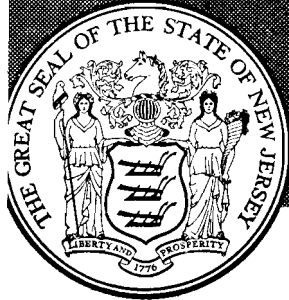


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

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The New Jersey Register supplements the New Jersey Administrative Code. See the Interim Index on Page 583 for the Registers that should be retained as an update to the Administrative Code.

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE INSECT CONTROL

Proposed New Rule: N.J.A.C. 2:22-2 Insect Control Mediterranean Fruit Fly (*Ceratitis capitata*)

Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5 and 4:7-1, proposes to adopt new rules to be cited as N.J.A.C. 2:22-2 concerning the Mediterranean Fruit Fly, and establishing same as a dangerously injurious insect.

Summary

The proposed rule will establish that the Mediterranean Fruit Fly is a dangerously injurious insect. The intent of this regulation is to prevent the infestation of the Mediterranean Fruit Fly in the State of New Jersey. The determination that the Mediterranean Fruit Fly is a dangerously injurious insect provides the Department of Agriculture with the authority to use recognized measures to preclude the infestation of the Mediterranean Fruit Fly in this State. (Such measures would include, but not be limited to: the developing of a survey to determine the presence of this plant pest; the placing of traps in which to catch any Mediterranean Fruit Flies which would be within a one mile area; and the monitoring of such traps.)

Social Impact

There will be no immediate social impact as a result of the establishment of the Mediterranean Fruit Fly as a dangerously injurious insect. However, if the pest were found to be extant in New Jersey, recognized measures would be undertaken by the Department of Agriculture to prevent the spread of the Mediterranean Fruit Fly, thereby precluding an infestation of New Jersey's fruits and vegetables.

Economic Impact

Should the Mediterranean Fruit Fly gain a "foothold" in New Jersey, it would require three to four additional

applications of pesticide each year. The elimination of such additional applications lowers producers' costs. Moreover, there would be less pesticide residue left in the environment. It is the policy of the Department to use and to recommend the least amount of pesticide possible to achieve the desired effect.

Full text of the proposed new rule follows.

2:22-2.1 Mediterranean Fruit Fly (*Ceratitis capitata*)

(a) The fact has been determined by the New Jersey State Board of Agriculture that the Mediterranean Fruit Fly (*Ceratitis capitata*) or Medfly is a dangerously injurious insect and may constitute a menace to the fruits and vegetables of the State of New Jersey.

(b) Now, therefore, the New Jersey State Board of Agriculture, under authority conferred by the Revised Statutes of New Jersey N.J.S.A. 4:1-21.5 and 4:7-1, for the purpose of preventing the spread of this pest within the State does hereby declare the Mediterranean Fruit Fly a dangerously injurious insect and subject to measures of control in accordance with the laws of the State of New Jersey adopted by the State Board of Agriculture and effective July 28, 1981.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

William M. Cranstoun
Division of Plant Industry
New Jersey Department of Agriculture
CN 330
Trenton, New Jersey 08625
Telephone: (609) 292-5441

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

This proposal is known as PRN 1981-195.

NEW JERSEY REGISTER

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

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Amendment: N.J.A.C. 2:54-1.1 Milk Marketing Orders Order 57-3 (Federal Order No. 2.)

Woodson W. Moffett, Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq., proposes to amend N.J.A.C. 2:54-1.1 concerning Order 57-3 (Federal Order No. 2) regulating the handling of milk in New Jersey Milk Marketing Area No. 1.

Summary

The foregoing amendment adopts, by reference, amendments to the joint Federal-State milk marketing order for the New York-New Jersey Milk Marketing Area. These amendments increase the farm-to-plant hauling allowance under the order to allow local plant operators to be reimbursed by producers to a greater extent (than was possible prior to the amendments) for cost they incur in hauling milk from farms to processing plants.

The amendments are based upon testimony received at a public hearing held in Albany, New York, beginning June 10, 1980. Notice of the hearing was published in the New Jersey Register Thursday, June 5, 1980 (12 N.J.R. 301a). Notice was also published in the Federal Register on May 16, 1980 (45 FR 32321). A recommended decision was published in the Federal Register on March 18, 1981 (46 FR 17207). Written comments and exceptions were received and reviewed and the final decision was published in the Federal Register on June 25, 1981 (46 FR 33008).

In summary, the amendments make the following modifications to the order:

First, the transportation differential rate of 1.8 cents per hundredweight for each 10-mile zone less distant than the 201-210 mile zone that is now used to adjust the Class I and uniform prices for location should be increased to 2.2 cents per zone.

Second, the present 15-cent per hundredweight direct delivery differential for the 1-70 mile zone should be changed to an additional 15-cent fixed transportation differential on Class I and uniform prices applicable within the 1-70 mile zone.

Third, the present 15-cent per hundredweight limit on tank truck service charges to producers should be modified by allowing handlers to negotiate with producers or their cooperatives a tank truck service charge with respect to any farm-to-first plant hauling cost that is in excess of: (1) the 15-cent per hundredweight transportation credit on bulk unit pool milk plus (2) the amount that the class use value of the milk at the location of the plant of first receipt is in excess of its class use value at the location where the milk was received in the bulk tank unit from which the milk was transferred.

The amendments will not become effective unless approved by affirmative vote of dairy farmers subject to the provisions of the order in accordance with the requirements of Section 900.14, Code of Federal Regulations, Volume 7.

Social Impact

The amendment impacts only dairy farmers shipping milk to handlers regulated under the Order. There is no impact on milk price to consumers or on the availability of milk to the consumers. Under terms of Federal

regulations which control the adoption of the amendment, two-thirds of the dairy farmers voting must approve the amendment before it may become effective.

Economic Impact

The amendment increases the Order's transportation allowances for milk handlers to reflect the increased cost of assembling milk from dairy farmers and transporting it to plants for processing. It will create a more equitable situation for handlers under the Order who are in inter-market competition in neighboring markets. Also, it will more nearly equalize procurement costs among New Jersey processors who are receiving milk directly from dairy farms and those who obtain their milk supplies from country supply plants. This will contribute to more stable milk marketing conditions and benefit dealers, farmers and consumers.

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

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

2:54-1.1 Order 57-3

Pursuant to the memorandum of agreement between the United States Department of Agriculture and the Director, Office of Milk Industry (now Division of Dairy Industry), the Director, Division of Dairy Industry adopts Part 1002 of the Code of Federal Regulations, Volume 7 as revised to [44 FR 21003 ff. (April 9, 1979)] **46 FR 33008 ff. (June 25, 1981)** as a joint and concurrent order [for] of the Division of Dairy Industry and herein designates the order as 57-3 insofar as the said order relates to the State of New Jersey.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. 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 adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-203.

(b)

BANKING

DIVISION OF BANKING

Adopted New Rule: N.J.A.C. 3:6-1.1 Savings Banks Parity with Federal Mutual Savings Banks

Effective Date: September 10, 1981

On August 20, 1981, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-246.1 and N.J.S.A. 17:9A-246.2, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 3:6-1.1 concerning granting parity to State chartered savings banks with federally chartered mutual savings banks as proposed in

the notice published July 9, 1981 at 13 N.J.R. 383(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 20, 1981 as R.1981 d.352.

(a)

BANKING

DIVISION OF BANKING

Adopted New Rule: N.J.A.C. 3:6-12.1 State Chartered Commercial Banks Parity with National Banks

Effective Date: September 10, 1981

On August 20, 1981, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-24(a), and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 3:6-12.1 concerning granting parity to State chartered banks with national banks as proposed in the Notice published July 9, 1981 at 13 N.J.R. 383(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 20, 1981 as R.1981 d.351.

(b)

BANKING

DIVISION OF BANKING

Proposed New Rules: N.J.A.C. 3:21-2 State Chartered Credit Unions Parity with Federally Chartered Credit Unions

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:13-27(k), proposes to adopt a new rule to be cited as N.J.A.C. 3:21-2 concerning granting parity to State chartered credit unions with Federally chartered credit unions.

Summary

In order to maintain a competitive balance between State chartered credit unions and Federally chartered credit unions, the Legislature in N.J.S.A. 17:13-27(k) has given the Commissioner of Banking the authority to adopt rules and regulations which will afford State chartered credit unions powers now or hereafter authorized for Federal credit unions. The proposed amendment will accomplish this goal while maintaining the prerogative of the Commissioner of Banking to monitor changes in the powers granted such federal credit unions.

Social Impact

Adoption of this regulation will provide State chartered credit unions with the opportunity to provide their members with financial services presently not offered to them. The ongoing nature of this regulation will afford these credit unions the ability to maintain competitive parity with Federal credit unions and aid in the preservation of the dual credit union chartering system.

Economic Impact

In view of the volatile nature of interest rates at the present time, State chartered credit unions have been adversely affected. Adoption of this regulation will provide State chartered credit unions with the opportunity to offer additional services which will enable their mem-

bers to increase their ability to earn higher returns on their deposits and provide management with the ability to have better control of its asset and liability management in responding to economic changes which effect the viability of credit unions.

Full text of the proposed new rule follows.

CHAPTER 21 CREDIT UNIONS

SUBCHAPTER 2. CREDIT UNION PARITY

3:21-2.1 Credit union parity with Federally chartered credit unions

In addition to other authority granted by law, a credit union may exercise those powers and make those loans and investments which are now or hereafter authorized for Federal credit unions to the same extent as Federal credit unions may exercise those powers and make those loans and investments pursuant to Federal law or rules and regulations of the National Credit Union Administration. A credit union in exercising those powers or making those loans and investments shall do so in accordance with the terms, conditions and requirements established for Federal credit unions. Such powers, loans and investments shall be automatically exercisable upon the expiration of 30 days from the date of adoption of the enabling regulation by the Federal regulatory agency, except if the Commissioner of Banking within that time provides notice that the power shall not be granted to New Jersey credit unions. Such notice shall be provided to each credit union, and to the New Jersey Credit Union League for publication. The Commissioner of Banking may permit credit unions to begin exercise of a power, loan or investment prior to the expiration of the 30 day period by providing notice of permission to each credit union and the New Jersey Credit Union League.

Interested persons may submit, in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. 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 adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-209.

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed New Rule: N.J.A.C. 4:1-8.8A Proposed Repeal: CSPM (Local) 8-14.101 Residence Standards Requirements and Guidelines for Determining a Legal Residence

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:9-2 and 11:22-7, proposes to repeal Subpart 8-14.101 in the Civil Service Personnel Manual (Local) and to reissue and amend this subpart as a new rule to be cited as N.J.A.C. 4:1-8.8A concerning the determi-

nation of legal residence for reasons of job application and appointment.

Summary

The proposed rule specifies standards to be used when determining whether an applicant, eligible or employee, meets State or local jurisdiction residence requirements. The rule is primarily informational in that it codifies and clarifies the criteria established by statute and judicial opinion.

Social Impact

This rule will have an impact on all individuals applying for positions in State government and local governments which have residence restrictions. Advising applicants of the criteria for determining a legal residence will enable them to evaluate their own residence status and determine their eligibility.

Economic Impact

Since this rule is primarily informational and is a clarification of long standing practice, there is no economic impact.

Full text of the proposed repeal of CSPM 8-14.101 and new rule 4:1-8.8A follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

4:1-8.8A Residence standards

(a) "Residence" means legal residence or, more accurately, domicile. When an applicant, eligible, or employee inhabits more than one location, residence shall mean the place or abode where s/he intends to remain and to which, if absent, s/he intends to return.

(b) The following general standards will be used in determining the acceptable residence:

1. Whether the locations in question are owned or rented;
2. Whether, if owned, the value of the claimed residence exceeds that of other locations;
3. Whether time actually spent in the claimed residence exceeds that of other locations;
4. Whether the degree of kinship among those persons living in the claimed residence is closer than those with whom the applicant, eligible, or employee lives elsewhere. If an applicant claims a parent's residence because of separation from his/her spouse, a court order of separation may be requested;
5. Whether return after repeated absences, considered with all other factors, indicates that the claimed residence is a principal residence;
6. Whether, if the residence requirement of the anticipated or actual appointment was eliminated, the applicant, eligible, or employee would be likely to remain in the claimed residence;
7. Whether the residence recorded on a driver's license, motor vehicle registration, or voter registration card is the same as the claimed legal residence; a post office box number in lieu of street address is not acceptable;
8. Whether the school district attended by child(ren) living with applicant, eligible, or employee is the same as the claimed residence.

(c) All applicants, except those for police and firefighter positions, must meet the residence requirements by the closing date for filing applications and maintain the required residence up to and including the date of appointment. The Department of Civil Service will enforce residence requirements up to and including the date of appointment. It is the responsibility of the appointing authority to enforce residence requirements after appointment.

(d) Police officers and firefighters must satisfy residence requirements by the closing date for filing applications.

(e) In State service, all appeals from an adverse determination based on failure to meet residence requirements shall be submitted to the Department of Civil Service, Division of Examinations.

(f) In local service, appeals from an adverse determination based on rejection from an examination for failure to meet the residence requirements shall be appealed to the Department of Civil Service, Division of Examinations. Appeals from adverse determinations based on an eligible being rejected from certification or appointment because of failure to meet the residence requirements shall be submitted to the Department of Civil Service, Division of Local Government Services.

[PART 8-14 ACTION AGAINST PROSPECTIVE EMPLOYEES

Subpart 8-14.101 Failure to Meet the Minimum Residence Requirements Set Forth in the Public Notice of an Examination

8-14.101a Purpose:

This subpart sets forth the general standards to be applied by the Department of Civil Service in determining whether an applicant, eligible or employee has satisfied legal residence requirements that may be a condition of eligibility under Civil Service laws or rules. These standards will be used in resolving any dispute over legal residence which might result in adverse action against an applicant, eligible or an employee under N.J.A.C. 4:1-8.14, 4:1-12.11, or 4:1-16.9.

8-14.101b Standards:

The term "residence" when used by the Department of Civil Service shall mean legal residence or, more accurately domicile. Therefore, when an applicant, eligible or employee is inhabiting more than one location residence shall be held to mean the place or abode where he has a present intention of remaining and to which if absent he intends to return.

The following general standards will be included in the process of deciding whether legal residence exists:

1. Physical Characteristics — (a) whether the respective locations occupied are owned or rented.
- (b) Whether, if owned, the cost of the claimed legal residence exceeds that of residence at other locations.
2. Time Spent In The Claimed Legal Residence — whether time actually spent in the claimed legal residence exceeds time spent in other locations.
3. Persons Sharing Claimed Legal Residence — whether the degree of kinship among those persons living in the claimed legal residence is closer than those with whom the applicant, eligible or employee lives elsewhere.
4. Intention To Return — (a) whether return after repeated absences considered with all other factors, indicates that the claimed legal residence or domicile.

(b) Whether, if the anticipated or actual appointment were eliminated, the applicant, eligible or employee would be likely to remain in the claimed legal residence.

The Chief Examiner and Secretary shall resolve all differences on the question of residency.

8-14.101c Limitations:

The responsibility of the Department of Civil Service for enforcing residency requirements is limited to assuring that at the time of application and up to the time of permanent appointment the residence requirement is met. Once permanent status is acquired the enforcing agency shall be the appointing authority, not the Department of Civil Service.

Residence criteria, in settled administrative practice, have not been considered in promotional situations. There

is no case law definitely advising that they should be considered; therefore, Commission policy is followed.

The determination of whether or not permanent classified employees meet the residency test as provided by ordinance or resolution rests with the local appointing authority.]

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director
Division of Administrative Practices
and Labor Relations
Department of Civil Service
CN 310
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-177.

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amendment: N.J.A.C. 4:1-8.11

Proposed Repeal: CSPM 8-11.101

(State and Local)

Time and Place of Examinations

Late Arriving Applicants

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:9-1, proposes to repeal Subparts 8-11.101 in the Civil Service Personnel Manual (State and Local) and substitute therefor an amendment to N.J.A.C. 4:1-8.11 concerning late arriving applicants at a test center.

Summary

The present subpart, 8-11.101 (State and Local), describes various situations in which candidates arriving late to an examination will be admitted. This subpart however, prohibits the awarding of additional time to complete an examination to such late arrivals. For example, if a two hour test begins at 6:30 and ends at 8:30 P.M. and an applicant arrives at 7:00 P.M. s/he must still complete the examination by 8:30 P.M., actually having an hour and a half instead of the full two hours. Civil Service policy and operating procedures have been revised so as to provide some time leeway for late arriving applicants. The proposed amended rule reflects these changes in procedure and has been codified from a subpart to an amendment in the administrative code.

Social Impact

The proposed amendment will have a definite impact on two specific groups. First, the Division of Examinations in the Department of Civil Service will be affected since this Division actually administers examinations for the State and Local services. Division personnel will be required to monitor arrival time of all applicants especially late arriving applicants and closely supervise the beginning and completion time of examinations. Second, all late arriving applicants will be affected since they will be allotted total time to complete the examination.

Economic Impact

There will be no economic impact as a result of this amendment. The Division of Examinations monitors and supervisors are paid a flat rate for administering examinations, rather than an hourly rate. Although this could increase their time at the testing site, there is no corresponding salary increase.

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

4:1-8.11 Time and place of examinations

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

(d) [Applicants] Candidates shall appear at the designated time and shall not be admitted after such time except in accordance with [established regulations] these rules.

(e) Candidates for written examinations and examinations containing a written and performance part arriving not more than 30 minutes late at the examination center test room shall be admitted to the examination. Candidates arriving more than 30 minutes after their designated time shall not be admitted to the examination.

(f) If candidates are notified that a "timed test" is to be held, they shall not be admitted if they are more than five minutes late at the examination center test room. Examples of timed tests are typing, stenography and transcribing examinations.

(g) Candidates for oral and performance examinations shall be admitted provided that the last scheduled candidate has not started the examination. Candidates shall not be admitted if the last scheduled candidate has started the examination and 30 minutes have elapsed since the late arrival's scheduled time. The last scheduled candidate shall be admitted up to but not more than 30 minutes late.

(h) Late arriving candidates will receive total allotted time to complete an examination.

STATE AND LOCAL

[PART 8-11 TIME AND PLACE OF EXAMINATIONS

Subpart 8-11.101 Late Arrival of Applicants at an Examination Center

8-11.101a Subject:

This subpart will regulate the admittance of late arrivals to scheduled Civil Service Examinations.

8-11.101b Requirements:

N.J.A.C. 4:1-8.11(d) prohibits admittance to an examination except as Civil Service regulations permit. The following standards will therefore be observed:

Examinations to which no applicants will be admitted late:

Timed examinations (i.e. typing, steno and transcribing examinations) will fall into this category. The Department of Civil Service will notify applicants that tests will be timed.

Examinations to which applicants may be admitted after the starting time:

1. In any examination, other than special timed examinations, an applicant will be admitted up to ½ hour after the starting time, but these applicants must finish the examination at the time specified for all applicants.

2. If the Center Supervisor determines that because of adverse conditions candidates should be admitted conditionally, they may be so admitted, pending review by the Assistant Director of Examinations. In such instances, a report by the Center Supervisor must be submitted to the Assistant Director of Examinations. The first working

day following the examination the Assistant Director of Examinations will decide whether to:

- a. Accept the applicant's examination.
- b. Ask for more information about the circumstances of late arrival, or
- c. Reject the applicant's examination on the grounds that the circumstances didn't warrant his admittance.

Applicants will not receive additional time to finish the examination when admitted late. Exceptions to this rule will be (1) performance tests, and (2) tests without specific time limits.]

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director
Division of Administrative Practices
and Labor Relations
Department of Civil Service
CN 310
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-180.

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amendment: N.J.A.C. 4:1-20.3
Proposed Repeal: CSPM (State) 20-1.102
Performance Evaluations (EPEIS)
Processing of Appropriate Forms for Salary
Increments (Forms CS-85 and CS-85A)

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:13-1, proposes to amend N.J.A.C. 4:1-20.3 and to repeal Subpart 20-1.102 in the Civil Service Personnel Manual (State) concerning the use of performance evaluations in determining salary increments, and processing forms CS-85 and CS-85a.

Summary

N.J.A.C. 4:1-20.3 details the procedure for processing the forms used to determine eligibility for salary increases. It sets forth the precise information to be included in the summaries of the forms and the time requirements for submitting the summaries to the Department of Civil Service, Division of Classification and Compensation.

Subpart 20-102, which details the procedure for processing forms CS-85 and CS-85A, is being repealed and issued as an amendment to N.J.A.C. 4:1-20.3.

Social Impact

This rule, which codifies the procedure for processing salary increment forms and summaries, apprises all State employees of the information in the summaries as well as departmental responsibility. As such, it will add to the employee's body of knowledge concerning Civil Service actions that directly affect him/her.

Since CSPM (State) 20-1.102 is being reissued as N.J.A.C. 4:1-20.3 amended, the repeal has no social impact.

Economic Impact

Since CSPM (State) 20-1.102 is being reissued as N.J.A.C. 4:1-20.3 amended the repeal has no economic impact.

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

4:1-20.3 Use of performance evaluations

(a) In state service, performance evaluations shall be used in determining eligibility for salary increases and decreases, demotions, transfers and removals and, if [un] less than satisfactory, as a factor in layoffs.

1. The granting and verification of salary increments under the Employee Performance Evaluation and Improvement System (EPEIS) shall follow the procedures below.

i. Supervisors of employees in the classified service are to submit the appropriate form certifying that the employee is or is not entitled to an increment to their personnel offices within two weeks after the end of the employee's evaluation period.

ii. Supervisors of employees in the unclassified service are to submit the appropriate forms certifying that the employee is or is not entitled to an increment to their personnel offices at least 45 days prior to the employee's anniversary date.

iii. Within two weeks of receipt of the above forms, the personnel office shall forward the forms to the employee's department files where they will be kept as a part of the employee's permanent record.

iv. The personnel office shall submit two copies of the performance summary, as described below, within 30 calendar days after the end of each quarter to:

Department of Civil Service
Division of Classification
and Compensation
Administrative Records Unit
CN 313
Trenton, New Jersey 08625

v. The Division of Classification and Compensation will forward one copy of the performance summary to the Department of Civil Service, Division of Personnel Services and Employee Relations.

vi. The performance summary shall include payroll numbers, names and social security numbers for:

(1) All employees in the classified service who have been rated less than satisfactory and who will therefore be denied salary increments;

(2) All employees in the unclassified service for whom the appointing authority does not want to grant salary increments;

(3) All employees who have received outstanding ratings;

(4) All employees for whom the forms specified in (a)ii and iii above were not completed.

vii. The Director, Division of Personnel Services and Employee Development shall review the performance summary and, if there are deficiencies, recommend any necessary corrective measures to the Chief Examiner and Secretary to assure compliance with this section.

