor Relations.
Filed: May 21, 1982 as R.1982 d.179, **without change**.

Authority: N.J.S.A. 11:1-7a, 11:5-1a and 11:10-1.

Effective Date: June 7, 1982.

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(c)

DIVISION OF WATER RESOURCES

**Water Supply Bond Loan Regulations
Rehabilitation of Water Supply Facilities**

**Adopted New Rules: N.J.A.C. 7:1A (except
7:1A-2.5(b)7-9, 2.12, 2.13(b), (c)1, (c)2ii
and (c)2iii)**

Proposed: January 4, 1982 at 14 N.J.R. 10(a).
Adopted: May 13, 1982 by Robert E. Hughey,
Commissioner Department of Environmental
Protection.

Filed: May 13, 1982 as R.1982 d.167, **with substantive
changes not requiring** additional public notice and
comment (see this Register at 14 N.J.R. 499(c) for
related proposal.

Authority: Water Supply Bond Act of 1981, P.L. 1981
c.261, section 5.

Effective Date: June 7, 1982.

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

7:1A-1.1 Scope and construction of rules

(a) The following shall constitute the rules governing disposition of appropriations for the purposes of providing loans for State or local projects for the rehabilitation ***[,]*** ***or*** repair ***[or consolidation]*** of antiquated, ***obsolete,*** damaged or inadequately operating ***publicly owned*** water supply facilities pursuant to the Water Supply Bond Act of 1981, P.L. 1981, c.261, and as recommended by the New Jersey Statewide Water Supply Plan. These rules prescribe procedures, minimum standards of conduct for borrowers, and standards for the rehabilitation of water supply facilities.

(b) (No change from proposal.)

7:1A-1.2 Purpose of rules

(a) These rules are promulgated for the following purposes:

1. (No change from proposal.)

2. To establish policies and procedures for administration of funds appropriated pursuant to the Act for the purpose of making State loans for State or local projects for the rehabilitation ***[,]*** ***or*** repair ***[or consolidation]*** of antiquated, ***obsolete,*** damaged or inadequately operating water supply ***transmission*** facilities;
3.-6. (No change from proposal.)

7:1A-1.4 Annual budget request

(a) (No change from proposal.)

(b) The plan shall include the following information:

1. (No change from proposal.)

2. A description of programs planned during the upcoming ***fiscal*** year;

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

7:1A-2.1 Scope

This subchapter shall prescribe procedures and requirements for the award of State loans for the rehabilitation of water supply

facilities pursuant to Section 4 of the Water Supply Bond Act of 1981, P.L. 1981, c.261, *[all]* ***and*** as recommended by the New Jersey Statewide Water Supply Plan.

7:1A-2.2 Definitions

“Eligible project cost” means the costs which are determined by the Department under this chapter to be eligible for a water supply bond loan *.* *[and shall include the cost of repair, replacement or reconstruction of all or part of any obsolete or antiquated water supply transmission system that is deemed by the Department to be necessary or useful and convenient therefor or in connection therewith, including costs of geological and hydraulic services, interconnection testing, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, operating and other expenses prior to or during such repair, replacement or reconstruction, and all such other expenses as may be necessary or incident to the financing, reconstruction and completion of such project or part thereof and the placing of the same in operation.]*

“Eligible project scope” means the repair, replacement or reconstruction of an ***antiquated,*** obsolete *, ***damaged*** or inadequately operating water supply transmission ***[system]*** * ***facilities*** consisting of pipes and appurtenances including but not limited to pump stations, valves, surge chambers, ***existing interconnections*** and storage tanks ***[,]*** which convey water. The applicant’s project scope must conform to this definition to be funded pursuant to this chapter.

“Project” means any work relating to the rehabilitation of water supply ***transmission*** facilities.

“Transmission ***[system]*** ***facilities***” means those pipes and appurtenances including but not limited to pump stations, valves, surge chambers *, ***interconnections*** and storage tanks which convey water.

7:1A-2.3 Eligibility and criteria

(a) Any applicant operating an antiquated, ***obsolete,*** damaged, or inadequately operating water supply ***transmission*** facility in need of rehabilitation ***[,]*** ***or*** repair ***[or consolidation]*** is eligible for a loan in any year where it satisfactorily completes the loan application process in a timely manner, meets the eligibility criteria set forth in this subchapter, receives the minimum priority score, and ranks high enough on the priority list to be funded. To receive a loan the project shall meet the following criteria to the satisfaction of the Department:

1. (No change from proposal.)

2. The project shall be an independent and complete water supply rehabilitation project. An independent and complete project is one which by its implementation alone will render the ***specified portion of the*** system adequate and efficient and will accomplish the purpose set forth in the application. ***[However, consideration may be given to waiving this requirement when the applicant proves to the satisfaction of the Department that the project is a portion of an overall plan to make the system adequate.]***

3.–6. (No change from proposal.)

***[7. No water supply rehabilitation project is eligible for a loan if construction on the project has commenced prior to filing of the loan application with the Department.**

8. The project must conform with the water conservation measures required by the Department and recommended in the New Jersey Statewide Water Supply Plan.]*

7:1A-2.4 Preapplication procedures

(a) Every applicant shall request an informal conference prior to making a formal application for a loan. During the conference the Division shall identify and explain all loan application documents.

It shall also identify and answer questions concerning other Departmental permits the applicant must obtain prior to being awarded a loan. This conference is not part of the application procedure and ***[neither written nor]*** verbal statements made during the conference shall ***not*** bind the Department.

(b) Questions concerning the program and requests for a pre-application conference should be directed to:

Division of Water Resources
[Attention:] Water Supply and Watershed
Management Administration
P. O. Box CN-029
1474 Prospect Street
Trenton, New Jersey 08625

7:1A-2.5 Application procedures

(a) (No change from proposal.)

(b) An applicant for a water supply rehabilitation loan shall submit:

1. (No change from proposal.)

2. A description of how it plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, the steps it has taken to implement this plan and, the steps it plans to take before receiving the loan that will guarantee that at the time of the signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete*,* ***[and]*** ***implement*, operate and maintain*** the project;

3. Evidence that all Federal, State, regional and local agencies with jurisdiction over the area have been notified of the project ***[:]*** ***,** ***including but not limited to the applicable municipal planning board and environmental commission; county planning board and environmental commission; Division of Planning, Department of Community Affairs; any areawide or regional agencies concerned; and any interconnected water systems that may be affected;***

4. (No change from proposal.)

5. A complete proposal outlining the problem, cause and effect of these problems, the proposed solution along with a discussion of alternatives to the proposed solution; ***[and]***

6. A proposed construction schedule for the project ***[:]***;

7. All other forms, agreements and subagreements the Department may require;

(c) Signature:

1. Applications shall be signed for the applicant by a person authorized by resolution or ordinance to ***file an application for a State loan and to*** obligate the applicant to the terms and conditions of the loan ***[:]*** ***award document.***

2. (No change from proposal.)

(d) Applications should be submitted well in advance of the application closing date for the year in which the applicant wishes to be awarded a loan. The application closing date for ***each* *** ***[the]*** year ***[1982]*** ***of the program*** shall be ***[90 days after the effective date of this chapter. For all subsequent application years the application closing date shall be the same month and day as the 1982 application closing date.]*** ***October 1 of the appropriate fiscal year. The application closing date for any year may be extended, if deemed necessary by the Division, upon publication of a notice of extension in the New Jersey Register.***

(e) (No change from proposal.)

(f) Applications shall be sent to:

Division of Water Resources
[Attention:] Water Supply and Watershed
Management Administration
P.O. Box CN 029
1474 Prospect Street
Trenton, New Jersey 08625

***[(g) The following additional completed forms and documents shall be submitted with an application:**

1. Resolution or ordinance of the applicant authorizing the filing of an application for a State loan;

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2. All other forms, agreements and subagreements the Department may require.]*

[(h) At the time the applicant submits its application to the Division the applicant shall notify the applicable municipal environmental commission and the county environmental commission that it has applied for a water supply rehabilitation loan.]

7:1A-2.10 Loan award document

(a) The Division of Water Resources of the Department shall prepare and transmit four copies of the loan award document to the applicant.

1. The applicant shall execute the loan award document and return it within 30 calendar days after receipt. The Department may, in its discretion, extend the time for execution. ***The loan award document shall be signed by a person authorized by resolution or ordinance to obligate the applicant to the terms and conditions of the loan award document.***

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

7:1A-2.12 Priority determination

(Reserved)

*[(a) Each project shall be assigned priority points in accordance with the provisions outlined in this section. A project shall be ranked by the number of priority points it receives.

1. A water supply system serving less than or equal to 10,000 people shall be eligible for a loan if it receives at least eight priority points.

2. A water supply system serving between 10,001 through 75,000 people shall be eligible for a loan if it receives at least 12 priority points.

3. A water supply system serving greater than 75,000 people shall be eligible for a loan if it receives at least 20 priority points.

(b) All applications must also meet the criteria set forth in N.J.A.C. 7:1A-2.3 to be eligible for a loan.

(c) Three separate priority lists shall be established in each program year according to the size of the water supply system. Appropriations for each of the three separate priority lists shall be determined as a percentage of the total periodic appropriations by the Legislature to the Department for the purpose of implementing this chapter.

1. Twenty percent of the total Departmental appropriation for the purposes of implementing this chapter shall be appropriated for those eligible water supply systems that serve less than or equal to 10,000 people;

2. Thirty percent of the total Department appropriation for the purposes of implementing this chapter shall be appropriated for those eligible water supply systems that serve between 10,001 through 75,000 people; and

3. Fifty percent of the total Departmental appropriation for the purpose of implementing this chapter shall be appropriated for those eligible water supply systems that serve greater than 75,000 people.

(d) If in any program year there are an insufficient number of eligible projects on any of the three separate priority lists the funds designated for said category shall be disbursed to eligible projects on the other priority lists in the same proportions as set forth in (c) above.

(e) A maximum loan amount for each project shall be set for each of the three categories of projects as follows:

1. A water supply system serving less than or equal to 10,000 people may receive a loan of up to five hundred thousand dollars maximum;

2. A water supply system serving between 10,001 and 75,000 people may receive a loan of up to one million dollars maximum; and

3. A water supply system serving greater than 75,000 people may receive a loan of up to three million dollars maximum;

4. Any loan funds appropriated for a project in excess of the actual costs spent for the completed project shall be returned to the Water

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Supply Fund created pursuant to the act within 30 days of final inspection of the project by the Department.

(f) Priority points shall be given for the following factors and in the amount shown. An applicant shall only receive priority points listed in (f)1, 3, 5, 6, 7, 8, and 10 below if the project scope provides for the actual repair, rehabilitation, or correction of the problem items enumerated which serves as the basis for awarding priority points in (f)1, 3, 5, 6, 7, 8, and 10 below.

1. Priority points shall be awarded for the age of water transmission lines. These water transmission lines include those pipes, aqueducts and appurtenances which convey water.

i. Two points shall be awarded for transmission lines constructed between the years 1966 through 1970;

ii. Four points shall be awarded for transmission lines constructed between the years 1951 through 1965;

iii. Eight points shall be awarded for transmission lines constructed between the years 1926 through 1950;

iv. Twelve points shall be awarded for transmission lines constructed between the years 1901 through 1925;

v. Sixteen points shall be awarded for transmission lines constructed in or before the year 1900.

2. The priority points awarded by (f)1i through v above for the age of the water transmission lines shall first be adjusted according to the following formula and then totaled to determine final priority points under (f) of this section:

i. Priority points awarded by (f)1i through v above equals points awarded above for the year of construction, multiplied by the number of miles of transmission lines constructed in the period specified in (f)1i through v above, and the result divided by the total number of miles of transmission lines in the water supply system.

3. Priority points shall be awarded for the residential population served by the water supply system on the following basis:

i. One point shall be awarded for a system supplying water to a residential population of 50 through 500 people;

ii. Two points shall be awarded for a system supplying water to a residential population of 501 through 1,000 people;

iii. Three points shall be awarded for a system supplying water to a residential population of 1,001 through 5,000 people;

iv. Four points shall be awarded for a system supplying water to a residential population of 5,001 through 10,000 people;

v. Five points shall be awarded for a system supplying water to a residential population of 10,001 through 20,000 people;

vi. Six points shall be awarded for a system supplying water to a residential population of 20,001 through 50,000 people;

vii. Seven points shall be awarded for a system supplying water to a residential population of 50,001 through 75,000 people;

viii. Eight points shall be awarded for a system supplying water to a residential population of 75,001 through 100,000 people;

ix. Nine points shall be awarded for a system supplying water to a residential population of 100,001 through 200,000 people;

x. Ten points shall be awarded for a system supplying water to a residential population of 200,001 through 500,000 people;

xi. Eleven points shall be awarded for a system supplying water to a residential population of 500,001 through 1,000,000 people;

xii. Twelve points shall be awarded for a system supplying water to a population of greater than 1,000,000 people.

4. Priority points shall be awarded on the following basis for system failure occurring since 1960 which resulted in interruption of service due to malfunction and/or breakdown of the transmission system and which is attributable to the system's age or inadequacy:

i. One priority point shall be awarded for each event resulting in a service breakdown lasting for a period of two or more hours.

5. Priority points shall be awarded for the percentage of the present daily demand of the applicant's water supply system that can be supplied from interconnections with other water supply systems. The present water supply demand for the applicant's service area shall be determined as the yearly average of daily demand of the system measured in gallons per day.

i. One point shall be awarded for a system having interconnections

that can supply between 71 through 80 percent of the present daily water supply demand for the service area;

ii. Two points shall be awarded for a system having interconnections that can supply between 61 through 70 percent of the present daily water supply demand for the service area;

iii. Three points shall be awarded for a system having interconnections that can supply between 41 through 60 percent of the present daily water supply demand for the service area;

iv. Four points shall be awarded for a system having interconnections that can supply between 21 through 40 percent of the present daily water supply demand for the service area;

v. Five points shall be awarded for a system having interconnections that can supply less than or equal to 20 percent of the present daily water supply demand for the service area;

vi. Six points shall be awarded for a system having no interconnections with any other water supply system.

6. Priority points shall be awarded according to the system's ability to meet projected demand in the near future. For the purposes of (f)6 of this section, a system shall be considered inadequate if the average daily system demand exceeds the average daily system capacity by 10 percent or more.

i. Two points shall be awarded for a system that will not be adequate to meet the projected demand between the years 1996 through 2000;

ii. Four points shall be awarded for a system that will be inadequate to meet the projected demand between the years 1991 through 1995;

iii. Eight points shall be awarded for a system that will be inadequate to meet the projected demand between the years 1986 through 1990;

iv. Ten points shall be awarded for a system that is unable to meet the present demand or will be unable to meet the projected demand by the end of the year 1984.

7. Two points shall be awarded for each pump station which forms a component of the transmission system and which, because of the station's age, inadequacy or obsolete design, has malfunctioned or broken down for a minimum of five times since the year 1975.

8. Priority points shall be awarded for the leakage and other unaccountable water losses from the transmission system expressed as a percentage of the system capacity.

i. Two points shall be awarded for a system experiencing water losses between one through four percent of the system capacity;

ii. Three points shall be awarded for a system experiencing water losses between five through eight percent of the system capacity;

iii. Four points shall be awarded for a system experiencing water losses between nine through 12 percent of the system capacity;

iv. Five points shall be awarded for a system experiencing water losses between, 13 through 16 percent of the system capacity;

v. Six points shall be awarded for a system experiencing water losses between 17 through 20 percent of the system capacity;

vi. Seven points shall be awarded for a system experiencing water losses between 21 through 24 percent of the system capacity;

vii. Eight points shall be awarded for a system experiencing water losses between 25 through 28 percent of the system capacity;

viii. Nine points shall be awarded for a system experiencing water losses between 29 through 32 percent of the system capacity;

ix. Ten points shall be awarded for a system experiencing water losses of 33 percent or more.

9. Priority points shall be awarded for the adverse effect of transmission lines on the quality of treated water in the system as follows:

i. Two points shall be awarded for chronic color or turbidity problems caused by the transmission system due to rusty pipes or infiltration of groundwater, etc;

ii. Two points shall be awarded for chronic taste and odor problems caused by the transmission system due to rusty pipes or infiltration of groundwater, etc;

iii. Two points shall be awarded for chronic low pressure problems caused by the age of the transmission system.

iv. A chronic problem shall be defined as a problem concerning but not limited to color, odor, iron and low pressure which incites on an average at least two verifiable complaints per month received against the applicant's water supply between the years 1975 through 1980.

10. Priority points shall be awarded in the amount of 10 priority points for each administrative order issued by the Division to the applicant provided that the applicant's project scope provides for the implementation of the actions ordered by the Division in each relevant administrative order. Priority points shall also be awarded in the amount of five priority points for each directive or recommendation letter issued by the Division to the applicant provided that the applicant's project scope provides for the implementation of the actions directed by the Division in each relevant directive or recommendation letter.

(g) Total priority points shall be determined by totalling all the points awarded an applicant by (f) above.

(h) The Division shall establish and maintain three separate priority list for each program year in accordance with the number of priority points awarded each project pursuant to this section.

(i) The Department shall send a Notice of Intent to Award a loan to those approved applicants ranking high enough on the appropriate priority list to receive funds.

(j) The applicants receiving a Notice of Intent to Award a loan shall obtain all necessary Federal, State and local permits within six months of receipt of the Notice of Intent to Award a loan. Failure to obtain the required permits within the required time period shall make the project ineligible for a loan for that year.

(k) The Department shall award a loan to those applicants sent a Notice of Intent to Award a loan upon receipt by the Department, within six months, of a certified copy of all the permits required by (j) of this section. Failure to obtain and submit the required permits within the required time period shall make the project ineligible for a grant for that year unless prior approval for an extension has been granted by the Division pursuant to N.J.A.C. 7:1A-2.13(g).

(l) Applicants with approved projects on a priority list that are not awarded loans in a year, who wish to apply for a position on any subsequent priority list in any subsequent year, may apply by a timely filing of a new Water Supply Loan Application Form and by updating the other application documents required by N.J.A.C. 7:1A-2.5. This application will be treated as a new application for a Water Supply Loan and evaluated and approved in accordance with these rules.]*

7:1A-2.13 Project development phase of water supply bond loan program

(a) (No change from proposal.)

(b) ***(Reserved)*** *[(During the pre-design conference the Division personnel shall identify and explain the requirements of this section, including design criteria and review of the requirements of the Environmental Assessment specified in (d) below.]*

(c) The applicant shall submit all materials required by (c) of this section, prepared in accordance with accepted engineering practice within the specified time period.

1. ***(Reserved)*** *[(A complete design report prepared by a New Jersey licensed professional engineer experienced in the field of water supply. The report shall include but not be limited to the engineering assumptions, references, calculations and conclusions relative to the structural and the hydraulic design of all elements within the project scope including all information, narrative, data, and computations necessary to support and describe the design developed and shall be in such detail as to permit complete understanding of the project design. Depending on the project scope, the design report shall address the distribution network, topographic conditions, geotechnical consideration, pump station performance, and operating characteristics of the distribution storage system capacity, adequacy, and condition.]*

2. The plans for the water supply rehabilitation project ***shall be***

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prepared by an engineer licensed by the State of New Jersey. Each drawing shall be signed and sealed and shall have a title block giving the name and location of the project, the scale or scales used, date, the name of the engineer and his license number. Plans shall show clearly the datum to which elevations shown are referred. The National Geodetic Vertical Datum of 1929 ***,* [datum,]*** (U.S.G.S.) ***,*** should be used wherever possible or an equation converting to that datum given. The plans shall clearly reflect and label all existing and proposed features and shall include but not be limited to:

i. A vicinity map showing the location of the water supply system rehabilitation project. A U.S.G.S. 7 1/2 Minute Quadrangle map ***or acceptable substitute*** shall be used for this purpose.

ii. ***(Reserved)*** ***[A plan and profile of the entire transmission-grid system that is to be rehabilitated. The plan shall include but not be limited to water mains, service connections, fire hydrants, gage valves, blowoff valves, gate valves, air relief valves, pressure reducing valves, pumping stations, surge chambers, storage tanks. The Plan shall also include but not be limited to the locations of all utilities and sewer lines, i.e. pipelines, telegraph and telephone lines, electrical conduits, and sanitary and storm sewers that will have an effect on the project implementation.]****

iii. ***(Reserved)*** ***[A topographic and pressure contour map of the transmission grid system showing ground elevations, water main elevations and water pressure at various points in the system.]****

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

3. The construction specifications for the water supply rehabilitation project shall include but not be limited to:

i. (No change from proposal.)

ii. The technical provisions, which shall describe carefully and in detail the approved work methods, equipment, materials to be used, the results to be obtained and the project ***[schedule.]*** ***and payment schedule.***

4. (No change from proposal.)

5. A report from the applicant's governing body detailing its plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, ***a rate schedule setting forth the amounts charged for the sale of water by the borrower,*** the steps it has taken to implement this plan and, the steps it plans to take before receiving the loan guaranteeing that at the time of signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete and implement the project.

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

(f) The Department shall award a loan to those applicants receiving a Notice of Intent to Award a loan ***, subject to the provisions of 7:1A-2.12(k),*** who obtain and submit all required permits and all materials, prepared to the satisfaction of the Department, within six months after the Notice of Intent to Award a loan or within the time limits of any extension granted pursuant to (g) below.

(g) (No change from proposal.)

7:1A-2.14 Eligible project costs

(a) Project costs shall be allowed to the extent permitted by this subchapter and the loan award document. ***Eligible project costs shall be those costs set forth below:***

***1. Repair, replacement, or reconstruction of all or part of any obsolete, damaged, antiquated, or inadequately operating water supply transmission system;**

2. Geological and hydraulic services;

3. Interconnection testing;

4. Engineering and inspection costs;

5. Legal expenses;

6. Financial, professional, and other estimates and advice;

7. Organization, operating, and other expenses prior to or during repair, replacement, or reconstruction; and

8. All other such expenses as may be necessary or incidental

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to the financing, reconstruction and completion of the project, or part thereof and the placing of same in operation except as excluded by N.J.A.C. 7:1A-2.14(b).*

(b) ***[Land acquisition costs shall be ineligible to be accounted as eligible project costs.]*** ***Ineligible project costs shall be those costs set forth below:**

1. Land acquisition costs;

2. Project design and development costs incurred prior to November 3, 1981;

3. Any costs associated with a project for which construction commenced prior to the filing of a loan application with the Department; and

4. Salaries of regular water purveyor employees, expenses for governmentally owned or purveyor owned equipment, and other such force account expenses.*

(c) (No change from proposal.)

(d) Borrowers shall be provided the actual costs incurred and properly documented for the project up to the maximum specified in the loan award document. ***[The salaries of regular water purveyor employees and expenses for governmentally owned or purveyor owned equipment are not eligible project costs.]***

(e) ***[Project design development costs incurred prior to November 3, 1981, the day on which the voters approved the Water Supply Bond Act of 1981, shall not be an eligible project cost.]***

*** Project design and development costs shall not be reimbursed until construction contracts have been awarded.***

7:1A-2.17 Fraud and other unlawful or corrupt practices

(a) The borrower shall administer loans, award contracts and subcontracts ***[under those grants]*** ***pursuant to the loans*** free from bribery, graft, and other corrupt practices. The borrower bears the primary responsibility for the prevention, detection and cooperation in the prosecution of any such conduct.