(b) (No change.)

Repeal subpart 20-1.102.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director
Division of Administrative Practices
and Labor Relations
Department of Civil Service
CN 312
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-178.

E.

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amendment: N.J.A.C. 4:1-20.4

Inspection of Evaluations

**Inspection of Performance Ratings of
Other Employees**

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:13-3, proposes to amend N.J.A.C. 4:1-20.4 concerning the inspection of performance ratings of other employees.

Summary

The present language has generated some confusion regarding what may actually be inspected. This amendment clarifies N.J.A.C. 4:1-20.4 to reflect that only the actual performance ratings of other employees may be reviewed and not other EPEIS documents of such persons.

Social Impact

Since this amendment is a clarification of the existing rule it will have negligible social impact. It affects all civil service employees who wish to review the ratings of their coworkers. Historically, such requests are rare.

Economic Impact

This amendment simply specifies what EPEIS records may be reviewed and therefore has no economic impact.

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

4:1-20.4 Inspection of evaluations

An employee shall be given the opportunity to inspect the records which show his or her performance evaluation and [those] the performance ratings of other employees in the same class in [his] the same organization unit. [under such conditions as shall be prescribed by regulation.]

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director
Division of Administrative Practices
and Labor Relations
Department of Civil Service
CN 312
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-179.

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

**Proposed: CSPM (State and Local)
into Title 4 of the New Jersey Administrative
Code, Including the Revision of 24 CSPM
Subparts as Specified Below, and the Deletion
of 43 CSPM Subparts as Specified Below:**

Authority: N.J.S.A. 11:5-1a.

Proposal:

Summary

CSPM State and Local were examined in their entirety. Some of these rules contained such things as addresses and division names which have changed with the passage of time. These technical amendments have been made. The specific amendments are listed below.

CSPM State and CSPM Local were examined in their entirety. Some of these rules were found to be outdated; others have been superseded by amendments to Title 11 of N.J.S.A. and by case law. The reasons for each proposed repeal are listed below.

CSPM State and Local have been renumbered as N.J.A.C. 4:2 and 4:3 respectively. Those rules which are not adopted pursuant to the authority of the Civil Service Commission, but of another body have been renumbered as separate chapters of Title 4 of N.J.A.C. The rules of the New Jersey State Awards Committee have been renumbered as N.J.A.C. 4:4. The rules of the Lump Sum Sick Leave Committee have been renumbered as N.J.A.C. 4:5. The Rules of the Overtime Committee have been renumbered as N.J.A.C. 4:6.

The Civil Service Commission did not revise or delete subparts dealing with contested case hearings or hearing procedures. Pursuant to N.J.S.A. 52:14F-5, as implemented by N.J.A.C. 1:1-1.1, rules of special applicability to Civil Service contested case hearings are currently being developed by the Office of Administrative Law and the Civil Service Commission. The contested case material contained in these subparts, as well as the contested case hearing rules previously adopted by the Civil Service Commission, are under review as part of this development process.

Social Impact

These technical amendments will have a positive social impact on all users of Civil Service Rules in that they will be accurate and up to date.

The repeal and elimination of outdated or superseded rules will impact positively on all users of Civil Service rules. In general, the body of rules will be less cumbersome to deal with and more accurate.

This will have a positive social impact to all users of Civil Service Rules in that all rules will be available in one place in one format, i.e., the New Jersey Administrative Code. Additionally, any possible question regarding the legal validity of the CSPM State and Local will be removed by formal adoption of these rules, pursuant to the Administrative Procedure Act, into the New Jersey Administrative Code.

Economic Impact

Since these are technical amendments there is no economic impact. The repeal of the subparts will have no discernible economic impact. This will transfer costs

of publication from the Department of Civil Service to the Office of Administrative Law.

A listing of the Civil Service Personnel Manual Subparts proposed for repeal, with a summary of the subject matter, follows:

Proposed Repeal

- CSPM 5-8.101 State Representation by legal counsel
This subpart is unnecessary. N.J. A.C. 4:1-5.8(a)1 states that appellants may be represented by legal counsel. The further definition of third year law students in an approved program is contained in the Rules of the Court.
- CSPM 5-10.101 State Advancing appeals for stipulation
CSPM 5-10.101 Local on the record below
These subparts were superseded by case law.
- CSPM 7-2.101 State Salary reevaluation requests involving titles in recognized collective negotiation units
This subpart is not and has not been followed. The Department of Civil Service has accepted such requests directly from appointing authorities, unions and employees throughout the year.
- CSPM 7-3.116 State Salary Adjustment Committee regulations
This subpart has been superseded by later Salary Adjustment Committee Regulations issued as SAM 19-80.
- CSPM 8-8.101 State Records of Conviction
CSPM 8-8.101 Local
These subparts were superseded by amendments to Title 11.
- CSPM 8-8.103 Local Conditional residency credit based on Operation Transition, an armed forces program
The Operation Transition Programs no longer exists.
- CSPM 8-8.104 Local Waiver of age qualifications by the Civil Service Commission
There are no longer any statutory or Civil Service age limits for Sheriff's Officer, County Correction Officer, or County Park Police Officer. This subpart is therefore unnecessary.
- CSPM 8-8.106 Local Examinations for caseworkers for county welfare boards
Examinations for caseworkers are no longer announced concurrently, i.e., one open to county residents and one open to State residents.

- CSPM 8-8.107 State Appointment of noncitizens
CSPM 8-8.109 Local
These subparts were superseded by case law.
- CSPM 8-8.109 State Height and weight requirements
CSPM 8-8.102 Local
There are no height or weight requirements for any Civil Service position and there have not been any for many years. These subparts are no longer needed.
- CSPM 10-2.101 State Appointment of noncitizens
CSPM 10-2.101 Local
These subparts have been superseded by case law.
- CSPM 10-3.102 Local School Traffic Guards
This subpart has been superseded by statute.
- CSPM 12-1.101 Local Announcement of examination requested by appointing authorities
This subpart generated many unnecessary certifications and much confusion. It is no longer necessary.
- CSPM 12-12.101 State Appeals from removal from an
CSPM 12-12.101 Local eligible list
These subparts simply refer to CSPM 8-15.101 and are unnecessary.
- CSPM 12-15.101 State Oath of allegiance
This is under the jurisdiction of the Secretary of State.
- CSPM 16-13.101 State Reemployment from reemployment
CSPM 16-13.101 Local list not permitted when employee seeks to return after retirement
Upon reexamination of this policy and recognizing that the Division of Pensions no longer prohibits such reemployment, the repeal of this subpart is proposed.
- CSPM 17-2.101 Local Leaves of absence for regular appointees who have not completed their working test period
This is adequately covered by Title 11 and therefore unnecessary.
- CSPM 17-9.102 State Information—workman's compensation
This does not pertain to Civil Service. Additionally, more complete information is readily obtainable through the Division of Workers Compensation.
- CSPM 18-3.102 State Personal preference days
This subpart simply refers to the union contracts and is therefore unnecessary.

CSPM 18-4.102 State	Information—dual office holding This is a verbatim rendition of Attorney General Formal Opinion No. 18 - 1976 which simply advises that the New Jersey Conflicts of Interest Law in and of itself does not prohibit dual state office holding. It is unnecessary.	repetition of N.J.A.C. 4:1-5.15 in CSPM 5-15.101 b deleted.
CSPM 20-5.104 State CSPM 20-5.101 Local	Administration of the Federal Emergency Employment Act of 1971	CSPM 5-15.102 State CSPM 5-15.102 Local Service of CS 31 B forms by appointing authorities. repetition of N.J.A.C. 4:1-5.15 in CSPM 5-15.101 b paragraph 1 deleted.
CSPM 20-5.105 State CSPM 20-5.102 Local	Employment terms and conditions of Equal Employment Opportunity employees The Equal Employment Opportunity program was replaced by CETA.	CSPM 6-5.101 State CSPM 6-5.101 Local Appeals from classification or reclassification of positions. address changes, division name change.
CSPM 20-5.106 State	Clean Air Scholarship Interim Program This program no longer exists.	CSPM 6-5.103 Local Guidelines on designation by assignment judges (including sheriff's office employees). division name change.
CSPM 20-5.107 State CSPM 20-5.103 Local	Administration of the Work Incentive/Public Service Employment Program This program no longer exists.	CSPM 8-15.101 State CSPM 8-15.101 Local Appeals concerning eligibility and examination matters. address change.
CSPM 20-5.108 State CSPM 20-5.104 Local	Administration of the Comprehensive Employment and Training Act Program (CETA II)	CSPM 10-5.101 State Appointment of nonresidents to non-competitive and labor positions. the institutional attendant title was replaced by the human services assistant title, the building service worker title no longer exists.
CSPM 20-5.109 State CSPM 20-5.105 Local	Administration of the Comprehensive Employment and Training Act Program (CETA IV) These subparts specify reporting requirements. Since the Courts have determined that CETA employees are not covered by Civil Service, these subparts are unnecessary.	CSPM 15-1.101 State Transfers in the classified service. division name change.
CSPM 21-3.101 State CSPM 21-3.101 Local	Prohibition against political activity	CSPM 16-5.101 State CSPM 16.5.101 Local Determination of lateral displacement, demotional and reemployment rights by the Department of Civil Service. address change, division name change.
CSPM 21-3.102 State CSPM 21-3.102 Local	Information—Hatch Act These subparts simply advise of Federal law. They are not administered by Civil Service.	CSPM 16-14.101 State Notification and report or resignation resulting from unauthorized absence. division name change.
CSPM 21-6.101 State	Representation of state employees by the Attorney General This is not administered by Civil Service. More complete information is readily obtainable from the Office of the Attorney General.	CSPM 16-14.101 Local Notification and report of resignation resulting from unauthorized absence. deletion of addresses.
A listing of the Civil Service Personnel Manual Subparts proposed for amendment with a summary of the proposed change follows:		
Amendments		
CSPM 5-15.101 State CSPM 5-15.101 Local	Departmental hearing under N.J. A.C. 4:1-15.15 disciplinary action arises from indictment or criminal complaint lodged against classified employees.	CSPM 17-9.103 State Sick Leave Injury Benefits: Procedures at departmental level. address change.
		CSPM 17-9.105 State Sick Leave Injury Benefits: Appeal Procedures. address change.
		CSPM 20-6.101 State CSPM 20-6.101 Local Administration of the Government Employee Interchange Act of 1967. division name change.
		CSPM 21-1.101 State State Affirmative Action Program. recent statute added.

- CSPM 21-2.102 State Standard Race/Ethnic Categories. category letter designation added.
- CSPM 21-2.103 State Equal Employment Opportunity and Affirmative Action Program. recent statute added.
- CSPM 21-2.101 State Nondiscriminatory employment practices. division name change.
- CSPM 23-1.102 Local Review of agreements between public employer and employee groups. division name change, deletion of addresses.

Full text of this proposal may be reviewed at the Department of Civil Service, Division of Administrative Practices and Labor Relations, 215 East State Street, Trenton, New Jersey, Monday through Friday between the hours of 9:00 A.M. and 4:00 P.M. Copies of the rules proposed for repeal are also available for review at the State libraries, many local libraries, and most State, county and municipal personnel offices.

Interested persons may submit in writing, data, views, or arguments relevant to this proposal on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director
Division of Administrative
Practices and Labor Relations
Department of Civil Service
CN 312
Trenton, New Jersey 08625

The Civil Service 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 1981-181.

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

**Adopted Repeal: CSPM 6-3.102 (State)
and 6-3.103 (Local)**
**Adopted Amendments: CSPM 6-3.101 (State)
and 6-3.102 (Local)**
Classifications of Positions
Non-discriminatory Titles

Effective Date: September 10, 1981

On July 28, 1981, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:7-1 and 11:24-1, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted the repeal of CSPM 6-3.102 (State) and 6-3.103 (Local) and the amendment of CSPM 6-3.101 (State) and 6-3.102 (Local) concerning the use of non-discriminatory titles as proposed in the Notice published June 4, 1981 at 13 N.J.R. 318(d), without change.

An order adopting the rule was filed with the Office of Administrative Law on July 29, 1981 as R.1981 d.306.

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Notice of Correction: CSPM 6-3.103 (State)
Classification of Positions
Determination of Bona Fide Occupational
Qualifications

Take notice that an error appeared in the August 6, 1981 New Jersey Register at 13 N.J.R. 472(a) concerning proposed amendments to Subpart 6-3.103 in the Civil Service Personnel Manual (State). In the sections concerning policy (6-3.103b), and procedure (6-3.103d), all references to "the Director of Local Government Services" should instead be to "the Director of the Division of Classification and Compensation" for purposes of the State subpart only.

This notice is published as a matter of public information.

(c)

CIVIL SERVICE

JOINT COMMITTEE ON OVERTIME

Adopted Amendment: CSPM (State) 7-4.101
Overtime Regulations
State Police Overtime Payments

Effective Date: September 10, 1981

On July 21, 1981, the Joint Committee on Overtime in the Department of Civil Service, pursuant to authority of N.J.S.A. 52:14-17.14 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to CSPM (State) 7-4.101 concerning overtime payments to State Police as proposed in the Notice published June 4, 1981 at 13 N.J.R. 320(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on July 29, 1981 as R.1981 d.307.

(d)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Adopted New Rules: CSPM 8-6.104
(State and Local)
Adopted Amendments: CSPM 8-6.103
(State and Local)
Examination Qualifications
Substitution Qualifications

Effective Date: September 10, 1981

On July 28, 1981, the Civil Service Commission pursuant to authority of N.J.S.A. 11:9-2 and 11:23-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as CSPM 8-6.104 (State and Local) and amendments to CSPM 8-6.103 (State and Local) concerning the substitution of qualifications on examinations as proposed in the Notice published June 4, 1981 at 13 N.J.R. 320(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on July 29, 1981 as R.1981 d.308.

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Adopted Amendments: CSPM 12-7.101
(State and Local)
Certification and Appointment
Selective Certification

Effective Date: September 10, 1981

On July 28, 1981, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:10-1 and 11:22-17, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to CSPM 12-7.101 (State and Local) concerning selective certification as proposed in the Notice published June 4, 1981 at 13 N.J.R. 322(a), but with a subsequent substantive change not in violation of N.J.A.C. 1:30-3.5.

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

12-7.101c Procedure:

• • •

For *[titles]* *Positions* which have already been granted BFOQs, a copy of the letter granting such action must be forwarded to the Director of Local Government Services. Based on this determination, the Director of Local Government Services will take appropriate certification actions.

An order adopting the rule was filed with the Office of Administrative Law on July 29, 1981 as R.1981 d.309.

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Adopted New Rules: CSPM 21-2.104 (State)
and 21-2.105 (State)
Sexual Harassment and Discrimination

Effective Date: September 10, 1981

On July 28, 1981, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, 11:5-2 and 11:17-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as CSPM 21-2.104 (State) and 21-2.105 (State) concerning the prohibition of sexual harassment and the discrimination appeal process as proposed in the Notice published June 4, 1981 at 13 N.J.R. 324(c), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on July 29, 1981 as R.1981 d.310.

(c)

CIVIL SERVICE

STATE EMPLOYEES AWARD COMMITTEE

Adopted New Rule: CSPM 22-1.107 (State)
Adopted Amendments: CSPM 22-1.101—106
(State)
Awards Program

Effective Date: September 10, 1981

On July 28, 1981, the State Employees Awards Committee in the Department of Civil Service, pursuant to authority of N.J.S.A. 11:9-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as CSPM 22-1.107 (State) and amendments to CSPM 22-1.101—106 (State) concerning awards programs for State employees as proposed in the Notice published June 4, 1981 at 13 N.J.R. 327(a), but with spelling, punctuation and other technical changes not in violation of N.J.A.C. 1:30-3.5, and with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on July 29, 1981 as R.1981 d.311.

(d)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Proposed Expiration Date: N.J.A.C. 5:17
Retirement Community Full Disclosure
Requirements

Take notice that the Department of Community Affairs proposes to adopt the following expiration date for N.J.A.C. 5:17 concerning retirement community full disclosure requirements: July 1, 1984.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.
Division of Housing
363 West State Street
Trenton, N.J. 08625

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

(e)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Notice of Petition for a Rule
Promulgation of Code Interpretations as Rules

On July 24, 1981, the Division of Housing received a petition from Robert J. LaCosta, Field Service Repre-

sentative of the New Jersey Association of Plumbing-Heating-Cooling Contractors, Inc., for a rule stating that code interpretations issued under the Uniform Construction Code Act are to be considered rules subject to the rule-making requirements of the Administrative Procedure Act.

It is Mr. LaCosta's contention that the code interpretations issued by the Bureau of Construction Code Enforcement "often broadly cover significant changes and therefore are certainly within the sphere of a 'rule'."

The Division of Housing believes that this petition has merit and will prepare a notice of intention to adopt an appropriate amendment to N.J.A.C. 5:23-3.3 of the Uniform Construction Code regulations. The proposed amendment appears in this issue of the New Jersey Register at 13 N.J.R. 561(a).

This is a Notice of Petition for a rule submitted to the Office of Administrative Law for publication pursuant to N.J.S.A. 52:14B-4(f), N.J.A.C. 1:30-3.6 and N.J.A.C. 5:29-1.3(d).

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Proposed Amendment: N.J.A.C. 5:23-3.3 Uniform Construction Code

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-124, proposes to amend N.J.A.C. 5:23-3.3 concerning the Uniform Construction Code and interpretations.

Summary

The amendments to N.J.A.C. 5:23-3.3(g) will identify code interpretations as rules and provide for their promulgation in accordance with the Administrative Procedure Act. The amendments also establish categories of formal and informal opinions, the former to be issued only by the Chief or Assistant Chief of the Bureau of Construction Code Enforcement.

Social Impact

By requiring that code interpretations be promulgated as rules, the Department will make sure that the safeguards provided by the Administrative Procedure Act are given full effect and the interpretations, thus, will not be adopted without prior publication and public comment. Once so adopted, the interpretations will have the same force of law as other regulations.

Economic Impact

There is no apparent economic impact except to the extent that clarification as to the legal status of interpretations and opinions increases certainty and thereby eliminates wasted effort.

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

5:23-3.3 General provisions

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

(g) Rules concerning interpretations and opinions are:

1. Whenever the commissioner shall, in accordance with applicable provisions of the Administrative Procedure Act, make any rule constituting an interpretation of any provision of the regulations, such shall be binding provided, however, that such interpretations shall be prospective

in nature. Such interpretations shall not alter the ruling of a subcode official already rendered in a specific instance relating to a specific permit of structure. Requests for interpretations shall be in the form, and submitted in accordance with the procedure, set forth in N.J.A.C. 5:29.

[Notice of interpretations, stating their effective date, will be published in the New Jersey Register.]

2. In response to a written inquiry or request setting forth a specific factual situation, the Bureau of Construction Code Enforcement may issue a formal opinion as to the proper application of the regulations. Such formal opinion shall be signed by the Chief or the Assistant Chief of the Bureau and shall be binding only with respect to the factual situation presented and only upon the Bureau.

3. In response to a written or oral inquiry or request setting forth a specific factual situation, a staff member of the Bureau of Construction Code Enforcement may issue an informal opinion as to the proper application of the regulations if the issue is one with which he has authority to deal. Such informal opinion shall only be in writing if it is issued in response to a written inquiry or request and shall not be binding upon the Bureau or any other party.

(h) - (k) (No change.)

Interested persons may submit, in writing, data, views or arguments relevant to the proposed rule on or before October 13, 1981. 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 adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-197.

(b)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Proposed Amendment: N.J.A.C. 5:23-3.3 Uniform Construction Code Casino Hotels

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-124, proposes to amend N.J.A.C. 5:23-3.3 concerning the Uniform Construction Code and enforcement in casino hotels.

Summary

The amendment to N.J.A.C. 5:23-3.3(i) will establish exclusive Department of Community Affairs jurisdiction over construction code enforcement in casino hotels.

Social Impact

Casino hotels have an impact upon the entire State and not just upon the municipality in which they are located. They present special hazards which necessitate Department of Community Affairs construction code enforcement.

Economic Impact

Work plan review and inspection work on casino hotels will be done exclusively by inspectors of the Bureau of

Construction Code Enforcement. Consequently, inspection fees covering the cost of that work will be paid to the Bureau.

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

5:23-3.3 General provisions

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

(i) Rules concerning enforcement activities reserved to the State are:

1. Department of Community Affairs:

i. The department shall be the sole plan review agency for the following structures:

[i.] (1) Electrical generating stations and substations, including nuclear;

[ii.] (2) Incineration plants;

[iii.] (3) Solid waste disposal plants;

[iv.] (4) Class I and Class II structures where required in accordance with [subsection] (h) above [herein] and N.J.A.C. 5:23-4.9(a)2ii;

[vi.] (5) Compliance with the energy subcode for structures submitted under the alternate systems and non-depletable energy source provisions of the energy subcode;

(6) Casino hotels.

Renumber v. as ii.

Renumber vii.-ix. as iii.-v.

2.-4. (No change.)

(j)-(k) (No change.)

Interested persons may submit, in writing, data, views or arguments relevant to the proposed rule on or before October 13, 1981. 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 may thereafter adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-196.