(b) (No change from proposal.)

7:1A-2.18 Loan conditions

(a) The following requirements, in addition to such other statutes, rules, terms and conditions as may be applicable to particular loans, are conditions of each loan and conditions precedent to each payment under a loan award document:

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

3. The borrower shall certify that it and its contractors and subcontractors are maintaining their financial records in accordance with ***[standard]*** ***generally accepted*** accounting *** [procedures]*** ***principles*.**

4. The borrower shall certify ***that*** it and its contractors and their subcontractors are in compliance with the discrimination and affirmative action provisions of N.J.S.A. 10:2-1 through 10:2-4, the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., and the rules and regulations promulgated pursuant thereto.

5. (No change from proposal.)

6. The borrower shall certify ***that*** it is in compliance with all other requirements and conditions of the loan award document.

7. (No change from proposal.)

7:1A-2.20 Access

The borrower and its contractor and subcontractors shall provide access to the Department personnel and any authorized representative of the Department to the facilities, premises and records related to the project. The borrower shall submit to the Department such documents and information as requested by the Department. All borrowers^{*}, contractors and subcontractors may be subject to a financial audit. Records shall be retained and available to the Department for a minimum of three years after *** [submission]*** ***issuance*** of the final payment^{*}. ***by the Department.***

7:1A-2.24 Debarment

(a) (No change from proposal.)

(b) Borrowers shall insert in every contract for work on a water supply rehabilitation project a clause stating that the contractor may be debarred, suspended or disqualified from contracting with the * **State and the** * Department if the contractor commits any of the acts listed in N.J.A.C. 7:1-5.2.

(c) Bid specifications prepared by the borrower shall require bidders to submit a sworn statement of the bidder, or an officer or partner of the bidder, indicating whether or not the bidder is, at the time of the bid, included on the State Treasurer's List of Debarred, Suspended and Disqualified bidders *[as a result of action by any State agency other than the Department of Environmental Protection]*. Bid specifications shall also state that the borrower will immediately notify the Department whenever it appears that a bidder is on the Treasurer's list. The Department reserves the right, in such circumstances, to immediately suspend such bidder from Department contracting, and to take such other action pursuant to N.J.A.C. 7:1-5 as is appropriate.

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

7:1A-2.30 Notice of noncompliance

When the Department determines that the borrower is in noncompliance with any condition or requirement of these rules or with any loan award document specification or requirement, it shall notify the borrower *[, its engineer, and/or the contractor]* of the noncompliance. The Department may require the borrower, its engineer, and/or contractor to take and complete corrective action within 10 working days of receipt of notice. If the borrower, its engineer, and/or contractor do not take corrective action or if it is not adequate, then the Department may issue a stop work order or withhold payment. The Department may, however, withhold payment pursuant to N.J.A.C. 7:1A-2.31 or issue a stop work pursuant to N.J.A.C. 7:1A-2.32 without issuing a notice pursuant to this section.

7:1A-2.33 Termination of loans

(a) The Department may terminate a loan in whole or in part for good cause subject to negotiation and payment of appropriate termination settlement costs. The term "good cause" shall include but not be limited to substantial failure to comply with the terms and conditions of the loan, or default by the borrower.

1. The Department shall give written notice to the borrower (certified mail, return receipt requested) of intent to terminate a loan in whole or in part at least 10 days prior to the intended date of termination***[.]*** ***, stating reasons for the proposed termination.***

2. (No change from proposal.)

(b) A borrower shall not unilaterally terminate the project work for which a loan has been awarded, except for good cause and subject to negotiation and payment of appropriate termination settlement costs. The borrower shall promptly give written notice to the administrator of any complete or partial termination of the project work by the borrower. If the Department determines that there is good cause for the termination of all or any portion of a project for which the loan has been awarded, the Department may enter into a termination agreement or unilaterally terminate the loan effective with the date of cessation of the project work by the borrower. If the Department determines that a borrower has ceased work on a project without good cause, the Department may unilaterally terminate the loan pursuant to this section or annul the ***[grant]* *loan*** pursuant to N.J.A.C. 7:1A-2.34.

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

OFFICE OF ADMINISTRATIVE LAW NOTE: See this issue of the Register at 499(c) for repropoed rules concerning N.J.A.C. 7:1A.

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Shellfisheries

Harvest of Crabs

Adopted Amendment: N.J.A.C. 7:25-14.8
Adopted New Rules: N.J.A.C. 7:25-14.9 and 14.10

Proposed: October 8, 1981 at 13 N.J.R. 645(a).

Adopted: May 7, 1982 by Robert E. Hughey, Commissioner, Department of Environmental Protection.

Filed: May 17, 1982 as R.1982 d.169, **with substantive changes** not requiring additional public notice and comment.

Authority: N.J.S.A. 23:2B-6.

Effective Date: June 7, 1982.

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

7:25-14.10 Size of crabs taken

(a) No person shall take from any of the tidal waters of this State or have in his possession any peeler or ***[shredder]* *shedder*** crab measuring less than three inches across the back from ***[tip to tip of spike of soft crab measuring less than three and one-half inches across the back from tip to tip of spike.]* *the tip of the longest lateral spine to the other or a soft crab measuring less than three and one-half inches across the back from the tip of the longest lateral spine to the other***, or hard crab measuring less than ***[three]* *four*** inches across the back from tip ***to tip*** of spike.

1. For purposes of this section, a peeler or shedder crab shall mean a hard crab which has a fully formed soft shell beneath the hard outer shell and the impending shedding process is evidenced by the red sign along the outer rim of the paddle-like appendages on the crab's fifth pair of legs.

HEALTH

(b)

DIVISION OF HEALTH PLANNING AND RESOURCES DEVELOPMENT

Policy Manual

Certificate of Need: Reviews of Long-Term Care Facilities and Services

Adopted Amendment: N.J.A.C. 8:33H-3.3

Proposed: February 16, 1982 at 14 N.J.R. 191(a).

Adopted: May 6, 1982 by Shirley A. Mayer, M.D., M.P.H., Commissioner, Department of Health (with approval of Health Care Administration Board).

ADOPTIONS

Filed: May 21, 1982 as R.1982 d.180, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 26:2H-1 et seq..

Effective Date: June 7, 1982.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***).

8:33H-3.3 Expansion and new construction

(a) Standards are as follows:

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

4. (No change from proposal.)

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

v. Any applicant for *or recipient of* a Certificate of Need for a new or expanded LTC facility who can produce documentation that the previously outlined percentages will cause a financial hardship can request a review of the financial feasibility of those percentages, which may result in a finding by the Department that a lower percentage is required for financial feasibility.

(No change from proposal.)

INSURANCE

(a)

DIVISION OF ADMINISTRATION

Sale of Automobile Insurance Disclosure Agreements for Motor Club Service Contracts Sold in Connection with Automobile Insurance Policies

Adopted New Rules: N.J.A.C. 11:1-13

Proposed: December 7, 1981 at 13 N.J.R. 879(b).

Adopted: May 19, 1982 by W. Morgan Shumake, Acting Commissioner, Department of Insurance.

Filed: May 20, 1982 as R.1982 d.177, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 17:1-8.1, 17:10-6(e), 17:22-6.16 and 6.18.

Effective Date: June 7, 1982.

Operative Date: August 15, 1982.

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

SUBCHAPTER 13. DISCLOSURE AGREEMENTS FOR MOTOR CLUB SERVICE CONTRACTS SOLD IN CONNECTION WITH * AUTOMOBILE* INSURANCE POLICIES

11:1-13.1 Purpose

(a) This subchapter requires full disclosure of the terms and conditions of motor club service contracts which are sold in connection with automobile ***[or other]*** insurance policies. The purposes of requiring this disclosure are to:

1. Prevent misrepresentation of the cost of automobile ***[or other]*** insurance policies;

INSURANCE

2. Prohibit making the availability of automobile ***[or other]*** insurance dependent on the purchase of a motor club membership;

3. Prohibit the comingling of monies intended for the payment of ***automobile*** insurance premiums with motor club fees; and

4. Avoid inducing the insured or prospective insured to finance ***automobile insurance*** premiums which would not otherwise be necessary but for the motor club costs, unless there is full disclosure.

11:1-13.3 Definitions

"Motor club" means any person, firm, association, partnership, corporation or other legal entity, whether or not residing, domiciled, or incorporated in this State, engaged in selling, furnishing or procuring, for a consideration, motor club services. Such services may include, but are not limited to, community traffic safety service, travel and touring service, emergency road service, theft or reward service, map service, towing service, bail bond service, legal fee reimbursement service in the defense of traffic offenses and the participation in an accident and sickness or death insurance benefit program. ***Motor club services shall not include towing and labor costs or other services included in or added by endorsement to an automobile insurance policy.***

11:1-13.4 Motor club sales

(a) Any licensee who acts as a motor club representative or receives any compensation, directly or indirectly, for or on account of the sale of a motor club service contract purchased in connection with the negotiation or sale of an ***automobile*** an insurance policy or contract shall:

1. Obtain ***[for the file of the insured or prospective insured]* *at the time of the initial application for the motor club service contract*** a dated written agreement, separate and apart from any other agreements, signed by both the licensee and the insured or prospective insured, containing the following information:

i. (No change from proposal.)

ii. The motor club service contract is optional and is not required to be purchased by the insured or prospective insured as a condition of obtaining ***automobile*** insurance coverages;

iii. That the motor club membership fee is not related to or included in the ***automobile*** insurance premium charge, and cannot lawfully be included in a premium finance agreement entered into by the insured or prospective insured;

iv. A clear statement separately ***[delineating both]* *showing*** the ***amount of the*** motor club fee and the ***automobile*** insurance premium charge;

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

2. (No change from proposal.)

(b) (No change from proposal.)

TRANSPORTATION**(a)****TRANSPORTATION OPERATIONS****Speed Limits for State Highways
Routes I-195, US 40, US 322 and US 130****Adopted Amendments: N.J.A.C. 16:28-1.56
and 1.69****Adopted New Rule: N.J.A.C. 16:28-1.16**

Proposed: April 5, 1982 at 14 N.J.R. 323(a).
 Adopted: May 12, 1982 by David W. Gwynn, Chief
 Engineer, Transportation Operations and Local Aid.
 Filed: May 17, 1982 as R.1982 d.172, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98

Effective Date: June 7, 1982.

(b)**TRANSPORTATION OPERATIONS****Speed Limits for State Highways
Routes US 206 Including US 206 and US 130****Adopted Amendments: N.J.A.C. 16:28-1.72**

Proposed: April 5, 1982 at 14 N.J.R. 324(a).
 Adopted: May 11, 1982 by David W. Gwynn, Chief
 Engineer, Transportation Operations and Local Aid.
 Filed: May 14, 1982 as R.1982 d.168, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98

Effective Date: June 7, 1982.

(c)**TRANSPORTATION OPERATIONS****Restricted Parking and Stopping
Routes 77 and 35****Adopted Amendments: N.J.A.C. 16:28A-1.25
and 1.41**

Proposed: April 5, 1982 at 14 N.J.R. 324(b).
 Adopted: May 13, 1982 by David W. Gwynn, Chief
 Engineer, Transportation Operations and Local Aid.
 Filed: May 17, 1982 as R.1982 d.173, **without change**.

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

Effective Date: June 7, 1982.

(d)**TRANSPORTATION OPERATIONS****Restricted Parking and Stopping
Route 71****Adopted Amendment: N.J.A.C. 16:28A-1.38**

Proposed: April 5, 1982 at 14 N.J.R. 325(a).
 Adopted: May 12, 1982 by David W. Gwynn, Chief
 Engineer, Transportation Operations and Local Aid.
 Filed: May 17, 1982 as R.1982 d.174, **without change**.

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

Effective Date: June 7, 1982.

(e)**DIVISION OF AERONAUTICS****Licensing of Aeronautical Facilities
Definitions****Adopted Amendment: N.J.A.C. 16:54-1.3**

Proposed: April 5, 1982 at 14 N.J.R. 326(a).
 Adopted: May 11, 1982 by Melvin R. Lehr, Acting
 Commissioner, Department of Transportation.
 Filed: May 17, 1982 as R.1982 d.175, **without change**.

Authority: N.J.S.A. 27:1A-3, 27:1A-5, 27:1A-6, 6:1-29
 and 6:1-44.

Effective Date: June 7, 1982.

TREASURY-TAXATION**(f)****DIVISION OF TAXATION****Local Property Tax
County Boards of Taxation****Adopted Amendment: N.J.A.C. 18:12A-1.6**

Proposed: March 1, 1982 at 14 N.J.R. 231(a).
 Adopted: May 19, 1982 by Sidney Glaser, Director,
 Division of Taxation.
 Filed: May 19, 1982 as R.1982 d.176, **without change**.

Authority: N.J.S.A. 54:3-14.

Effective Date: June 7, 1982.

(a)

DIVISION OF TAXATION**Gross Income Tax
Employee Accident or Health Insurance
Exclusion****Adopted New Rule: N.J.A.C. 18:35-1.15**

Proposed: March 15, 1982 at 14 N.J.R. 271(a).
Adopted: May 6, 1982 by Sidney Glaser, Director, Division
of Taxation.
Filed: May 6, 1982 as R.1982 d.164, **with technical
changes** not requiring additional public notice and
comment.

Authority: N.J.S.A. 54A:10-9.

Effective Date: June 7, 1982.

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

18:35-1.15 Employee accident or health insurance exclusion
from taxable gross income

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

(g) All taxpayers will be required to file with their annual New
Jersey Gross Income Tax Return a claim form furnished by the
director for the exclusion of any amounts received by them as an
employee through an accident or health insurance plan for personal
injuries or sickness which meet all the conditions for exclusion from
taxable gross income under ***[paragraphs]* *(b)*** 1, 2 and 3 above.

1. (No change from proposal.)

OTHER AGENCIES

(b)

**HACKENSACK MEADOWLANDS
DEVELOPMENT COMMISSION****Application of Regulations
One and Two-Family Dwellings and Accessory
Structures and Uses****Adopted Amendment: N.J.A.C. 19:4-3.2**

Proposed: March 1, 1982 at 14 N.J.R. 231(b).
Adopted: April 27, 1982 by Gary S. Rosensweig, Director
of Administration, Hackensack Meadowlands
Development.
Filed: May 6, 1982 as R.1982 d.163, **with technical
changes** not requiring additional public notice and
comment.

Authority: N.J.S.A. 13:17-6(i) and -11.

Effective Date: June 7, 1982.

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

19:4-3.2 Structures, uses, occupancies, and land

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

1. [Home occupations provided that the establishment of such uses
shall be governed by municipal ordinance.] **One and two-family
uses and occupancies, home occupations, *[accessory]* *and*
structures and uses *accessory thereto* in the Low Density
Residential Zone, provided that he municipality has enacted
zoning ordinances governing such uses, occupancies and
structures which are consistent with, or which will effectuate
the purposes of the Commission's Master Plan;**

2. (No change from proposal.)

(c)

GARDEN STATE PARKWAY**Limitations on Use of Parkway
Maximum Allowable Length of Autobuses****Adopted Amendment: N.J.A.C. 19:8-1.9**

Proposed: April 5, 1982 at 14 N.J.R. 333(a).
Adopted: May 11, 1982 by New Jersey Highway Authority,
F. Joseph Carragher, Executive Director.
Filed: May 12, 1982 as R.1982 d.166, **without change**.

Authority: N.J.S.A. 27:12B-5(j).

Effective Date: June 7, 1982.

(d)

CASINO CONTROL COMMISSION**Applications
Casino Hotel Employee Registration Fee****Adopted Amendment: N.J.A.C. 19:41-9.15**

Proposed: March 1, 1982 at 14 N.J.R. 232(a).
Adopted: May 4, 1982 by Casino Control Commission,
Theron G. Schmidt, Executive Secretary.
Filed: May 6, 1982 as R.1982 d.162, **without change**.

Authority: N.J.S.A. 5:12-69.

Effective Date: June 7, 1982.

(a)

CASINO CONTROL COMMISSION**Accounting and Internal Controls
Accounting Controls Within the Cashier's
Cage Slot Booths****Adopted Amendments: N.J.A.C. 19:45-1.15
and 19:45-1.34**

Proposed: August 6, 1981 at 13 N.J.R. 534(b).
Adopted: May 17, 1982 by Casino Control Commission,
Theron G. Schmidt, Executive Secretary.
Filed: May 17, 1982 as R.1982 d.171, **with substantive
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

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

Effective Date: June 7, 1982.
Operative Date: July 15, 1982.

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

19:45-1.34 Slot booths

(a) Each establishment may have on or immediately adjacent to
the gaming floor a physical structure known as a slot booth to house
the slot cashier and to serve as the central location in the casino for
the following:

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

5. **The exchange by patrons of coupons for currency *[or]* **,
coin, *or* slot tokens* in conformity with N.J.A.C. 19:45-
1.46(i).**

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

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

(b)

CASINO CONTROL COMMISSION**Accounting and Internal Controls
Procedure for Control of Coupon Redemption
Programs****Adopted Amendment: N.J.A.C. 19:45-1.46**

Proposed: February 16, 1982 at 14 N.J.R. 203(a).
Adopted: May 17, 1982 by Casino Control Commission,
Theron G. Schmidt, Executive Secretary.
Filed: May 17, 1982 as R.1982 d.170, **with substantive
and technical changes** not requiring additional public
notice and comment.

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

Effective Date: June 7, 1982.
Operative Date: July 15, 1982.

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

19:45-1.46 Procedure for control of coupon redemption ***and
other complimentary distribution*** programs

(a) ***The procedures contained in (c) through (n) below*** **[This
section]*** shall apply to casino licensees offering coupon redemption
programs which entitle patrons to redeem coupons for
complimentary cash or ***slot*** tokens including, but not limited to
, complimentary cash or slot tokens issued in connection with
bus ***[coupons]* *programs***. No complimentary cash or ***slot***
tokens may be distributed by a casino licensee under any ***coupon
redemption*** program that does not comply with the requirements
of this section.

(b) ***(Reserved)*** **[Detailed procedures controlling all programs
entitling patrons to complimentary items or services other than cash
or tokens shall be submitted by the casino licensee to the
Commission and Division prior to implementing the program. All
such programs shall be deemed acceptable by the Commission and
Division unless the casino licensee is notified to the contrary.]***

(c) Each coupon, or part thereof, issued by a casino licensee shall
only be redeemable for a specific ***[item]* *amount of cash or slot
tokens***.

(d) All coupons under this section shall be serially prenumbered
forms and each series of coupons shall be issued in sequential order.
Each coupon shall be printed with a description of what is being
offered, the location where it may be redeemed, and either a
statement specifying the date on which the coupon becomes invalid
or some other means to indicate the date when a coupon becomes
invalid. If a coupon is of a type that is divisible into sections or
is multipart each such separate part or copy shall contain the
preprinted serial number, ***a*** description of what is being offered,
the locations where it may be redeemed, and either a statement
specifying the date on which the coupon becomes invalid or some
other means to indicate the date when a coupon becomes invalid.

(e) Coupons received from the manufacturer or distributor, or
produced by the licensee's data processing or printing department,
shall be opened and examined by at least two individuals, one of
whom shall be from the accounting department. Any deviations
between the invoice or control listing accompanying the coupons,
the purchase or requisition order, and the actual coupons received
shall be reported promptly to the Casino Controller ***or to a higher
authority in a direct reporting line*** and the Internal Audit
Department.

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

3. A representative from the accounting department, with no
incompatible functions, shall prepare a monthly inventory of
unissued coupons. Any deviations between the coupon inventory
and the Coupon Control Ledger shall be reported to the Casino
Controller ***[.]* *or to a higher authority in a direct reporting
line.***

(f) A representative of the casino licensee shall ***[, on a daily basis,
prepare a written]* estimate *[(s) of]* the *number of* coupons
needed by shift *[for that]* *each* day. *[The estimate(s), signed
by the preparer, shall serve as a request for coupons. Upon receipt
of the estimate]* *[*a]* *A*n* accounting department representative
shall obtain the quantity of coupons to be issued. If a date indicating
when the coupon becomes invalid is not preprinted thereon, the
accounting department representative shall affix a stamp indicating
the date the coupon becomes invalid or shall issue color coded
coupons indicating the date that the coupon becomes invalid. The
following, at a minimum, shall be recorded in the Coupon Control
Ledger:***

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

6. The signature ***s*** of the accounting department representative
issuing the coupons and such other department's representative
receiving the coupons.

(g) The casino licensee shall require ***[unissued]* *unused***
coupons obtained from the accounting department representative to
be stored in a locked cabinet until they are ***[issued]* *distributed***
to patrons. Any coupons remaining ***[unissued]* *unused*** at the
end of a shift shall either be returned to the Accounting Department

for receipt and redistribution or kept for use by the following shift provided accountability between shifts is maintained. All unused coupons must be returned to the Accounting Department on a daily basis. Any coupons that are not ***[issued]* *used*** by the date indicated on the coupon when they become invalid shall be voided when returned to the Accounting Department.

(h) Documentation, as required by the casino licensee, shall be prepared by a representative of the casino licensee for the distribution of coupons to patrons. The documentation shall have the following information, at a minimum, recorded on it:

1. (No change from proposal.)
2. The type of coupons ***[issued]* *used***;
3. The beginning serial number of the coupons ***[issued]* *used***;
4. The ending serial number of the coupons ***[issued]* *used***;
5. The total number of coupons ***[issued]* *used***;
- 6.-7. (No change from proposal.)
8. The signature(s) of the casino licensee's representative who ***[issued]* *distributed*** the coupons.

(i) Coupons redeemable for cash or ***slot*** tokens shall only be redeemed at the slot change booths or the cashiers' cage located on the casino floor. A slot cashier or general cage cashier shall accept the coupons in exchange for the stated amount of cash or ***slot*** tokens and shall cancel the coupons upon acceptance. Redeemed coupons shall be maintained by the slot or general cashier and shall be exchanged with the Main or Master Coin Bank ***[at the end of a shift]*** for a like amount of cash ***[.]*** ***at the conclusion of gaming activity each day, at a minimum.***

(j) When ***[unissued]* *unused*** coupons are returned to the Accounting Department a representative of the Accounting Department shall record the following information in the Coupon Control Ledger:

- 1.-5. (No change from proposal.)
6. The signatures of the accounting department representative receiving the returned ***[unissued]* *unused*** coupons and such other department's representative returning the ***[unissued]* *unused*** coupons.

(k) All documentation, ***[unissued]* *unused*** coupons voided coupons and redeemed coupons maintained in conformity with (g), (h) and (i) above shall be forwarded on a daily basis to the accounting department where they shall be:

- 1.-2. (No change from proposal.)
3. Reconciled by total number of coupons given to representatives of the department making distribution to patrons, returned for reissuance, ***[issued]* *distributed*** to patrons, voided and redeemed;
- 4.-5. (No change from proposal.)

(l) Each licensee shall file a monthly report with the Commission and Division which lists, by type of coupon, the total number of coupons ***[issued]* *used***, the total number of coupons redeemed, the total value of the complimentary cash or ***slot*** tokens given to patrons in redemption of coupons and any liability to patrons remaining on unredeemed coupons.