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Adopted Amendments: N.J.A.C. 5:24-1.4 and 1.5

Adopted New Rule: N.J.A.C. 5:24-1.12

Landlord/Tenant Relations

Condominium and Cooperative Conversion

Effective Date: September 10, 1981

Joseph A. Lefante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 2A:18-61.12 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:24-1.4 and 1.5 and a new rule to be cited as N.J.A.C. 5:10-1.12 concerning condominium and cooperative conversion as proposed in the Notice published July 9, 1981 at 13 N.J.R. 392(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

Full text of the changes in the rule between proposal and adoption follows (additions to proposal indicated in boldface with asterisks *thus*).

5:24-1.12 Standards of fair dealing

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

(c) No owner of a building or of a unit or of a proprietary lease to a unit shall impose an unreasonable rent increase on a tenant lawfully occupying any unit. An increase shall be presumed to be unreasonable if it is in excess of the increase that would be allowed under any municipal rent control ordinance applicable to the building immediately prior to conversion or if it reflects increased costs attributable directly or indirectly to the conversion *which do not add services or amenities not previously provided. For the purposes of (c) of this section, repairs required by applicable codes shall not be deemed to be amenities.*

An order adopting the rule was filed with the Office of Administrative Law on August 20, 1981 as R.1981 d.354.

(b)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Proposed Amendments: N.J.A.C. 5:27-1.6, 3.3
Rooming and Boarding Homes
Licenses; Discrimination

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:13B-4(a), proposes to amend N.J.A.C. 5:27-1.6 and 5:27-3.3 concerning rooming and boarding houses.

Summary

The proposed changes would accomplish the following:

1. Provide for the denial of licenses to persons who were previously denied licensing by either the Department of Health or the Department of Human Services for reason of personal unfitness or who had a license revoked by either department.

2. Provide for denial of licenses, or revocation of licenses already issued, to persons who engage in unlawful discrimination.

3. Allow eviction without regard to N.J.S.A. 2A:18-61.1 where removal of a resident is ordered by the Bureau.

Social Impact

The amendments make it clear that a person denied a license by another department to operate a comparable facility for reason of personal unfitness, or who had a license revoked, will not be granted a license by the Department of Community Affairs. They also make it clear that persons who engage in unlawful discrimination will not be licensed. The impact is to protect the public from unsuitable owners and operators.

The amendment to the eviction provisions will allow the Bureau and the licensees to deal more quickly with residents who have been inappropriately placed and who require a higher level of care.

Economic Impact

Some individuals may suffer economic detriment as a result of being denied licenses. The Bureau will save money if it does not have to relitigate matters already decided in proceedings in other departments.

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

5:27-1.6 Licenses

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

(h) No license shall be issued to any person who has previously been denied a license by either the Department of Health or the Department of Human Services for reason of personal unfitness or who has had a license revoked by either the Department of Health or the Department of Human Services.

(i) No license shall be issued to, or shall continue to be held by, any person who has discriminated against any resident or prospective resident on the basis of race, color, creed, national origin or ancestry.

5:27-3.3 Harassment; fraud; eviction without due cause

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

(c) Unless otherwise directed by the Bureau, [NO] no licensee shall cause any resident to be evicted from any rooming or boarding house except for good cause, as defined in N.J.S.A. 2A:18-61.1 et seq., and except in accordance with the procedural requirements of N.J.S.A. 2A:18-61.1 et seq.

Interested persons may submit, in writing, data, views or arguments relevant to the proposed rule on or before October 13, 1981. 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 adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-194.

(a)

COMMUNITY AFFAIRS

DIVISION ON AGING

**Adopted Amendments: N.J.A.C. 5:71
County Offices on Aging**

Effective Date: September 10, 1981

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 40:23-6.44 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:71 concerning County Offices on Aging as proposed in the Notice published July 9, 1981 at 13 N.J.R. 395(c), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

Full text of the changes in the rule between proposal and adoption follows (additions to proposal indicated in boldface with asterisks *thus*).

5:71-1.3 Functions

(a) (No change from proposal.)

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

3. Be a visible focal point for advocacy, coordination, monitoring, and evaluation of programs for older persons

in the county including but not limited to community services, economics, employment, income and retirement, health care, mental health, institutional and non-institutional housing, leisure, transportation, homemaker services, long-term care, *ombudsman activities,* education and nutrition.

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

An order adopting the rule was filed with the Office of Administrative Law on August 21, 1981 as R.1981 d.356.

(b)

EDUCATION

STATE BOARD OF EDUCATION

**Adopted Amendment: N.J.A.C. 6:20-2.3
Bookkeeping and Accounting in Local School
Districts
Budget and Cost Distribution Records**

Effective Date: September 10, 1981

On August 5, 1981, the New Jersey State Board of Education, pursuant to authority of N.J.S.A. 18A:22-8 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 6:20-2.3 concerning budget and cost distribution records in the rules on bookkeeping and accounting in local school districts as proposed in the Notice published June 4, 1981 at 13 N.J.R. 333(e), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 20, 1981 as R.1981 d.353.

(c)

EDUCATION

STATE BOARD OF EDUCATION

**Notice of Petition for a Rule
Creation of Regional School Districts**

Pursuant to the authority of N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-3.6, the State Board of Education, at its regular meeting held June 3, 1981, denied the petition for a rule submitted by Michael L. Ticktin.

The petitioner requested the State Board of Education to adopt a rule requiring the Commissioner of Education to create a regional district upon petition of any district if, after public hearing, the Commissioner determines that such district is unable to provide a thorough and efficient education without having an effective school tax rate in excess of two percent.

The notice of petition was published June 4, 1981, at 13 N.J.R. 334(a).

The petition was denied on the grounds that it addresses one isolated area of the broad issue of regionalization of schools. The State Board has a subcommittee studying this issue, and the concern expressed by Mr. Ticktin will be considered within its deliberations.

This is a Notice of Petition for a rule submitted to the Office of Administrative Law for publication pursuant to N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-3.6.

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

**Proposed Amendment: N.J.A.C. 7:1C-1.5
90 Day Law Permit Fees
Maximum Fees for Waterfront Development,
Wetlands and CAFRA Permit Applications**

DEP Docket No. 041-81-08

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3e, proposes to amend N.J.A.C. 7:1C-1.5 concerning 90 day law permit fees.

Summary

The proposed rule places a \$10,000 maximum on waterfront development, wetlands and CAFRA permit applications except for unusually large scale or complex projects where it is determined after consultation with the applicant, that additional fees are required for review of the application.

Social Impact

There is expected to be no social impact from the establishment of the \$10,000 maximum on permit application fees. The change in the ceiling of the application fee should not affect the ability of an applicant to apply for such a permit.

Economic Impact

Since the inception of the 90 Day Law permit program, more than 2,000 CAFRA applications have been processed and 98 percent of these applications had fees under \$5,000. Only 34 projects had application fees limited to the \$5,000 maximum. In 1980 and 1981 CAFRA fees on 20 projects were limited by the \$5,000 maximum.

The \$10,000 maximum fee will permit the Department to limit program deficits, while affording maximum fee protection for most applicants.

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

7:1C-1.5 Fees

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

(g) [There shall be no maximum fee for a waterfront development, a wetlands or a CAFRA application for an unusually large scale or complex project. The Department, after consultation with the applicant, shall determine the fee necessary for a proper review of the applications]. The maximum fee for waterfront development, wetlands, and CAFRA permit applications shall be **\$10,000** except for unusually large scale or complex projects where the appropriate agency determines, after consultation with the applicant, that additional fees are necessary for a proper review of the application.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

William McCarthy
Department of Environmental Protection
Division of Fiscal and Support Services
CN 402
Trenton, N.J. 08625

The Department of Environmental Protection thereafter

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

This proposal is known as PRN 1981-225.

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF COASTAL RESOURCES

**Adopted Amendments: N.J.A.C. 7:7-2
Waterfront Development Permits**

DEP Docket No. DEP 002-81-01

Effective Date: September 10, 1981

On June 4, 1981, Paul Arbesman, Deputy Commissioner in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:10-9 and 12:5-3, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:7-2 concerning waterfront development permits as proposed in the Notice published February 5, 1981 at 13 N.J.R. 73(c), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

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

7:7-2.3 Definitions

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

...
“Excavation” means the removal of sand, gravel, earth or any other material from one portion of the site to another or to an off-site location.

“Landfill” means the depositing on-site of sand, gravel, earth or any other material obtained from an off-site location.

“Navigable Waterway” means those waters of the State which are subject to the ebb and flow of the tide shoreward to the mean high water line. *[to the extent of tidal influence.]*

“Permit” means the approval from the Department of Environmental Protection as required by N.J.S.A. 12:5-3.

“Structure” means any assembly of materials above or below the land or water surface, including but not limited to buildings, fill, embankments and roads.

7:7-2.4 Waterfront area described

(a) The waterfront area to be regulated under this subchapter shall consist of *[:] a “water area” and an “upland area,” as follows*:

1. (No change from proposal.)

2. An “upland area”, which shall include all lands extending landward from the mean high water line of such water area to the first surveyable property line existing on the effective date of this subchapter, paved public road*[,] or* railroad *[right-of-way, or other cultural feature]* generally parallel to the waterway.*[,] [provided that]*

3. T[the landward boundary of such area shall be at least 100 feet and no greater than 500 feet from the waterway. [except where lands formerly flowed by the tide (i.e. tidelands) extend more than 500 feet from the mean

high water line. In such cases the boundary of the upland fringe area shall be the upland boundary of such tidelands.]

4. In those areas where one of the cultural features described above (i.e. a paved public road, railroad, or surveyable property line) is located less than 100 feet from the waterway, than the landward boundary of the upland area shall be 100 feet from the waterway.

5. In those areas where none of the cultural features described above are located within 500 feet of the waterway, then the boundary of the upland area shall be 500 feet from the waterway.

7:7-2.7 Activities requiring permits

(a) The following *development* activities will require a permit in the Waterfront *Area*:

1. (No change from proposal.)
2. The construction, *maintenance, repair* or alteration of a dock, wharf, pier, bulkhead, *breakwater, groin, jetty, seawall,* bridge, piling, mooring dolphin, pipeline, cable, or other similar structure; or
3. *New [the]* construction*, reconstruction,* or *the expansion or* enlargement[,] of any *existing* [building or other] structure,* or of any excavation or landfill, with the exceptions as listed in N.J.A.C. 7:7-2.8 or 2.10.

7:7-2.8 Activities not requiring permits

(a) The following *development* activities will not require a permit in the Waterfront *Area*:

1. The construction of an individual single family *[home] dwelling unit or [appurtenant structure,] addition to such unit,* when constructed more than 100 feet inland from the mean high water line;

2. The reconstruction *conversion, alteration* or enlargement of any *existing* structure *located* more than 100 feet inland from the mean high water line, *provided that no change in land use results, and that enlargements do not exceed 5000 square feet.

3. Minor additions to or changes in existing *[industrial and manufacturing facilities, such as cracking or single storage or holding tanks,]* * structures or industrial and manufacturing operations* where such changes or additions do not result in a change in the present land use of the site.

[The construction of new tank farms on previously vacant land for example, will not be regarded as a minor change or addition.]

[4. Conversion of any structure to a different use.]

5. Dredging, installation of aids-to-navigation, or other similar activities directly related to navigation when proposed by an agency of the United States Government.

7:7-2.9 Permits for *illegally* filled tidelands

(a) A permit is required for the *[development] filling* of any *[filled]* lands formerly flowed by the tide, the filling of which took place after 1914 without the issuance of a tidelands grant, lease or license by the Department of Environmental Protection and Tidelands Resource Council or their predecessor agencies, even where such lands extend beyond the landward boundary of the upland area defined in N.J.A.C. 7:7-2.4(b). *A permit application submitted under this subsection must be submitted in conjunction with an application for a tidelands grant, lease or license.*

(b) In addition, a permit is required for any development on lands formerly flowed by the tide where such a permit is required as a condition of the tidelands grant, lease or license applicable to such lands. This requirement applies regardless of the land's location with respect to the upland area regulated under this subchapter.

7:7-2.[12]13 Procedure for development [entirely] within regulated wetlands

(a) No Waterfront Development permit shall be required for *that portion of* a proposed development located *[entirely or partially]* within a wetland area regulated under the Wetlands Act (N.J.S.A. 13:9A-1 et seq.).

7:7-2.[13]14 Criteria for permit decisions

(a) Waterfront Development permit applications shall be approved, *approved with conditions,* modified or denied on the basis of the Rules on Coastal Resource and Development Policies, N.J.A.C. 7:7E-1.1 et seq.

An order adopting the rule was filed with the Office of Administrative Law on August 20, 1981 as R.1981 d.355.

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF COASTAL RESOURCES

Proposed Amendments: N.J.A.C. 7:7E Coastal Resources and Development Policies

DEP Docket No. ,040-81-08

Public Hearing: October 7, 1981

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-9, 13:9A-2 and 12:5-3, proposes to amend N.J.A.C. 7:7E concerning coastal resources and development policies.

Summary

The Division of Coastal Resources proposes to adopt amendments to the Department's Rules on Coastal Resource and Development Policies, N.J.A.C. 7:7E. The proposed amendments will affect policies in the following areas: marina moorings, existing lagoon edges, steep slopes, coastal bluffs, endangered or threatened wildlife or vegetation species habitats, man-modified harbors, docks and piers (recreational and fishing), filling, mooring, bridges, submerged infrastructure, overhead transmission lines, outfalls and intakes, environmental sensitivity, residential development potential (infill), transportation use, structural shore protection, runoff, solid waste and energy conservation.

None of these amendments involve a redirection of the existing Coastal Resource and Development Policies. Rather, they represent fine-tuning of the policies or the addition of rationales, and are being made in response to the Division's experience in policy implementation and in response to the recommendations of the public and DEP's advisory groups.

Social Impact

Because these rules represent only a fine tuning of, or the addition of rationales to, existing policies, there will be no social impacts.

Economic Impact

Because these rules represent only a fine tuning of, or the addition of rationales to, existing policies, there will be no economic impacts.

Copies of the full text of the proposed amendments can be obtained from the person and address indicated below.

A public hearing concerning this rule will be held on Wednesday, October 7, 1981 at 2:00 P.M. at:

Labor and Industry Building
Room 702
John Fitch Plaza
Trenton, N.J. 08625

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

John R. Weingart, Chief
Bureau of Coastal Planning and Development
Division of Coastal Resources
CN 401
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-222.

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Proposed Amendment: N.J.A.C. 7:12-1.3 Condemnation of Certain Shellfish-Growing Water Classification

DEP Docket No. 038-81-08

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 13:1B-5 et seq., 58:24-2 and 58:24-3, proposes to amend N.J.A.C. 7:12-1.3 concerning the condemnation of certain shellfish beds.

Summary

The proposed revision to the rules will condemn for purposes of shellfish (oysters, clams and mussels) harvesting approximately 2,570 acres of ocean shellfish growing waters. These waters surround the Cape May County Municipal Utilities Authority's Ocean City wastewater treatment plant outfall. The plant is currently under construction. This closure action is required in accordance with applicable State and Federal Food and Drug Administration (FDA) guidelines to assure that the public's health is not imperiled by consuming shellfish that may be exposed to contaminants contained in the plant's effluent. The plant is scheduled to start operation and ocean discharge during the latter part of this year. At that time Ocean City will cease discharging from two locations adjacent to the city's back bay shoreline.

This closure is scheduled to become effective prior to adoption of the Division of Fish, Game and Wildlife's 1982 Sea Clam Regulations which govern harvesting of that species.

Social Impact

Minimal social impact is expected to be associated with this action. Harvesters will be unable to continue operations in the condemned area.

Economic Impact

The shellfish harvesting industry, particularly those engaged in harvesting surf clams (*Spisula soludissima*) will be economically affected. Currently, 30 percent of the State's 280,700 acres of ocean water are condemned to shellfish harvesting. This additional 2570 acre closing will increase the total condemned acreage by approxi-

mately one percent. Therefore, the economic impact will not be great.

In addition, the operation of this new facility will eliminate several pollution sources that may lead to the reopening or upgrading of several estuarine areas that are presently condemned to shellfish harvesting. This determination will be made by this Department at a later date after sufficient testing of these areas has been conducted.

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

7:12-1.3 Growing water condemnations

(a) (No change.)

1. - 38. (No change.)

39. Atlantic Ocean:

i. - vi. (No change.)

vii. All of the ocean waters inshore of a line beginning at the cupola (the old Coast Guard Station) located at the corner of the 36th Street and Central Avenue, Ocean City, with coordinates of latitude 39 degrees 14.9 minutes N., longitude 74 degrees 36.8 minutes W., and bearing approximately 126 degrees T for approximately 1.5 nautical miles from the shoreline to a point with coordinates of latitude 39 degrees 13.9 minutes N., longitude 74 degrees 35.2 minutes W., then bearing approximately 216 degrees T along the shoreline in a southwesterly direction, 1.5 nautical miles offshore, for approximately 2 nautical miles to a point with coordinates of latitude 39 degrees 12.3 minutes N., longitude 74 degrees 36.7 minutes W., then bearing approximately 306 degrees T for approximately 1.4 nautical miles to the outermost tip of Anglers Fishing Club's Pier, 5825 Central Avenue, Ocean City, then along that pier to the shoreline and terminating.

OAL NOTE: An information map concerning various backbay shellfish growing water classifications in effect as of August, 1981, was also filed with this rule but is not reproduced herein.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Eisele Jr., Chief
Bureau of Shellfish Control
State Department of Environmental
Protection
CN 029
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-223.

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Notice of Petition for a Rule New Jersey Pollutant Discharge Elimination and 1981 NJPDES Fee Schedule

DEP Docket No. 039-81-08

Pursuant to the authority of N.J.S.A. 52:14B-4(f), the

Jersey Central Power and Light Company, Public Service Electric and Gas Company, and Atlantic City Electric Company (Petitioners) have requested that with respect to the 1981 New Jersey Pollutant Discharge Elimination System (NJPDDES) permit fee schedule and N.J.A.C. 7:14A-1.9, the Department of Environmental Protection:

1. Issue a declaratory ruling pursuant to N.J.S.A. 52:14B-8 that the 1981 fee schedule and the general fee assessment methodology set forth in N.J.A.C. 7:14A-1.9 are invalid;

2. Initiate a rulemaking proceeding pursuant to N.J.S.A. 52:14B-4(f) to amend the 1981 fee schedule and the general fee assessment methodology set forth in N.J.A.C. 7:14A-1.9 to conform to N.J.S.A. 58:10A-9; and

3. Stay the 1981 fee schedule pending a final resolution issues set forth in said petition.

The Department of Environmental Protection and the petitioners have been engaged in discussions regarding these issues since receipt of the Petition for Rule from said petitioners on July 2, 1981.

This is a notice of petition for a rule submitted to the Office of Administrative Law for publication pursuant to N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-3.6.

(a)

ENVIRONMENTAL PROTECTION

SOLID WASTE ADMINISTRATION

Proposed New Rules: N.J.A.C. 7:26-10

Proposed Amendment to Proposal: N.J.A.C.

7:26-1, 9 and 11 (12 N.J.R. 511(a))

Hazardous Waste Facilities Management

DEP Docket No. 036-81-08

Public Hearing: October 20, 1981

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-6a2, proposes to adopt new rules to be cited as N.J.A.C. 7:26-10 and to amend previously-proposed new rules to be cited as N.J.A.C. 7:26-1, 9 and 11 (note: N.J.A.C. 7:26-11 was originally proposed as part of N.J.A.C. 7:26-9) concerning hazardous waste facilities management and additional operational and design standards for hazardous waste facilities.

The previously-proposed new rules were proposed in the September 4, 1980 New Jersey Register at 12 N.J.R. 511(a), but have not yet been adopted by the agency. According to the Department, N.J.A.C. 7:26-1, 9 and 11 will shortly be adopted, to become effective upon publication in the October 8, 1981 New Jersey Register. The proposed new rules to be cited as N.J.A.C. 7:26-10 herein, supersede the new rules proposed for this codification at 12 N.J.R. 511(a) cited above, which concerned "public participation".

OAL Note: All adopted rules submitted to the Office of Administrative Law for filing and publication must comply with the applicable provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and OAL's rules for agency rulemaking, N.J.A.C. 1:30. See e.g., N.J.A.C. 1:30-3.5.

Summary

Proposed subchapter 10, "Additional Operational and Design Standards for Hazardous Waste Facilities", con-

tains the standards by which all hazardous waste facilities must comply after an operating permit is obtained. Operational and design standards are included for containers, tanks, surface impoundments, and hazardous waste incinerators. A facility with "existing" status must comply with the requirements in subchapter 12.

Subchapter 10 requirements are substantially equivalent to the operational and design standards in 40 CFR 264. In some instances the regulations proposed are more stringent than those in the federal regulations to specifically respond to the unique characteristics of hazardous waste management in New Jersey.

Section 10.1 sets forth the applicability of this subchapter to all treatment, storage, and disposal facilities after receiving an operating permit pursuant to subchapter 12.

Section 10.2 requires an owner or operator of an existing facility to comply with subchapter 11 in lieu of subchapter 10.

Section 10.3 proposes standards for locating hazardous waste management facilities in relation to 100-year floodplains and recorded seismic activities.

Section 10.4 has been developed to complement N.J.A.C. 7:26-9.4(d) (to be adopted in September 1981), which provides general standards for the regulation of containers at all facilities.

Design, operational, and inspection requirements are set forth in section 10.5. Rules for closure of hazardous waste tanks require removal of all hazardous waste and hazardous waste residues. Special operational requirements for ignitable and reactive wastes are also included.

Section 10.6 provides the design, operational, containment system, and inspection requirements intended to maintain the hazardous waste in the impoundment and minimize challenges to the integrity of all containment structures. A leachate system is required to detect, collect, and remove all accumulated precipitation. Specific contingency requirements to be implemented upon any failure of the containment system are also included. Finally, closure requirements and special operational requirements for ignitable and reactive wastes are presented.

The proposed regulations for hazardous waste incinerators set forth in section 10.7 require owners and operators to meet performance standards and operating requirements, which are intended to ensure that the performance criteria are met. However, only new hazardous waste incinerators will be required to meet the operating requirements defining a minimum temperature of 1800 degrees F and gas residence time of two seconds. A 99.99 percent destruction and removal efficiency will also be required for all hazardous waste incinerators. Specific waste analysis is required prior to the issuance of trial burn permits. Performance standards, and operating, monitoring and closure requirements are included.

Several changes are also being made to the Department's proposed hazardous waste management regulations which will become effective October 8, 1981. These proposed changes are consistent with the proposed subchapter 10 regulations discussed above. The changes include definition for "hazardous waste incinerators" and "new hazardous waste incinerator" in subchapter 1. References to proposed subchapter 10 are being included in subchapter 9, and additional requirements for hazardous waste facilities operating under existing facility status are being proposed for subchapter 11, which was originally proposed as part of subchapter 9.

Social Impact

Subchapter 10 regulates those operating hazardous waste

treatment, storage and disposal facilities. Compliance with the proposed regulations will take significant time and effort by the affected industries. For the most part, these regulations are equivalent to the federal RCRA regulations and the promulgation of this subchapter will not impose significant additional social or economic burdens on the hazardous waste facility operators beyond what presently exists under the federal law.

The changes made to the RCRA regulations only pertain to facility design and operation and will not directly affect the general population, other than providing an added margin of safety for human health and the environment.

Economic Impact

This economic impact is based on the difference between the federal RCRA regulations and these proposed subchapters. The majority of the proposed regulations are the same as the federal regulations, and the costs and social impacts that will be incurred are a direct result of complying with those federal regulations. An economic impact analysis for complying with the federal regulations is included in the preamble to 40 CFR page 2483-2846 (January 12, 1981) and page 7676-7677 (January 23, 1981).

No additional cost will be incurred by the industrial community of New Jersey by the minor changes that have been made to the RCRA regulations pertaining to tanks, surface impoundments and containers.

The most significant differences in these proposed regulations are in the operating requirements for hazardous waste incinerators. Although New Jersey requirements are more stringent than the federal requirements any additional burden placed on incinerator operators is primarily the result of the stringent New Jersey air pollution control requirements. Where additions or revisions to the RCRA regulations are proposed, they stem from federal regulations. This is true for restrictions proposed for mercury, lead, sulfur dioxide and chlorine. The mercury limit is an extension of the National Emission Standards for Hazardous Air Pollutants (NESHAPS) limit on sludge incinerators to hazardous waste incinerators and is a ceiling on emissions that will be needed in few cases. The lead limit is implicit in the National Ambient Air Quality Standards (NAAQS) for lead. The sulfur dioxide limit is set by N.J.A.C. 7:27-9.2 as part of the State Implementation Plan (SIP) to meet NAAQS. The halogen limit of 50 parts per million volume basis (ppmv) is slightly more restrictive than RCRA, but since hazardous waste incinerators generally have a scrubber as part of the air cleaning system, the proposed state regulations are not expected to add to the operator's economic burden.

The hazardous waste regulations presently being proposed reflect the incorporation of advances in the art of air pollution control for the kind and amount of air contaminant emitted as required by the New Jersey Department of Environmental Protection's Bureau of Air Pollution Control for the construction of hazardous waste incinerators. Therefore, no additional economic burden as a result of these proposed rules and regulations is being placed on incinerator operators.

Copies of the full text of the proposal can be obtained from the person indicated below.

A public hearing concerning these rules will be held on October 20, 1981 from 9:00 A.M. until the close of testimony and from 7:00 P.M. until the close of testimony, at:

State Museum Auditorium
State Cultural Center
State Street
Trenton, New Jersey

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before December 4, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dr. Ralph Pasceri
Bureau of Hazardous Waste
Department of Environmental Protection
32 East Hanover Street
Trenton, New Jersey 08625
(609) 292-9877

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

This proposal is known as PRN 1981-227.

(a)

ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM

**Proposed New Rule: N.J.A.C. 7:38-1.20
New Jersey Wild and Scenic Rivers System
Designation of Lower Atsion Segment of
Mullica River**

DEP Docket No. 042-81-08

Public Hearing: October 13, 1981

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:8-52(a), proposes to amend N.J.A.C. 7:38-1.20 concerning the designation of the Lower Atsion segment of the Mullica River within the New Jersey Wild and Scenic Rivers System.

Summary

The proposed designation is based on the designation study prepared by the Bureau of Heritage and Recreation as required by N.J.S.A. 13:8-45 et seq. Based on the study's inventory of natural and cultural features the segment was found to possess the characteristics necessary for wild river classification.

Social Impact

Upon designation, the segment to be known as the Lower Atsion Wild River Segment, is to be managed consistent with N.J.A.C. 7:38-1.1 to 1.16 and the provisions of the Management Plan element of the designation study. These rules will regulate those uses and developments which would adversely impact the values for which the river segment has been designated. The proposed amendment would also allow the Division of Parks and Forestry to issue a Statement of Conformance in lieu of obtaining a permit for regulated uses and developments, to facilitate proposed actions as the administering agency.

Economic Impact

Additional costs incurred by the designation of this portion of Wharton State Forest may include additional patrol duties or staff and the acquisition of minor private in-holdings.

Full text of the proposed new rule follows.

7:38-1.20 Designation and administration of the Lower Atsion Wild River Segment

(a) The Lower Atsion segment of the Mullica River is hereby designated as a Wild River Component to the New Jersey Wild and Scenic Rivers System, and is to be managed consistent with "Rules Concerning the Administration and Regulation of Components of the New Jersey Wild and Scenic Rivers System", N.J.A.C. 7:38-1.1 to 1.16, and the provisions of the Management Plan element of the designation study.

(b) The designated river area shall include the delineated flood prone area and adjacent state owned lands as presented on the Official Map of the Lower Atsion Wild River Segment. The segment begins at the Central Railroad of New Jersey bridge downstream of Route 206 near Atsion, and ends at the nature trail footbridge near Batsto Village, including a portion of the Great Swamp Segment of the Batsto Natural Area.

A public hearing concerning this rule will be held on October 13, 1981 at 7:00 P.M. at:

Stockton State College
Pomona, New Jersey

Persons wishing to testify should contact Robert Stokes at (609) 292-2455.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before November 12, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert S. Stokes
Green Acres Program
CN 404
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-224.

(a)

ENVIRONMENTAL PROTECTION

PINELANDS COMMISSION

Proposed Amendments: N.J.A.C. 7:50 Pinelands Comprehensive Management Plan

Public Hearing: To Be Announced

The New Jersey Pinelands Commission, pursuant to authority of N.J.S.A. 13:18A-6j, proposes to amend various sections in N.J.A.C. 7:50 concerning the New Jersey Pinelands Comprehensive Management Plan.

Summary

The proposed amendments are largely designed to clarify various provisions of the New Jersey Pinelands Comprehensive Management Plan. The proposed amendments will:

1. Clarify that median income is determined by the United States Department of Housing and Urban Development (N.J.A.C. 7:50-2.11).
2. Clarify requirements relative to planning and development activities within federally owned and managed areas to more clearly reflect applicable federal laws and regulations (see N.J.A.C. 7:50-3.51, 3.52, 3.53, 3.55, 3.56, 3.57, and 4.42).
3. Revise Plates 1, 21, and 28 of the Comprehensive

Management Plan to reflect the precise boundaries of the Pinelands Preservation and Protection Areas set forth in the New Jersey Pinelands Protection Act. These changes are minor in nature and predominantly involve state or federally owned lands. (N.J.A.C. 7:50-5.3.)

4. Clarify that all owners of undeveloped lands as of February 7, 1979 in Agricultural Production Areas, Special Agricultural Production Areas or the Preservation Area District that are at least one-tenth of an acre in size will be entitled to at least one-quarter of a Pinelands Development Credit. (N.J.A.C. 7:50-5.43.)

5. Clarify the specific wording of provisions concerning the expansion of existing landfills in Agricultural Production and Forest Areas. (N.J.A.C. 7:50-6.74.)

6. Clarify that agricultural activities are not subject to the Plan's water resource programs. General exemptions which apply to water programs are contained in the Plan; however, a specific reference in the water resource section is proposed for clarity. (N.J.A.C. 7:50-6.81 and 6.83.)

7. Clarify the specific wording of provisions prohibiting the introduction of various hazardous and toxic wastes in the Pinelands. (N.J.A.C. 7:50-6.87.)

8. Clarify that the fire hazard mitigation standard regarding the spacing of trees applies to Pine trees. (N.J.A.C. 7:50-6.114.)

9. Clarify that 25 acre units are to be used to describe the sequence and length of operation in resource extraction operations. (N.J.A.C. 7:50-6.66.)

Other changes are more substantive and will:

1. Provide greater flexibility in determining affordable housing for low, moderate, and middle income households and allow an applicant for development approval to propose alternative methods for providing varied housing opportunities if the Plan's requirements can not be met. (N.J.A.C. 7:50-2.11 and 6.123.)

2. Require the Executive Director to issue a Certificate of Filing upon determining that an application for development is complete, rather than under a separate time frame. (N.J.A.C. 7:50-4.24.)

3. Eliminate the requirement that certain notices be sent by certified mail. (N.J.A.C. 7:50-4.25, 4.27, 4.29, 4.30, and 4.73.)

4. Provide State agencies which manage land within the Pinelands with an opportunity to submit comprehensive management plans to the Commission for review. If approved by the Commission, proposed development activities will be evaluated on the basis of the State agency plan. This proposal has been structured to be analogous to the county and municipal certification process set forth in the Plan. (N.J.A.C. 7:50-4.42.)

5. Require municipalities within the Protection Area to establish a program for transferring or clustering development rights which might be granted to alleviate an applicant's hardship. This expands the previous requirement which applied only to areas suitable for clustering in Forest Areas and Rural Development Areas and also allows a municipality to institute an internal transfer of development rights program (pp. 203 and 208 of Part I of the New Jersey Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-4.55, and 5.30).

6. Clarify the flexibility municipalities have in designating the boundaries of Pinelands Villages. (N.J.A.C. 7:50-5.16.)

7. Add fish and wildlife management as a permitted use within the Forest Area which a municipality may permit at its discretion. (N.J.A.C. 7:50-5.23.)

8. Add fish and wildlife management and forestry as allowable uses in Special Agricultural Production Areas. (N.J.A.C. 7:50-5.25.)

9. Expands the landscaping program to allow additional trees and shrubs to be used for landscaping purposes and provides greater flexibility to applicants for development in establishing lawn areas. (N.J.A.C. 7:50-6.23.)

Social Impact

These amendments will affect the general public, applicants for development projects in the Pinelands, and State and local government officials as noted below. Clarification of various provisions of the New Jersey Pinelands Comprehensive Management Plan will enable those who are interested in or who work with the Plan to more readily understand and apply its provisions.

The amendments will also:

1. Enable varied housing opportunities to be provided in the event strict conformance with the Plan's requirements are not otherwise possible;
2. Encourage comprehensive land use planning for managing State resources rather than reliance upon individual and less efficient decisionmaking;
3. Provide a greater opportunity to relieve hardships created by the Plan through an expanded development transfer and cluster program while at the same time providing municipalities with greater flexibility in developing a suitable cluster or transfer program;
4. Allow municipalities to more fully recognize and consider specific physical and natural characteristics when designating Pinelands Villages; and
5. Provide applicants and municipalities with a wider range of choices in developing landscaping plans for residential, commercial, and industrial developments.

Economic Impact

Clarification of various provisions of the Plan will result in a clearer understanding of the requirements; thus saving time of and consequent costs to applicants and the Commission due to misunderstandings which might otherwise occur. Elimination of certain notice requirements by certified mail will reduce costs to the Commission, local governments, and State agencies.

As a result of the proposed modifications in the housing requirements, applicants may now be able to proceed with residential developments that might otherwise have not been able to meet the strict test of initial housing regulation. Applicants for waivers from the Plan due to a hardship will have a greater opportunity to receive financial relief due to the expanded transfer and cluster program. The changes in the Plan's landscaping requirements will also benefit commercial landscaping and horticultural businesses by increasing the number and type of allowable planting materials.

Copies of the full text of the proposed amendments can be obtained from the person indicated below.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 15, 1981. These submissions, and any inquiries about submissions and responses should be addressed to:

John C. Stokes, Assistant Director
New Jersey Pinelands Commission
P.O. Box 7
New Lisbon, New Jersey 08064

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

This proposal is known as PRN 1981-188.

(a)

ENVIRONMENTAL PROTECTION

PINELANDS COMMISSION

Notice of Revisions to Official

Map of the Pinelands of New Jersey

Take notice that the Pinelands Commission, at its July 17, 1981 meeting, adopted a revised official map of the New Jersey Pinelands Area and Pinelands National Reserve (see P.L.1979, c.111).

All the revisions are adjustments of Preservation Area and Protection Area boundaries. The revisions show the correct boundaries of State and Federal landholdings at the time of the Pinelands Protection Acts' adoption. The revisions are as follows:

1. An addition to the northern boundary of McGuire Air Force Base in North Hanover Township.
2. A change in the northeastern boundary of the Colliers Mills Fish and Wildlife Management Area in Jackson Township.
3. An addition to the northwestern boundary of Lebanon State Forest in Pemberton Township.
4. A change in the eastern boundary of Lebanon State Forest in Manchester Township.
5. An addition to the southern boundary of the Wharton State Forest in Mullica Township.

The incorrect mapping was apparently due to the DEP's use of outdated maps in the delineations of these public properties, therefore affecting the Pinelands Protection Area and Preservation Area boundaries that follow these public properties.

The revised map will be available for inspection at The Office of the Pinelands Commission, P.O. Box 7, New Lisbon, New Jersey 08064, and can be purchased for \$2.00 at the Pinelands Commission office.

(b)

ENVIRONMENTAL PROTECTION

CLEAN AIR COUNCIL

Notice of Hearing on Air Pollution Control

The Clean Air Council, an advisory body in the Department of Environmental Protection, will hold its annual public hearing on October 19, in the Archives Room of the New Jersey State Museum in Trenton from 9:00 A.M. until close of testimony. The topic is: HOW SHOULD NEW JERSEY ALLOCATE ITS AIR POLLUTION CONTROL RESOURCE IN THE 1980's. The hearing is taking place pursuant to N.J.S.A. 26:2C-3.3(h), which requires that the Council hold hearings at least once a year in regard to existing air pollution control, statutes, codes, rules and regulations and upon the state of the art and technical capabilities and limitations in air pollution control.

Anyone wishing to testify should contact Paul Nicolette at (609) 984-0495 or write to him at the Division of Environmental Quality, CN 027, Trenton, New Jersey 08625.

This notice is published as a matter of public information.

(a)

ENVIRONMENTAL PROTECTION DIVISION OF WATER RESOURCES

Notice of Filing Requirement: Water Diversions of More Than 100,000 Gallons

Take notice that pursuant to section 6 of P.L.1981, c.262 (the Water Supply Management Act):

1. All persons having or claiming a right to divert more than 100,000 gallons of water per day from any waters of this State pursuant to a prior legislative or administrative action, including persons previously exempt from the requirement to obtain a permit, must renew that right by applying before February 10, 1982, to the Department of Environmental Protection.

2. Persons claiming such a right shall file documents before the above date which indicate the following:

A. The basis of the applicant's claim to the right to divert water;

B. The amount of water presently being diverted by the applicant;

C. Whether any of the water being diverted by the applicant is subject to contract; and

D. Whether the amount of water being diverted by the applicant is reasonably required for a demonstrated future need.

Applications, or questions concerning claims should be addressed to:

Office of Water Allocation
Division of Water Resources
CN 029
Trenton, N.J. 08625

Applications for diversions for agricultural or horticultural uses should be submitted to the appropriate county agricultural agent.

Following the receipt of an application, the Division shall review it for sufficiency, and shall, upon public notice, hold a hearing on the claim. All diversion permits issued by the Water Policy and Supply Council prior to the effective date of the Act shall remain in effect until modified pursuant to the Act. Any person presently diverting or claiming the right to divert more than 100,000 gallons of water per day who does not hold a valid Water Policy and Supply Council permit shall lose the right to divert water if that person fails to file an application to establish that claim prior to February 10, 1982.

This Notice is published as a matter of public information.

(b)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Public Notice of State Certifications of Draft NPDES Permits

Jerry Fitzgerald English, 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.

(c)

HEALTH

THE COMMISSIONER

Adopted Amendment: N.J.A.C. 8:31A-7 Standard Hospital Accounting and Rate Evaluation (SHARE) Manual Section G 1982 Hospital Rate Review Guidelines

Effective Date: September 10, 1981

Operative Date: January 1, 1982

On July 2, 1981, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:31A-7 concerning cost containment in acute care, specialty and rehabilitation hospitals as proposed in the Notice published in the May 7, 1981 New Jersey Register, at 13 N.J.R. 266(a), but with spelling, punctuation and other technical changes not in violation of N.J.A.C. 1:30-3.5.

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

Section 6.B.5

5. The 1980 Adjusted Approved amount will be determined by adjusting the most recent 1980 approved amount (Final Administrative Rate, Administrative Payment Rate, or Proposed Administrative Rate) for actual volume variances, relevant certificate of need and other legal changes, and excluding depreciation and lease costs in the Plant cost center, interest, malpractice and utility costs. This Adjusted Approved amount will be compared to the 1980 actual costs less peer comparison challenges and exclusive of depreciation and lease costs in the Plant cost center, malpractice and utility costs. If the actual costs are in excess of the Adjusted Approved amount, the amount of excess is the overspending challenge. The overspending challenge will be increased by the economic factor and deducted from the reasonable costs for 1982. This adjustment will be made separately for the non-physician and physician portions. *[of the budget.]* No trade-offs will be allowed.

Section 6.B.10

10. A hospital may either accept its Proposed Alternate Rate or proceed to a review with the Analyst. Request for additional costs for management changes must be justified by a full presentation of the dollar value of the benefits and a complete explanation of any other benefits resulting from the program which cannot be given a dollar value. If the hospital accepts the Proposed Al-

ternate Rate, this become*s* the Final Administrative Rate.

Section 14D

D. The determination of the characteristics of a hospital's catchment area will be based on population information published in *[Population Estimates for New Jersey, July 1, 1980.]* *New Jersey 1980 Census Counts of Population by Race and Spanish Origin,* by the State of New Jersey Department of Labor and Industry, area information published in *New Jersey County and Municipal Work Sheets - PT 1, January, 1976,* by the Department of Community Affairs, Division of State and Regional Planning, and economic characteristics published in the latest official United States Census. For purposes of classifying New Jersey's hospitals by catchment area characteristics, the following criteria are used:

Section 18.E.1

1. Where a hospital has been granted an adjustment for the purpose of reducing unreasonable costs (base period challenges) in any cost center in 1982 no similar adjustment shall be made in 198*[2]* *3*. The hospital may appeal a situation in which the reasonableness screen is lower in 198*[2]* *3* than it was in 198*[1]* *2*.

An order adopting the rule was filed with the Office of Administrative Law on August 13, 1981 as R.1981 d.325.

(a)

HIGHER EDUCATION THE CHANCELLOR

Proposed Amendment: N.J.A.C. 9:2-11.7 Administrative Policies Benefits Under Veterans Tuition Credit Program

T. Edward Hollander, Chancellor of Higher Education, pursuant to authority of N.J.S.A. 18A:71-71, proposes to amend N.J.A.C. 9:2-11.7 concerning the awards payable under the Veterans Tuition Credit Program.

Summary

The proposed amendments increase the amount of awards made pursuant to this program to the maximum provided by statute (see N.J.S.A. 18A:71-69).

Social Impact

The proposed amendments will provide increased awards to certain veterans to defray the cost of their collegiate education.

Economic Impact

The proposed amendments will permit expenditure of the monies appropriated for this purpose during the current fiscal year.

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

9:2-11.7 Benefits limited

(a) Benefits hereunder shall be in the form of tuition credits limited by the lesser of full tuition or:

1. For educational institutions regularly operated on a semester system, [\$100] \$200.00 per semester;
2. For educational institutions regularly operated on the quarter system, [\$50] \$100.00 per quarter;
3. Other system—[\$25] \$50.00 per month or a maximum

of [\$200] \$400.00 per year for veterans attending on a full-time basis.

(b) The award amounts shown in (a) above [subsection (a) of this section] will be granted to all eligible veterans who are enrolled as full-time students as determined by the institution provided this determination meets the minimum requirements as described in [section 4 of this subchapter] N.J.A.C. 9:2-11.4. For half-time students, the award amounts will be one-half the amount shown.

(c) In the event the available appropriation is insufficient to pay all eligible veterans the amount in (a) above [subsection (a) of this section], the Chancellor of Higher Education shall prorate the available funds.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eric M. Perkins
Administrative Practice Officer
Department of Higher Education
225 West State Street
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-184.

(b)

HIGHER EDUCATION STUDENT ASSISTANCE BOARD

Proposed Amendment: N.J.A.C. 9:7-3.1 Student Assistance Programs Tuition Aid Grant Program Award Table

The Student Assistance Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-74, proposes to amend N.J.A.C. 9:7-3.1 concerning the amounts of awards made under the Tuition Aid Grant Program.

Summary

The proposed amendment adopts an award table for the 1981-82 college year.

Social Impact

Tuition Aid Grant awards will be made pursuant to the table to eligible New Jersey residents to enable them to pay tuition to attend college.

Economic Impact

The proposed award table will provide for tuition aid grants within the appropriation provided therefore under the appropriations act.

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

9:7-3.1 Tuition Aid Grant Award Table

The value of the grant, which ranges from a minimum of \$100.00 to a maximum of [\$1,200,] \$1,400, is related to the tuition charges of the various institutional sectors in New Jersey and the student's ability to pay for educational costs. The award table below shows approximate award levels depending upon tuition and ability to pay.