(m) The report shall be signed by the Casino Controller, ***[Corporate Controller or Chief Executive Officer]* *or a higher authority in a direct reporting line,*** indicating that no material discrepancies were noted for the period covered by the report or if a material discrepancy is noted it shall be explained in detail.

(n) (No change from proposal.)

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION

(a)

THE COMMISSIONER

State Certifications of Draft NPDES Permits

Public Notice

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

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

INDEX OF ADOPTED RULES

The *Index of Adopted Rules* contains rules which have been promulgated subsequent to the most recent update of the New Jersey Administrative Code. Rules which are being promulgated in this Register, and which appear in the *Table of Rules* in this issue, do not appear in this index.

The rules in this index are listed in order of their N.J.A.C. citations. Accompanying the N.J.A.C. citation for each rule is a brief description of the rule's content, the Register citation for its proposal notice, its Office of Administrative Law (OAL) document citation (which should be used if ordering a copy of the rule from OAL), and the Register citation for its adoption.

An N.J.A.C. citation which includes a **section** number, such as 1:30-1.1, means that only that section has been modified. An N.J.A.C. citation which includes a **subchapter** number, such as 5:23-3, but no *section designation*, or which includes only title and **chapter**, such as 1:30, means that there have been extensive changes involving all or most sections of that subchapter or chapter.

At the bottom of the listing for each Title is the date of the most recent Code update for that Title.

The *Index of Adopted Rules* appears in the first Register of each month, complementing the *Index of Proposed Rules* which appears in the second Register of each month. Together, these indices make available to a Code and Register subscriber all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activities from the initial proposal through final promulgation.

For any rule not yet published in a Code update, the full text of the proposal notice as published in the Register, plus the full text of any changes published with the adoption notice in the Register, constitute an official copy of the promulgated rule. If the full text of either the proposed rule or any changes does not appear in the Register, it is available for a fee from:

Administrative Filings
CN 301
Trenton, New Jersey 08625

To be certain that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with July 5, 1979.

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT CITATION | ADOPTION NOTICE (N.J.R. CITATION) |
|---|---|--------------------------------------|----------------------|--------------------------------------|
| ADMINISTRATIVE LAW—TITLE 1 | | | | |
| 1:1-1.1 | Applicability of OAL rules | 13 N.J.R. 60(a) | R. 1981 d. 118 | 13 N.J.R. 254(a) |
| 1:1-1.1 | Uncontested cases | 14 N.J.R. 2(a) | R. 1982 d. 87 | 14 N.J.R. 335(a) |
| 1:1-1.5 | Nature of a contested case | 13 N.J.R. 2(a) | R. 1981 d. 116 | 13 N.J.R. 254(b) |
| 1:1-3.5 | Attorneys obstruction | 13 N.J.R. 254(c) | R. 1981 d. 443 | 13 N.J.R. 842(a) |
| 1:1-3.7 | Appearances and representation in contested cases | 13 N.J.R. 2(b) | R. 1981 d. 442 | 13 N.J.R. 842(b) |
| 1:1-3.8 | Agency litigation staff and final decisions | 14 N.J.R. 4(a) | R. 1982 d. 150 | 14 N.J.R. 471(a) |
| 1:1-3.10 | Interpreters | 13 N.J.R. 3(a) | R. 1981 d. 441 | 13 N.J.R. 842(c) |
| 1:1-9.1 | Relief motions | 14 N.J.R. 2(a) | R. 1982 d. 87 | 14 N.J.R. 335(a) |
| 1:1-9.7, 11.2, 11.3 | Finality of procedural decisions | 13 N.J.R. 3(b) | R. 1981 d. 55 | 13 N.J.R. 114(a) |
| 1:1-11.5 | Time for discovery | 13 N.J.R. 470(a) | R. 1981 d. 444 | 13 N.J.R. 842(d) |
| 1:1-12.3 | Standards for intervention in administrative hearings | 13 N.J.R. 61(a) | R. 1981 d. 119 | 13 N.J.R. 255(a) |
| 1:1-12.4 | Finality of procedural decisions | 13 N.J.R. 3(b) | R. 1981 d. 55 | 13 N.J.R. 114(a) |
| 1:1-12.6 | Participation | 14 N.J.R. 2(a) | R. 1982 d. 87 | 14 N.J.R. 335(a) |
| 1:1-14.1 | Motions to consolidate | 12 N.J.R. 626(b) | R. 1981 d. 120 | 13 N.J.R. 255(b) |
| 1:1-14.1, 14.2 | Motions to consolidate | 13 N.J.R. 4(a) | R. 1981 d. 117 | 13 N.J.R. 255(c) |
| 1:1-14.3, 15.2 | Finality of procedural decisions | 13 N.J.R. 3(b) | R. 1981 d. 55 | 13 N.J.R. 114(a) |
| 1:1-16.3 | Record inventories | 14 N.J.R. 2(a) | R. 1982 d. 87 | 14 N.J.R. 335(a) |
| 1:1-17.1, 17.2 | Settlement by consent; withdrawal of cases | 14 N.J.R. 4(b) | R. 1982 d. 86 | 14 N.J.R. 335(b) |
| 1:1-17.2 | Correction: Withdrawal of cases | 14 N.J.R. 4(b) | R. 1982 d. 86 | 14 N.J.R. 383(a) |
| 1:30 | Rules of agency rulemaking | Emergency | R. 1981 d. 83 | 13 N.J.R. 171(a) |
| 1:30-1.2 | Correction: Agency rulemaking | 13 N.J.R. 171(a) | R. 1981 d. 83 | 13 N.J.R. 255(d) |
| (Title 1, Transmittal 1 dated July 17, 1980) | | | | |

| | | | | |
|---|---|------------------|----------------|------------------|
| AGRICULTURE—TITLE 2 | | | | |
| 2:2-2.2 | Official calfhood brucella vaccination | 13 N.J.R. 114(b) | R. 1981 d. 173 | 13 N.J.R. 318(a) |
| 2:2-2.3 | Vaccination of female bovines | 13 N.J.R. 256(a) | R. 1981 d. 288 | 13 N.J.R. 471(a) |
| 2:2-2.16 | Slaughtering of market cattle and goats | 13 N.J.R. 5(a) | R. 1981 d. 40 | 13 N.J.R. 115(b) |
| 2:3-2.3, 2.4 | Brucellosis and tuberculosis tests for cattle | 13 N.J.R. 4(b) | R. 1981 d. 39 | 13 N.J.R. 115(a) |
| 2:3-4.1 | Movement of livestock | 13 N.J.R. 5(b) | R. 1981 d. 41 | 13 N.J.R. 115(c) |
| 2:5-1 | Repeal hog cholera quarantines | 13 N.J.R. 5(c) | R. 1981 d. 42 | 13 N.J.R. 115(d) |
| 2:22-2 | Mediterranean fruit fly control | 13 N.J.R. 550(a) | R. 1981 d. 508 | 14 N.J.R. 101(a) |
| 2:48-5.1 | Use of coupons in milk promotion | 13 N.J.R. 181(b) | R. 1981 d. 166 | 13 N.J.R. 318(b) |
| 2:54-1.1 | Milk marketing order | 13 N.J.R. 551(a) | R. 1981 d. 416 | 13 N.J.R. 753(a) |
| 2:54-1.1, 2.1 | Milk Marketing Order 57-3 and Order 63-1 | 13 N.J.R. 798(a) | R. 1981 d. 512 | 14 N.J.R. 101(b) |
| 2:69-1.6 | Slow-release nitrogen products | 14 N.J.R. 258(a) | R. 1982 d. 159 | 14 N.J.R. 471(b) |
| 2:69-1.11 | Commercial values of primary plant nutrients | 13 N.J.R. 114(c) | R. 1981 d. 172 | 13 N.J.R. 318(c) |
| 2:71-2.28, 2.29, 2.31 | Farm products inspection and grading fees | 14 N.J.R. 66(a) | R. 1982 d. 75 | 14 N.J.R. 277(a) |
| (Title 2, Transmittal 18 dated January 14, 1981) | | | | |

BANKING--TITLE 3

| | | | | |
|-----------------|---|------------------|---------------|------------------|
| 3:1-1.1 | Interest rates | Emergency | R. 1981 d.429 | 13 N.J.R. 753(b) |
| 3:1-1.1 | Readoption: Interest rates on mortgages | 13 N.J.R. 753(b) | R. 1981 d.511 | 14 N.J.R. 101(c) |
| 3:1-1.1 | Correction: Interest rates on mortgages | 13 N.J.R. 753(b) | R. 1981 d.511 | 14 N.J.R. 205(a) |
| 3:1-2 | Procedural rules | 13 N.J.R. 182(a) | R. 1981 d.258 | 13 N.J.R. 382(b) |
| 3:2-2.1-2.3 | Plain language in consumer contracts | 13 N.J.R. 184(a) | R. 1981 d.259 | 13 N.J.R. 383(a) |
| 3:6-1.1 | Savings bank parity rule | 13 N.J.R. 383(b) | R. 1981 d.352 | 13 N.J.R. 551(b) |
| 3:6-7, -9 | Class II and Small Business Loans | 14 N.J.R. 182(a) | R. 1982 d.126 | 14 N.J.R. 383(b) |
| 3:6-12.1 | Commercial bank parity | 13 N.J.R. 383(c) | R. 1981 d.351 | 13 N.J.R. 552(a) |
| 3:8-3, -4 | Nonmember commercial bank reserves | 14 N.J.R. 183(a) | R. 1982 d.125 | 14 N.J.R. 383(c) |
| 3:11-2.1 | Commercial bank lending: Approved subsidiaries | 13 N.J.R. 799(a) | R. 1981 d.516 | 14 N.J.R. 101(d) |
| 3:11-10.1, 10.2 | Savings banks participation in credit card operations | 13 N.J.R. 61(b) | R. 1981 d.91 | 13 N.J.R. 185(b) |
| 3:17-4.4, -7 | Small loan licensees | 13 N.J.R. 115(e) | R. 1981 d.257 | 13 N.J.R. 384(a) |
| 3:17-7.1, 7.3 | Permits to small loan licensees | 13 N.J.R. 471(b) | R. 1981 d.430 | 13 N.J.R. 754(a) |
| 3:19-2 | Energy rules on home repair financing | Emergency | R. 1981 d.29 | 13 N.J.R. 116(a) |
| 3:21-2 | State chartered credit unions | 13 N.J.R. 522(b) | R. 1981 d.414 | 13 N.J.R. 754(b) |
| 3:23 | License fees for credit sales and loan businesses | Emergency | R. 1982 d.76 | 14 N.J.R. 277(b) |
| 3:23 | Readopted: License fees for credit and lending | 14 N.J.R. 277(b) | R. 1982 d.158 | 14 N.J.R. 471(c) |
| 3:26-4.1 | Parity with federally-chartered savings and loan | 13 N.J.R. 634(a) | R. 1981 d.506 | 14 N.J.R. 40(a) |
| 3:27-6 | Repealed: Variable rate mortgage rules | 13 N.J.R. 715(a) | R. 1981 d.507 | 14 N.J.R. 40(b) |
| 3:30-2.1 | Reserve requirements | 13 N.J.R. 61(c) | R. 1981 d.90 | 13 N.J.R. 185(a) |
| 3:38-1.1 | Mortgage bankers and brokers license fees | 13 N.J.R. 256(c) | R. 1981 d.260 | 13 N.J.R. 384(b) |

(Title 3, Transmittal 17 dated January 14, 1981)

CIVIL SERVICE--TITLE 4

| | | | | |
|--------------------------|--|------------------|---------------|------------------|
| 4:1 | CSPM into Title 4 | 13 N.J.R. 556(b) | R. 1981 d.458 | 13 N.J.R. 885(a) |
| 4:1-1.10 | Petitions from interested persons | 13 N.J.R. 384(c) | R. 1981 d.413 | 13 N.J.R. 754(c) |
| 4:1-2.1 | Employee Advisory Service | 13 N.J.R. 63(a) | R. 1981 d.233 | 13 N.J.R. 385(a) |
| 4:1-5.17 | Determining back pay awards | 13 N.J.R. 715(b) | R. 1982 d.35 | 14 N.J.R. 205(b) |
| 4:1-6.5, 6.5A | Classifications and appeals | 14 N.J.R. 5(a) | R. 1982 d.152 | 14 N.J.R. 471(d) |
| 4:1-8.6 | Promotional examinations | 13 N.J.R. 6(b) | R. 1981 d.92 | 13 N.J.R. 186(c) |
| 4:1-8.8A | Residency standards | 13 N.J.R. 552(c) | R. 1981 d.501 | 14 N.J.R. 40(c) |
| 4:1-8.11 | Time and place of examinations | 13 N.J.R. 554(a) | R. 1981 d.461 | 13 N.J.R. 885(c) |
| 4:1-8.11 | Cancellation of examinations | 13 N.J.R. 716(a) | R. 1981 d.500 | 14 N.J.R. 40(d) |
| 4:1-8.22, 8.23 | Handicapped testing | Emergency | R. 1981 d.401 | 13 N.J.R. 754(d) |
| 4:1-8.22, 8.23 | Readoption: Handicapped testing | 13 N.J.R. 754(d) | R. 1981 d.499 | 14 N.J.R. 41(a) |
| 4:1-12.8 | Certification of veterans and nonveterans | 14 N.J.R. 114(a) | R. 1982 d.107 | 14 N.J.R. 335(c) |
| 4:1-12.15 | Extension of certification list | 13 N.J.R. 117(a) | R. 1981 d.127 | 13 N.J.R. 257(a) |
| 4:1-16.7 | Suspension, fines and demotions | 13 N.J.R. 63(b) | R. 1981 d.107 | 13 N.J.R. 257(b) |
| 4:1-16.15 | Benefit information to next of kin | 14 N.J.R. 117(a) | R. 1982 d.153 | 14 N.J.R. 472(a) |
| 4:1-20.2, 20.3 | Employee Advisory Service | 13 N.J.R. 63(a) | R. 1981 d.233 | 13 N.J.R. 385(a) |
| 4:1-20.3 | Performance evaluations | 13 N.J.R. 555(a) | R. 1981 d.485 | 13 N.J.R. 943(a) |
| 4:1-20.4 | Inspection of evaluations | 13 N.J.R. 556(a) | R. 1981 d.459 | 13 N.J.R. 885(b) |
| 4:1-20.8 | Employee Advisory Service | 13 N.J.R. 63(a) | R. 1981 d.233 | 13 N.J.R. 385(a) |
| 4:1-24.2 | Pre-layoff actions (proposed as 4:1-16.1A) | 13 N.J.R. 862(a) | R. 1982 d.88 | 14 N.J.R. 335(d) |
| 4:2 | CSPM into Title 4 | 13 N.J.R. 556(b) | R. 1981 d.458 | 13 N.J.R. 885(a) |
| 4:2-6.4 | Repealed: Classifications and appeals | 14 N.J.R. 5(a) | R. 1982 d.152 | 14 N.J.R. 471(d) |
| 4:2-7.1 | Repealed: See 4:1-5.17 | 13 N.J.R. 715(b) | R. 1982 d.35 | 14 N.J.R. 205(b) |
| 4:2-7.1A, 7.2-7.7 7.9 | Compensation plans; anniversary dates | 14 N.J.R. 68(a) | R. 1982 d.91 | 14 N.J.R. 336(a) |
| 4:2-12.4 | Certification of veterans and nonveterans | 14 N.J.R. 114(a) | R. 1982 d.107 | 14 N.J.R. 335(c) |
| 4:2-16.3 | Repealed: Job Bank program | 14 N.J.R. 117(b) | R. 1982 d.108 | 14 N.J.R. 336(b) |
| 4:2-16.7 | Benefit information to next of kin | 14 N.J.R. 117(a) | R. 1982 d.153 | 14 N.J.R. 472(a) |
| 4:2-20.2 | Performance evaluations | 13 N.J.R. 555(a) | R. 1981 d.485 | 13 N.J.R. 943(a) |
| 4:2-20.11 | Employee Advisory Service | 13 N.J.R. 386(d) | R. 1981 d.504 | 14 N.J.R. 41(b) |
| 4:3 | CSPM into Title 4 | 13 N.J.R. 556(b) | R. 1981 d.458 | 13 N.J.R. 885(a) |
| 4:3-6.6 | Repealed: Classifications and appeals | 14 N.J.R. 5(a) | R. 1982 d.152 | 14 N.J.R. 471(d) |
| 4:3-8.12 | Residency standards | 13 N.J.R. 552(c) | R. 1981 d.501 | 14 N.J.R. 40(c) |
| 4:3-12.5 | Certifications of veterans and nonveterans | 14 N.J.R. 114(a) | R. 1982 d.107 | 14 N.J.R. 335(c) |
| 4:4, 5, 6 | CSPM into Title 4 | 13 N.J.R. 556(b) | R. 1981 d.458 | 13 N.J.R. 885(a) |

(Title 4, Transmittal 15 dated November 10, 1980)

COMMUNITY AFFAIRS--TITLE 5

| | | | | |
|---------------|--|------------------|---------------|------------------|
| 5:10 | Maintenance of hotels and multiple dwellings | 13 N.J.R. 383(d) | R. 1981 d.95 | 13 N.J.R. 189(d) |
| 5:10-1.3, 2.2 | Hotels and multiple dwellings | 13 N.J.R. 387(b) | R. 1981 d.363 | 13 N.J.R. 704(a) |
| 5:10-19.11 | Maintenance of hotels and multiple dwellings | 13 N.J.R. 384(a) | R. 1980 d.500 | 13 N.J.R. 7(c) |
| 5:10-19.11 | Fire protection | Emergency | R. 1980 d.536 | 13 N.J.R. 7(f) |
| 5:10-25.3 | Hotels and multiple dwellings | 13 N.J.R. 387(b) | R. 1981 d.363 | 13 N.J.R. 704(a) |
| 5:11-3.2 | Duplicate rental assistance | 14 N.J.R. 72(a) | R. 1982 d.71 | 14 N.J.R. 278(a) |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT CITATION | ADOPTION NOTICE (N.J.R. CITATION) |
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| 5:11-7.1-7.5 | Eviction and relocation | 13 N.J.R. 67(b) | R. 1981 d.69 | 13 N.J.R. 189(b) |
| 5:11-9.2 | Relocation assistance hearings | 13 N.J.R. 186(d) | R. 1981 d.183 | 13 N.J.R. 332(a) |
| 5:12 | Repeal State aid for urban renewal projects | 13 N.J.R. 187(a) | R. 1981 d.180 | 13 N.J.R. 333(a) |
| 5:12 | Plain language review of residential leases | 13 N.J.R. 473(a) | R. 1981 d.424 | 13 N.J.R. 782(b) |
| 5:12 | Repealed: Plain language review of leases | 14 N.J.R. 222(a) | R. 1982 d.139 | 14 N.J.R. 426(a) |
| 5:17 | Expiration date for retirement community disclosure | 13 N.J.R. 560(d) | R. 1981 d.425 | 13 N.J.R. 782(c) |
| 5:21 | Repealed: Uniform standards for mobile homes | 13 N.J.R. 717(a) | R. 1982 d.7 | 14 N.J.R. 142(a) |
| 5:22-2.6 | Multiple dwelling exemptions and tax list designations (joint adoption, see 18:12-6A.8) | 14 N.J.R. 72(b) | R. 1982 d.78 | 14 N.J.R. 278(b) |
| 5:23 | Uniform Construction Code | 11 N.J.R. 607(a) | R. 1980 d.508 | 13 N.J.R. 7(d) |
| 5:23-1.4 | Manufactured homes | 13 N.J.R. 717(a) | R. 1982 d.7 | 14 N.J.R. 142(a) |
| 5:23-1.4, -2 | Uniform Construction Code | 13 N.J.R. 119(a) | R. 1981 d.134 | 13 N.J.R. 258(b) |
| 5:23-2.5 | Uniform Construction Code | 13 N.J.R. 120(a) | R. 1981 d.133 | 13 N.J.R. 258(c) |
| 5:23-2.5 | Uniform Construction Code | 13 N.J.R. 390(a) | R. 1981 d.462 | 13 N.J.R. 885(d) |
| 5:23-2.6 | Uniform Construction Code inspections | 13 N.J.R. 187(b) | R. 1981 d.182 | 13 N.J.R. 333(b) |
| 5:23-2.7 | UCC: Certificate of occupancy | 13 N.J.R. 7(b) | R. 1981 d.45 | 13 N.J.R. 123(a) |
| 5:23-2.8 | Manufactured homes | 13 N.J.R. 717(a) | R. 1982 d.7 | 14 N.J.R. 142(a) |
| 5:23-3 | Uniform Construction Code | 13 N.J.R. 121(a) | R. 1981 d.132 | 13 N.J.R. 258(d) |
| 5:23-3.2 | Uniform Construction Code | 13 N.J.R. 120(a) | R. 1981 d.133 | 13 N.J.R. 258(c) |
| 5:23-3 | Uniform Construction Code | 13 N.J.R. 121(a) | R. 1981 d.132 | 13 N.J.R. 258(d) |
| 5:23-3.2 | Uniform Construction Code | 13 N.J.R. 120(a) | R. 1981 d.133 | 13 N.J.R. 258(c) |
| 5:23-3.3 | Uniform Construction Code | Emergency | R. 1980 d.537 | 13 N.J.R. 8(a) |
| 5:23-3.3 | Uniform Construction Code interpretations | 13 N.J.R. 561(a) | R. 1981 d.454 | 13 N.J.R. 886(a) |
| 5:23-3.3 | Uniform Construction Code: Casino hotels | 13 N.J.R. 561(b) | R. 1981 d.455 | 13 N.J.R. 886(b) |
| 5:23-3.9 | Manufactured homes | 13 N.J.R. 717(a) | R. 1982 d.7 | 14 N.J.R. 142(a) |
| 5:23-4.3 | Temporary appointments of municipal code officials | 13 N.J.R. 863(a) | R. 1982 d.23 | 14 N.J.R. 142(b) |
| 5:23-4.6 | Manufactured homes | 13 N.J.R. 717(a) | R. 1982 d.7 | 14 N.J.R. 142(a) |
| 5:23-4.8 | Uniform Construction Code | 13 N.J.R. 120(a) | R. 1981 d.133 | 13 N.J.R. 258(c) |
| 5:23-4.8, 4.10 | Manufactured homes | 13 N.J.R. 717(a) | R. 1982 d.7 | 14 N.J.R. 142(a) |
| 5:23-4.10A | Manufactured homes | 13 N.J.R. 717(a) | R. 1982 d.42 | 14 N.J.R. 233(a) |
| 5:23-5.2 | Uniform Construction Code | 13 N.J.R. 119(a) | R. 1981 d.134 | 13 N.J.R. 258(b) |
| 5:23-5.3, 5.5 | Uniform Construction Code | 13 N.J.R. 390(a) | R. 1981 d.462 | 13 N.J.R. 885(d) |
| 5:23-5.5 | Uniform Construction Code | 13 N.J.R. 635(a) | R. 1981 d.463 | 13 N.J.R. 886(c) |
| 5:23-5.5 | Licensing of Code officials | 13 N.J.R. 801(a) | R. 1982 d.10 | 14 N.J.R. 143(b) |
| 5:23-5.5 | Fire subcode officials and construction licensing | 14 N.J.R. 8(a) | R. 1982 d.56 | 14 N.J.R. 234(a) |
| 5:23-5.5, 5.6, 5.7 | Code enforcement (provisional) licensees | 13 N.J.R. 799(b) | R. 1982 d.8 | 14 N.J.R. 143(a) |
| 5:23-5.8, 5.9 | Licensing of Code officials | 13 N.J.R. 801(a) | R. 1982 d.10 | 14 N.J.R. 143(b) |
| 5:23-5.11 | Code enforcement (provisional) licensees | 13 N.J.R. 799(b) | R. 1982 d.8 | 14 N.J.R. 143(a) |
| 5:23-5.11 | Uniform Construction Code | 13 N.J.R. 119(a) | R. 1981 d.134 | 13 N.J.R. 258(b) |
| 5:24-1.3 | Condominium and cooperative conversion | 13 N.J.R. 70(a) | R. 1981 d.131 | 13 N.J.R. 258(e) |
| 5:24-1.3 | Correction: Condominium and cooperative conversion | 13 N.J.R. 70(a) | R. 1981 d.131 | 13 N.J.R. 333(c) |
| 5:24-1.4, 1.5, 1.12 | Condominium and cooperative conversion | 13 N.J.R. 392(a) | R. 1981 d.354 | 13 N.J.R. 562(a) |
| 5:24-2 | Protected tenancy for disabled and seniors | 13 N.J.R. 802(a) | R. 1982 d.9 | 14 N.J.R. 144(a) |
| 5:25 | New Home Warranty and Builders' Registration | 12 N.J.R. 631(a) | R. 1980 d.522 | 13 N.J.R. 7(e) |
| 5:25-2.8 | Restoration of builders' registrations | 14 N.J.R. 9(a) | R. 1982 d.55 | 14 N.J.R. 234(b) |
| 5:25-3.1 | New home warranty and mixed use property | 13 N.J.R. 863(b) | R. 1982 d.22 | 14 N.J.R. 145(a) |
| 5:25-5.5 | New home warranties and builders' registration | 13 N.J.R. 187(c) | R. 1981 d.181 | 13 N.J.R. 333(d) |
| 5:26 | Planned real estate development full disclosure | 13 N.J.R. 70(b) | R. 1981 d.70 | 13 N.J.R. 189(c) |
| 5:26 | Planned real estate development full disclosure | 12 N.J.R. 631(b) | R. 1981 d.130 | 13 N.J.R. 259(a) |
| 5:26-2.4, 3.1, 10.5 | Planned real estate development full disclosure | 13 N.J.R. 474(a) | R. 1981 d.365 | 13 N.J.R. 704(b) |
| 5:27 | Rooming and boarding houses | 13 N.J.R. 393(a) | R. 1981 d.359 | 13 N.J.R. 704(c) |
| 5:27-1.6, 3.2 | Rooming and boarding houses and discrimination | 13 N.J.R. 562(b) | R. 1981 d.435 | 13 N.J.R. 842(e) |
| 5:27-5.2, 5.8 | Rooming and boarding houses | Emergency | R. 1980 d.546 | 13 N.J.R. 71(a) |
| 5:28 | State Housing Code (1980) | 13 N.J.R. 70(a) | R. 1981 d.68 | 13 N.J.R. 189(a) |
| 5:29 | Petitions for rules | 13 N.J.R. 259(b) | R. 1981 d.242 | 13 N.J.R. 395(a) |
| 5:30-1.11 | Realized revenue analysis report | 13 N.J.R. 475(a) | R. 1981 d.381 | 13 N.J.R. 755(a) |
| 5:30-3.4 | Filing of municipal budget amendments | 13 N.J.R. 188(a) | R. 1981 d.216 | 13 N.J.R. 395(b) |
| 5:30-4.4 | Capital budgets and improvement programs | 12 N.J.R. 568(b) | R. 1981 d.3 | 13 N.J.R. 73(b) |
| 5:30-9.1 | Financial administration | 12 N.J.R. 633(a) | R. 1981 d.2 | 13 N.J.R. 73(a) |
| 5:30-9.2 | Form of tax collection record | 13 N.J.R. 121(b) | R. 1981 d.122 | 13 N.J.R. 260(a) |
| 5:30-9.3 | Tax collector examination | 13 N.J.R. 70(d) | R. 1981 d.121 | 13 N.J.R. 260(b) |
| 5:37 | Municipal and County Employees Deferred Compensation | Emergency | R. 1980 d.456 | 12 N.J.R. 633(b) |
| 5:37 | Deferred compensation program | Emergency | R. 1980 d.557 | 13 N.J.R. 71(b) |
| 5:71 | County offices on aging | 13 N.J.R. 395(c) | R. 1981 d.356 | 13 N.J.R. 563(a) |
| 5:80-4.1 | NJHFA: Debarment and suspension | 12 N.J.R. 385(a) | R. 1981 d.255 | 13 N.J.R. 397(a) |