TUITION AID GRANT (TAG) TABLE
[APPROXIMATE TUITION AID GRANT VALUES*
NEW JERSEY COLLEGES AND UNIVERSITIES

ESTIMATED FAMILY CONTRIBUTION	COUNTY COLLEGES	STATE COLLEGES	INDEPENDENT INSTITUTIONS	RUTGERS UNIV. & N.J. INST. OF TECHNOLOGY	OUT-OF-STATE COLLEGES AND UNIVERSITIES
A	B	C	D	E	F
\$ Under 750	\$500	\$740	\$1200	\$832	\$500
750 - 1049	400	700	1100	800	500
1050 - 1349	300	600	1000	700	500
1350 - 1649	200	500	900	600	500
1650 - 1949	100	400	800	500	400
1950 - 2249	0	300	700	400	300
2250 - 2549		200	600	300	200
2550 - 2849		100	500	200	100
2850 - 3149		0	400	100	0
3150 - 3449			300	0	
3450 - 3749			200		
3750 - 4049			100		
Over 4049			0		

* In accordance with State guidelines the value of your grant may increase or decrease dependent upon appropriated funds, your college budget and your available resources from the State, the Federal Basic Educational Opportunity Grant Program and your Estimated Family Contribution.]

APPROXIMATE TUITION AID GRANT VALUES*

NEW JERSEY COLLEGES AND UNIVERSITIES						
ESTIMATED FAMILY CONTRIBUTION (EFC)	COUNTY COLLEGES	STATE COLLEGES	INDEPENDENT INSTITUTIONS	RUTGERS UNIV. & N.J. INST. OF TECHNOLOGY	OUT-OF-STATE COLLEGES AND UNIVERSITIES	
A	B	C	D	E	F	
					Renewals	Initials
\$ Under 750	\$550	\$800	\$1400	\$940	\$450	\$200
750 - 1049	450	750	1200	850	260	0
1050 - 1349	300	600	1000	700	260	
1350 - 1649	200	500	900	600	260	
1650 - 1949	100	400	800	500	160	
1950 - 2249	0	300	700	400	100	
2250 - 2549		200	600	300	0	
2550 - 2849		100	500	200		
2850 - 3149		0	400	100		
3150 - 3449			300	0		
3450 - 3749			200			
3750 - 4049			100			
Over 4049			0			

* In accordance with State guidelines the value of your grant may increase or decrease dependent upon appropriated funds, your college budget, your available resources and your Estimated Family Contribution.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eric M. Perkins
 Administrative Practice Officer
 Department of Higher Education
 225 West State Street
 Trenton, N.J. 08625

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

This proposal is known as PRN 1981-176.

(a)

HUMAN SERVICES

DIVISION OF MENTAL RETARDATION

Proposed Amendments: N.J.A.C. 10:44A Manual of Standards for Community Residences for the Developmentally Disabled

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:11B-4, proposes to amend N.J.A.C. 10:44A concerning the Manual of Standards for community residences for the developmentally disabled, by deleting the current text in its entirety and substituting new text therefor.

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 sponsors and the citizens of New Jersey.

Social Impact

The intention is to improve the standard of care available to developmentally disabled persons living in community residences (other than their own homes). The proposed amendments will affect 67 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.

Economic Impact

The economic impact is negligible. The proposed amendments do not require the sponsor to spend additional money on programming or building renovations.

Copies of the full text of the proposed amendments can be obtained from the person and address indicated below.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Magdalen E. Walker
Administrative Procedures Officer
CN 700
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-204.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted Amendments: N.J.A.C. 10:49-1.5 and 10:54-1.3

Administration Manual and Physician Manual Record Keeping by Providers

Effective Date: September 10, 1981

On August 10, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-5 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:49-1.5 and 10:54-1.3 concerning record keeping by providers as proposed in the Notice published September 4, 1980 at 12 N.J.R. 520(b), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

There were no changes to N.J.A.C. 10:54-1.3. Changes to the Administration Manual, N.J.A.C. 10:49-1.5, reflect the Division's new policy that providers must accurately identify the procedure being billed, and provide an accurate, legible narrative description and corresponding procedure code on the claim form.

Full text of the changes in the rule between proposal and adoption follows (additions to proposal indicated in bold-face with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*).

10:49-1.5 General exclusions

(a) (No change from proposal.)

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

12. Services billed for which the corresponding health care records do not adequately *[or]* *and* legibly document all required elements of the procedure described [of] or procedure code utilized by the billing provider, as specified in the provider manual. Final payment will be made for the procedure *[code fee]* which most closely corresponds to the procedure *[code which is actually]* documented in the provider's health care record. Therefore, any difference between the amount paid to the provider *, based on claim submitted,* and the procedure *[code]* documented in the provider's record may be recouped by the Division of Medical Assistance and Health Services.

An order adopting the rule was filed with the Office of Administrative Law on August 13, 1981 as R.1981 d.329.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted Amendment: N.J.A.C. 10:49-1.17 Administration Manual Suspended Providers

Effective Date: September 10, 1981
Operative Date: October 1, 1981

On July 17, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-17a

and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 10:49-1.17 concerning suspended providers as proposed in the Notice published April 9, 1981 at 13 N.J.R. 222(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on July 31, 1981 as R.1981 d.315.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted New Rule: N.J.A.C. 10:49-1.26

Adopted Amendments: N.J.A.C. 10:50-2.9;

10:51-5.25; 10:55-2.3; 10:56-2.2; 10:59-2.11;

10:60-2.3; 10:62-3.7, 3.10; 10:65-2.6;

10:66-2.4

Patient Certification

Effective Date: September 10, 1981

On August 12, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 10:49-1.26 and amendments to several manuals concerning patient certification as proposed in the Notice published July 9, 1981 at 13 N.J.R. 413(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 14, 1981 as R.1981 d.331.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted Emergency Amendment: N.J.A.C.

10:51-1.17

Medicaid and PAA Programs

Thirty Cent Dispensing Fee Increase for Pharmacists

Emergency Amendment Effective Date:

August 14, 1981

Emergency Amendment Expiration Date:

October 13, 1981

On July 22, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6(b)(6), 30:4D-7 and 30:4D-7b, and the applicable provisions of the Administrative Procedure Act, and upon certification by the Governor of the State of New Jersey that an imminent peril exists (see N.J.S.A. 52:14B-4(c)), adopted an emergency amendment to N.J.A.C. 10:51-1.17 concerning granting pharmacists a 30 cent fee increase for dispensing Medicaid and Pharmaceutical Assistance to the Aged (PAA) prescriptions.

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

10:51-1.17 Legend drug dispensing fee

(a) The dispensing fee for legend drugs, dispensed by providers having Retail Permits to patients other than those in long-term care facilities, as defined in this subchapter, shall be [~~\$2.20~~] **\$2.50**. Additional increments shall be given to pharmacy providers who provide the following:

1. - 4. (No change.)

(b) (No change.)

This adopted emergency amendment is the same as that proposed in this issue of the Register at 13 N.J.R. 575(c), which was filed with the Office of Administrative Law on August 11, 1981 as PRN 1981-201.

The emergency amendment was filed with the Office of Administrative Law on August 14, 1981 as R.1981 d.330.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendment: N.J.A.C. 10:51-1.17

Pharmaceutical Services Manual

Legend Drug Dispensing Fee

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6b(6), N.J.S.A. 30:4D-7, and N.J.S.A. 40:4D-22b, and the New Jersey Appropriations Act (P.L. 1981, Ch 190), proposes to amend N.J.A.C. 10:51-1.17 concerning a dispensing fee increase for legend drugs.

Summary

This regulation will provide pharmacists with a \$0.30 per prescription increase in the dispensing fee for legend drugs for both the Medicaid and Pharmaceutical Assistance for the Aged Programs. The New Jersey Appropriations Act (P.L. 1981, Ch 190) authorized the Division to grant this increase in the dispensing fee.

Social Impact

There should be a positive social impact on both pharmaceutical providers and the community. The providers should continue to participate in both the Medicaid and PAA Programs, thereby enabling qualified individuals to receive necessary pharmaceutical services.

Economic Impact

The New Jersey Legislature has already appropriated the money to cover the dispensing fee increase. Most pharmaceutical providers should receive a fee increase for filling Medicaid and PAA prescriptions. Since this regulation pertains only to providers, there is no economic impact on Medicaid recipients and PAA beneficiaries.

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

10:51-1.17 Legend drug dispensing fee

(a) The dispensing fee for legend drugs, dispensed by providers having Retail Permits to patients other than those in long-term care facilities, as defined in this subchapter, shall be [~~\$2.20~~] **\$2.50**. Additional increments shall be given to pharmacy providers who provide the following:

1. - 4. (No change.)

(b) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. 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 adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-201.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments: N.J.A.C. 10:51-1.17, 1.18 Pharmaceutical Services Manual

Legend Drug Dispensing Fee: Administrative Charges

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6b(6), N.J.S.A. 30:4D-7, and N.J.S.A. 30:4D-22b, proposes to amend N.J.A.C. 10:51-1.17 and 1.18 concerning an administrative charge for dispensing legend drugs.

Summary

The dispensing fee increase identified in Option I has already been adopted by emergency rule R.1981 d.330, effective August 14, 1981. It is also the subject of a separate proposal. It is repeated here to insure textual continuity.

The proposal specified in Option II allows pharmacies the option of receiving an administrative charge (up to \$.25 per claim) rather than the \$.30 dispensing fee increase.

The administrative charge option addresses the needs of those providers whose usual and customary charges to the general public are too low to enable them to benefit from an increase in the dispensing fee. Federal regulations prevent the Medicaid program from paying more than the provider's usual and customary charge to the general public (42 CFR 447.331). This limitation will not be exceeded under either option selected by the provider.

This proposal is applicable to both the Medicaid Program and Pharmaceutical Assistance for the Aged.

Social Impact

This rule will allow marketplace principles to regulate drug costs to all sectors by allowing the partial recovery of administrative costs by providers, thereby removing the immediate necessity of pharmacies to raise prescription prices to the general public. Any increased charges to the general public also reflects adversely on government programs.

Economic Impact

The New Jersey Appropriations Act (P.L. 1981, Ch 190) allocated funds for the fee increase. Medicaid expenditures are expected to increase approximately two million dollars (Federal-State matching funds) as a result of said increase.

This regulation will allow providers to select the reimbursement option most favorable to their operation. There should be no economic impact on Medicaid recipients and/or PAA beneficiaries, as this proposal only affects provider reimbursement.

Full text of the proposed amendments follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

10:51-1.17 Legend drug dispensing fee

(a) **Option I:** The dispensing fee for legend drugs dispensed by providers having Retail Permits to patients other than those in long-term care facilities, as defined in this subchapter, shall be ~~[\$2.20.]~~ \$2.50. Additional increments shall be given to pharmacy providers who provide the [following:] four items listed in (b)1-4 below.

(b) **Option II: Administrative charges.**

The dispensing for legend drugs under this option shall be \$2.20. However, the provider may receive up to \$.25 for administration over and above the submitted usual and customary charges within the limits set forth in N.J.A.C. 10:51-1.18(b) of the Pharmaceutical Services Manual. Additional increments shall be given to pharmacy providers who provide the four items listed below:

Renumber (a)1-4 as (b)1-4 without change in text.

[[b)] (c) In order to receive any or all of the above increments, the provider must certify annually to the Division on Form FD-70, that the service(s), as defined above, are being provided and/or that the provider is entitled to the impact allowance as defined in (a) and (b) above. Providers must specify either option I or II on Form FD-70.

1. (No change.)

10:51-1.18 Legend drugs: Total charge

(a) **Option I:** The maximum charge to the New Jersey Health Services (Medicaid) Program for a legend drug, including the charge for the cost of medication and the dispensing fee, may not exceed the lowest of the following:

1. - 3. (No change. Note: These rules are presently improperly codified as i. - iii.)

(b) **Option II:** The maximum charge to the New Jersey Health Services (Medicaid) Program for a legend drug, including the charge for the cost of medication and the dispensing fee, may not exceed the lowest of the following:

1. "Cost" plus dispensing fee as outlined herein; or

2. Usual and customary and or posted or advertised charges plus a charge for administration as outlined herein; or

3. Other third prescription plan charges.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. 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 adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-208.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted New Rules: N.J.A.C. 10:51-3.4—3.21
Adopted Amendments: N.J.A.C. 10:51-3.1,
3.2, 3.3

Pharmaceutical Services Manual
Pharmaceutical Services Provided to Medicaid
Recipients in Long Term Care Facilities

Effective Date: September 10, 1981
Operative Date: October 1, 1981

On August 17, 1981, Selma Rubin, Acting Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 30:4D-6b(6) and 30:4D-7b and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:51-3.1 through 3.3 and new rules to be cited as N.J.A.C. 10:51-3.4 through 3.21 concerning pharmaceutical services provided to Medicaid recipients in long term care (LTC) facilities as proposed in the Notice published July 9, 1981 at 13 N.J.R. 415(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 19, 1981 as R.1981 d.344.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendment: N.J.A.C. 10:51-3.15
Pharmaceutical Services Manual
Capitation of Dispensing Fee for Legend Drugs
Provided to Long-Term Care Patients

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6b(6) and N.J.S.A. 30:4D-7 and 7b, proposes to amend N.J.A.C. 10:51-3.15 concerning capitation of the dispensing fee for legend drugs provided to long term care patients.

Summary

This proposal will increase the capitation of the dispensing fee for legend drugs to long term care pharmacy providers. The amount of the increase is set forth below.

Pharmacies with retail permits will receive the full fee increase; pharmacies with institutional permits will receive 75 percent of the fee increase. This represents no change in Division policy. This proposal is an amendment to new rules that were published July 9, 1981 at 13 N.J.R. 415(b). The Division intends to adopt said rules, which will become operative on October 1, 1981.

Social Impact

If there is any social impact, it should be positive. Pharmacies should continue to provide services to Medicaid recipients in long term care facilities, thereby enabling recipients to receive necessary medication.

Economic Impact

It is estimated this proposal will cost \$245,000 (State share \$122,500). Funds have been allocated for FY 1982 as part of the Medicaid appropriation for pharmacy fees. The pharmacies who provide services to Medicaid approved long term care facilities will receive a fee increase. There will be no cost to the Medicaid recipients.

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

10:51-3.15 Capitation of dispensing fee for legend drugs provided to long-term care patients

(a) The New Jersey Medicaid Program capitates the dispensing fee for legend drugs for patients in Medicaid approved long-term care facilities in accordance with the total number of Medicaid patient days in the facility(ies) serviced by the pharmacy.

1. Pharmacies with retail permits dispensing medication in a dispensing system in which a 24-hour supply of unit dose oral medication, both solid (i.e. tablets, capsules) and liquid formulations, is delivered for each patient daily, shall be reimbursed the cost of all reimbursable legend medication plus a fee of [\$.45] \$.492 per patient day.

1. (No change.)

2. Pharmacies with a retail permit dispensing medication in a dispensing system in which up to a one month supply of oral unit dose solid medication is delivered for each patient (i.e., unit dose solids, "bingo" card), shall be reimbursed the cost of all reimbursable legend medication plus a fee of [\$.35] \$.383 per patient day.

3. Pharmacies with a retail permit dispensing medication in a dispensing system in which a maximum one month supply of medication is delivered for each patient monthly shall be reimbursed the cost of all reimbursable legend medication plus a fee of [\$.30] \$.328 per patient day.

4. Pharmacies which provide ancillary computerized services, such as, but not limited to, continuously updated computerized patient profiles, clinical records (med sheets and physicians' orders on at least a monthly basis), etc., will receive an added increment of \$.05 per patient day, thereby making the total fee [\$.50,] \$.542, [\$.40] \$.433 or [\$.35], \$.378 depending upon the dispensing system used.

5. (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. 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, N.J. 08625

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

This proposal is known as PRN 1981-212.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted Amendments: N.J.A.C. 10:52-1.2—1.4, 1.7—1.9, 10:53-1.1—1.3, 1.6 and 1.7 Hospital and Special Manuals

**Effective Date: September 10, 1981
Operative Date: September 15, 1981**

On August 10, 1981, Timothy L. Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7b and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to various sections in N.J.A.C. 10:52 and 10:53 concerning the amount and scope of services to be covered and the duration of medical assistance to be furnished as proposed in the Notice published July 9, 1981 at 13 N.J.R. 416(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 13, 1981 as R.1981 d.327.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Adopted New Rule: N.J.A.C. 10:67-2.10
Adopted Amendment: N.J.A.C. 10:54-3
Physicians' Services Manual and Psychological Services Manual
Procedures Codes**

**Effective Date: September 10, 1981
Operative Date: October 1, 1981**

On July 16, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 10:67-2.10 and amendments to N.J.A.C. 10:54-3 concerning procedure codes for psychological and psychiatric services as proposed in the Notice published May 7, 1981 at 13 N.J.R. 298(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

The changes include a separate procedure code for psychologists designated by the letter "X". The Division intends to have separate procedure codes for psychiatrists and psychologists to distinguish between medical and non-medical procedures. However, the basic descriptions and fee schedules remain the same. Other changes include retention of procedure code 9061, and the insertion of a \$26 non-specialist fee for procedure code 9056. This fee was omitted from the original proposal.

An order adopting the rule was filed with the Office of Administrative Law on July 28, 1981 as R.1981 d.305.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Adopted Amendments: N.J.A.C. 10:54-3
Physicians Services Manual
Procedure Codes for Physicians and Optometrists**

**Effective Date: September 10, 1981
Operative Date: October 1, 1981**

On July 22, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7 and 7b and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:54-3 concerning the Procedure Code Manual as proposed in the Notice published May 7, 1981 at 13 N.J.R. 298(b), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

The changes include redesignating the HCFA-1500 claim form as 1500-N.J., and the revision of codes 9006, 0011, and 9580 to include age groupings recommended by the American Academy of Pediatrics and the Medicaid Child Health Advisory Committee.

An order adopting the rule was filed with the Office of Administrative Law on July 31, 1981 as R.1981 d.314.

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Proposed Amendment: N.J.A.C. 10:54-3.1
Procedure Code Manual
Reimbursement for Radiologists and Anesthetists**

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6(1) and N.J.S.A. 30:4D-7, proposes to amend N.J.A.C. 10:54-3.1 concerning reimbursement for Radiologists and Anesthetists.

Summary

This proposed regulation redefines the Division's policy that radiology services performed in a hospital are reimbursable to the hospital and not the physician delivering the services.

Anesthesia services are reimbursable when provided by a physician, when provided by a Certified Registered Nurse Anesthetist, or when provided by an assistant surgeon in accordance with the conditions set forth below. The formula for anesthesia reimbursement is also contained in the regulation.

Social Impact

There should be no social impact associated with this proposal. There is no increase or decrease in services.

Economic Impact

There is no economic impact associated with this proposal, because there is no change in reimbursement. The proposal only describes how reimbursement is made.

Copies of the full text of the proposed amendment can be obtained from the person and address listed below.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. 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 adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-207.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Adopted Amendments: N.J.A.C. 10:57-1.4 and 1.9
Podiatry Services Manual
Prior Authorization for Certain Services**

Effective Date: September 10, 1981

On July 16, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6a(8) and 30:4D-7(b), and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:57-1.4 and 1.9 concerning prior authorization for certain podiatric services as proposed in the Notice published June 4, 1981 at 13 N.J.R. 360(a), but with spelling, punctuation, or other technical changes not in violation of N.J.A.C. 1:30-3.5.

The only change was a post office box correction (CN 712) to the note at 10:57-1.4(b)3i(1).

An order adopting the rule was filed with the Office of Administrative Law on July 22, 1981 as R.1981 d.300.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Adopted Amendment: N.J.A.C. 10:59-1.10
Medical Supplier Manual
IPPB Equipment: Purchase or Rental**

Effective Date: September 10, 1981

Operative Date: November 1, 1981

On August 7, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7b and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments concerning the purchase or rental of IPPB equipment as proposed in the Notice published April 9, 1981 at 13 N.J.R. 223(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 13, 1981 as R.1981 d.328.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Adopted Amendment: N.J.A.C. 10:61-1.4
Independent Laboratory Services
Physician Orders for Laboratory Services**

Effective Date: September 10, 1981

On August 12, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7b and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 10:61-1.4 concerning physician orders for laboratory services as proposed in the Notice published July 9, 1981 at 13 N.J.R. 430(d), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 18, 1981 as R.1981 d.342.

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Adopted Amendment: N.J.A.C. 10:63-1.14
Long Term Care Services Manual
Retention of Records**

Effective Date: September 10, 1981

On August 18, 1981, Selma Rubin, Acting Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 30:4D-12, and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 10:63-1.14 concerning record retention as proposed in the notice published July 9, 1981 at 13 N.J.R. 431(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 19, 1981 as R.1981 d.345.

(e)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Adopted Amendment: N.J.A.C. 10:63-3.8
Long Term Care Services Manual
Nursing Care Costs**

Effective Date: September 10, 1981

Operative Date: October 1, 1981

On August 5, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 10:63-3.8 concerning reasonableness limits for nursing care in long term care facilities as proposed in the Notice published June 4, 1981 at 13 N.J.R. 360(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 13, 1981 as R.1981 d.326.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Adopted Amendment: N.J.A.C. 10:65-2.1
Medical Day Care
Change in Reimbursement Rate**

**Operative Date: October 1, 1981
Effective Date: September 10, 1981**

On July 27, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7b and in accordance with the applicable provisions of the Administrative Procedure Act, adopted the amendment to N.J.A.C. 10:65-2.1 concerning Medical Day Care reimbursement rates as proposed in the Notice published June 4, 1981 at 13 N.J.R. 362(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 6, 1981 as R.1981 d.318.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Adopted Amendments: N.J.A.C. 10:66-3.1,
3.2 and 3.3
Independent Clinic Manuals
Procedure Codes**

**Effective Date: September 10, 1981
Operative Date: October 1, 1981**

On July 22, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7 and 7b and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:66-3.1, 3.2 and 3.3 concerning procedure codes as proposed in the Notice published June 4, 1981 at 13 N.J.R. 363(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

Changes include redesignating the HCFA-1500 claim form as 1500-N.J., and the revision of codes 9006, 0011, and 9580 to include age groupings recommended by the American Academy of Pediatrics and the Medicaid Child Health Advisory Committee.

An order adopting the rule was filed with the Office of Administrative Law on July 31, 1981 as R.1981 d.313.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Adopted Amendment: N.J.A.C. 10:69A-5.6
Pharmaceutical Assistance to the Aged
Eligibility Determinations**

Effective Date: September 10, 1981

On August 12, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-24 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 10:69A-5.6 concerning PAA eligibility determinations as proposed in the Notice published July 9, 1981 at 13 N.J.R. 432(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 14, 1981 as R.1981 d.332.

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

**Proposed Amendment: N.J.A.C. 10:81-7.22
AFDC Program
Funeral or Burial Payments for Children**

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend N.J.A.C. 10:81-7.22 concerning the allowances payable by county welfare agencies for funerals and burials of children.

Summary

The maximum amounts which county welfare agencies may pay for the funerals and burials of deceased recipient adults are specified in statute (N.J.S.A. 44:7-13). The payments for funerals and burials of children have historically been scaled down from the adult maximums and imposed as maximums by administrative authority. While these administrative maximums were increased at the time of the most recent statutory increase for adults (July 1, 1980), current review shows that inflation has rendered the scaling ratios obsolete. This proposal makes no change in allowances for adult burials. It increases the maximum amounts which may be paid on account of deceased children, keeping within the statutory maximums in all instances.

Social Impact

This change will, by making a somewhat higher payment available, help the next of kin of deceased children to arrange funerals of appropriate dignity.

Economic Impact

Because the funds in question are not handled by and are not available to survivors or next-of-kin, no financial impact will be held by them. Funeral directors will be able to provide more complete services and/or will be able to reduce losses depending on the level of losses which may already be occurring. Even though cemetery allowances are being increased, the Department does not

expect any noticeable impact on cemeteries because funeral directors have been absorbing deficits which occur when cemetery charges exceed agency allowances. The increase in cemetery allowances will thereby also help funeral directors to provide more complete services and/or reduce losses.

Impact on the public treasury will be small because the need for funeral and burial payments occurs in a low percentage of the AFDC caseload. Further, rates are being increased only for those under age nine because rates for those over that age are already at the statutory maximum. Assuming that funeral and burial costs for children occur in direct proportion to their share of the caseload, 70 percent of the \$64,000 projected State share of all AFDC funeral and burial costs or \$45,000 would apply to children. Thus, considering the amount of the increase and the fact that it applies only to those under age nine, it is estimated that the increased cost to the State will not exceed \$10,000 for FY 1982. Total additional costs to all counties would thereby not exceed \$3333. The federal government does not participate in these costs.

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

10:81-7.22 General principles for participation in burial and funeral expenses

(a) Cost limitations are established within which the county welfare [board] agency may participate in the burial and funeral expenses of deceased recipients.

1. Total cost of burial (or cremation) and funeral, including payment by the county welfare [board] agency, shall not exceed the following:

Age	Maximum Payment by CWA For Cemetery	Contributions For Mortuary	Contributions by others	Limitations on Total Cost
Up to 1 week including stillborn	\$ [50.00] 100.00	\$ [50.00] 100.00	[\$100.00] 200.00	[\$200.00] 400.00
1 week to 2 yrs.	[100.00] 150.00	[225.00] 300.00	200.00	[525.00] 650.00
[2 yrs. thru 8 yrs.	150.00	300.00	200.00	650.00]
[9] 2 yrs. and over including adult	200.00	350.00	250.00	800.00

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

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. 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 adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-185.

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Adopted Amendments: N.J.A.C. 10:87-2, 3.18, 3.24, 4, 5, 7.16, 9 and 11.11

Food Stamp Manual

Supplemental Security Income (SSI), Joint Processing, Social Security Numbers, Verification Requirements and Service Plans

Effective Date: September 10, 1981

On July 28, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-2, 3.18, 3.24, 4, 5, 7.16, 9 and 11.11 concerning Supplemental Security Income (joint processing, Social Security numbers, verification requirements and service plans) as proposed in the Notice published June 4, 1981 at 13 N.J.R. 364(a), but with spelling, punctuation and other technical changes not in violation of N.J.A.C. 1:30-3.5.

The changes subsequent to proposal are summarized as follows:

- The letter "s" in "social security" has been changed to upper case in the following:
N.J.A.C. 10:87-2.21(a)7 - (a)7iii; 2.28(a)3; 3.24; 3.24(a)1; and 7.16(a)5ii.
- The letter "f" in the word "federal" has been changed to upper case in the following:
N.J.A.C. 10:87-4.8(a)17; 4.8(a)17viii; and 9.17(d)1i.
- The letter "D" in the word "Disposition" has been changed to lower case in the following:
N.J.A.C. 10:87-9.20(f)3i.
- At N.J.A.C. 10:87-2.19(a)5, in the last sentence, the abbreviation "CWA's" has been changed to "CWAs".

An order adopting the rule was filed with the Office of Administrative Law on July 31, 1981 as R.1981 d.316.

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendment: N.J.A.C. 10:109-1 Ruling 11

Public Assistance Staff Development Program

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend N.J.A.C. 10:109-1 concerning Ruling 11 and the public assistance staff development program, by deleting the current text in its entirety and substituting new text therefor.

Summary

The proposed ruling provides 21 county welfare agencies policy parameters for the administration of their staff development and training programs. It delineates the components of an acceptable training program which includes initial in-service training for new workers, on-going training opportunities, etc. It also specifies what must be observed in tuition aid/educational leave programs.

Social Impact

This ruling affects 21 county welfare agencies as noted in the summary above. It pertains to the training and development of agency employees necessary to ensure a competent agency staff. It does not directly pertain to the general public except as competent, well-trained county welfare agency staff will be able to more efficiently and effectively operate the agency which is maintained with public funds.

The impact falls most directly upon the staff of the welfare agencies and less directly upon the agencies' clients. This ruling provides a policy base for the staff development program.

Staff will benefit from the specific articulation and clarification of the staff development programs and will be more aware of their rights and responsibilities in this regard. Clients will obviously be benefitted since financial and other services will be more appropriately provided by better trained staff.

Economic Impact

Conformity to uniform regulations is required of county welfare agencies to assure the continuance of Federal financial participation for staff development expenditures now amounting to several million dollars. These regulations require effective planning for staff development and training activities and expenditures which are supervised and approved by the State agency. Specific areas that must receive approval are delineated. This should maximize resource usage across the State.

Full text of the proposed amendment follows (additions indicated in boldface thus). The full text of the rules proposed for deletion appear in the New Jersey Administrative Code.

SUBCHAPTER 1. PUBLIC ASSISTANCE STAFF DEVELOPMENT PROGRAM

10:109-1.1 Objectives for the public assistance staff development program

The purpose of public assistance staff development is to enable the public welfare agency to achieve its operating goals effectively and efficiently. The quality and extent of service an agency is able to provide is dependent on the competence and skill of the staff charged with delivering those services. Therefore, increasing the competence of staff in order to assure the highest quality of service to the people served by the public assistance program is a continuing objective.

10:109-1.2 County Welfare Agency training and staff development personnel

The Director of a county welfare agency (CWA) shall be responsible for the administration of the training and staff development function of the agency. A training supervisor and appropriate additional training and support staff shall be employed in order to adequately provide for the orientation to the agency of all new staff (clerical, professional, para-professional), intensive skill training requisite for effective job performance, supervisory training, and other training needed because of the expanded and/or changing programs, functions, and responsibilities of the total agency.

10:109-1.3 Training advisory committee

Each county welfare agency shall establish a training advisory committee which assists with the development of an annual training plan, staff development and training policies and procedures, programmatic directions.

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

(a) The components of a county welfare agency staff development program shall include: initial in-service training; programmatic in-service training; management and supervisory training; career/professional development; and academic, degree-oriented, and other long-term educational programs.

1. Initial in-service training is a formal training program to acquaint, through intensive task-oriented instruction, new and transferring employees (and volunteers as applicable) with the mission, policies, and procedures of the agency and appropriate subunits, and for building knowledge and skills required to assume new or changing job responsibilities. This also includes orientation to the agency, administrative policies and procedures, communications training and problem-solving instruction.

2. Programmatic in-service training is training related to the tasks and requirements inherent in particular positions within the agency. This training should enable employees to improve their knowledge, skills, and job performance.

3. Management and supervisory training is formalized skill development training for managerial and supervisory staff. It may include training to: develop and use organizational systems, assess agency performance in meeting goals, improve interpersonal skills, better plan and establish fiscal and programmatic priorities and means for implementation, and enhance organizational capacity for service delivery.

4. Career/professional development includes activities and programs aimed at providing information, experiences, and training that may enhance an individual's opportunities for advancement or career development.

5. Academic, degree-oriented, and other long-term educational programs are academic programs which will increase expertise in areas relevant to the agency's mission. These programs may include educational leave, tuition reimbursement, tuition aid.

(b) Educational leave may be full time leave with or without stipend and/or tuition. This may be granted for full-time enrollment in an accredited school of the employee's choice. Only permanent employees may receive full-time leave with or without stipend and/or tuition. Such professional or technical education should be required of the position for which the employee is occupying or will be assigned to. An employee for full-time educational leave must receive prior approval from the Division of Public Welfare as well as the county welfare training advisory committee.

1. If a stipend is requested by the employee and approved by the county welfare agency training advisory committee and the Division of Public Welfare, the stipend is to equal 80 percent of the salary being earned by the employee at the time of registration or \$600.00 per month, whichever is less. This stipend is subject to mandatory deductions and any elective deductions agreed upon by the employee. An employee must have current permanent status in a Civil Service title as one of the conditions for full-time leave with/without a stipend, and/or tuition. Salary is not to be paid to an employee while he/she is receiving a stipend. If the employee is eligible to receive scholarships or stipends from sources other than the agency, he/she must utilize these first and the agency stipend and/or tuition aid may be used to supplement up to the amount the agency would have authorized if it were the single funding source. Such acceptance of financial aid outside of the agency must in no way obligate

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INDEX OF RULES SUPPLEMENTING THE NEW JERSEY ADMINISTRATIVE CODE

The New Jersey Register supplements the New Jersey Administrative Code. The New Jersey Register should be used in the same way as a pocket part, to complete the Code with rules promulgated between the most recent update of each Code title and the most recent Register.

Each rule promulgated subsequent to the most recent update of the Code is listed below in order of its Code citation. At the bottom of the listings for each title is the date of the most recent update for that title. Accompanying the Code citation for each rule is a brief description of its contents, its Office of Administrative Law (OAL) document citation (which should be used if ordering from OAL a copy of the rule), and the Register citation for its adoption notice.

The adoption notice citation can be used to find, in the

pertinent Register, the Register citation for the rule as it was proposed and the substance of any changes in the proposed rule upon adoption. The full text of the proposed rule plus the changes in the proposed rule upon adoption constitute an official copy of the promulgated rule. If the full text of the proposed rule was not printed in the Register, it is available for a fee from:

Administrative Publications
CN 301
Trenton, New Jersey 08625

In order to be sure 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

DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)

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1:1-1.5	Nature of a contested case	R.1981 d.116	13 N.J.R. 254(b)
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1:1-12.3	Standards for intervention in administrative hearings	R.1981 d.119	13 N.J.R. 255(a)
1:1-12.4	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 144(a)
1:1-14.1	Motions to consolidate	R.1981 d.120	13 N.J.R. 255(b)
1:1-14.1, 14.2	Motions to consolidate	R.1981 d.117	13 N.J.R. 255(c)
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2:2-2.3	Vaccination of female bovines	R.1981 d.288	13 N.J.R. 471(a)
2:2-2.4	Amend conformity of brucellosis tests with Federal standards	R.1980 d.422	12 N.J.R. 627(b)
2:2-2.16	Slaughtering of market cattle and goats	R.1981 d.40	13 N.J.R. 115(b)
2:3-2.3, 2.4	Brucellosis and tuberculosis tests for cattle	R.1981 d.39	13 N.J.R. 115(a)
2:3-4.1	Amend movement of livestock	R.1981 d.41	13 N.J.R. 115(c)
2:5-1	Repeal hog cholera quarantines	R.1981 d.42	13 N.J.R. 115(d)
2:48-5	Restrictions on coupons in milk promotion	R.1980 d.519	13 N.J.R. 6(a)
2:48-5.1	Use of coupons in milk promotion	R.1981 d.166	13 N.J.R. 318(b)
2:53-1, 3.1	Repeal minimum prices on fluid whole milk and amend sales below cost	R.1980 d.472	12 N.J.R. 686(b)
2:53-4.1	Amend notice of intent to change source of supply	R.1980 d.473	12 N.J.R. 686(c)
2:69-1.11	Commercial values of primary plant nutrients	R.1981 d.172	13 N.J.R. 318(c)

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3:1-12	Multiple-party deposit accounts	R.1980 d.480	12 N.J.R. 686(d)
3:2-2.1-2.3	Plain language in consumer contracts	R.1981 d.259	13 N.J.R. 383(a)
3:6-1	Repeal reporting of ten year dormant accounts	R.1980 d.435	12 N.J.R. 627(c)
3:6-1.1	Savings bank parity rule	R.1981 d.352	13 N.J.R. 551(b)
3:6-10	Sale of unsecured days funds by savings banks	R.1980 d.559	13 N.J.R. 62(c)
3:6-11	Asset valuation of common trust fund	R.1980 d.560	13 N.J.R. 62(d)
3:6-12.1	Commercial bank parity	R.1981 d.351	13 N.J.R. 552(a)
3:8-3.1	Amend required reserve	R.1980 d.481	12 N.J.R. 688(a)
3:8-5	Repeal savings banks reserves	R.1980 d.482	12 N.J.R. 688(b)
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3:17-4.4,-7	Small loan licensees	R.1981 d.257	13 N.J.R. 384(a)
3:19-1.6	Amend required use of home repair contractor's license number	R.1980 d.556	13 N.J.R. 62(b)

**N.J.A.C.
CITATION**

**DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)**

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3:21-1.8	Emergency amend loan interest rates	R.1981 d.12	13 N.J.R. 62(e)
3:30-2.1	Reserve requirements	R.1981 d.90	13 N.J.R. 185(a)
3:38-1.1	Mortgage bankers and brokers license fees	R.1981 d.260	13 N.J.R. 384(b)
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5:10-19.11	Amend maintenance of hotels and multiple dwellings	R.1980 d.500	13 N.J.R. 7(c)
5:10-19.11	Emerg. amend fire protection	R.1980 d.536	13 N.J.R. 7(f)
5:11-7.1-7.5	Amend eviction and relocation	R.1981 d.69	13 N.J.R. 189(b)
5:11-9.2	Relocation assistance hearings	R.1981 d.183	13 N.J.R. 332(a)
5:12	Repeal State aid for urban renewal projects	R.1981 d.180	13 N.J.R. 333(a)
5:23	Amend Uniform Construction Code	R.1980 d.508	13 N.J.R. 7(d)
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5:23-2.6	Uniform Construction Code inspections	R.1981 d.182	13 N.J.R. 333(b)
5:23-2.7	Amend UCC: Certificate of occupancy	R.1981 d.45	13 N.J.R. 123(a)
5:23-3	Uniform Construction Code	R.1981 d.132	13 N.J.R. 258(d)
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5:25-5.5	New home warranties and builders' registration	R.1981 d.181	13 N.J.R. 333(d)
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5:29	Petitions for rules	R.1981 d.242	13 N.J.R. 395(a)
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7:13-1.11	Amend flood plain delineation of Mullica River and tributaries	R.1981 d.89	13 N.J.R. 194(e)
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7:13-1.11	Flood hazard area delineations	R.1981 d.145	13 N.J.R. 340(a)
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7:25-7.13	Crab dredging	R.1981 d.200	13 N.J.R. 404(a)
7:25-9.2	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
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**N.J.A.C.
CITATION****DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)**

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7:25-14	Atlantic Coast crabbing
7:25-14.9	Penalties for shellfish law violations
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7:50	Pinelands Comprehensive Management Plan

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(Title 7, Transmittal 15 dated July 17, 1980)

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8:21-10	Amend designated fluid milk products
8:22-1	State Sanitary Code—Campgrounds
8:22-2	Repeal mobile home park rules
8:30	Amend expiration date
8:31-26.4	Child abuse and neglect
8:31-28.1, 28.3	Amend certification of need and designation of regional services
8:31-30.1	Amend Plan Review Fee multiplier
8:31A-7	1982 SHARE regulations
8:31B-3	Amend hospital procedural and methodological regulations
8:31B-3.20D	Rate of return: For-profit hospitals
8:31B-4	Amend hospital financial elements and reporting regulations
8:31B-4.62	Amend excluded health care services
8:33	Certificate of Need application changes
8:37	Amend expiration date
8:39-1	Foreword: Amend operational dates
8:39-1.1	Amend long term care standards
8:39-1.35	Amend operational dates
8:42-1.8	Child abuse and neglect
8:42A	Alcoholism treatment facilities
8:43-2.13	Amend Manual for Licensure of Residential Health Care Facilities
8:43-3.3, 3.20, 3.22, 4.13, 4.14	Residential health care standards
8:43-6.9	Amend Manual for Licensure of Residential Health Care Facilities
8:43A-3.1	Child abuse and neglect
8:43B-1.13	Child abuse and neglect
8:57-1.1—1.18	Amend reportable disease rules
8:65-8.7	Controlled dangerous substances
8:65-10.1, 10.2	Emergency amend controlled dangerous substances
8:65-10.4, 10.8	Emergency amend controlled dangerous substances
8:71	Amend interchangeable drug products
8:71	Amend interchangeable drug products
8:71	Amend interchangeable drug products
8:71	Emergency amend interchangeable drug products
8:71	Amend list of interchangeable drug products

R.1980 d.539	13 N.J.R. 13(f)
R.1981 d.161	13 N.J.R. 342(a)
R.1980 d.499	13 N.J.R. 13(c)
R.1981 d.283	13 N.J.R. 485(b)
R.1981 d.157	13 N.J.R. 342(b)
R.1980 d.528	13 N.J.R. 13(d)
R.1981 d.284	13 N.J.R. 486(a)
R.1981 d.325	13 N.J.R. 571(c)
R.1980 d.455	12 N.J.R. 645(c)
R.1981 d.290	13 N.J.R. 486(c)
R.1980 d.453	12 N.J.R. 645(a)
R.1981 d.10	13 N.J.R. 92(a)
R.1981 d.296	13 N.J.R. 487(b)
R.1981 d.283	13 N.J.R. 485(b)
R.1981 d.283	13 N.J.R. 485(b)
R.1981 d.285	13 N.J.R. 495(a)
R.1981 d.283	13 N.J.R. 485(b)
R.1981 d.157	13 N.J.R. 342(b)
R.1981 d.236	13 N.J.R. 411(a)
R.1980 d.529	13 N.J.R. 13(e)
R.1981 d.297	13 N.J.R. 495(b)
R.1980 d.529	13 N.J.R. 13(e)
R.1981 d.157	13 N.J.R. 342(b)
R.1981 d.157	13 N.J.R. 342(b)
R.1980 d.498	13 N.J.R. 13(b)
R.1981 d.288	13 N.J.R. 411(b)
R.1981 d.50	13 N.J.R. 132(b)
R.1981 d.50	13 N.J.R. 132(b)
R.1980 d.454	12 N.J.R. 645(b)
R.1981 d.25	13 N.J.R. 131(b)
R.1981 d.26	13 N.J.R. 131(c)
R.1981 d.27	13 N.J.R. 132(a)
R.1981 d.81	13 N.J.R. 217(d)

(Title 8, Transmittal 14 dated September 18, 1980)

**N.J.A.C.
CITATION**

**DOCUMENT ADOPTION NOTICE
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HIGHER EDUCATION — TITLE 9

9:1-1.1	Amend definition of "college"	R.1980 d.524	13 N.J.R. 14(a)
9:2-1.1, 1.2	Amend admission and baccalaureate degree standards for State Colleges	R.1981 d.19	13 N.J.R. 133(a)
9:2-2.8	Amend "visiting specialist" title at State colleges	R.1980 d.525	13 N.J.R. 14(b)
9:2-3	State College reduction in force policies	R.1981 d.38	13 N.J.R. 133(b)
9:2-8.1-8.10	Amend admission and degree standards for State Colleges	R.1981 d.19	13 N.J.R. 133(a)
9:4-3.57	County college work load data	R.1981 d.215	13 N.J.R. 412(a)
9:4-3.61	State aid to county colleges	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 at public colleges and universities	R.1980 d.428	12 N.J.R. 661(a)
9:7-2	Student assistance	R.1981 d.232	13 N.J.R. 412(b)
9:7-2.12	Amend Tuition Aid Grant and Garden State Scholarship Programs	R.1980 d.461	12 N.J.R. 661(b)
9:7-4.4, -6	Graduate fellowships	R.1980 d.462	12 N.J.R. 694(d)
9:7-4.6	Amend academic eligibility for undergraduate grants	R.1981 d.99	13 N.J.R. 220(b)
9:9-1.3	Guaranteed student loan program	R.1981 d.275	13 N.J.R. 496(b)
9:11-1.8, 1.9	EOF guidelines and program support regulations	R.1981 d.100	13 N.J.R. 220(c)
9:11-1.13, 1.22	Amend student refunds and repayment	R.1980 d.523	13 N.J.R. 13(g)
9:12-1	EOF guidelines and program support regulations	R.1981 d.100	13 N.J.R. 220(c)
9:16-1.3-1.5	Physician-dentist loan redemption program	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	R.1981 d.225	13 N.J.R. 412(c)
10:49-1.2	Amend recipient controls	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Amend recipient controls	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Record keeping by providers	R.1981 d.329	13 N.J.R. 574(b)
10:49-1.7	Utilization of insurance benefits	R.1981 d.123	13 N.J.R. 272(a)
10:49-1.13, 1.14	Providers using service bureaus of management agencies	R.1981 d.246	13 N.J.R. 412(d)
10:49-1.17	Amend suspension of provider from Medicaid program	R.1980 d.501	13 N.J.R. 17(a)
10:49-1.17	Suspended providers	R.1981 d.315	13 N.J.R. 574(c)
10:49-1.26	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:49-1.27	Final audits	R.1981 d.114	13 N.J.R. 273(a)
10:49-5.3, 5.4	Amend recipient fair hearings	R.1980 d.512	13 N.J.R. 17(f)
10:49-5.6	Amend recipient fair hearings	R.1980 d.512	13 N.J.R. 17(f)
10:49-6.8	Compromising claims	R.1980 d.502	13 N.J.R. 17(b)
10:50	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:50-2.7	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:51	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:51-App. B, D	Pharmaceutical Services Manual	R.1981 d.124	13 N.J.R. 274(a)
10:51-2	Pharmacy Manual billing procedures	R.1981 d.247	13 N.J.R. 415(a)
10:51-3	Pharmaceutical services in LTC facilities	R.1981 d.344	13 N.J.R. 577(a)
10:51-4.5	Repeal payments for pharmaceutical consultants	R.1981 d.101	13 N.J.R. 228(c)
10:51-5.28-5.33	Pharmaceutical Assistance to the Aged	R.1981 d.248	13 N.J.R. 415(c)
10:52	Hospital and special hospital manuals	R.1981 d.327	13 N.J.R. 578(a)
10:52-1.1	Amend Hospital and Special Services Manual: Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.3	Non-covered hospital services	R.1981 d.126	13 N.J.R. 291(a)
10:52-1.4	Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.17	Reimbursement for out-of-State inpatient hospital services	R.1981 d.162	13 N.J.R. 358(b)
10:52-1.18	Out-of-state hospital services	R.1981 d.293	13 N.J.R. 497(a)
10:52-2.13	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:53	Hospital and special hospital manuals	R.1981 d.327	13 N.J.R. 578(a)
10:53-1.1, 1.4	Amend Hospital and Special Services Manual: Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:53-2.18	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-1	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:54-1.2	Routine chest X rays	R.1981 d.125	13 N.J.R. 292(b)
10:54-1.3	Record keeping by providers	R.1981 d.329	13 N.J.R. 574(b)
10:54-1.6	Physicians Manual: Reimbursement for anesthesia time	R.1981 d.220	13 N.J.R. 417(b)
10:54-1.22	Routine chest X rays	R.1981 d.125	13 N.J.R. 292(b)
10:54-2.1	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-2.4, 2.5	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:54-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)