(Title 5, Transmittal 15 dated September 18, 1980)

EDUCATION-TITLE 6

| | | | | |
|----------|----------------------------|----------------|--------------|------------------|
| 6:11-3.3 | Teacher certification fees | 13 N.J.R. 8(b) | R. 1981 d.82 | 13 N.J.R. 191(a) |
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| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT CITATION | ADOPTION NOTICE (N.J.R. CITATION) |
|-------------------|---|-----------------------------------|-------------------|-----------------------------------|
| 6:11-3.7 | Revocation of teaching certificate | 14 N.J.R. 73(a) | R. 1982 d.122 | 14 N.J.R. 383(d) |
| 6:11-3.18 | Teacher education and academic credentials | 12 N.J.R. 452(e) | R. 1981 d.22 | 13 N.J.R. 123(b) |
| 6:20-2.3 | Budget and cost distribution records | 13 N.J.R. 333(e) | R. 1981 d.353 | 13 N.J.R. 563(b) |
| 6:21-10.4 | Private auto use for pupil transportation | 13 N.J.R. 914(a) | R. 1982 d.121 | 14 N.J.R. 384(a) |
| 6:22-1.14, 1.19 | Inspection fees for school facilities | 14 N.J.R. 74(a) | R. 1982 d.119 | 14 N.J.R. 384(b) |
| 6:24-1.3 | Format of petition for controversies and disputes | 13 N.J.R. 190(a) | R. 1981 d.265 | 13 N.J.R. 397(b) |
| 6:24-1.3 | Correction: Petition format | 13 N.J.R. 190(a) | R. 1981 d.265 | 13 N.J.R. 481(a) |
| 6:29-4.2 | Tuberculosis testing | 13 N.J.R. 914(b) | R. 1982 d.120 | 14 N.J.R. 385(a) |
| 6:30 | Adult diploma requirements | 13 N.J.R. 721(a) | R. 1982 d.39 | 14 N.J.R. 205(c) |
| 6:44-6,-7 | Recodified as 6:30 | 13 N.J.R. 721(a) | R. 1982 d.39 | 14 N.J.R. 205(c) |
| 6:4-1 | "Technical education" in local area districts | 14 N.J.R. 9(b) | R. 1982 d.118 | 14 N.J.R. 385(b) |
| 6:46-1.1-1.5 | Local area vocational school districts | 13 N.J.R. 635(b) | R. 1981 d.495 | 14 N.J.R. 41(c) |
| 6:66 | Archives and history records management | 13 N.J.R. 190(b) | R. 1981 d.202 | 13 N.J.R. 397(c) |

(Title 6, Transmittal 17 dated November 10, 1980)

ENVIRONMENTAL PROTECTION-TITLE 7

| | | | | |
|--|--|------------------|---------------|------------------|
| 7:1-3 | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d.433 | 12 N.J.R. 643(a) |
| 7:1-4 | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d.433 | 12 N.J.R. 643(a) |
| 7:1A | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d.433 | 12 N.J.R. 643(a) |
| 7:1C-1.5 | Fees for 90-day construction permits | 13 N.J.R. 123(c) | R. 1981 d.187 | 13 N.J.R. 334(b) |
| 7:1C-1.5 | Maximum fees for waterfront development permits | 13 N.J.R. 564(a) | R. 1981 d.473 | 13 N.J.R. 943(b) |
| 7:1C-1.13 | 90-day construction permits | Procedural | R. 1981 d.48 | 13 N.J.R. 128(b) |
| 7:1D | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d.433 | 12 N.J.R. 643(a) |
| 7:1G | Pinelands Comprehensive Management Plan | 12 N.J.R. 309(a) | R. 1980 d.370 | 12 N.J.R. 575(c) |
| 7:1G | Drought crisis | Emergency | R. 1981 d.93 | 13 N.J.R. 195(c) |
| 7:1G | Water rationing plan | Emergency | R. 1981 d.203 | 13 N.J.R. 397(d) |
| 7:1G-3.1 | Drought crisis | Emergency | R. 1981 d.147 | 13 N.J.R. 334(c) |
| 7:1G-3.3 | Drought emergency | Emergency | R. 1981 d.105 | 13 N.J.R. 204(a) |
| 7:1G-3.7, 3.8 | Rules of Drought Coordinator | Emergency | R. 1981 d.222 | 13 N.J.R. 399(a) |
| 7:1G-3.8 | Water rationing plan | Emergency | R. 1981 d.266 | 13 N.J.R. 400(a) |
| 7:1G-4.1 | Use of fresh water for horticulture | Emergency | R. 1981 d.159 | 13 N.J.R. 335(a) |
| 7:1G-5.4-5.7 | Drought crisis | Emergency | R. 1981 d.147 | 13 N.J.R. 334(c) |
| 7:1G-5.8 | Landlord/tenant: Excess use charges | Emergency | R. 1981 d.217 | 13 N.J.R. 400(b) |
| 7:1H | County environmental health services | 11 N.J.R. 616(a) | R. 1980 d.362 | 12 N.J.R. 514(a) |
| 7:2-11.22 | Swimming River Natural Area map | 12 N.J.R. 505(d) | R. 1981 d.4 | 13 N.J.R. 91(a) |
| 7:7 | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d.433 | 12 N.J.R. 643(a) |
| 7:7-2 | Waterfront and coastal resource development | 12 N.J.R. 252(a) | R. 1980 d.375 | 12 N.J.R. 576(a) |
| 7:7-2 | Waterfront development permits | 13 N.J.R. 73(c) | R. 1981 d.355 | 13 N.J.R. 564(b) |
| 7:7D-2.3, 2.5, 2.8 | CAFRA procedural rules | 13 N.J.R. 75(a) | R. 1981 d.267 | 13 N.J.R. 401(b) |
| 7:7E | Waterfront and coastal resource development | 12 N.J.R. 252(a) | R. 1980 d.375 | 12 N.J.R. 576(a) |
| 7:7E | Coastal resource and development policies | 13 N.J.R. 76(a) | R. 1981 d.186 | 13 N.J.R. 338(a) |
| 7:7E-3.10, 3.30, 3.33, 3.37, 4.10, 4.11, 5.5 | Coastal resources and development policies | 13 N.J.R. 565(a) | R. 1982 d.114 | 14 N.J.R. 385(c) |
| 7:7E-7.2 | Affordable housing and coastal development | 13 N.J.R. 864(a) | R. 1982 d.31 | 14 N.J.R. 206(a) |
| 7:7E-8.7, 8.16, 8.17 | Coastal resources and development policies | 13 N.J.R. 565(a) | R. 1982 d.114 | 14 N.J.R. 385(c) |
| 7:8 | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d.433 | 12 N.J.R. 643(a) |
| 7:9-3 | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d.433 | 12 N.J.R. 643(a) |
| 7:9-4, -5, -6 | Water quality standards | 12 N.J.R. 108(c) | R. 1981 d.80 | 13 N.J.R. 194(b) |
| 7:9-13.3, 13.5, 13.6 | Sewer extension ban | 12 N.J.R. 639(b) | R. 1981 d.224 | 13 N.J.R. 402(a) |
| 7:9-15 | Grants for restoring publicly owned freshwater lakes | 12 N.J.R. 310(a) | R. 1980 d.374 | 12 N.J.R. 575(e) |
| 7:10-8 | Repealed: See 7:18 | 13 N.J.R. 260(d) | R. 1981 d.279 | 13 N.J.R. 481(c) |
| 7:12-1.1, 1.3, | Condemnation of certain shellfish beds | 13 N.J.R. 191(b) | R. 1981 d.190 | 13 N.J.R. 339(b) |
| 7:12-1.3 | Condemnation of certain shellfish areas | 13 N.J.R. 566(a) | R. 1981 d.431 | 13 N.J.R. 755(b) |
| 7:12-2 | Shellfish waters condemnation | 13 N.J.R. 191(b) | R. 1981 d.190 | 13 N.J.R. 339(b) |
| 7:13-1.11 | Flood plain delineation along Mullica River | 12 N.J.R. 69(a) | R. 1981 d.8 | 13 N.J.R. 91(c) |
| 7:13-1.11 | Flood plain delineation along Cedar Creek | 12 N.J.R. 70(a) | R. 1981 d.9 | 13 N.J.R. 91(d) |
| 7:13-1.11 | Flood plain delineation of Great Egg Harbor River | 12 N.J.R. 506(a) | R. 1981 d.88 | 13 N.J.R. 194(d) |
| 7:13-1.11 | Flood plain delineation of Mullica River and tributaries | 12 N.J.R. 506(b) | R. 1981 d.89 | 13 N.J.R. 194(e) |
| 7:13-1.11 | Flood hazard area delineations | 12 N.J.R. 640(b) | R. 1981 d.144 | 13 N.J.R. 339(c) |
| 7:13-1.11 | Flood hazard area delineations | 12 N.J.R. 640(a) | R. 1981 d.145 | 13 N.J.R. 340(a) |
| 7:13-1.11 | Delaware Basin floodway delineations | 13 N.J.R. 805(a) | R. 1982 d.154 | 14 N.J.R. 472(b) |
| 7:13-1.11 | Floodway delineations along Tuckahoe River | 13 N.J.R. 921(a) | R. 1982 d.155 | 14 N.J.R. 473(a) |
| 7:13-1.11 | Floodway delineations in Hackensack basin | 14 N.J.R. 19(a) | R. 1982 d.156 | 14 N.J.R. 473(b) |
| 7:13-1.11 | Floodway delineations along Woodbridge and Rahway rivers | 13 N.J.R. 920(a) | R. 1982 d.157 | 14 N.J.R. 743(c) |
| 7:14 | Pollutant discharge and waste management | 12 N.J.R. 569(f) | R. 1981 d.84 | 13 N.J.R. 194(c) |
| 7:14-1.4 | New definition of "treatment works" | 12 N.J.R. 311(b) | R. 1980 d.424 | 12 N.J.R. 642(b) |
| 7:14-5, App. A | Statewide septage management | 13 N.J.R. 124(a) | R. 1982 d.82 | 14 N.J.R. 336(c) |

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| 7:14A | Conditions for users of DTW | 12 N.J.R. 569(f) | R. 1981 d. 84 | 13 N.J.R. 194(c) |
| 7:14A-4 | Industrial waste management facilities | 12 N.J.R. 569(f) | R. 1981 d. 373 | 13 N.J.R. 705(a) |
| 7:14A-11, 13.1 | Hazardous waste management | 13 N.J.R. 724(a) | R. 1982 d. 97 | 14 N.J.R. 338(a) |
| 7:14A-13.4 | Pollutant discharge and waste management | 13 N.J.R. 89(a) | R. 1981 d. 214 | 13 N.J.R. 403(a) |
| 7:15 | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d. 433 | 12 N.J.R. 643(a) |
| 7:17 | Hard clam depuration pilot plant program | 12 N.J.R. 253(a) | R. 1981 d. 56 | 13 N.J.R. 194(a) |
| 7:18 | Laboratory certification and standards of performance | 13 N.J.R. 260(d) | R. 1981 d. 279 | 13 N.J.R. 481(c) |
| 7:19 | Water diversion and water supply allocation permits | 13 N.J.R. 639(a) | R. 1981 d. 488 | 14 N.J.R. 42(a) |
| 7:21 | Water policy and supply council | Organizational | R. 1981 d. 366 | 13 N.J.R. 705(b) |
| 7:22 | Natural Resources Bond Fund | 13 N.J.R. 481(d) | R. 1981 d. 456 | 13 N.J.R. 886(d) |
| 7:23-2 | Flood control bond grants | 13 N.J.R. 192(a) | R. 1981 d. 223 | 13 N.J.R. 403(b) |
| 7:24 | Dam restoration grants | 13 N.J.R. 9(a) | R. 1981 d. 104 | 13 N.J.R. 195(b) |
| 7:25-1.7 | Penalties for shellfish law violations | 12 N.J.R. 456(a) | R. 1980 d. 395 | 12 N.J.R. 576(d) |
| 7:25-4.6 | Nongame and exotic wildlife inspection | 13 N.J.R. 806(a) | R. 1981 d. 513 | 14 N.J.R. 102(a) |
| 7:25-4.8 | Potentially dangerous species | 12 N.J.R. 390(a) | R. 1980 d. 448 | 12 N.J.R. 643(b) |
| 7:25-5 | Game Code | 13 N.J.R. 262(a) | R. 1981 d. 253 | 13 N.J.R. 403(c) |
| 7:25-6 | 1981 Fish Code | 12 N.J.R. 457(a) | R. 1980 d. 400 | 12 N.J.R. 577(a) |
| 7:25-6 | 1982-1983 Fish Code | 13 N.J.R. 483(a) | R. 1981 d. 470 | 13 N.J.R. 887(a) |
| 7:25-7.2 | Oyster seed beds recodification | 13 N.J.R. 193(a) | R. 1981 d. 189 | 13 N.J.R. 340(b) |
| 7:25-7.3 | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d. 433 | 12 N.J.R. 643(a) |
| 7:25-7.4 | Repeal rules prohibiting oyster dredging | Emergency | R. 1980 d. 369 | 12 N.J.R. 575(b) |
| 7:25-7.10 | Taking of oysters | 13 N.J.R. 125(a) | R. 1981 d. 199 | 13 N.J.R. 403(d) |
| 7:25-7.13 | Crab dredging | 12 N.J.R. 457(b) | R. 1980 d. 396 | 12 N.J.R. 576(e) |
| 7:25-7.13 | Crab dredging | 13 N.J.R. 125(b) | R. 1981 d. 200 | 13 N.J.R. 404(a) |
| 7:25-9.2 | Penalties for shellfish law violations | 12 N.J.R. 456(a) | R. 1980 d. 395 | 12 N.J.R. 576(d) |
| 7:25-9.2 | Hard clam harvest penalties | 13 N.J.R. 404(b) | R. 1981 d. 362 | 13 N.J.R. 706(a) |
| 7:25-9.4 | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d. 433 | 12 N.J.R. 643(a) |
| 7:25-9.4 | Bay scallops | 13 N.J.R. 126(a) | R. 1981 d. 256 | 13 N.J.R. 404(c) |
| 7:25-10 | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d. 433 | 12 N.J.R. 643(a) |
| 7:25-12.1 | Preservation of clam resource | 12 N.J.R. 641(a) | R. 1980 d. 521 | 13 N.J.R. 11(b) |
| 7:25-12.1 | Sea clam harvesting (emergency adoption) | Emergency | R. 1981 d. 448 | 13 N.J.R. 843(a) |
| 7:25-12.1 | Harvest of sea clams | 13 N.J.R. 643(a) | R. 1981 d. 486 | 13 N.J.R. 943(c) |
| 7:25-12.1 | 1982 sea clam harvest limits | Emergency | R. 1982 d. 80 | 14 N.J.R. 288(a) |
| 7:25-14 | Atlantic Coast crabbing | 13 N.J.R. 262(b) | R. 1981 d. 299 | 13 N.J.R. 546(a) |
| 7:25-14.9 | Penalties for shellfish law violations | 12 N.J.R. 456(a) | R. 1980 d. 395 | 12 N.J.R. 576(d) |
| 7:25-15.1 | Hard clam relay program | 13 N.J.R. 645(b) | R. 1982 d. 117 | 14 N.J.R. 387(a) |
| 7:25-16.1 | Upstream line revisions | 13 N.J.R. 484(a) | R. 1981 d. 469 | 13 N.J.R. 887(b) |
| 7:25-18 | Marine fisheries | 12 N.J.R. 312(a) | R. 1980 d. 394 | 12 N.J.R. 576(c) |
| 7:25-19.1 | Atlantic Coast harvest season | 12 N.J.R. 312(b) | R. 1980 d. 373 | 12 N.J.R. 575(d) |
| 7:25-20.1 | List of nongame wildlife species of New Jersey | 12 N.J.R. 390(b) | R. 1980 d. 390 | 12 N.J.R. 576(b) |
| 7:25-21 | Terrapin | 13 N.J.R. 126(b) | R. 1981 d. 198 | 13 N.J.R. 405(a) |
| 7:25A-1.1 | Emergency: Oyster dredging license moratorium | Emergency | R. 1981 d. 94 | 13 N.J.R. 195(a) |
| 7:25A-1.1, 1.2 | Oyster dredging licenses | 13 N.J.R. 192(b) | R. 1981 d. 188 | 13 N.J.R. 340(c) |
| 7:25A-2.1-2.7 | Oyster management in Delaware Bay | 13 N.J.R. 192(c) | R. 1981 d. 197 | 13 N.J.R. 405(b) |
| 7:25A-3.1 | Oyster seed beds recodification | 13 N.J.R. 193(a) | R. 1981 d. 189 | 13 N.J.R. 340(b) |
| 7:25A-3.1 | 1982 seed oyster season | 14 N.J.R. 264(a) | R. 1982 d. 148 | 14 N.J.R. 426(b) |
| 7:26-1 | Solid waste administration | 12 N.J.R. 511(a) | R. 1981 d. 281 | 13 N.J.R. 484(b) |
| 7:26-1 | Hazardous waste management | 12 N.J.R. 511(a) | R. 1981 d. 370 | 13 N.J.R. 706(b) |
| 7:26-1.1 | Pollutant discharge and waste management | 12 N.J.R. 569(f) | R. 1981 d. 84 | 13 N.J.R. 194(c) |
| 7:26-1.8 | Hazardous waste management | 13 N.J.R. 724(a) | R. 1982 d. 97 | 14 N.J.R. 338(a) |
| 7:26-3.2, 4.7 | Solid waste collection and haulage | Procedural | R. 1981 d. 49 | 13 N.J.R. 129(a) |
| 7:26-5.4 | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d. 433 | 12 N.J.R. 643(a) |
| 7:26-7, -8 | Solid waste administration | 12 N.J.R. 511(a) | R. 1981 d. 281 | 13 N.J.R. 484(b) |
| 7:26-9 | Hazardous waste management | 12 N.J.R. 511(a) | R. 1981 d. 370 | 13 N.J.R. 706(b) |
| 7:26-11 | Resource recovery grants | 13 N.J.R. 9(a) | R. 1981 d. 184 | 13 N.J.R. 340(d) |
| 7:26-11, -12 | Hazardous waste management | 12 N.J.R. 511(a) | R. 1981 d. 370 | 13 N.J.R. 706(b) |
| 7:26-12.2 | Hazardous waste management | 13 N.J.R. 724(a) | R. 1982 d. 97 | 14 N.J.R. 338(a) |
| 7:26-15 | Recycling of municipal solid waste (joint adoption, see 14A:3-15) | 13 N.J.R. 865(a) | R. 1982 d. 32 | 14 N.J.R. 206(b) |
| 7:27-2 | Control and prohibition of open burning | 12 N.J.R. 690(a) | R. 1981 d. 135 | 13 N.J.R. 264(a) |
| 7:27-10 | Sulfur in coal | 12 N.J.R. 571(a) | R. 1981 d. 185 | 13 N.J.R. 341(a) |
| 7:27-16 | Air pollution control: Volatile organic substances | 13 N.J.R. 127(a) | R. 1982 d. 3 | 14 N.J.R. 145(b) |
| 7:27A-1.4 | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d. 433 | 12 N.J.R. 643(a) |
| 7:28-41 | Mercury vapor lamps | 13 N.J.R. 9(b) | R. 1981 d. 464 | 13 N.J.R. 887(c) |
| 7:29B | Noise measurement | 13 N.J.R. 127(b) | R. 1982 d. 81 | 14 N.J.R. 339(a) |
| 7:36-2.2, 3.2, 5.5, 6.4 | Green Acres Program | 12 N.J.R. 512(a) | R. 1981 d. 7 | 13 N.J.R. 91(b) |
| 7:38 | Wild and scenic rivers | 12 N.J.R. 458(a) | R. 1980 d. 401 | 12 N.J.R. 577(b) |
| 7:38-1.17 | Wild and scenic rivers addition | 13 N.J.R. 568(a) | R. 1982 d. 2 | 14 N.J.R. 147(a) |