**N.J.A.C.
CITATION**

**DOCUMENT ADOPTION NOTICE
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10:54-3	Amend Procedure Code Manual	R.1980 d.511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	R.1981 d.111	13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	R.1981 d.211	13 N.J.R. 418(c)
10:54-3	Procedure codes for mercury-zinc battery-powered pacemakers	R.1981 d.251	13 N.J.R. 430(a)
10:54-3	Procedure codes for physicians services	R.1981 d.305	13 N.J.R. 578(b)
10:54-3	Physician services procedure codes	R.1981 d.314	13 N.J.R. 578(c)
10:55	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:56	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:56-1.8, 1.12	Dental Services Manual	R.1981 d.219	13 N.J.R. 430(b)
10:56-3.15	Orthodontics	R.1981 d.113	13 N.J.R. 299(b)
10:57-1.4	Podiatry services	R.1981 d.300	13 N.J.R. 579(a)
10:57-1.5	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:57-1.9	Podiatry services	R.1981 d.300	13 N.J.R. 579(a)
10:57-1.20, 2.5-2.7	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:59	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:59-1.7, 1.8, 1.10	Repair of durable medical equipment	R.1980 d.510	13 N.J.R. 17(d)
10:59-1.10	IPPB equipment	R.1981 d.328	13 N.J.R. 579(b)
10:59-1.11	Repair of durable medical equipment	R.1981 d.510	13 N.J.R. 17(d)
10:59-2.6—2.8	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:59-2.11	Repair of durable medical equipment	R.1981 d.510	13 N.J.R. 17(d)
10:60	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:60-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:61-1.4	Record retention requirements	R.1981 d.110	13 N.J.R. 299(c)
10:61-1.4	Physician orders for laboratory services	R.1981 d.342	13 N.J.R. 579(c)
10:61-2.3	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:61-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:62	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:62-1.5	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:62-1.7	Procedure codes for ophthalmologists and optometrists	R.1981 d.280	13 N.J.R. 497(b)
10:62-3	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:63-1.4, 1.8	Long Term Care Manual	R.1981 d.219	13 N.J.R. 430(b)
10:63-1.8	Amend clinical records in long-term care facilities	R.1981 d.33	13 N.J.R. 146(c)
10:63-1.11	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:63-1.14	Retention of records in LTC facilities	R.1981 d.345	13 N.J.R. 579(d)
10:63-1.19	Amend LTCSM: Termination of Medicaid eligibility	R.1981 d.62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	R.1981 d.23	13 N.J.R. 146(a)
10:63-3.1	Amend reimbursement to Long Term Care Facilities	R.1981 d.87	13 N.J.R. 227(a)
10:63-3.8	LTC's nursing care costs	R.1981 d.326	13 N.J.R. 579(e)
10:65	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:65-2.1	Medical day care rates	R.1981 d.318	13 N.J.R. 580(a)
10:66	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:66-2.10	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:66-3.1-3.3	Independent clinic services procedure codes	R.1981 d.313	13 N.J.R. 580(b)
10:66-3.3	Procedure codes for Medicaid	R.1981 d.112	13 N.J.R. 299(e)
10:66-3.3	Independent Clinic Services Manual	R.1981 d.212	13 N.J.R. 431(b)
10:67-1.2, 2.5, 2.8	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:67-2.10	Psychological services procedure codes	R.1981 d.305	13 N.J.R. 578(b)
10:68-2.5, 2.7	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:69A-5.6	PAA eligibility determinations	R.1981 d.332	13 N.J.R. 580(c)
10:81-2.7	Amend PAM: Deprivation of parental support in AFDC-C	R.1981 d.28	13 N.J.R. 146(b)
10:81-7.1	AFDC: New or changed income	R.1981 d.262	13 N.J.R. 432(b)
10:82-2.14	Amend ASH: Established monthly earnings	R.1981 d.47	13 N.J.R. 147(b)
10:82-2.14	AFDC: New or changed income	R.1981 d.262	13 N.J.R. 432(b)
10:82-3.2	Amend ASH: HUD community development block grants	R.1981 d.96	13 N.J.R. 227(b)
10:82-3.2, 4.5	Exempt resources and disregard of earned income	R.1981 d.282	13 N.J.R. 499(a)
10:82-4.15	Irregular and nonrecurring income in AFDC	R.1981 d.287	13 N.J.R. 499(b)
10:82-5.3	ASH: Day care rates	R.1981 d.243	13 N.J.R. 432(c)
10:82-5.10	Amend ASH: Emergency assistance	R.1980 d.552	13 N.J.R. 101(a)
10:85-2.2	Amend GAM: Temporary and acting directors of municipal welfare	R.1980 d.505	13 N.J.R. 17(c)
10:85-2.2	Amend GAM: Local assistance board	R.1981 d.98	13 N.J.R. 226(b)
10:85-3.1, 3.2	GAM: Referral and appeal procedures for prospective SSI recipients	R.1981 d.160	13 N.J.R. 363(b)
10:85-3.2	Amend General Assistance application process	R.1980 d.514	13 N.J.R. 18(a)

**N.J.A.C.
CITATION****DOCUMENT ADOPTION NOTICE
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10:85-3.3	Amend GAM: Rate increases for recipients in residential health care facilities	R.1980 d.547	13 N.J.R. 100(a)
10:85-3.3	Amend GAM: Financial eligibility	R.1981 d.46	13 N.J.R. 147(a)
10:85-3.3	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
10:85-4.6	Amend GAM: Emergency grants	R.1980 d.538	13 N.J.R. 18(d)
10:85-5.2	Amend GAM: Diagnostic-Related Group payments	R.1980 d.515	13 N.J.R. 18(b)
10:85-5.3	Amend submission of Form GA-18	R.1980 d.531	13 N.J.R. 18(c)
10:85-5.3	Amend GAM: Rate increases for recipients in residential health care facilities	R.1980 d.547	13 N.J.R. 100(a)
10:85-5.3	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
10:85-6.5	Amend GAM: Repayment by SSI recipients	R.1980 d.551	13 N.J.R. 100(d)
10:85-6.6	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
10:85-7.2	Amend GAM: Receipt of assistance	R.1981 d.53	13 N.J.R. 147(d)
10:85-8.2	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
10:85-8.3	GAM: Referral and appeal procedures for prospective SSI recipients	R.1981 d.160	13 N.J.R. 363(b)
10:87	Emergency amend Food Stamp Manual	R.1981 d.64	13 N.J.R. 226(b)
10:87	Amend student participation in Food Stamps	R.1981 d.97	13 N.J.R. 226(a)
10:87	Food Stamp Manual	R.1981 d.316	13 N.J.R. 581(a)
10:87-12.1, 12.2	Emergency amend Food Stamp Manual	R.1980 d.558	13 N.J.R. 100(e)
10:87-12.3, 12.4	Emergency adoption: Food Stamp income levels	R.1981 d.278	13 N.J.R. 500(a)
10:87-12.4	Emergency amend Food Stamp Manual	R.1980 d.558	13 N.J.R. 100(e)
10:89-3.6	Emergency rule on Home Energy Assistance	R.1980 d.548	13 N.J.R. 100(b)
10:94-4, -5	Medicaid Only: Income and resource eligibility	R.1981 d.177	13 N.J.R. 364(b)
10:94-5.4, 5.5, 5.6	Emergency amend Medicaid Only computation amounts	R.1981 d.276	13 N.J.R. 501(a)
10:94-8	Medicaid Only	R.1981 d.177	13 N.J.R. 364(b)
10:100-1.23	Emergency amend SSI payment levels	R.1981 d.277	13 N.J.R. 502(a)
10:121-5.1	Medical information form	R.1981 d.63	13 N.J.R. 226(a)
10:121A	Adoption agency practices	R.1981 d.298	13 N.J.R. 516(a)

(Title 10, Transmittal 15 dated November 10, 1980)

CORRECTIONS — TITLE 10A

10A:31-4	County jails emergency rule	R.1981 d.270	13 N.J.R. 467(a)
10A:31-4	Readopt remission of time from sentence	R.1981 d.358	13 N.J.R. 596(a)
10A:71	Parole Board rules	R.1981 d.322	13 N.J.R. 597(a)
10A:71-3.3	Amend Parole Board rules	R.1980 d.554	13 N.J.R. 101(c)
10A:71-3.19	Parole Board rules	R.1981 d.179	13 N.J.R. 364(c)
10A:71-6.9	Discharge from parole supervision	R.1981 d.324	13 N.J.R. 596(a)
10A:71-7.7	Notice for preliminary hearings	R.1981 d.106	13 N.J.R. 302(a)

(Title 10A, Transmittal 6 dated November 10, 1980)

INSURANCE — TITLE 11

11:4-16.0(b)	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-17.6, 17.7	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:5-1.2, 1.3	Real Estate Commission rules	R.1981 d.261	13 N.J.R. 440(c)
11:5-1.16	Amend listing agreements and contracts of sale	R.1980 d.408	12 N.J.R. 665(c)
11:5-1.16	Emergency amend contracts of sale and listing agreements	R.1980 d.409	12 N.J.R. 665(d)
11:5-1.28	Amend approved schools requirements	R.1980 d.441	12 N.J.R. 665(e)
11:5-1.32	Amend rental location operations	R.1980 d.447	12 N.J.R. 666(a)
11:5-1.33-1.35	Real Estate Commission rules	R.1981 d.261	13 N.J.R. 440(c)
11:5-1.36	Real Estate Guaranty Fund	R.1981 d.252	13 N.J.R. 441(a)

(Title 11, Transmittal 15 dated July 17, 1980)

LABOR AND INDUSTRY — TITLE 12

12:15-1.5	Contribution rates of governmental entities	R.1980 d.354	12 N.J.R. 543(a)
12:15-1.3	Maximum weekly benefit rates	R.1980 d.355	12 N.J.R. 543(b)
12:15-1.4	Taxable wage base under Unemployment Compensation	R.1980 d.356	12 N.J.R. 543(c)
12:17-10	Refund of unemployment benefits	R.1980 d.468	12 N.J.R. 724(e)
12:17-11	Emergency rules on offset of unemployment benefits by pension income	R.1980 d.561	13 N.J.R. 102(a)
12:51	Vocational rehabilitation facilities	R.1981 d.289	13 N.J.R. 517(a)
12:56	Amend Wage and Hour Law	R.1980 d.430	12 N.J.R. 666(c)
12:56-7.1	Emergency amend definition of "executive"	R.1980 d.506	13 N.J.R. 37(a)
12:57	Wage orders for minors	R.1981 d.226	13 N.J.R. 441(c)

**N.J.A.C.
CITATION**

**DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)**

12:57 Amend wage orders for minors
12:58 Amend child labor rules
12:60 Emergency amend prevailing wage rate determination
12:105 Arbitration
12:235-1.5 Amend benefit rates

R.1980 d.431 12 N.J.R. 666(d)
R.1980 d.432 12 N.J.R. 666(e)
R.1980 d.410 12 N.J.R. 666(b)
R.1980 d.397 12 N.J.R. 605(a)
R.1980 d.357 12 N.J.R. 543(d)

(Title 12, Transmittal 13 dated July 17, 1980)

LAW AND PUBLIC SAFETY — TITLE 13

13:2-23.31 Amend employment of police officers; combination sales
13:2-24.4 Amend various regulations
13:2-24.9 Amend employment of police officers; combination sales
13:2-38.1, 39.3 Amend various regulations
13:2-41 Amend various regulations
13:19-5.1 Amend rules on convulsive seizures
13:19-10.3 Amend driver improvement school fees
13:20-25.2 Amend approval of safety glazing material
13:20-28 Inspection of new passenger vehicles and motorcycles
13:20-33.53 Amend motorcycle handlebars and grips
13:20-33.72 Repeal handhold devices
13:20-36 Special National Guard plates
13:21-2.3 Amend motor licensing statutory interpretation
13:21-3 Repeal rules on dealer's temporary certificates
13:21-7.2 Amend student permits
13:21-8.2 Amend driver proof of identity and date of birth
13:21-8.17 Amend waiver of driving test
13:21-20 Motor home title certificates
13:22 Amend motor vehicle race tracks
13:24-4.1 Amend emergency vehicle equipment
13:26-1.2, 3.11 Amend transportation of bulk commodities
13:27-6 Division of responsibility in site planning
13:28-1.3 Toilet facilities in beauty shops
13:29-2.2 Amend examination for registered municipal accountant
13:29-3.13 Repeal competitive bidding for services
13:30-2.5, 2.10—
2.17 Dental hygienists and assistants
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13:36-5.12 Advertising of funeral services and funeral establishments
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13:37-3.6, 4.1 Amend rules on foreign nurses and licensure by endorsement
13:38-1.9, 1.10 Optometric advertising

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R.1980 d.423 12 N.J.R. 672(b)
R.1980 d.368 12 N.J.R. 609(a)
R.1980 d.540 13 N.J.R. 103(a)
R.1980 d.457 12 N.J.R. 672(f)
R.1980 d.503 13 N.J.R. 40(a)
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R.1981 d.347 13 N.J.R. 609(b)
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R.1980 d.416 12 N.J.R. 671(a)
R.1981 d.295 13 N.J.R. 519(a)

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ENERGY — TITLE 14A

13:39-9.12	Outdated or sample drugs	R.1981 d.350	13 N.J.R. 609(c)
13:40-6.1	Repeal engineers' and surveyors' fee for transmittal of grades or certification	R.1980 d.417	12 N.J.R. 671(b)
13:40-7	Division of responsibility in site planning	R.1981 d.320	13 N.J.R. 607(a)
13:41-1.2, 1.3	Amend rules governing use of seals	R.1980 d.445	12 N.J.R. 672(e)
13:41-4	Division of responsibility in site planning	R.1981 d.320	13 N.J.R. 607(a)
13:45A-14.4, 14.5	Amend unit pricing of consumer commodities in retail establishments	R.1980 d.444	12 N.J.R. 672(d)
13:45A-17	Sale of advertising in quasi-official journals	R.1981 d.294	13 N.J.R. 520(b)
13:47C-1.1, 3.1	Amend firewood and cordwood rules	R.1980 d.421	12 N.J.R. 672(a)
13:47C-5	Precious metals sales	R.1980 d.420	12 N.J.R. 671(c)
13:47F	Repeal live poultry rules	R.1980 d.520	13 N.J.R. 41(b)
13:70-29.48	Emergency amend daily double pool	R.1981 d.32	13 N.J.R. 150(f)

(Title 13, Transmittal 16 dated July 17, 1980)

PUBLIC UTILITIES — TITLE 14

14:3-7.12, 7.13	Notice of discontinuance and bill disputes	R.1980 d.555	13 N.J.R. 105(b)
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14A:3-11	Amend used oil rules	R.1980 d.513	13 N.J.R. 43(c)
14A:21	Residential Energy Conservation Service (RCS) Program	R.1980 d.516	13 N.J.R. 44(a)
14A:21-14.3	Home Energy Savings Program	R.1981 d.254	13 N.J.R. 450(a)

(Title 14A, Transmittal 6 dated July 17, 1980)

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 to Increase Capacity and Safety	R.1980 d.415	12 N.J.R. 675(c)
16:26-1.1	Traffic signal information	R.1981 d.164	13 N.J.R. 372(a)
16:27-1.4	Repeal control of traffic and parking on NJDOT property	R.1981 d.165	13 N.J.R. 372(b)
16:28-1.2	Speed limit on Route I-80	R.1981 d.150	13 N.J.R. 372(c)
16:28-1.3	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28-1.15	Speed limits along Route 13	R.1981 d.152	13 N.J.R. 372(d)
16:28-1.17	Speed limits on Route 147	R.1981 d.196	13 N.J.R. 451(a)
16:28-1.18	Amend speed zones along Routes 34 and U.S. 202	R.1981 d.74	13 N.J.R. 243(c)
16:28-1.23	Emergency amend speed limit on Route 18	R.1981 d.34	13 N.J.R. 158(b)
16:28-1.49	Emergency amend speed zone along Route 35	R.1981 d.59	13 N.J.R. 243(a)
16:28-1.49	Speed limits on Route 35	R.1981 d.333	13 N.J.R. 612(a)
16:28-1.67	Amend speed zones along Routes 34 and U.S. 202	R.1981 d.74	13 N.J.R. 243(c)
16:28-1.111	Speed limits for Route 87	R.1981 d.334	13 N.J.R. 613(a)
16:28A-1.2	Amend restricted parking on U.S. Routes 1 and 9	R.1980 d.413	12 N.J.R. 675(a)
16:28A-1.2	Parking on Routes 1 and 9	R.1981 d.195	13 N.J.R. 452(b)
16:28A-1.4	Emergency amend restricted parking along Route 4	R.1981 d.35	13 N.J.R. 159(a)
16:28A-1.7	Restricted parking along Route U.S. 9	R.1981 d.76	13 N.J.R. 243(f)
16:28A-1.7	Restricted parking along Route U.S. 9	R.1981 d.77	13 N.J.R. 244(a)
16:28A-1.7	Route US 9 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.7	Route US 9 parking	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.7	Parking on U.S. 9	R.1981 d.195	13 N.J.R. 453(a)
16:28A-1.7	Parking on U.S. 9	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.7	Restricted parking along Route U.S. 9	R.1981 d.335	13 N.J.R. 613(b)
16:28A-1.13	Route US 22	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.14	Restricted parking along Route U.S. 22 alternate	R.1981 d.336	13 N.J.R. 613(c)
16:28A-1.15	Route 23 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.15	Parking on Route 23	R.1981 d.192	13 N.J.R. 454(b)
16:28A-1.15	Restricted parking along Route 23	R.1981 d.337	13 N.J.R. 613(d)
16:28A-1.16	Restricted parking along Route 24	R.1981 d.338	13 N.J.R. 613(e)
16:28A-1.18	Restricted parking along Route 27	R.1981 d.312	13 N.J.R. 613(f)
16:28A-1.19	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)

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16:28A-1.19	Route 28 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.19	Route 28 parking	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.19	Parking on Route 28	R.1981 d.193	13 N.J.R. 453(a)
16:28A-1.19	Parking on Route 28	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.22	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.23	Route 33 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.23	Route 33 parking	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.25	Route 35 parking	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.26	Parking on Route 36	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.29	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.32	Parking on Route U.S. 46	R.1981 d.192	13 N.J.R. 454(b)
16:28A-1.32	Parking on Route U.S. 46	R.1981 d.194	13 N.J.R. 454(b)
16:28A-1.33	Emerg. amend restricted parking on Route 47	R.1980 d.414	12 N.J.R. 675(b)
16:28A-1.33	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.34	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.36, 1.37	Parking on Routes 57 and 70	R.1981 d.194	13 N.J.R. 455(c)
16:28A-1.37	Restricted parking along Route 70	R.1981 d.76	13 N.J.R. 243(f)
16:28A-1.37	Restricted parking along Route 70	R.1981 d.339	13 N.J.R. 614(a)
16:28A-1.44	Route 88 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.55	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.55	Restricted parking along Routes 15, 18 and U.S. 202	R.1981 d.75	13 N.J.R. 243(e)
16:28A-1.55	Parking along Route U.S. 202	R.1981 d.338	13 N.J.R. 613(e)
16:28A-1.57	Restricted parking along U.S. 206	R.1981 d.77	13 N.J.R. 244(a)
16:28A-1.57	Route US 206 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.57	Route US 206 parking	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.57	Parking along U.S. 206	R.1981 d.336	13 N.J.R. 613(c)
16:28A-1.64	Route 41 parking	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.65	Route 15 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.65, 1.66	Restricted parking along Routes 15, 18, and U.S. 202	R.1981 d.75	13 N.J.R. 243(e)
16:28A-1.66	Parking on Route 18	R.1981 d.195	13 N.J.R. 452(b)
16:28A-1.67	Route 63 parking	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.68	Route 93 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.69	Parking on Route 124	R.1981 d.191	13 N.J.R. 453(a)
16:29-1.22	No passing zones	R.1981 d.78	13 N.J.R. 244(b)
16:29-1.23	No passing zones on Route 179	R.1981 d.79	13 N.J.R. 244(c)
16:30-3.6	Readopt HOV lanes along Route 444	R.1981 d.323	13 N.J.R. 614(b)
16:30-7.2	Amend limited access prohibition along U.S. 9 and Route 444	R.1981 d.73	13 N.J.R. 243(d)
16:30-8	No trespassing zones	R.1981 d.36	13 N.J.R. 159(b)
16:31-1.4, 1.7	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)
16:31-1.10	Turns along Route U.S. 30	R.1981 d.340	13 N.J.R. 614(c)
16:31-1.15	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)
16:31A	Amend prohibited right turns on red signals	R.1980 d.518	13 N.J.R. 44(c)
16:41-16	Amend permits for use or occupancy of State-owned railroad property	R.1981 d.103	13 N.J.R. 244(d)
16:54	Licensing of aeronautical facilities	R.1981 d.141	13 N.J.R. 374(c)
16:56-3	Repeal aircraft registry logs	R.1981 d.341	13 N.J.R. 616(b)
16:65-1.1	Amend definition of "prequalification committee"	R.1981 d.72	13 N.J.R. 243(b)
16:71	Recodified from 16:41-16	R.1981 d.103	13 N.J.R. 244(d)
16:72	N.J. Transit procurement policies and procedures	R.1981 d.176	13 N.J.R. 374(d)