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| 7:50 | Repeal of various rules | 12 N.J.R. 454(b) | R. 1980 d.433 | 12 N.J.R. 643(a) |
| 7:50 | Pinelands Comprehensive Management Plan | 12 N.J.R. 513(b) | R. 1981 d.13 | 13 N.J.R. 91(e) |
| 7:50 | Pinelands management | 13 N.J.R. 569(a) | R. 1982 d.131 | 14 N.J.R. 388(a) |
| (Title 7, Transmittal 15 dated July 17, 1980) | | | | |
| HEALTH-TITLE 8 | | | | |
| 8:21-3.23 | Legal animal repellants | 14 N.J.R. 79(a) | R. 1982 d.123 | 14 N.J.R. 389(a) |
| 8:21-10 | Designated fluid milk products | 12 N.J.R. 643(c) | R. 1980 d.539 | 13 N.J.R. 13(f) |
| 8:22-1 | State Sanitary Code—Campgrounds | 13 N.J.R. 130(a) | R. 1981 d.161 | 13 N.J.R. 342(a) |
| 8:22-2 | Repeal mobile home park rules | 12 N.J.R. 577(d) | R. 1980 d.499 | 13 N.J.R. 13(c) |
| 8:30 | Expiration date | 13 N.J.R. 265(a) | R. 1981 d.283 | 13 N.J.R. 485(b) |
| 8:31-26.4 | Child abuse and neglect | 13 N.J.R. 12(a) | R. 1981 d.157 | 13 N.J.R. 342(b) |
| 8:31-26.4 | Correction: Child abuse reporting | 13 N.J.R. 12(a) | R. 1981 d.157 | 13 N.J.R. 756(a) |
| 8:31-27 | Megavoltage radiation (recodified as 8:33I) | 13 N.J.R. 406(b) | R. 1981 d.406 | 13 N.J.R. 756(b) |
| 8:31-28.1, 28.3 | Need and designation of regional services | 12 N.J.R. 515(a) | R. 1980 d.528 | 13 N.J.R. 13(d) |
| 8:31-30.1 | Plan Review Fee multiplier | 13 N.J.R. 265(b) | R. 1981 d.284 | 13 N.J.R. 486(a) |
| 8:31A-7 | 1982 SHARE regulations | 13 N.J.R. 266(a) | R. 1981 d.325 | 13 N.J.R. 571(c) |
| 8:31A-9.2 | Correction to Code: SHARE Manual | 10 N.J.R. 534(c) | R. 1979 d.25 | 14 N.J.R. 44(a) |
| 8:31A-10.1 | Mobile unit rate guidelines | 13 N.J.R. 647(a) | R. 1982 d.38 | 14 N.J.R. 208(a) |
| 8:31B-2.2, 2.4 | Uniform Bill-Patient Summary (Inpatient) | 13 N.J.R. 410(a) | R. 1981 d.404 | 13 N.J.R. 756(c) |
| 8:31B-3 | Hospital procedural and methodological regulations | 12 N.J.R. 515(b) | R. 1980 d.455 | 12 N.J.R. 645(c) |
| 8:31B-3 | Procedural and methodological regulations | 13 N.J.R. 486(b) | R. 1981 d.494 | 14 N.J.R. 45(a) |
| 8:31B-3.20D | Rate of return: For-profit hospitals | 13 N.J.R. 266(b) | R. 1981 d.290 | 13 N.J.R. 486(c) |
| 8:31B-4 | Hospital financial elements and reporting regulations | 12 N.J.R. 516(a) | R. 1980 d.453 | 12 N.J.R. 645(a) |
| 8:31B-4.62 | Excluded health care services | 12 N.J.R. 643(d) | R. 1981 d.10 | 13 N.J.R. 92(a) |
| 8:31B-5.1, 5.2, 5.3 | Diagnostic related groups | 13 N.J.R. 726(b) | R. 1982 d.27 | 14 N.J.R. 147(b) |
| 8:31B-6.1-6.5 | Mobile unit rate guidelines | 13 N.J.R. 647(a) | R. 1982 d.38 | 14 N.J.R. 208(a) |
| 8:33 | Certificate of Need application changes | 13 N.J.R. 267(a) | R. 1981 d.296 | 13 N.J.R. 487(b) |
| 8:33D-1.3 | Regional hemophilia care centers | 13 N.J.R. 727(a) | R. 1982 d.26 | 14 N.J.R. 147(c) |
| 8:33E-1.1 | Cardiac diagnostic facilities | 13 N.J.R. 649(a) | R. 1982 d.24 | 14 N.J.R. 147(d) |
| 8:33E-2.2 | Cardiac surgical centers | 13 N.J.R. 651(a) | R. 1982 d.25 | 14 N.J.R. 147(e) |
| 8:33F-1.1-1.4, 1.6, 1.7 | Regional end-stage renal services | 13 N.J.R. 922(b) | R. 1982 d.143 | 14 N.J.R. 426(c) |
| 8:33G | Certificate of Need reviews: CT scanners | 13 N.J.R. 487(c) | R. 1981 d.472 | 13 N.J.R. 944(a) |
| 8:33I | Megavoltage radiation units (recodified from 8:31-27) | 13 N.J.R. 406(b) | R. 1981 d.406 | 13 N.J.R. 756(b) |
| 8:37 | Expiration date | 13 N.J.R. 265(a) | R. 1981 d.283 | 13 N.J.R. 485(b) |
| 8:39-1 | Foreword: Amend operational dates | 13 N.J.R. 265(a) | R. 1981 d.283 | 13 N.J.R. 485(b) |
| 8:39-1.1 | Long term care standards | 13 N.J.R. 268(a) | R. 1981 d.285 | 13 N.J.R. 495(a) |
| 8:39-1.1, 1.16-1.21 | Long-term care facilities: Licensure standards | 14 N.J.R. 193(a) | R. 1982 d.146 | 14 N.J.R. 427(a) |
| 8:39-1.35 | Operational dates | 13 N.J.R. 265(a) | R. 1981 d.283 | 13 N.J.R. 485(b) |
| 8:42-1.8 | Child abuse and neglect | 13 N.J.R. 12(a) | R. 1981 d.157 | 13 N.J.R. 342(b) |
| 8:42A | Alcoholism treatment facilities | 13 N.J.R. 217(b) | R. 1981 d.236 | 13 N.J.R. 411(a) |
| 8:43-2.13 | Licensure of Residential Health Care Facilities | 12 N.J.R. 644(a) | R. 1980 d.529 | 13 N.J.R. 13(e) |
| 8:43-3.3, 3.20, 3.22 | Residential health care standards | 13 N.J.R. 268(b) | R. 1981 d.297 | 13 N.J.R. 495(b) |
| 8:43-3.22 | Residential health care: Fire protection | 13 N.J.R. 495(c) | R. 1981 d.402 | 13 N.J.R. 756(d) |
| 8:43-3.22 | Fire safety in residential care homes | 14 N.J.R. 194(a) | R. 1982 d.145 | 14 N.J.R. 427(b) |
| 8:43-4.13, 4.14 | Residential health care standards | 13 N.J.R. 268(b) | R. 1981 d.297 | 13 N.J.R. 495(b) |
| 8:43-6.9 | Licensure of Residential Health Care Facilities | 12 N.J.R. 644(a) | R. 1980 d.529 | 13 N.J.R. 13(e) |
| 8:43A-3.1 | Child abuse and neglect | 13 N.J.R. 12(a) | R. 1981 d.157 | 13 N.J.R. 342(b) |
| 8:43B-1.13 | Child abuse and neglect | 13 N.J.R. 12(a) | R. 1981 d.157 | 13 N.J.R. 342(b) |
| 8:45-1.3 | Licensure of clinical laboratories | 13 N.J.R. 653(a) | R. 1981 d.493 | 14 N.J.R. 45(b) |
| 8:57-1.1-1.18 | Reportable disease rules | 12 N.J.R. 577(e) | R. 1980 d.498 | 13 N.J.R. 13(b) |
| 8:57-4.5, 4.10, 4.12, 4.13, 4.15, 4.16 | Immunization of pupils in school | 13 N.J.R. 738(a) | R. 1981 d.502 | 14 N.J.R. 45(c) |
| 8:65-7.8 | CDS prescription filling requirements | 13 N.J.R. 130(b) | R. 1981 d.452 | 13 N.J.R. 845(a) |
| 8:65-7.10 | CDS: Prescriptions in LTCF's | 13 N.J.R. 130(c) | R. 1981 d.453 | 13 N.J.R. 845(b) |
| 8:65-7.14, 7.18 | Controlled dangerous substances | 14 N.J.R. 195(a) | R. 1982 d.124 | 14 N.J.R. 389(b) |
| 8:65-8.7 | Controlled dangerous substances | 13 N.J.R. 131(a) | R. 1981 d.238 | 13 N.J.R. 411(b) |
| 8:65-10.1, 10.2 | Controlled dangerous substances | Emergency | R. 1981 d.50 | 13 N.J.R. 132(b) |
| 8:65-10.1, 10.3, 10.4 | Controlled dangerous substances | 14 N.J.R. 195(a) | R. 1982 d.124 | 14 N.J.R. 389(b) |
| 8:65-10.4, 10.8 | Controlled dangerous substances | Emergency | R. 1981 d.50 | 13 N.J.R. 132(b) |
| 8:71 | Interchangeable drug products | 12 N.J.R. 465(a) | R. 1980 d.454 | 12 N.J.R. 645(b) |
| 8:71 | Interchangeable drug products | 12 N.J.R. 516(b) | R. 1981 d.25 | 13 N.J.R. 131(b) |
| 8:71 | Interchangeable drug products | 12 N.J.R. 465(b) | R. 1981 d.26 | 13 N.J.R. 131(c) |
| 8:71 | Interchangeable drug products | Emergency | R. 1981 d.27 | 13 N.J.R. 132(a) |
| 8:71 | Interchangeable drug products | 12 N.J.R. 644(b) | R. 1981 d.81 | 13 N.J.R. 217(d) |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT CITATION | ADOPTION NOTICE (N.J.R. CITATION) |
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| 8:71 | Interchangeable drug product list | 13 N.J.R. 269(a) | R. 1981 d. 364 | 13 N.J.R. 706(c) |
| 8:71 | Interchangeable drug list | 12 N.J.R. 644(b) | R. 1981 d. 405 | 13 N.J.R. 757(a) |
| 8:71 | List of interchangeable drugs | 13 N.J.R. 354(a) | R. 1981 d. 403 | 13 N.J.R. 757(b) |
| 8:71 | Interchangeable drug products | 13 N.J.R. 654(a) | R. 1981 d. 503 | 14 N.J.R. 45(d) |
| 8:71 | Correction: Generic drug list | 13 N.J.R. 654(a) | R. 1981 d. 503 | 14 N.J.R. 102(b) |
| 8:71 | Generic drug list additions | 13 N.J.R. 217(c) | R. 1982 d. 58 | 14 N.J.R. 235(a) |
| 8:71 | Amitriptyline addition | 14 N.J.R. 22(b) | R. 1982 d. 106 | 14 N.J.R. 342(a) |
| 8:71 | Generic drug list additions | 14 N.J.R. 22(a) | R. 1982 d. 115 | 14 N.J.R. 389(c) |

(Title 8, Transmittal 14 dated September 18, 1980)

HIGHER EDUCATION—TITLE 9

| | | | | |
|-----------------------------------|---|------------------|----------------|------------------|
| 9:1-1.1 | Definition of "college" | 12 N.J.R. 518(e) | R. 1980 d. 524 | 13 N.J.R. 14(a) |
| 9:1-4.6 | Post-master's level programs | 13 N.J.R. 411(c) | R. 1981 d. 392 | 13 N.J.R. 757(c) |
| 9:2-1.1, 1.2 | Admission and degree standards for State colleges | 12 N.J.R. 645(d) | R. 1981 d. 19 | 13 N.J.R. 133(a) |
| 9:2-2.8 | "Visiting specialist" title at State colleges | 12 N.J.R. 519(a) | R. 1980 d. 525 | 13 N.J.R. 14(b) |
| 9:2-2.12 | Faculty promotion at four-year colleges | 14 N.J.R. 121(b) | R. 1982 d. 130 | 14 N.J.R. 390(a) |
| 9:2-3 | State college reduction in force policies | 12 N.J.R. 407(d) | R. 1981 d. 38 | 13 N.J.R. 133(b) |
| 9:2-4.1 | Eligibility for Alternate Benefit Program | 14 N.J.R. 261(a) | R. 1982 d. 128 | 14 N.J.R. 390(b) |
| 9:2-8.1-8.10 | Admission and degree standards for State colleges | 12 N.J.R. 645(d) | R. 1981 d. 19 | 13 N.J.R. 133(a) |
| 9:2-9.9 | Correction to Code: Contracts for professional staff (nonfaculty) | | | 13 N.J.R. 132(c) |
| 9:2-11.7 | Veteran's Tuition Credit Program | 13 N.J.R. 572(a) | R. 1981 d. 449 | 13 N.J.R. 845(c) |
| 9:2-12.1-12.4 | Teacher preparation (proposed as 9:1-7.1-7.4) | 14 N.J.R. 24(a) | R. 1982 d. 99 | 14 N.J.R. 341(b) |
| 9:3-1.3 | Correction to Code: Program approval | | | 13 N.J.R. 132(c) |
| 9:3-2.14 | Criteria; merit award recipients: Now cited as 9:2-9.11 | | | 13 N.J.R. 132(c) |
| 9:4-1.2 | Establishment of a community college | 13 N.J.R. 495(d) | R. 1981 d. 391 | 13 N.J.R. 758(a) |
| 9:4-1.4, 1.5, 1.12, 2.4, 2.13, -3 | Accounting standards for county colleges | 14 N.J.R. 26(b) | R. 1982 d. 100 | 14 N.J.R. 343(a) |
| 9:4-3.57 | County college work load data | 13 N.J.R. 218(a) | R. 1981 d. 215 | 13 N.J.R. 412(a) |
| 9:4-3.61 | State aid to county colleges | 13 N.J.R. 271(a) | R. 1981 d. 271 | 13 N.J.R. 496(a) |
| 9:5-1.1, 1.2, 1.3, 1.4 | Resident/non-resident tuition charges | 12 N.J.R. 408(a) | R. 1980 d. 428 | 12 N.J.R. 661(a) |
| 9:7-2 | Student assistance | 13 N.J.R. 218(b) | R. 1981 d. 232 | 13 N.J.R. 412(b) |
| 9:7-2.12 | Tuition Aid Grant and Garden State Scholar Programs | 12 N.J.R. 117(c) | R. 1980 d. 461 | 12 N.J.R. 661(b) |
| 9:7-3.1 | Tuition Aid Grant Program | 13 N.J.R. 572(b) | R. 1981 d. 415 | 13 N.J.R. 758(b) |
| 9:7-3.1 | Tuition Aid: 1982-83 Award Table | 14 N.J.R. 122(a) | R. 1982 d. 129 | 14 N.J.R. 390(c) |
| 9:7-4.4,-6 | Graduate fellowships | 12 N.J.R. 273(e) | R. 1980 d. 462 | 12 N.J.R. 694(d) |
| 9:7-4.6 | Academic eligibility for undergraduate grants | 12 N.J.R. 658(a) | R. 1981 d. 99 | 13 N.J.R. 220(b) |
| 9:7-5 | Public Tuition Benefits Program | 14 N.J.R. 28(a) | R. 1982 d. 127 | 14 N.J.R. 390(d) |
| 9:9-1.3 | Guaranteed student loan program | 13 N.J.R. 355(a) | R. 1981 d. 275 | 13 N.J.R. 496(b) |
| 9:11-1.8,1.9 | EOF guidelines and program support regulations | 12 N.J.R. 658(b) | R. 1981 d. 100 | 13 N.J.R. 220(c) |
| 9:11-1.13,1.22 | Student refunds and repayment | 12 N.J.R. 519(b) | R. 1980 d. 523 | 13 N.J.R. 13(g) |
| 9:12-1 | EOF guidelines and program support regulations | 12 N.J.R. 658(b) | R. 1981 d. 100 | 13 N.J.R. 220(c) |
| 9:16-1.3-1.5 | Physician-dentist loan redemption program | 12 N.J.R. 579(c) | R. 1981 d. 60 | 13 N.J.R. 220(a) |

(Title 9, Transmittal 15 dated September 18, 1980)

HUMAN SERVICES—TITLE 10

| | | | | |
|------------------|--|------------------|----------------|------------------|
| 10:38 | Interim Assistance Procedures Manual | 13 N.J.R. 220(d) | R. 1981 d. 225 | 13 N.J.R. 412(c) |
| 10:49-1.2 | Amend recipient controls | 12 N.J.R. 274(a) | R. 1980 d. 549 | 13 N.J.R. 100(c) |
| 10:49-1.3 | Provider participation | 13 N.J.R. 496(c) | R. 1981 d. 393 | 13 N.J.R. 758(c) |
| 10:49-1.5 | Amend recipient controls | 12 N.J.R. 274(a) | R. 1980 d. 549 | 13 N.J.R. 100(c) |
| 10:49-1.5 | Record keeping by providers | 12 N.J.R. 520(b) | R. 1981 d. 329 | 13 N.J.R. 574(b) |
| 10:49-1.7 | Utilization of insurance benefits | 12 N.J.R. 187(c) | R. 1981 d. 123 | 13 N.J.R. 272(a) |
| 10:49-1.9 | Out-of-State hospital care | 13 N.J.R. 654(b) | R. 1982 d. 52 | 14 N.J.R. 235(b) |
| 10:49-1.13,1.14 | Providers using management agencies | 13 N.J.R. 272(b) | R. 1981 d. 246 | 13 N.J.R. 412(d) |
| 10:49-1.17 | Suspension of provider from Medicaid program | 12 N.J.R. 581(a) | R. 1980 d. 501 | 13 N.J.R. 17(a) |
| 10:49-1.17 | Suspended providers | 13 N.J.R. 222(a) | R. 1981 d. 315 | 13 N.J.R. 574(c) |
| 10:49-1.17 | Provider participation | 13 N.J.R. 496(c) | R. 1981 d. 393 | 13 N.J.R. 758(c) |
| 10:49-1.26 | Patient certification | 13 N.J.R. 413(a) | R. 1981 d. 331 | 13 N.J.R. 575(a) |
| 10:49-1.27 | Final audits | 13 N.J.R. 133(c) | R. 1981 d. 114 | 13 N.J.R. 273(a) |
| 10:49-5.3,5.4 | Recipient fair hearings | 12 N.J.R. 581(b) | R. 1980 d. 512 | 13 N.J.R. 17(f) |
| 10:49-5.6 | Recipient fair hearings | 12 N.J.R. 581(b) | R. 1980 d. 512 | 13 N.J.R. 17(f) |
| 10:49-6.5 | Medicaid: Payment recovery from estates | 14 N.J.R. 80(a) | R. 1982 d. 147 | 14 N.J.R. 427(c) |
| 10:49-6.8 | Compromising claims | 12 N.J.R. 582(a) | R. 1980 d. 502 | 13 N.J.R. 17(b) |
| 10:50 | Patient certification | 13 N.J.R. 413(a) | R. 1981 d. 331 | 13 N.J.R. 575(a) |
| 10:50-2.7 | Automated Data Exchange Billing | 13 N.J.R. 296(a) | R. 1981 d. 250 | 13 N.J.R. 418(a) |
| 10:51 | Patient certification | 13 N.J.R. 413(a) | R. 1981 d. 331 | 13 N.J.R. 575(a) |
| 10:51-1.13, 1.14 | Emergency amend "Less than effective" drugs | Emergency | R. 1981 d. 476 | 13 N.J.R. 945(a) |
| 10:51-1.13, 1.14 | "Less than effective" drugs: Reimbursement | 13 N.J.R. 873(a) | R. 1982 d. 28 | 14 N.J.R. 158(a) |
| 10:51-1.17 | Legend drug dispensing fee | 13 N.J.R. 575(c) | R. 1981 d. 411 | 13 N.J.R. 758(d) |

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| 10:51-1.19 | Emergency amendment: "Less than effective" drugs | Emergency | R.1981 d.476 | 13 N.J.R. 945(a) |
| 10:51-1.19 | "Less than effective" drugs: Reimbursement | 13 N.J.R. 873(a) | R.1982 d.28 | 14 N.J.R. 158(a) |
| 10:51-App.B,D | Pharmaceutical Services Manual | 13 N.J.R. 134(a) | R.1981 d.124 | 13 N.J.R. 274(a) |
| 10:51-App.B,D | Non-legend drugs and legend services | 13 N.J.R. 739(a) | R.1981 d.505 | 14 N.J.R. 46(a) |
| 10:51-2 | Pharmacy Manual billing procedures | 13 N.J.R. 274(b) | R.1981 d.247 | 13 N.J.R. 415(a) |
| 10:51-3 | Pharmaceutical services in LTC facilities | 13 N.J.R. 415(b) | R.1981 d.344 | 13 N.J.R. 577(a) |
| 10:51-3.15 | Capitation of fee for legend drugs dispensed by LTC pharmacy providers | 13 N.J.R. 577(b) | R.1981 d.465 | 13 N.J.R. 887(d) |
| 10:51-4.5 | Repeal payments for pharmaceutical consultants | 12 N.J.R. 410(a) | R.1981 d.101 | 13 N.J.R. 228(c) |
| 10:51-5.16, 5.19 | "Less than effective" drugs: Reimbursement | 13 N.J.R. 873(a) | R.1982 d.28 | 14 N.J.R. 158(a) |
| 10:51-5.28-5.33 | Pharmaceutical Assistance to the Aged | 13 N.J.R. 289(a) | R.1981 d.248 | 13 N.J.R. 415(c) |
| 10:52 | Hospital and special hospital manuals | 13 N.J.R. 416(a) | R.1981 d.327 | 13 N.J.R. 578(a) |
| 10:52-1.1 | Professional Standards Review Organization | 12 N.J.R. 661(c) | R.1981 d.51 | 13 N.J.R. 147(c) |
| 10:52-1.3 | Non-covered hospital services | 13 N.J.R. 14(d) | R.1981 d.126 | 13 N.J.R. 291(a) |
| 10:52-1.3 | Surgical procedures requiring second opinion | 13 N.J.R. 292(a) | R.1982 d.73 | 14 N.J.R. 278(c) |
| 10:52-1.4 | Professional Standards Review Organization | 12 N.J.R. 661(c) | R.1981 d.51 | 13 N.J.R. 147(c) |
| 10:52-1.9 | Out-of-State hospital care | 13 N.J.R. 654(b) | R.1982 d.52 | 14 N.J.R. 235(b) |
| 10:52-1.17 | Out-of-State inpatient hospital services | 13 N.J.R. 15(a) | R.1981 d.162 | 13 N.J.R. 358(b) |
| 10:52-1.17 | Correction: Out-of-State hospital services | 13 N.J.R. 15(a) | R.1981 d.162 | 13 N.J.R. 416(b) |
| 10:52-1.18 | Out-of-State hospital services | 13 N.J.R. 359(a) | R.1981 d.293 | 13 N.J.R. 497(a) |
| 10:52-2.2 | Uniform billing of hospital services | 13 N.J.R. 93(a) | R.1982 d.13 | 14 N.J.R. 158(b) |
| 10:52-2.8A | Outpatient dental services | 13 N.J.R. 416(c) | R.1981 d.479 | 13 N.J.R. 946(a) |
| 10:52-2.13 | Automated Data Exchange Billing | 13 N.J.R. 296(a) | R.1981 d.250 | 13 N.J.R. 418(a) |
| 10:52-3.6 | Outpatient dental services | 13 N.J.R. 416(c) | R.1981 d.479 | 13 N.J.R. 946(a) |
| 10:53 | Hospital and special hospital manuals | 13 N.J.R. 416(a) | R.1981 d.327 | 13 N.J.R. 578(a) |
| 10:53-1.1 | Professional Standards Review Organization | 12 N.J.R. 661(c) | R.1981 d.51 | 13 N.J.R. 147(c) |
| 10:53-1.3 | Surgical procedures requiring second opinion | 13 N.J.R. 292(a) | R.1982 d.73 | 14 N.J.R. 278(c) |
| 10:53-1.4 | Professional Standards Review Organization | 12 N.J.R. 661(c) | R.1981 d.51 | 13 N.J.R. 147(c) |
| 10:53-2.18 | Automated Data Exchange Billing | 13 N.J.R. 296(a) | R.1981 d.250 | 13 N.J.R. 418(a) |
| 10:54-1 | HCFA-1500 claim form | 13 N.J.R. 293(a) | R.1981 d.249 | 13 N.J.R. 417(a) |
| 10:54-1.2 | Routine chest X rays | 13 N.J.R. 94(a) | R.1981 d.125 | 13 N.J.R. 292(b) |
| 10:54-1.2 | Surgical procedures requiring second opinion | 13 N.J.R. 292(a) | R.1982 d.73 | 14 N.J.R. 278(c) |
| 10:54-1.3 | Record keeping by providers | 12 N.J.R. 520(b) | R.1981 d.329 | 13 N.J.R. 574(b) |
| 10:54-1.5 | Physicians and Psychologist Manual | 12 N.J.R. 662(a) | R.1981 d.374 | 13 N.J.R. 706(d) |
| 10:54-1.6 | Reimbursement for anesthesia time | 12 N.J.R. 413(a) | R.1981 d.220 | 13 N.J.R. 417(b) |
| 10:54-1.22 | Routine chest X rays | 13 N.J.R. 94(a) | R.1981 d.125 | 13 N.J.R. 292(b) |
| 10:54-2.1 | Automated Data Exchange Billing | 13 N.J.R. 296(a) | R.1981 d.250 | 13 N.J.R. 418(a) |
| 10:54-2.4, 2.5 | HCFA-1500 claim form | 13 N.J.R. 293(a) | R.1981 d.249 | 13 N.J.R. 417(a) |
| 10:54-2.6 | Automated Data Exchange Billing | 13 N.J.R. 296(a) | R.1981 d.250 | 13 N.J.R. 418(a) |
| 10:54-3 | Procedure Code Manual | 12 N.J.R. 520(c) | R.1980 d.511 | 13 N.J.R. 17(e) |
| 10:54-3 | Physician's Services Manual: Procedure codes | 13 N.J.R. 95(a) | R.1981 d.111 | 13 N.J.R. 299(a) |
| 10:54-3 | Physician's Services Manual: Procedure codes | 13 N.J.R. 223(a) | R.1981 d.211 | 13 N.J.R. 418(c) |
| 10:54-3 | Procedure codes for pacemakers | 13 N.J.R. 297(a) | R.1981 d.251 | 13 N.J.R. 430(a) |
| 10:54-3 | Procedure codes for physicians services | 13 N.J.R. 298(a) | R.1981 d.305 | 13 N.J.R. 578(b) |
| 10:54-3 | Physician services procedure codes | 13 N.J.R. 298(b) | R.1981 d.314 | 13 N.J.R. 578(c) |
| 10:54-3 | Procedure Code Manual | 13 N.J.R. 578(d) | R.1981 d.475 | 13 N.J.R. 946(b) |
| 10:54-3 | Surgical procedures requiring second opinion | 13 N.J.R. 292(a) | R.1982 d.73 | 14 N.J.R. 278(c) |
| 10:55 | Patient certification | 13 N.J.R. 413(a) | R.1981 d.331 | 13 N.J.R. 575(a) |
| 10:56 | Patient certification | 13 N.J.R. 413(a) | R.1981 d.331 | 13 N.J.R. 575(a) |
| 10:56-1.8, 1.12 | Dental Services Manual | 12 N.J.R. 700(a) | R.1981 d.219 | 13 N.J.R. 430(b) |
| 10:56-3.15 | Orthodontics | 13 N.J.R. 134(b) | R.1981 d.113 | 13 N.J.R. 299(b) |
| 10:57-1.4 | Podiatry services | 13 N.J.R. 360(a) | R.1981 d.300 | 13 N.J.R. 579(a) |
| 10:57-1.5 | HCFA-1500 claim form | 13 N.J.R. 293(a) | R.1981 d.249 | 13 N.J.R. 417(a) |
| 10:57-1.9 | Podiatry services | 13 N.J.R. 360(a) | R.1981 d.300 | 13 N.J.R. 579(a) |
| 10:57-1.20, 2.5-2.7 | HCFA-1500 claim form | 13 N.J.R. 293(a) | R.1981 d.249 | 13 N.J.R. 417(a) |
| 10:57-2.8 | Automated Data Exchange Billing | 13 N.J.R. 296(a) | R.1981 d.250 | 13 N.J.R. 418(a) |
| 10:59 | Patient certification | 13 N.J.R. 413(a) | R.1981 d.331 | 13 N.J.R. 575(a) |
| 10:59-1.7, 1.8 | Repair of durable medical equipment | 12 N.J.R. 25(a) | R.1980 d.510 | 13 N.J.R. 17(d) |
| 10:59-1.9 | Medical Supplier Manual | 13 N.J.R. 430(c) | R.1981 d.376 | 13 N.J.R. 707(a) |
| 10:59-1.10 | Repair of durable medical equipment | 12 N.J.R. 25(a) | R.1980 d.510 | 13 N.J.R. 17(d) |
| 10:59-1.10 | IPPB equipment | 13 N.J.R. 223(b) | R.1981 d.328 | 13 N.J.R. 579(b) |
| 10:59-1.11 | Repair of durable medical equipment | 12 N.J.R. 25(a) | R.1980 d.510 | 13 N.J.R. 17(d) |
| 10:59-2.6-2.8 | HCFA-1500 claim form | 13 N.J.R. 293(a) | R.1981 d.249 | 13 N.J.R. 417(a) |
| 10:59-2.11 | Repair of durable medical equipment | 12 N.J.R. 25(a) | R.1980 d.510 | 13 N.J.R. 17(d) |
| 10:60 | Patient certification | 13 N.J.R. 413(a) | R.1981 d.331 | 13 N.J.R. 575(a) |
| 10:60-2.6 | Automated Data Exchange Billing | 13 N.J.R. 296(a) | R.1981 d.250 | 13 N.J.R. 418(a) |
| 10:61-1.4 | Record retention requirements | 13 N.J.R. 95(b) | R.1981 d.110 | 13 N.J.R. 299(c) |
| 10:61-1.4 | Physician orders for laboratory services | 13 N.J.R. 430(d) | R.1981 d.342 | 13 N.J.R. 579(c) |
| 10:61-2.3 | HCFA-1500 claim form | 13 N.J.R. 293(a) | R.1981 d.249 | 13 N.J.R. 417(a) |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT CITATION | ADOPTION NOTICE (N.J.R. CITATION) |
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| 10:61-2.6 | Automated Data Exchange Billing | 13 N.J.R. 296(a) | R. 1981 d.250 | 13 N.J.R. 418(a) |
| 10:62 | Patient certification | 13 N.J.R. 413(a) | R. 1981 d.331 | 13 N.J.R. 575(a) |
| 10:62-1.5 | HCFA-1500 claim form | 13 N.J.R. 293(a) | R. 1981 d.249 | 13 N.J.R. 417(a) |
| 10:62-1.7 | Procedure codes for ophthalmologists and optometrists | 13 N.J.R. 299(d) | R. 1981 d.280 | 13 N.J.R. 497(b) |
| 10:62-3 | HCFA-1500 claim form | 13 N.J.R. 293(a) | R. 1981 d.249 | 13 N.J.R. 417(a) |
| 10:63-1.4 | Long Term Care Manual | 12 N.J.R. 700(a) | R. 1981 d.219 | 13 N.J.R. 430(b) |
| 10:63-1.4 | Special equipment in long-term care | 13 N.J.R. 877(a) | R. 1982 d.110 | 14 N.J.R. 391(a) |
| 10:63-1.5 | Inspection of long-term care | 14 N.J.R. 81(a) | R. 1982 d.72 | 14 N.J.R. 279(a) |
| 10:63-1.8 | Long Term Care Manual | 12 N.J.R. 700(a) | R. 1981 d.219 | 13 N.J.R. 430(b) |
| 10:63-1.8 | Clinical records in long-term care facilities | 12 N.J.R. 701(a) | R. 1981 d.33 | 13 N.J.R. 146(c) |
| 10:63-1.11 | HCFA-1500 claim form | 13 N.J.R. 293(a) | R. 1981 d.249 | 13 N.J.R. 417(a) |
| 10:63-1.14 | Retention of records in LTC facilities | 13 N.J.R. 431(a) | R. 1981 d.345 | 13 N.J.R. 579(d) |
| 10:63-1.19 | LTCISM: Termination of Medicaid eligibility | 13 N.J.R. 15(b) | R. 1981 d.62 | 13 N.J.R. 225(b) |
| 10:63-1.21 | Three-year audit cycle | 12 N.J.R. 701(a) | R. 1981 d.23 | 13 N.J.R. 146(a) |
| 10:63-3.1 | Reimbursement to Long Term Care Facilities | 12 N.J.R. 702(a) | R. 1981 d.87 | 13 N.J.R. 227(a) |
| 10:63-3.8 | LTC's nursing care costs | 13 N.J.R. 360(b) | R. 1981 d.326 | 13 N.J.R. 579(c) |
| 10:63-3.21 | Rescission: Long-term care per diem reduction | 13 N.J.R. 498(a) | R. 1981 d.375 | 13 N.J.R. 707(b) |
| 10:64 | Hearing Aid Services Manual | 14 N.J.R. 413(a) | R. 1982 d.74 | 14 N.J.R. 279(b) |
| 10:65 | Patient certification | 13 N.J.R. 413(a) | R. 1981 d.331 | 13 N.J.R. 575(a) |
| 10:65-2.1 | Medical day care rates | 13 N.J.R. 362(a) | R. 1981 d.318 | 13 N.J.R. 580(a) |
| 10:66 | Patient certification | 13 N.J.R. 413(a) | R. 1981 d.331 | 13 N.J.R. 575(a) |
| 10:66-1.5, 1.6 | Mental health partial care services | 13 N.J.R. 662(a) | R. 1982 d.19 | 14 N.J.R. 158(c) |
| 10:66-2.10 | Automated Data Exchange Billing | 13 N.J.R. 296(a) | R. 1981 d.250 | 13 N.J.R. 418(a) |
| 10:66-3.1-3.3 | Independent clinic services procedure codes | 13 N.J.R. 363(a) | R. 1981 d.313 | 13 N.J.R. 580(b) |
| 10:66-3.3 | Procedure codes for Medicaid | 12 N.J.R. 662(b) | R. 1981 d.112 | 13 N.J.R. 299(e) |
| 10:66-3.3 | Independent Clinic Services Manual | 13 N.J.R. 224(a) | R. 1981 d.212 | 13 N.J.R. 431(b) |
| 10:66-3.3 | Mental health partial care services | 13 N.J.R. 662(a) | R. 1982 d.19 | 14 N.J.R. 158(c) |
| 10:66-3.3 | Family planning procedure codes | 13 N.J.R. 663(a) | R. 1982 d.84 | 14 N.J.R. 343(b) |
| 10:67-1.2 | HCFA-1500 claim form | 13 N.J.R. 293(a) | R. 1981 d.249 | 13 N.J.R. 417(a) |
| 10:67-1.8 | Physicians and Psychologist Manual | 12 N.J.R. 662(a) | R. 1981 d.374 | 13 N.J.R. 706(d) |
| 10:67-2.5,2.8 | HCFA-1500 claim form | 13 N.J.R. 293(a) | R. 1981 d.249 | 13 N.J.R. 417(a) |
| 10:67-2.10 | Psychological services procedure codes | 13 N.J.R. 298(a) | R. 1981 d.305 | 13 N.J.R. 578(b) |
| 10:68-2.5,2.7 | HCFA-1500 claim form | 13 N.J.R. 293(a) | R. 1981 d.249 | 13 N.J.R. 417(a) |
| 10:68-2.8 | Automated Data Exchange Billing | 13 N.J.R. 296(a) | R. 1981 d.250 | 13 N.J.R. 418(a) |
| 10:69A-7.1 | PAA: Payment recovery from estates | 14 N.J.R. 80(a) | R. 1982 d.147 | 14 N.J.R. 427(c) |
| 10:69A-5.6 | PAA eligibility determinations | 13 N.J.R. 432(a) | R. 1981 d.332 | 13 N.J.R. 580(c) |
| 10:81 | PAM: Federal Omnibus Reconciliation Act of 1981 | Emergency | R. 1981 d.397 | 13 N.J.R. 759(a) |
| 10:81 | PAM: Readopted Federal requirements | 13 N.J.R. 759(a) | R. 1981 d.518 | 14 N.J.R. 102(c) |
| 10:81-1.14 | PAM: Welfare board minutes | 13 N.J.R. 877(b) | R. 1982 d.151 | 14 N.J.R. 473(d) |
| 10:81-2.7 | PAM: Deprivation of parental support in AFDC-C | 12 N.J.R. 703(a) | R. 1981 d.28 | 13 N.J.R. 146(b) |
| 10:81-7.1 | AFDC: New or changed income | 13 N.J.R. 300(a) | R. 1981 d.262 | 13 N.J.R. 432(b) |
| 10:81-7.22 | AFDC: Funeral or burial payments for children | 13 N.J.R. 580(d) | R. 1981 d.447 | 13 N.J.R. 845(d) |
| 10:81-7.26, 8.4 | PAM: RSDI lump sum benefits | 13 N.J.R. 925(a) | R. 1982 d.90 | 14 N.J.R. 344(a) |
| 10:82 | ASH: Federal Omnibus Reconciliation Act of 1981 | Emergency | R. 1981 d.396 | 13 N.J.R. 763(a) |
| 10:82 | ASH: Readopted Federal requirements | 13 N.J.R. 763(a) | R. 1981 d.519 | 14 N.J.R. 102(d) |
| 10:82-2.9 | Correction: Stepparent's income in AFDC-C | 13 N.J.R. 763(a) | R. 1981 d.519 | 14 N.J.R. 281(a) |
| 10:82-2.14 | ASH: Established monthly earnings | 13 N.J.R. 16(a) | R. 1981 d.47 | 13 N.J.R. 147(b) |
| 10:82-2.14 | AFDC: New or changed income | 13 N.J.R. 300(a) | R. 1981 d.262 | 13 N.J.R. 432(b) |
| 10:82-3.2 | ASH: HUD community development block grant | 13 N.J.R. 96(a) | R. 1981 d.96 | 13 N.J.R. 227(b) |
| 10:82-3.2,4.5 | Exempt resources and disregard of earned income | 13 N.J.R. 224(b) | R. 1981 d.282 | 13 N.J.R. 499(a) |
| 10:82-4.15 | Irregular and nonrecurring income in AFDC | 13 N.J.R. 224(c) | R. 1981 d.287 | 13 N.J.R. 499(b) |
| 10:82-5.3 | ASH: Day care rates | 13 N.J.R. 134(c) | R. 1981 d.243 | 13 N.J.R. 432(c) |
| 10:82-5.3 | ASH: Care for unwed mothers | 13 N.J.R. 134(c) | R. 1982 d.43 | 14 N.J.R. 235(c) |
| 10:82-5.10 | ASH: Emergency assistance | 12 N.J.R. 584(a) | R. 1980 d.552 | 13 N.J.R. 101(a) |
| 10:85-1.2, 1.5, 2.2 | General Assistance and Faulkner Act municipalities | 13 N.J.R. 301(a) | R. 1982 d.61 | 14 N.J.R. 281(b) |
| 10:85-2.2 | GAM: Temporary director of municipal welfare | 12 N.J.R. 584(b) | R. 1980 d.505 | 13 N.J.R. 17(c) |
| 10:85-2.2 | GAM: Local assistance board | 13 N.J.R. 96(b) | R. 1981 d.98 | 13 N.J.R. 228(b) |
| 10:85-3.1 | GAM: Common living quarters | 13 N.J.R. 927(a) | R. 1982 d.102 | 14 N.J.R. 344(b) |
| 10:85-3.1, 3.2 | GAM: Prospective SSI recipients | 13 N.J.R. 145(a) | R. 1981 d.160 | 13 N.J.R. 363(b) |
| 10:85-3.2 | General Assistance application process | 12 N.J.R. 584(c) | R. 1980 d.514 | 13 N.J.R. 18(a) |
| 10:85-3.2 | GAM: Clarification of "unemployable" | 13 N.J.R. 927(b) | R. 1982 d.103 | 14 N.J.R. 344(c) |
| 10:85-3.2 | GAM: Workfare compliance | 13 N.J.R. 929(a) | R. 1982 d.104 | 14 N.J.R. 344(d) |
| 10:85-3.3 | GAM: Recipients in residential health care facilities | 12 N.J.R. 662(c) | R. 1980 d.547 | 13 N.J.R. 100(a) |
| 10:85-3.3 | GAM: Financial eligibility | 12 N.J.R. 16(b) | R. 1981 d.46 | 13 N.J.R. 147(a) |
| 10:85-3.3 | GAM: Food Stamps and medical payments | 13 N.J.R. 225(a) | R. 1981 d.263 | 13 N.J.R. 433(a) |
| 10:85-3.3 | GAM: Boarding rate for residential care | 13 N.J.R. 879(a) | R. 1982 d.53 | 14 N.J.R. 235(d) |
| 10:85-3.3 | GAM: Hospital shelter time | 13 N.J.R. 930(a) | R. 1982 d.98 | 14 N.J.R. 345(a) |
| 10:85-3.4 | GAM: Income and alien sponsorship | 14 N.J.R. 122(b) | R. 1982 d.134 | 14 N.J.R. 428(a) |

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| 10:85-4.6 | GAM: Emergency grants | 12 N.J.R. 585(a) | R. 1980 d. 538 | 13 N.J.R. 18(d) |
| 10:85-4.6 | GAM: Emergency grants | 14 N.J.R. 124(a) | R. 1982 d. 135 | 14 N.J.R. 428(b) |
| 10:85-5.2 | GAM: Diagnostic-Related Group payments | 12 N.J.R. 585(b) | R. 1980 d. 515 | 13 N.J.R. 18(b) |
| 10:85-5.2 | GAM-Payments for inpatients hospital care | 13 N.J.R. 433(b) | R. 1981 d. 394 | 13 N.J.R. 768(a) |
| 10:85-5.3 | Submission of Form GA-18 | 12 N.J.R. 586(a) | R. 1980 d. 531 | 13 N.J.R. 18(c) |
| 10:85-5.3 | GAM: Recipients in residential health care facilities | 12 N.J.R. 662(c) | R. 1980 d. 547 | 13 N.J.R. 100(a) |
| 10:85-5.3 | GAM: Food Stamps and medical payments | 13 N.J.R. 225(a) | R. 1981 d. 263 | 13 N.J.R. 433(a) |
| 10:85-5.4 | GAM: Procedure for payments of medical bills | 13 N.J.R. 499(c) | R. 1981 d. 417 | 13 N.J.R. 768(b) |
| 10:85-6.5 | GAM: Repayment by SSI recipients | 12 N.J.R. 586(b) | R. 1980 d. 551 | 13 N.J.R. 100(d) |
| 10:85-6.6 | GAM: Food Stamps and medical payments | 13 N.J.R. 225(a) | R. 1981 d. 263 | 13 N.J.R. 433(a) |
| 10:85-7.2 | GAM: Receipt of assistance | 12 N.J.R. 535(b) | R. 1981 d. 53 | 13 N.J.R. 147(d) |
| 10:85-7.3 | General Assistance and Faulkner Act municipalities | 13 N.J.R. 301(a) | R. 1982 d. 61 | 14 N.J.R. 281(b) |
| 10:85-8.2 | GAM: Food Stamps and medical payments | 13 N.J.R. 225(a) | R. 1981 d. 263 | 13 N.J.R. 433(a) |
| 10:85-8.3 | GAM: Prospective SSI recipients | 13 N.J.R. 145(a) | R. 1981 d. 160 | 13 N.J.R. 363(b) |
| 10:85-10.3, 10.6, 10.8 | GAM: Workfare compliance | 13 N.J.R. 929(a) | R. 1982 d. 104 | 14 N.J.R. 344(d) |
| 10:87 | Emergency amend Food Stamp Manual | Emergency | R. 1981 d. 64 | 13 N.J.R. 226(b) |
| 10:87 | Student participation in Food Stamps | 13 N.J.R. 96(c) | R. 1981 d. 97 | 13 N.J.R. 228(a) |
| 10:87 | Food Stamp Manual | 13 N.J.R. 364(a) | R. 1981 d. 316 | 13 N.J.R. 581(a) |
| 10:87 | FSM: Federal Omnibus Reconciliation Act of 1981 | Emergency | R. 1981 d. 398 | 13 N.J.R. 769(a) |
| 10:87 | FSM: Readopted Federal requirements | 13 N.J.R. 769(a) | R. 1981 d. 517 | 14 N.J.R. 103(a) |
| 10:87 | Correction: FSM-Federal requirements | 13 N.J.R. 769(a) | R. 1981 d. 517 | 14 N.J.R. 208(b) |
| 10:87-12.1, 12.2 | Emergency amend Food Stamp Manual | Emergency | R. 1980 d. 558 | 13 N.J.R. 100(e) |
| 10:87-12.3 | Food Stamp Program maximum net income levels | 13 N.J.R. 500(a) | R. 1981 d. 400 | 13 N.J.R. 772(a) |
| 10:87-12.3, 12.4 | Emergency adoption: Food Stamp income levels | Emergency | R. 1981 d. 278 | 13 N.J.R. 500(a) |
| 10:87-12.4 | Emergency amend Food Stamp Manual | Emergency | R. 1980 d. 558 | 13 N.J.R. 100(e) |
| 10:89 | Home energy assistance (emergency adoption) | Emergency | R. 1981 d. 466 | 13 N.J.R. 888(a) |
| 10:89 | Readopted Home Energy Assistance rules | 13 N.J.R. 888(a) | R. 1982 d. 62 | 14 N.J.R. 281(c) |
| 10:89-3.6 | Emergency rule on Home Energy Assistance | Emergency | R. 1980 d. 548 | 13 N.J.R. 100(b) |
| 10:94-4,-5 | Medicaid Only: Income and resource eligibility | 12 N.J.R. 663(a) | R. 1981 d. 177 | 13 N.J.R. 364(b) |
| 10:94-5.4, 5.5, 5.6 | Medicaid Only computation amounts | Emergency | R. 1981 d. 276 | 13 N.J.R. 501(a) |
| 10:94-5.4, 5.5, 5.6 | Readopt Medicaid Only computation amounts | 13 N.J.R. 501(a) | R. 1981 d. 385 | 13 N.J.R. 773(a) |
| 10:94-5.4, 5.5, 5.6 | Correction: Medicaid Only computation amounts | 13 N.J.R. 501(a) | R. 1981 d. 385 | 13 N.J.R. 846(a) |
| 10:94-8 | Medicaid Only | 12 N.J.R. 663(a) | R. 1981 d. 177 | 13 N.J.R. 364(b) |
| 10:100-1.23 | Emergency amend SSI payment levels | Emergency | R. 1981 d. 277 | 13 N.J.R. 502(a) |
| 10:100-1.23 | Readopt SSI payment levels | 13 N.J.R. 502(a) | R. 1981 d. 386 | 13 N.J.R. 773(b) |
| 10:109-1 | Ruling 11 | 13 N.J.R. 581(b) | R. 1981 d. 445 | 13 N.J.R. 846(b) |
| 10:109-3.2, 3.4 | Ruling 11-Sick leave and leave without pay | 13 N.J.R. 515(a) | R. 1981 d. 395 | 13 N.J.R. 774(a) |
| 10:109-App. I, II | Ruling 11: Salary increases for CWA employees | 13 N.J.R. 741(a) | R. 1981 d. 498 | 14 N.J.R. 46(b) |
| 10:121-5.1 | Medical information form | 12 N.J.R. 703(c) | R. 1981 d. 63 | 13 N.J.R. 226(a) |
| 10:121A | Adoption agency practices | 13 N.J.R. 99(a) | R. 1981 d. 298 | 13 N.J.R. 516(a) |
| 10:122-4.2, 7.1-7.7 | Standards for child care centers | 14 N.J.R. 82(a) | R. 1982 d. 136 | 14 N.J.R. 428(c) |
| 10:123-3.1, 3.2 | Personal needs allowance | 13 N.J.R. 595(a) | R. 1981 d. 423 | 13 N.J.R. 774(b) |
| 10:123-3.1, 3.2 | Personal needs allowance | 13 N.J.R. 595(a) | R. 1981 d. 423 | 14 N.J.R. 287(a) |
| 10:130 | Shelters for victims of domestic violence | 14 N.J.R. 197(a) | R. 1982 d. 138 | 14 N.J.R. 429(a) |
| 10:132 | Court actions and proceedings | 13 N.J.R. 595(b) | R. 1981 d. 434 | 13 N.J.R. 846(c) |

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CORRECTIONS-TITLE 10A

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| 10A:31-4 | County jails emergency rule | Emergency | R. 1981 d. 270 | 13 N.J.R. 467(a) |
| 10A:31-4 | Readopt remission of time from sentence | 13 N.J.R. 434(b) | R. 1981 d. 358 | 13 N.J.R. 596(a) |
| 10A:31-5 | State enforcement in adult county facilities | 14 N.J.R. 227(a) | R. 1982 d. 149 | 14 N.J.R. 474(a) |
| 10A:71 | Parole Board rules | 13 N.J.R. 436(a) | R. 1981 d. 322 | 13 N.J.R. 597(a) |
| 10A:71-3.3 | Parole Board rules | 12 N.J.R. 664(e) | R. 1980 d. 554 | 13 N.J.R. 101(c) |
| 10A:71-3.19 | Parole Board rules | 13 N.J.R. 228(c) | R. 1981 d. 179 | 13 N.J.R. 364(c) |
| 10A:71-6.9 | Discharge from parole supervision | 13 N.J.R. 440(a) | R. 1981 d. 324 | 13 N.J.R. 598(a) |
| 10A:71-7.7 | Notice for preliminary hearings | 13 N.J.R. 101(b) | R. 1981 d. 106 | 13 N.J.R. 302(a) |

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INSURANCE-TITLE 11

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| 11:2-1.6 | Independent testing service | 13 N.J.R. 364(d) | R. 1981 d. 433 | 13 N.J.R. 846(d) |
| 11:2-17 | Unfair claims-settlement practices | 12 N.J.R. 600(f) | R. 1981 d. 407 | 13 N.J.R. 774(c) |
| 11:2-17 | Correction: Operative date for settlement practices | 13 N.J.R. 774(c) | R. 1981 d. 407 | 13 N.J.R. 894(a) |
| 11:4-2 | Replacement of existing life insurance | 13 N.J.R. 18(e) | R. 1982 d. 16 | 14 N.J.R. 158(d) |
| 11:4-11.5, 11.6 | Life insurance solicitation | 13 N.J.R. 36(a) | R. 1982 d. 17 | 14 N.J.R. 159(a) |
| 11:5-1.2, 1.3 | Real Estate Commission rules | 13 N.J.R. 306(a) | R. 1981 d. 261 | 13 N.J.R. 440(c) |
| 11:5-1.8, 1.14 | Real Estate Commission Rules | 13 N.J.R. 302(b) | R. 1982 d. 101 | 14 N.J.R. 345(b) |
| 11:5-1.33-1.35 | Real Estate Commission rules | 13 N.J.R. 306(a) | R. 1981 d. 261 | 13 N.J.R. 440(c) |

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| 11:5-1.36 | Real Estate Guaranty Fund | 13 N.J.R. 306(a) | R. 1981 d.252 | 13 N.J.R. 441(a) |
| 11:12 | Legal insurance | 13 N.J.R. 609(a) | R. 1981 d.422 | 13 N.J.R. 776(a) |
| (Title 11, Transmittal 16 dated January 14, 1981) | | | | |
| LABOR AND INDUSTRY—TITLE 12 | | | | |
| 12:15-1.3 | Maximum weekly benefit rates | 13 N.J.R. 602(b) | R. 1981 d.419 | 13 N.J.R. 777(a) |
| 12:15-1.3 | Correction: Operative date | 13 N.J.R. 602(b) | R. 1981 d.419 | 13 N.J.R. 894(b) |
| 12:15-1.4 | Taxable wage base for unemployment compensation | 13 N.J.R. 602(c) | R. 1981 d.421 | 13 N.J.R. 777(b) |
| 12:15-1.4 | Correction: Operative date | 13 N.J.R. 602(c) | R. 1981 d.421 | 13 N.J.R. 894(b) |
| 12:15-1.5 | Unemployment compensation contribution rates | 13 N.J.R. 603(a) | R. 1981 d.418 | 13 N.J.R. 777(c) |
| 12:51 | Vocational rehabilitation facilities | 13 N.J.R. 230(a) | R. 1981 d.289 | 13 N.J.R. 517(a) |
| 12:57 | Wage orders for minors | 13 N.J.R. 307(a) | R. 1981 d.226 | 13 N.J.R. 441(c) |
| 12:235-1.5 | Workers' compensation benefit rates | 13 N.J.R. 604(a) | R. 1981 d.420 | 13 N.J.R. 777(d) |
| (Title 12, Transmittal 14 dated January 14, 1981) | | | | |
| LAW AND PUBLIC SAFETY—TITLE 13 | | | | |
| 13:2-7.10 | ABC rules | 13 N.J.R. 604(b) | R. 1981 d.432 | 13 N.J.R. 777(e) |
| 13:2-24.1, 24.4 | ABC rules | 13 N.J.R. 604(b) | R. 1981 d.432 | 13 N.J.R. 777(e) |
| 13:2-24.4 | Correction: ABC debt regulation | 13 N.J.R. 604(b) | R. 1981 d.432 | 13 N.J.R. 846(e) |
| 13:2-24.4 | Amend various regulations | 13 N.J.R. 37(b) | R. 1981 d.71 | 13 N.J.R. 238b) |
| 13:2-38.1,39.3 | Amend various regulations | 13 N.J.R. 37(b) | R. 1981 d.71 | 13 N.J.R. 238(b) |
| 13:2-41 | Amend various regulations | 13 N.J.R. 37(b) | R. 1981 d.71 | 13 N.J.R. 238(b) |
| 13:19-5.1 | Convulsive seizures | 12 N.J.R. 606(a) | R. 1981 d.18 | 13 N.J.R. 150(b) |
| 13:19-6 | Repealed: Delaware motor vehicle reciprocity rule | 14 N.J.R. 87(a) | R. 1982 d.94 | 14 N.J.R. 346(a) |
| 13:20-25.2 | Approval of safety glazing material | 12 N.J.R. 606(b) | R. 1981 d.15 | 13 N.J.R. 149(d) |
| 13:20-33.53 | Motorcycle handlebars and grips | 12 N.J.R. 606(c) | R. 1981 d.16 | 13 N.J.R. 149(e) |
| 13:20-33.72 | Repeal handhold devices | 12 N.J.R. 607(a) | R. 1981 d.17 | 13 N.J.R. 150(a) |
| 13:20-36 | Special National Guard plates | 12 N.J.R. 427(a) | R. 1981 d.31 | 13 N.J.R. 150(e) |
| 13:21-3 | Repeal rules on dealer's temporary certificates | 12 N.J.R. 607(b) | R. 1981 d.14 | 13 N.J.R. 149(c) |
| 13:21-7.2 | Student permits | 12 N.J.R. 490(a) | R. 1981 d.66 | 13 N.J.R. 237(d) |
| 13:21-8.17 | Waiver of driving test | 12 N.J.R. 666(f) | R. 1981 d.65 | 13 N.J.R. 237(c) |
| 13:21-8.18 | Repealed: Nonresident driver legend | 14 N.J.R. 88(a) | R. 1982 d.95 | 14 N.J.R. 346(b) |
| 13:26-1.2, 3.11 | Transportation of bulk commodities | 12 N.J.R. 724(f) | R. 1981 d.61 | 13 N.J.R. 237(b) |
| 13:27-6 | Division of responsibility in site planning | 13 N.J.R. 231(a) | R. 1981 d.320 | 13 N.J.R. 607(a) |
| 13:28-1.3 | Toilet facilities in beauty shops | 13 N.J.R. 102(b) | R. 1981 d.109 | 13 N.J.R. 308(a) |
| 13:28-2.10, 2.14-2.16 | Credit for Saturday beauty classes | 13 N.J.R. 931(a) | R. 1982 d.70 | 14 N.J.R. 283(a) |
| 13:28-2.24 | Beauty schools: "Seniors" and clinical work | 13 N.J.R. 930(b) | R. 1982 d.69 | 14 N.J.R. 283(b) |
| 13:29-2.2 | Examination for registered municipal accountant | 13 N.J.R. 39(a) | R. 1981 d.67 | 13 N.J.R. 238(a) |
| 13:30-2.5, 2.10-2.17 | Dental hygienists and assistants | 13 N.J.R. 231(b) | R. 1981 d.264 | 13 N.J.R. 442(a) |
| 13:30-2.18 | Application fees for dental hygienists | 13 N.J.R. 518(b) | R. 1981 d.378 | 13 N.J.R. 707(c) |
| 13:30-8.12 | Dental insurance forms and professional misconduct | 13 N.J.R. 102(c) | R. 1981 d.175 | 13 N.J.R. 366(a) |
| 13:31-1.3 | Examinations | 13 N.J.R. 664(a) | R. 1981 d.491 | 13 N.J.R. 946(c) |
| 13:31-1.8 | Inspections of electrical work | 13 N.J.R. 607(b) | R. 1982 d.92 | 14 N.J.R. 346(c) |
| 13:31-2.1 | Repeal: Uniform penalty letter (electrical) | 13 N.J.R. 442(b) | R. 1981 d.372 | 13 N.J.R. 707(d) |
| 13:33-1.41 | Fee schedules | 12 N.J.R. 546(a) | R. 1981 d.148 | 13 N.J.R. 366(b) |
| 13:35-1.5 | Military service in lieu of internship (podiatry) | 13 N.J.R. 366(c) | R. 1981 d.346 | 13 N.J.R. 608(a) |
| 13:35-2.7 | Military service in lieu of internship | 13 N.J.R. 367(a) | R. 1981 d.348 | 13 N.J.R. 608(b) |
| 13:35-6.2 | Guidelines for externship programs | 13 N.J.R. 148(a) | R. 1981 d.149 | 13 N.J.R. 367(b) |
| 13:35-6.19, 6.20 | Excessive fees for professional services | 13 N.J.R. 232(b) | R. 1981 d.237 | 13 N.J.R. 443(a) |
| 13:35-9.3 | Emergency amend certified nurse/midwife | Emergency | R. 1981 d.21 | 13 N.J.R. 150(c) |
| 13:35-9.3(c) | Operative date on certified nurse/midwife standards | Emergency | R. 1981 d.24 | 13 N.J.R. 150(d) |
| 13:36-1.6 | Mortuary board fees | 13 N.J.R. 367(c) | R. 1982 d.105 | 14 N.J.R. 346(d) |
| 13:36-5.12 | Advertising of funeral services | 13 N.J.R. 368(a) | R. 1981 d.349 | 13 N.J.R. 609(a) |
| 13:36-9.1 | Uniform penalty letter | 13 N.J.R. 452(c) | R. 1981 d.347 | 13 N.J.R. 609(b) |
| 13:37-1.26 | Board of Nursing rule | 13 N.J.R. 149(a) | R. 1981 d.174 | 13 N.J.R. 370(a) |
| 13:38-1.9, 1.10 | Optometric advertising | 13 N.J.R. 233 | R. 1981 d.295 | 13 N.J.R. 519(a) |
| 13:39-9.12 | Outdated or sample drugs | 13 N.J.R. 235(a) | R. 1981 d.350 | 13 N.J.R. 609(c) |
| 13:39-9.17 | Advertising and sale of prescription drugs | 13 N.J.R. 445(a) | R. 1981 d.377 | 13 N.J.R. 708(a) |
| 13:40-6.1 | Engineer and surveyor test fees | 13 N.J.R. 446(a) | R. 1982 d.142 | 14 N.J.R. 429(c) |
| 13:40-7 | Division of responsibility in site planning | 13 N.J.R. 231(a) | R. 1981 d.320 | 13 N.J.R. 607(a) |
| 13:41-4 | Division of responsibility in site planning | 13 N.J.R. 231(a) | R. 1981 d.320 | 13 N.J.R. 607(a) |
| 13:44-2.1 | Veterinary prescriptions | 13 N.J.R. 519(b) | R. 1981 d.451 | 13 N.J.R. 847(a) |
| 13:44-2.12 | Patient records | 13 N.J.R. 520(a) | R. 1981 d.450 | 13 N.J.R. 847(b) |
| 13:44-3.1 | Repeal: Uniform penalty letter (veterinary) | 13 N.J.R. 371(a) | R. 1981 d.371 | 13 N.J.R. 708(b) |
| 13:44B | Compensation for State board members | 13 N.J.R. 932(a) | R. 1982 d.144 | 14 N.J.R. 429(d) |
| 13:45A-15.1-15.4 | Posting of retail refund policies | 13 N.J.R. 665(a) | R. 1982 d.29 | 14 N.J.R. 160(a) |
| 13:45A-17 | Sale of advertising in quasi-official journals | 13 N.J.R. 235(b) | R. 1981 d.294 | 13 N.J.R. 520(b) |
| 13:47C-5 | Repealed: Rules on precious metal sales | 13 N.J.R. 818(a) | R. 1982 d.96 | 14 N.J.R. 346(e) |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT CITATION | ADOPTION NOTICE (N.J.R. CITATION) |
|----------------------|-------------------------------------|--------------------------------------|----------------------|--------------------------------------|
| 13:47C-6 | Bonding of transient buyers | 13 N.J.R. 891(a) | R. 1982 d.93 | 14 N.J.R. 346(f) |
| 13:70-6.16 | Racing: Eligibility of maidens | 13 N.J.R. 520(c) | R. 1981 d.489 | 13 N.J.R. 946(d) |
| 13:70-29.48 | Emergency amend daily double pool | Emergency | R. 1981 d.32 | 13 N.J.R. 150(f) |
| 13:70-29.48 | Racing: Entries and daily double | 13 N.J.R. 521(a) | R. 1981 d.490 | 13 N.J.R. 947(a) |
| 13:71 | Harness racing regulation | 13 N.J.R. 820(a) | R. 1982 d.109 | 14 N.J.R. 347(a) |
| 13:75-1.7 | Violent crimes funeral compensation | 13 N.J.R. 743(a) | R. 1982 d.37 | 14 N.J.R. 208(c) |

(Title 13, Transmittal 17 dated January 14, 1981)

PUBLIC UTILITIES--TITLE 14

| | | | | |
|-----------|-------------------------|------------------|--------------|------------------|
| 14:11-2.2 | Auto bus specifications | 13 N.J.R. 834(a) | R. 1982 d.30 | 14 N.J.R. 160(b) |
|-----------|-------------------------|------------------|--------------|------------------|

(Title 14, Transmittal 15 dated January 14, 1981)

ENERGY--TITLE 14A

| | | | | |
|-------------|---|------------------|---------------|------------------|
| 14A:2-5 | State set-aside for energy emergency | 13 N.J.R. 609(d) | R. 1981 d.492 | 14 N.J.R. 46(c) |
| 14A:3-4.4 | Thermal efficiency in new and renovated buildings | | | |
| 14A:3-5 | Seven-day, day-night thermostats in public buildings | 13 N.J.R. 680(a) | R. 1981 d.468 | 13 N.J.R. 895(a) |
| 14A:3-15 | Recycling of municipal solid waste (joint adoption, see 7:26-15) | 13 N.J.R. 865(a) | R. 1982 d.32 | 14 N.J.R. 206(b) |
| 14A:11-4 | Reporting of energy information (retail dealers) | 13 N.J.R. 151(a) | R. 1981 d.379 | 13 N.J.R. 708(c) |
| 14A:11-5 | Reporting of energy information (retail merchants) | 13 N.J.R. 152(a) | R. 1981 d.380 | 13 N.J.R. 708(d) |
| 14A:13 | Energy Conservation Bond Program | 13 N.J.R. 43(a) | R. 1981 d.390 | 13 N.J.R. 778(a) |
| 14A:21-14.3 | Home Energy Savings Program | 13 N.J.R. 238(c) | R. 1981 d.254 | 13 N.J.R. 450(a) |

(Title 14A, Transmittal 7 dated January 14, 1981)

STATE--TITLE 15

(Title 15, Transmittal 12 dated July 17, 1980)

PUBLIC ADVOCATE--TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978)

TRANSPORTATION--TITLE 16

| | | | | |
|------------------------|--|------------------|---------------|------------------|
| 16:19 | Repeal Traffic Operations Program | 12 N.J.R. 552(b) | R. 1980 d.415 | 12 N.J.R. 675(c) |
| 16:22-1.1, 1.2, 1.4 | Transportation Rehabilitation and Improvement funds | 14 N.J.R. 97(a) | R. 1982 d.68 | 14 N.J.R. 284(a) |
| 16:26-1.1 | Traffic signal information | 13 N.J.R. 152(b) | R. 1981 d.164 | 13 N.J.R. 372(a) |
| 16:27-1.4 | Repeal traffic and parking on NJDOT property | 13 N.J.R. 153(a) | R. 1981 d.165 | 13 N.J.R. 372(b) |
| 16:28-1.2 | Speed limit on Route I-80 | 13 N.J.R. 153(b) | R. 1981 d.150 | 13 N.J.R. 372(c) |
| 16:28-1.3 | Restricted parking and speed zones on State highways | 12 N.J.R. 613(a) | R. 1980 d.475 | 12 N.J.R. 727(d) |
| 16:28-1.15 | Speed limits along Route 13 | 13 N.J.R. 239(a) | R. 1981 d.152 | 13 N.J.R. 372(d) |
| 16:28-1.17 | Speed limits on Route 147 | 13 N.J.R. 155(a) | R. 1981 d.196 | 13 N.J.R. 451(a) |
| 16:28-1.18 | Speed zones along Routes 34 and US 202 | 13 N.J.R. 105(c) | R. 1981 d.74 | 13 N.J.R. 243(c) |
| 16:28-1.23 | Emergency amend speed limit on Route 18 | Emergency | R. 1981 d.34 | 13 N.J.R. 158(b) |
| 16:28-1.23 | Speed limits along Route 18 | 13 N.J.R. 744(b) | R. 1981 d.484 | 13 N.J.R. 947(d) |
| 16:28-1.41 | US 9 and 35 speed changes in Atlantic County | 13 N.J.R. 838(a) | R. 1982 d.11 | 14 N.J.R. 160(c) |
| 16:28-1.49 | Emergency amend speed zone along Route 35 | Emergency | R. 1981 d.59 | 13 N.J.R. 243(a) |
| 16:28-1.49 | Speed limits on Route 35 | 13 N.J.R. 451(b) | R. 1981 d.333 | 13 N.J.R. 612(a) |
| 16:28-1.67 | Speed zones along Route 34 and US 202 | 13 N.J.R. 105(c) | R. 1981 d.74 | 13 N.J.R. 243(c) |
| 16:28-1.111 | Speed limits for Route 87 | 13 N.J.R. 452(a) | R. 1981 d.334 | 13 N.J.R. 613(a) |
| 16:28A-1.2 | Restricted parking on US Routes 1 and 9 | 12 N.J.R. 552(c) | R. 1980 d.413 | 12 N.J.R. 675(a) |
| 16:28A-1.2 | Parking on Routes 1 and 9 | 13 N.J.R. 239(b) | R. 1981 d.195 | 13 N.J.R. 452(b) |
| 16:28A-1.4 | Emergency amend restricted parking along Route 4 | Emergency | R. 1981 d.35 | 13 N.J.R. 159(a) |
| 16:28A-1.6 | Restricted parking along Route 7 | 13 N.J.R. 522(a) | R. 1981 d.383 | 13 N.J.R. 778(b) |
| 16:28A-1.6 | Restricted parking on Route 7 | 13 N.J.R. 745(a) | R. 1981 d.483 | 13 N.J.R. 947(b) |
| 16:28A-1.7 | Restricted parking along Route US 9 | 13 N.J.R. 105(d) | R. 1981 d.76 | 13 N.J.R. 243(f) |
| 16:28A-1.7 | Restricted parking along Route US 9 | 13 N.J.R. 106(a) | R. 1981 d.77 | 13 N.J.R. 244(a) |
| 16:28A-1.7 | Route US 9 parking | 13 N.J.R. 154(a) | R. 1981 d.151 | 13 N.J.R. 373(a) |
| 16:28A-1.7 | Route US 9 parking | 13 N.J.R. 157(b) | R. 1981 d.156 | 13 N.J.R. 373(b) |
| 16:28A-1.7 | Parking on US 9 | 13 N.J.R. 240(a) | R. 1981 d.195 | 13 N.J.R. 453(a) |
| 16:28A-1.7 | Parking on US 9 | 13 N.J.R. 240(a) | R. 1981 d.191 | 13 N.J.R. 453(a) |
| 16:28A-1.7 | Restricted parking along Route US 9 | 13 N.J.R. 452(c) | R. 1981 d.335 | 13 N.J.R. 613(b) |
| 16:28A-1.7 | Restricted parking on US 9 | 13 N.J.R. 745(b) | R. 1981 d.487 | 13 N.J.R. 947(f) |
| 16:28A-1.7 | Parking on Routes US9 and 40 | 13 N.J.R. 932(b) | R. 1982 d.44 | 14 N.J.R. 236(a) |
| 16:28A-1.7 | Parking on US9 | 14 N.J.R. 199(a) | R. 1982 d.116 | 14 N.J.R. 391(b) |
| 16:28A-1.9 | Bus stops on Routes 17 and 166 | 13 N.J.R. 933(a) | R. 1982 d.45 | 14 N.J.R. 236(b) |
| 16:28A-1.9 | Parking on Rt. 17 in Mahwah | Emergency | R. 1982 d.132 | 14 N.J.R. 429(c) |
| 16:28A-1.13 | Parking on US22 | 14 N.J.R. 199(a) | R. 1982 d.116 | 14 N.J.R. 391(b) |
| 16:28A-1.13 | Route US 22 | 13 N.J.R. 154(a) | R. 1981 d.151 | 13 N.J.R. 373(a) |
| 16:28A-1.14 | Restricted parking along Route US 22 alternate | 13 N.J.R. 453(b) | R. 1981 d.336 | 13 N.J.R. 613(c) |
| 16:28A-1.15 | Route 23 parking | 13 N.J.R. 154(a) | R. 1981 d.151 | 13 N.J.R. 373(a) |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT CITATION | ADOPTION NOTICE (N.J.R. CITATION) |
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| 16:28A-1.15 | Parking on Route 23 | 13 N.J.R. 241(a) | R.1981 d.192 | 13 N.J.R. 454(b) |
| 16:28A-1.15 | Restricted parking along Route 23 | 13 N.J.R. 454(a) | R.1981 d.337 | 13 N.J.R. 613(d) |
| 16:28A-1.16 | Restricted parking along Route 24 | 13 N.J.R. 455(a) | R.1981 d.338 | 13 N.J.R. 613(e) |
| 16:28A-1.18 | Restricted parking along Route 27 | 13 N.J.R. 373(c) | R.1981 d.312 | 13 N.J.R. 613(f) |
| 16:28A-1.18 | Route 27 bus stops in Edison | 13 N.J.R. 934(a) | R.1982 d.46 | 14 N.J.R. 236(c) |
| 16:28A-1.19 | Parking on State highways | 12 N.J.R. 613(a) | R.1980 d.475 | 12 N.J.R. 727(d) |
| 16:28A-1.19 | Route 28 parking | 13 N.J.R. 155(b) | R.1981 d.153 | 13 N.J.R. 373(d) |
| 16:28A-1.19 | Route 28 parking | 13 N.J.R. 157(b) | R.1981 d.156 | 13 N.J.R. 373(b) |
| 16:28A-1.19 | Parking on Route 28 | 13 N.J.R. 242(a) | R.1981 d.193 | 13 N.J.R. 455(b) |
| 16:28A-1.19 | Parking on Route 28 | 13 N.J.R. 240(a) | R.1981 d.191 | 13 N.J.R. 453(a) |
| 16:28A-1.19 | Route 28 parking in Roselle Park | 14 N.J.R. 138(a) | R.1982 d.111 | 14 N.J.R. 391(c) |
| 16:28A-1.22 | Restricted parking on State highways | 12 N.J.R. 613(a) | R.1980 d.475 | 12 N.J.R. 727(d) |
| 16:28A-1.23 | Route 33 parking | 13 N.J.R. 154(a) | R.1981 d.151 | 13 N.J.R. 373(a) |
| 16:28A-1.23 | Route 33 parking | 13 N.J.R. 156(a) | R.1981 d.154 | 13 N.J.R. 374(a) |
| 16:28A-1.23 | Route 33 parking in Hopewell Township | 13 N.J.R. 838(b) | R.1982 d.12 | 14 N.J.R. 161(a) |
| 16:28A-1.23, 1.25 | Restricted parking on Routes 33 and 35 | 13 N.J.R. 746(a) | R.1981 d.482 | 13 N.J.R. 947(c) |
| 16:28A-1.25 | Route 35 parking | 13 N.J.R. 157(a) | R.1981 d.155 | 13 N.J.R. 374(b) |
| 16:28A-1.25 | Parking on Routes 35 and 439 | 14 N.J.R. 35(a) | R.1982 d.60 | 14 N.J.R. 284(b) |
| 16:28A-1.26 | Parking on Route 36 | 13 N.J.R. 453(a) | R.1981 d.191 | 13 N.J.R. 453(a) |
| 16:28A-1.28 | Restricted parking on US 40 and Route 70 | 13 N.J.R. 747(a) | R.1981 d.481 | 13 N.J.R. 947(e) |
| 16:28A-1.28 | Parking on Routes US9 and 40 | 13 N.J.R. 932(b) | R.1982 d.44 | 14 N.J.R. 236(a) |
| 16:28A-1.29 | Restricted parking on State highways | 12 N.J.R. 613(a) | R.1980 d.475 | 12 N.J.R. 727(d) |
| 16:28A-1.32 | Parking on Route US 46 | 13 N.J.R. 241(a) | R.1981 d.192 | 13 N.J.R. 454(b) |
| 16:28A-1.32 | Parking on Route US 46 | 13 N.J.R. 242(b) | R.1981 d.194 | 13 N.J.R. 455(c) |
| 16:28A-1.32 | Restricted parking along Route US 46 | 13 N.J.R. 522(b) | R.1981 d.384 | 13 N.J.R. 779(a) |
| 16:28A-1.32 | Restricted parking on US 46 | 13 N.J.R. 747(b) | R.1981 d.480 | 13 N.J.R. 948(a) |
| 16:28A-1.32 | Parking on Routes US46 and 202 in Morris County | 13 N.J.R. 935(a) | R.1982 d.47 | 14 N.J.R. 236(d) |
| 16:28A-1.33 | Emerg. amend restricted parking on Route 47 | Emergency | R.1980 d.414 | 12 N.J.R. 675(b) |
| 16:28A-1.33 | Restricted parking on State highways | 12 N.J.R. 613(a) | R.1980 d.475 | 12 N.J.R. 727(d) |
| 16:28A-1.34 | Restricted parking on State highways | 12 N.J.R. 613(a) | R.1980 d.475 | 12 N.J.R. 727(d) |
| 16:28A-1.36, 1.37 | Parking on Routes 57 and 70 | 13 N.J.R. 242(b) | R.1981 d.194 | 13 N.J.R. 455(c) |
| 16:28A-1.37 | Restricted parking along Route 70 | 13 N.J.R. 105(d) | R.1981 d.76 | 13 N.J.R. 243(f) |
| 16:28A-1.37 | Restricted parking along Route 70 | 13 N.J.R. 456(a) | R.1981 d.339 | 13 N.J.R. 614(a) |
| 16:28A-1.43 | Restricted parking along Route 82 | 13 N.J.R. 522(b) | R.1981 d.384 | 13 N.J.R. 779(a) |
| 16:28A-1.44 | Route 88 parking | 13 N.J.R. 155(b) | R.1981 d.153 | 13 N.J.R. 373(d) |
| 16:28A-1.46 | Parking on US 130 | 13 N.J.R. 746(a) | R.1981 d.482 | 13 N.J.R. 947(c) |
| 16:28A-1.50 | Bus stops on Routes 17 and 166 | 13 N.J.R. 933(a) | R.1982 d.45 | 14 N.J.R. 236(b) |
| 16:28A-1.51 | Restricted parking along Route 168 | 13 N.J.R. 522(b) | R.1981 d.384 | 13 N.J.R. 779(a) |
| 16:28A-1.55 | Parking on Routes US46 and 202 in Morris County | 13 N.J.R. 935(a) | R.1982 d.47 | 14 N.J.R. 236(d) |
| 16:28A-1.55 | Restricted parking on State highways | 12 N.J.R. 613(a) | R.1980 d.475 | 12 N.J.R. 727(d) |
| 16:28A-1.55 | Restricted parking on State highways | 13 N.J.R. 455(a) | R.1981 d.338 | 13 N.J.R. 613(e) |
| 16:28A-1.55 | Restricted parking along Routes 15, 18 and US 202 | 13 N.J.R. 106(b) | R.1981 d.75 | 13 N.J.R. 243(e) |
| 16:28A-1.57 | Restricted parking along US 206 | 13 N.J.R. 106(a) | R.1981 d.77 | 13 N.J.R. 244(a) |
| 16:28A-1.57 | Route US 206 parking | 13 N.J.R. 155(b) | R.1981 d.153 | 13 N.J.R. 373(d) |
| 16:28A-1.57 | Route US 206 parking | 13 N.J.R. 156(a) | R.1981 d.154 | 13 N.J.R. 374(a) |
| 16:28A-1.57 | Parking along US 206 | 13 N.J.R. 453(b) | R.1981 d.336 | 13 N.J.R. 613(c) |
| 16:28A-1.57 | US206 parking in Hamilton Township | 14 N.J.R. 139(a) | R.1982 d.112 | 14 N.J.R. 391(d) |
| 16:28A-1.60 | Restricted parking on Route US 322-47 | 13 N.J.R. 523(a) | R.1981 d.382 | 13 N.J.R. 779(b) |
| 16:28A-1.61 | Bus stops on US9W in Fort Lee | 14 N.J.R. 139(b) | R.1982 d.113 | 14 N.J.R. 391(e) |
| 16:28A-1.64 | Route 41 parking | 13 N.J.R. 157(a) | R.1981 d.155 | 13 N.J.R. 374(b) |
| 16:28A-1.65 | Route 15 parking | 13 N.J.R. 154(a) | R.1981 d.151 | 13 N.J.R. 373(a) |
| 16:28A-1.65, 1.66 | Restricted parking along Routes 15, 18, and US 202 | 13 N.J.R. 106(b) | R.1981 d.75 | 13 N.J.R. 243(e) |
| 16:28A-1.66 | Parking on Route 18 | 13 N.J.R. 239(b) | R.1981 d.195 | 13 N.J.R. 452(b) |
| 16:28A-1.67 | Route 63 parking | 13 N.J.R. 157(a) | R.1981 d.155 | 13 N.J.R. 374(b) |
| 16:28A-1.68 | Route 93 parking | 13 N.J.R. 155(b) | R.1981 d.153 | 13 N.J.R. 373(d) |
| 16:28A-1.68 | Parking on Route 93 | 14 N.J.R. 199(a) | R.1982 d.116 | 14 N.J.R. 391(b) |
| 16:28A-1.69 | Parking on Route 124 | 13 N.J.R. 240(a) | R.1981 d.191 | 13 N.J.R. 453(a) |
| 16:28A-1.70 | Parking on Routes 35 and 439 | 14 N.J.R. 35(a) | R.1982 d.60 | 14 N.J.R. 284(b) |
| 16:28A-1.71 | Bus stops on Route 67 in Fort Lee | 14 N.J.R. 139(b) | R.1982 d.113 | 14 N.J.R. 391(e) |
| 16:29-1.22 | No passing zones | 13 N.J.R. 107(a) | R.1981 d.78 | 13 N.J.R. 244(b) |
| 16:29-1.23 | No passing zones on Route 179 | 13 N.J.R. 107(b) | R.1981 d.79 | 13 N.J.R. 244(c) |
| 16:30-3.6 | Readopt HOV lanes along Route 444 | 13 N.J.R. 456(b) | R.1981 d.323 | 13 N.J.R. 614(b) |
| 16:30-7.2 | Limited access prohibition along US 9 and Route 444 | 13 N.J.R. 108(a) | R.1981 d.73 | 13 N.J.R. 243(d) |
| 16:30-8 | No trespassing zones | 12 N.J.R. 727(c) | R.1981 d.36 | 13 N.J.R. 159(b) |
| 16:31-1.4, 1.7 | Turns along various State highways | 12 N.J.R. 553(a) | R.1980 d.412 | 12 N.J.R. 674(a) |
| 16:31-1.10 | Turns along Route US 30 | 13 N.J.R. 457(a) | R.1981 d.340 | 13 N.J.R. 614(c) |
| 16:31-1.15 | Turns along various State highways | 12 N.J.R. 553(a) | R.1980 d.412 | 12 N.J.R. 674(a) |
| 16:31-1.16 | No left turn along Route 79 | 13 N.J.R. 614(d) | R.1981 d.460 | 13 N.J.R. 895(b) |
| 16:31A | Prohibited right turns on red signals | 12 N.J.R. 673(a) | R.1980 d.518 | 13 N.J.R. 44(c) |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT CITATION | ADOPTION NOTICE (N.J.R. CITATION) |
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| 16:31A-1.4, 1.13, 1.17, 1.19, 1.23 | Prohibited rights on red: Routes 4, 18, 24, 28, 33 | 13 N.J.R. 935(b) | R. 1982 d.48 | 14 N.J.R. 236(e) |
| 16:31A-1.25, 1.35, 1.37, 1.65 | Prohibited rights on red: Routes 35, 49, US46, and 206 | 13 N.J.R. 936(a) | R. 1982 d.49 | 14 N.J.R. 237(a) |
| 16:31A-1.67 | Route I-280 right-on-red prohibition in Orange | 13 N.J.R. 937(a) | R. 1982 d.50 | 14 N.J.R. 237(b) |
| 16:31A-1.77 | Route 181 right-on-red prohibition in Sparta | 13 N.J.R. 937(b) | R. 1982 d.51 | 14 N.J.R. 237(c) |
| 16:41-8.1, 8.4, 8.5, 8.6 | Outdoor advertising | 13 N.J.R. 615(a) | R. 1981 d.497 | 14 N.J.R. 46(d) |
| 16:41-16 | Use or occupancy of State-owned railroad property | 13 N.J.R. 108(b) | R. 1981 d.103 | 13 N.J.R. 244(d) |
| 16:41A-7.1 | Outdoor Advertising Tax Act | 13 N.J.R. 616(a) | R. 1981 d.496 | 14 N.J.R. 47(a) |
| 16:51 | Recodified as 16:73 | 13 N.J.R. 881(a) | R. 1982 d.40 | 14 N.J.R. 209(a) |
| 16:51-4 | Repealed: Delegation of powers | 13 N.J.R. 881(a) | R. 1982 d.40 | 14 N.J.R. 209(a) |
| 16:53-2 | Autobus specifications | 13 N.J.R. 834(a) | R. 1982 d.30 | 14 N.J.R. 160(b) |
| 16:54 | Licensing of aeronautical facilities | 12 N.J.R. 289(a) | R. 1981 d.141 | 13 N.J.R. 374(c) |
| 16:56-3 | Repeal aircraft registry logs | 13 N.J.R. 457(b) | R. 1981 d.341 | 13 N.J.R. 616(b) |
| 16:65-1.1 | Definition of "prequalification committee" | 13 N.J.R. 108(c) | R. 1981 d.72 | 13 N.J.R. 243(b) |
| 16:65-9 | Corporate reorganization of contractors | 13 N.J.R. 524(a) | R. 1981 d.399 | 13 N.J.R. 779(c) |
| 16:71 | Recodified from 16:41-16 | 13 N.J.R. 108(b) | R. 1981 d.103 | 13 N.J.R. 244(d) |
| 16:72 | N.J. Transit procurement policies and procedures | 13 N.J.R. 158(a) | R. 1981 d.176 | 13 N.J.R. 374(d) |
| 16:73 | Reduced Fare Transportation Program | 13 N.J.R. 881(a) | R. 1982 d.40 | 14 N.J.R. 209(a) |

(Title 16, Transmittal 14 dated September 18, 1980)

TREASURY-GENERAL—TITLE 17

| | | | | |
|----------------------|--|------------------|---------------|------------------|
| 17:1-1.1 | Administration and receipt of checks | 13 N.J.R. 616(c) | R. 1981 d.427 | 13 N.J.R. 779(d) |
| 17:1-1.3 | Pension reporting | 12 N.J.R. 351(a) | R. 1980 d.301 | 12 N.J.R. 497(c) |
| 17:1-1.15 | Administration | 13 N.J.R. 109(a) | R. 1981 d.85 | 13 N.J.R. 247(c) |
| 17:1-1.15 | Credit unions and direct deposit agreements | 13 N.J.R. 883(a) | R. 1982 d.20 | 14 N.J.R. 161(b) |
| 17:1-1.24 | Pensioners' Health Plan: Coverage and termination | 14 N.J.R. 35(b) | R. 1982 d.59 | 14 N.J.R. 237(d) |
| 17:1-2.2 | Alternate Benefit Program | 13 N.J.R. 308(b) | R. 1981 d.239 | 13 N.J.R. 458(a) |
| 17:1-2.6 | Amend administration | 13 N.J.R. 109(a) | R. 1981 d.85 | 13 N.J.R. 247(c) |
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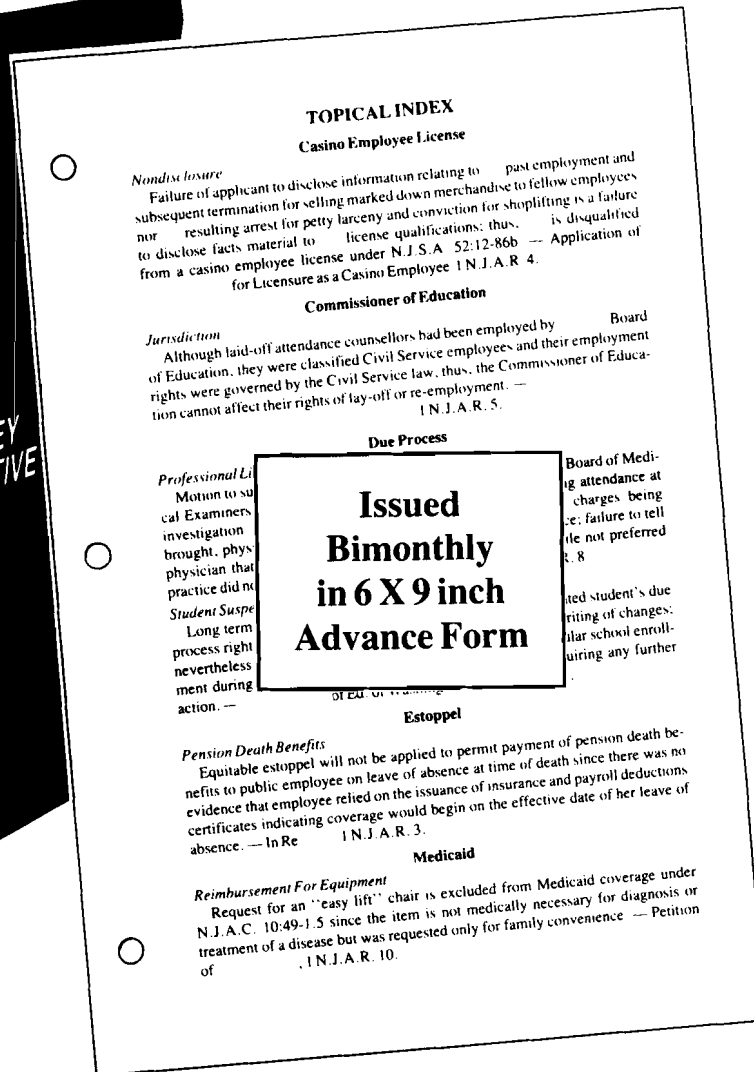
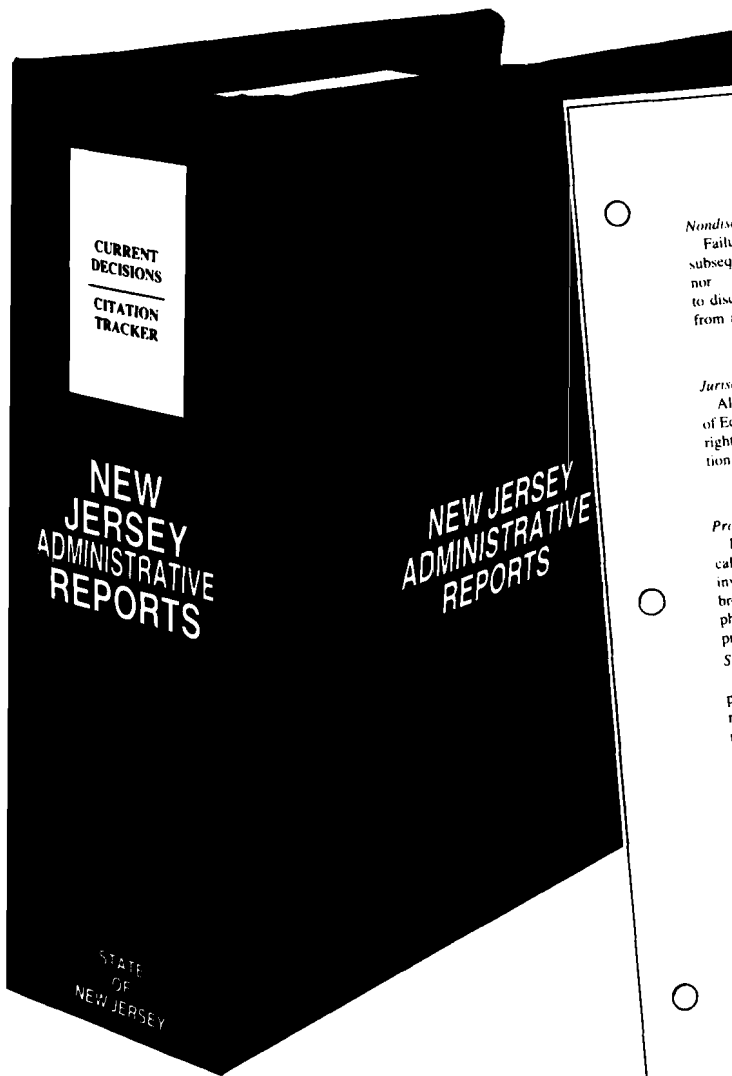
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