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TREASURY-GENERAL — TITLE 17

17:1-1.3	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-1.15	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-2.2	Alternate Benefit Program	R.1981 d.239	13 N.J.R. 458(a)
17:1-2.6	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-2.18	Alternate Benefit Program	R.1981 d.240	13 N.J.R. 458(b)
17:1-2.34	Alternate Benefit Program	R.1981 d.213	13 N.J.R. 458(c)
17:1-2.35	Alternate Benefit Program	R.1981 d.241	13 N.J.R. 458(d)
17:1-4.2	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-4.11	Purchase terms and employee liability	R.1981 d.343	13 N.J.R. 617(a)
17:1-4.22	Amend availability of medical records	R.1981 d.86	13 N.J.R. 247(d)
17:1-4.32	Administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-7.3	Administrative fees and investment earnings	R.1981 d.291	13 N.J.R. 525(a)
17:1-8.1	Repeal responsibility of director for Social Security	R.1981 d.1	13 N.J.R. 111(c)
17:1-8.3	Emergency rule on Social Security referendum	R.1980 d.467	12 N.J.R. 728(b)
17:1-8.13, 8.14	Administration	R.1981 d.85	13 N.J.R. 247(c)

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17:1-11.9	Repeal dental insurance coverage for covered dependents	R.1980 d.487	12 N.J.R. 729(a)
17:2-2.1, 2.9	Amend Public Employees' Retirement System: Enrollment	R.1981 d.58	13 N.J.R. 247(b)
17:2-5.1, 6.2	PERS—retirement and purchases	R.1981 d.274	13 N.J.R. 525(b)
17:2-6.4	PERS loan repayments	R.1981 d.303	13 N.J.R. 618(a)
17:2-6.6	PERS revisions	R.1981 d.274	13 N.J.R. 525(b)
17:3-4.1	Amend creditable salary	R.1981 d.30	13 N.J.R. 162(a)
17:3-6.6	Teachers' Pension and Annuity Fund: Retirement credit	R.1981 d.140	13 N.J.R. 376(a)
17:4-2.6	Amend enrollment dates	R.1981 d.57	13 N.J.R. 247(a)
17:4-3.6, 5.1, 6.2, 6.6, 6.14	Insurance purchases and retirement	R.1981 d.292	13 N.J.R. 525(c)
17:6-3.2, 3.6	Police-Firemen's Pension Fund	R.1981 d.201	13 N.J.R. 462(a)
17:7-3.2	Prison Officers' Pension Fund	R.1981 d.302	13 N.J.R. 620(b)
17:8-1.6	Amend variable benefit account and withdrawals	R.1980 d.530	13 N.J.R. 47(b)
17:8-2.10, 2.11	Repeal Supplemental Annuity reports and remittances	R.1980 d.419	12 N.J.R. 678(b)
17:8-3.3	Amend variable benefit account and withdrawals	R.1980 d.530	13 N.J.R. 47(b)
17:9-2.16	Policy provisions adoption for State Health Benefits Program	R.1981 d.138	13 N.J.R. 376(b)
17:9-5.8	Medicare refunds	R.1981 d.139	13 N.J.R. 376(c)
17:10-5.3	Judicial Retirement System	R.1981 d.244	13 N.J.R. 462(b)
17:16-41	Amend Cash Management Fund	R.1980 d.443	12 N.J.R. 679(a)
17:20-5.10	Emergency amend agent's compensation	R.1980 d.460	12 N.J.R. 681(a)
17:21-8.1	Emergency amend unclaimed prize money	R.1980 d.459	12 N.J.R. 680(b)
17:21-11	Emergency rules on 10th Anniversary instant lottery	R.1981 d.11	13 N.J.R. 112(a)
17:21-11	Emergency adoption: Baseball instant lottery	R.1981 d.136	13 N.J.R. 312(a)
17:21-11	Readopt "Baseball" instant lottery game	R.1981 d.269	13 N.J.R. 529(a)
17:21-11	Emergency adoption: Super Bingo	R.1981 d.171	13 N.J.R. 376(d)
17:21-11	"Super Bingo" lottery	R.1981 d.286	13 N.J.R. 529(b)
17:21-12.1, 13.1	Emergency amend Pick-It and Pick-4 Lotteries	R.1980 d.458	12 N.J.R. 680(a)
17:21-15	Emergency amend Pick-6 (Lotto) lottery	R.1980 d.496	12 N.J.R. 730(a)
17:21-16	Emergency rules on Jersey Jackpot Lottery	R.1980 d.507	13 N.J.R. 45(a)

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TREASURY-TAXATION — TITLE 18

18:7-11.12	Emergency extension of time for filing corporate return	R.1981 d.163	13 N.J.R. 377(a)
18:12-6A.6	Adoption on home improvement exemption	R.1980 d.335	12 N.J.R. 554(c)
18:12-6A.7	Home improvement exemptions	R.1980 d.553	13 N.J.R. 111(b)
18:12-7.12	Emergency amend Homestead Rebate filing date	R.1980 d.517	13 N.J.R. 47(a)
18:12-9	Mobile homes tax moratorium (local property)	R.1981 d.207	13 N.J.R. 462(c)
18:12A	Amend county boards of taxation	R.1980 d.490	12 N.J.R. 731(a)
18:12A-1.20	County boards of taxation	R.1981 d.44	13 N.J.R. 165(a)
18:24-2.3	Sales and Use Tax Act	R.1981 d.209	13 N.J.R. 465(a)
18:24-7.19	Sales and Use Tax Act	R.1981 d.206	13 N.J.R. 465(b)
18:24-12.4	Sales Tax exemptions	R.1981 d.210	13 N.J.R. 465(c)
18:24-15.2, 15.3, 15.6	Amend Sales and Use Tax Act	R.1980 d.489	12 N.J.R. 729(b)
18:24-27.1, 27.2	Sales and Use Tax Act	R.1981 d.208	13 N.J.R. 465(d)
18:25	Emergency rules on Atlantic City Luxury Tax	R.1980 d.437	12 N.J.R. 678(c)
18:35-1.14	Amend partnerships under the Gross Income Tax Act	R.1981 d.6	13 N.J.R. 111(d)
18:37	Emergency amend spill compensation and control tax	R.1980 d.484	12 N.J.R. 728(c)

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TITLE 19 SUBTITLES A-L — OTHER AGENCIES (Except Casino Control Commission)

19:1-5	Home improvement loan program	R.1981 d.268	13 N.J.R. 529(c)
19:8-2.11	Garden State Arts Center	R.1981 d.169	13 N.J.R. 378(a)
19:8-2.12	Emergency service	R.1981 d.115	13 N.J.R. 315(a)
19:8-3.1	Tolls on Garden State Parkway	R.1981 d.170	13 N.J.R. 378(b)
19:8-8	Special permits for oversize vehicles	R.1980 d.476	12 N.J.R. 732(c)
19:9-3.1	Amend towing rates	R.1981 d.37	13 N.J.R. 165(c)
19:12	PERC: Negotiations and impasse procedures	R.1981 d.357	13 N.J.R. 625(a)
19:16	Firemen and Police: Negotiations and impasse procedures	R.1981 d.357	13 N.J.R. 625(a)
19:25	Election activity	R.1980 d.348	12 N.J.R. 557(a)
19:25	Lobbying	R.1980 d.350	12 N.J.R. 558(a)
19:25-8	Rules on lobbying disclosure	R.1980 d.349	12 N.J.R. 557(b)
19:25-15	Amend public financing of General Election for Governor	R.1981 d.54	13 N.J.R. 248(b)
19:25-16	Amend public financing of primary election for Governor	R.1980 d.491	12 N.J.R. 732(b)

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19:25-19.1-19.6	Interim public financing of gubernatorial primary elections
19:30-2.1-2.3	Economic Development Authority fees
19:30-4.4	EDA: Targeting of Authority assistance
19:30-5	Debarment of applicants and contractors

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R.1980 d.411	12 N.J.R. 681(b)
R.1981 d.245	13 N.J.R. 465(e)
R.1981 d.168	13 N.J.R. 378(c)
R.1981 d.167	13 N.J.R. 378(d)

TITLE 19 SUBTITLE K — CASINO CONTROL COMMISSION

19:41-9	Amend license fees	R.1980 d.483	12 N.J.R. 732(a)
19:43-1.8	Casino service industry licenses	R.1981 d.273	13 N.J.R. 534(a)
19:45	Amend casino accounting and internal controls	R.1980 d.504	13 N.J.R. 48(a)
19:45-1.3, 1.8, 1.24, 1.44	Casino accounting and internal controls	R.1981 d.272	13 N.J.R. 541(a)
19:47-2.6, 2.8, 2.13	Emergency Blackjack surrender rule	R.1981 d.301	13 N.J.R. 629(a)

(Title 19 Subtitle K, Transmittal 2 dated July 17, 1980)

(Continued from page 582)

the employee/student to a work commitment in other than the sending CWA which is granting the release time.

2. Prior to receiving agency stipend and/or tuition aid, the employee must sign a service commitment (Educational Leave Agreement) to return to the sending CWA immediately upon completion of his/her course of study.

3. If the employee on full-time educational leave with or without stipend and/or tuition aid receives a degree and decides not to return to work, he/she has an obligation to notify the Director of the CWA of his/her intention to resign. The conditions contained in the Educational Leave Agreement must then be invoked and the employee will be required to repay the CWA all monies received (in the form of stipend, tuition, etc.) in his/her behalf.

4. If an employee terminates employment before completion of the service commitment, he/she must repay the CWA the financial value of the stipend and/or tuition that have not been repaid in work commitment.

5. The work (service) commitment to the agency is one and one half months for each month the employee/student was on leave with stipend and/or tuition aid.

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

1. An employee may not be reimbursed for more than 15 credits during a fiscal year.

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

3. Employees may request reimbursement for non-job related courses provided they are required for the completion of the minimum number of credit hours required for graduation from their approved degree program. Approvals for graduate and undergraduate degree programs must be obtained through the Division of Public Welfare prior to matriculation. Under certain circumstances, the agency may provide financial support on a reimburse-

ment basis to those taking exams in order to obtain additional credits for subject matter learned through previous life or educational experiences.

4. Tuition reimbursement may not be made until the employee completes the course(s) with verification of satisfactory completion of the course.

5. Employees will be required to sign an employee commitment form prior to receipt of tuition aid. This is a condition of accepting and receiving aid whereby the employee agrees to remain in the employ of the sending agency for one month for each month the employee received tuition aid.

(d) Tuition aid (part-time educational leave) or full-time educational leave with or without stipend and/or tuition aid: The payment for tuition by the CWA will be the actual amount charged by the school, but may not exceed the rate charged by Rutgers—the State University of New Jersey.

1. If an employee just receives leave time on either part-time leave (tuition aid) or full-time educational leave and there is no money payment involved (either tuition aid or stipend, etc.), that employee has the responsibility to continue or resume work in the agency, but does not have a service agreement to work off leave time. The service agreement for working off tuition and/or stipend received for part-time or full-time educational pursuits shall not exceed a continuous work commitment to the agency of two years.

2. If more than one course is taken in the tuition aid (part-time) program, the course may be simultaneously worked off beginning the first work day after the completion of that semester so that an employee at the end of a semester never "owes" the agency more work time than one semester.

3. Employees taking educational course(s) (either part-time or full-time), shall be responsible for their own travel, parking, fees, and book costs. Occasionally, there may be a special program or course of study that will not fall clearly under part-time or full-time category, therefore, under these circumstances, the CWA shall contact the Division of Public Welfare for clarification.

10:109-1.5 Contracted services

Outside experts may be employed to conduct special courses but plans must be discussed with and receive prior approval by the Division of Public Welfare in order to meet audit requirements when payments are made.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director
Division of Public Welfare
CN 716
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-211.

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Amendment: N.J.A.C. 10:123-3.1 and 3.2

Residential Health Care Facilities and Boarding Homes Personal Needs Allowance

Timothy Carden, Commissioner of Human Services, pursuant to authority of Section 3 of P.L. 1973, c.256 as amended and supplemented by Section 34 of P.L. 1979, c.496 (N.J.S.A. 44:7-87), proposes to amend N.J.A.C. 10:123-3.1 and 3.2 concerning personal needs allowances in residential health care facilities and boarding houses. This proposal supersedes the proposal known as PRN 1981-123, and published in the July 9, 1981 New Jersey Register at 13 N.J.R. 434(a).

Summary

This amendment provides that the owner or operator of each residential health care facility or boarding house shall reserve to each Supplement Security Income recipient residing therein, and the owner or operator of each residential health care facility shall reserve to each General Public Assistance recipient residing therein, a personal needs allowance in an amount of at least \$44.00 per month plus the amount of any Supplemental Security Income/Social Security Income Disregard for the individual recipient.

Social Impact

The personal needs allowance increase represents an equitable distribution of the Supplemental Security Income between the residents and the owners or operators of boarding houses and residential health care facilities.

Economic Impact

Recipients of the increased personal needs allowance will have additional resources for use in purchasing personal incidentals. There will be no negative impact on the facility owners or operators because the increase in the personal needs allowance from \$40.00 to \$44.00 is proportionate to the total July 1, 1981 Federal Supplemental Security Income increase and the November 1, 1981 State Supplemental increase pursuant to P.L. 1981, C.210. Although the Supplemental Security Income/Social Security Income Disregard may have a negative impact on some owners or operators it will have a positive impact on those residents who receive it.

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

10:123-3.1 Definitions

“General Public Assistance” means assistance rendered to needy persons not otherwise provided for under the laws of this state, where such persons are willing to work but are unable to secure employment due either to physical or mental disabilities or inability to find employment, and includes what is commonly called relief or emergency relief. See N.J.S.A. 44:8-107 et seq. and N.J.A.C. 10:85.

“Supplemental Security Income/Social Security Income Disregard (SSI/SSA)” means in determining the income of an SSI/SSA eligible individual the exclusion of the first \$240 per year (or proportionately smaller amounts for shorter periods—\$20 per month) of income (whether earned or unearned) other than income which is paid on the basis of the need of the eligible individual. See 42 U.S.C. 1382a(b)(2) and N.J.S.A. 7-85 et seq.

10:123-3.2 Amount

[The owner or operator of each residential health care facility or boarding house shall reserve to each Supplemental Security Income recipient residing therein a personal needs allowance in an amount of at least \$40 until such time as this rule may be amended. No owner or operator or agent thereof shall interfere with the recipient's retention, use, or control of the personal needs allowance.]

The owner or operator of each residential health care facility or boarding house shall reserve to each Supplemental Security Income recipient residing therein, and the owner or operator of each residential health care facility shall reserve to each General Public Assistance recipient residing therein, a personal needs allowance in an amount of at least \$44.00 per month plus the amount of any Supplemental Security Income/Social Security Income Disregard for the individual recipient. No owner or operator or agent thereof shall interfere with the recipient's retention, use, or control of the personal needs allowance.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Lawrence Hatton
Boarding Home Coordinator
Division of Youth and Family Services
One South Montgomery Street
CN 717
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-210.

(b)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed New Rule: N.J.A.C. 10:132 Court Actions and Proceedings

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:1A-1, 30:4C-4(c) and (h), and 4C-4.1 and 4.2, proposes to adopt a new rule to be

cited as N.J.A.C. 10:132 concerning the authority of the Division of Youth and Family Services to engage in commencing or maintaining certain court actions.

Summary

The proposed rule will codify in the New Jersey Administrative Code authority previously granted by resolution of the State Board of Control to the Bureau of Children Services to engage in certain litigation, without further approval from the State Board of Control.

At the time this authority was granted, the Bureau of Children Services was part of the Division of Public Welfare within the Department of Institutions and Agencies and the State Board of Control was the chief executive of the Department of Institutions and Agencies. Subsequent legislation converted the State Board of Control into the State Board of Institutional Trustees, which now acts as the advisory board to the Department. Present references to the State Board of Control are deemed to refer to the Commissioner of Institutions and Agencies, which is now referred to as the Department of Human Services (see N.J.S.A. 30:1A-1). The Department of Human Services, created out of the Department of Institutions and Agencies, established the Division of Youth and Family Services under N.J.S.A. 30:1-9, and was clothed with legislative sanction as the successor of the Bureau of Children Services under N.J.S.A. 30:4C-2.1 et seq.

Social Impact

There is no social impact associated with this proposal since this rule merely codifies existing DYFS practice and procedure of the past several years.

Economic Impact

There is no economic impact associated with this proposal since this rule merely codifies existing DYFS practice and procedure of the past several years.

Full text of the proposed new rule follows.

CHAPTER 132 COURT ACTIONS AND PROCEEDINGS

SUBCHAPTER 1. GENERAL PROVISIONS

10:132-1.1 Scope; applicability and purpose

This rule implements N.J.S.A. 30:4C-4.1, 4.2 and provides the consent and approval of the Commissioner of the Department of Human Services authorizing the Division of Youth and Family Services to commence or maintain actions in court.

10:132-1.2 Court actions by the Division

The Commissioner of Human Services consents to the commencement and maintenance of all actions which the Division of Youth and Family Services is authorized by law to commence or maintain including but not limited to all actions brought pursuant to N.J.S.A. 30:4C-1 et seq. and N.J.S.A. 9:6-1 et seq.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jesse L. Moskowitz, Administrator
Office of Regulatory and
Legislative Affairs
Division of Youth and Family Services
One South Montgomery Street
CN 717
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 adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-226.

(a)

CORRECTIONS

THE COMMISSIONER

Readopted New Rules: N.J.A.C. 10A:31-4 Adult County Correctional Facilities Remission of Time from Sentence

Effective Date: August 21, 1981

On August 21, 1981, William H. Fauver, Commissioner of Corrections, pursuant to authority of N.J.S.A. 30:8-28.1, 30:8-44 and P.L. 1981, c.140 (N.J.S.A. 30:8-28.4), and in accordance with the applicable provisions of the Administrative Procedure Act, readopted new rules to be cited as N.J.A.C. 10A:31-4 concerning the remission of time from sentence for inmates of adult county correctional facilities, as proposed in the Notice published July 9, 1981 at 13 N.J.R. 434(b), without change.

This is a readoption of rules proposed at 13 N.J.R. 434(b) as PRN 1981-127, and adopted as emergency rules pursuant to N.J.S.A. 52:1B-4(c) at 13 N.J.R. 467(a). This readoption became effective upon filing with the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)) as R.1981 d.358.

(b)

CORRECTIONS

STATE PAROLE BOARD

Proposed Repeal: N.J.A.C. 10A:70-8 Parole Board Rules Certificate of Good Conduct

Christopher Dietz, Chairman of the State Parole Board in the Department of Corrections, pursuant to authority of N.J.S.A. 30:4-123.48, proposes to repeal N.J.A.C. 10A:70-8 concerning the Parole Board's power to grant certificates of good conduct.

Summary

The proposed repeal eliminates rules duplicated by the provisions of N.J.A.C. 10A:71-8 (see 13 N.J.R. 436(a)).

Social Impact

There is no social impact from this proposal since the subject matter previously covered by these rules is now covered by new rules.

Economic Impact

No economic impact will result from this repeal since procedures for the granting of certificates of good conduct are provided under new rules.

Full text of the rule proposed for repeal follows (deletions indicated in brackets [thus]).

SUBCHAPTER 8. [CERTIFICATE OF GOOD CONDUCT] (RESERVED)

[10A:70-8.1 Definition

(a) The Certificate of Good Conduct is a document issued by the Board to assist the rehabilitation of convicted

offenders by removing impediments and restrictions upon their ability to obtain proposed employment.

(b) The certificate does not imply pardon and under no circumstances is it to be construed as forgiving, absolving or mitigating the offense(s).

(c) Issuance of a Certificate of Good Conduct pursuant to N.J.S.A. 2A:168A-1 et seq. precludes a licensing authority, as defined in N.J.S.A. 2A:168A-2, from disqualifying or discriminating against the applicant because of any conviction for a crime, unless N.J.S.A. 2A:93-5 is applicable.

10A:70-8.2 Eligibility

(a) An application for a Certificate of Good Conduct shall not be entertained unless the applicant meets all of the following requirements:

1. The applicant was previously paroled by the Board.
2. At least two years have passed since the date any similar application was denied, unless the Board determines that significant information exists which provides a basis for a waiver of this limitation.

10A:70-8.3 Procedure

(a) The applicant shall apply to the Board for a certificate on forms prescribed and furnished by the Board.

(b) Upon receipt of the application, the Board shall initiate a confidential investigation which shall indicate all pertinent legal and social information, with particular reference to the need the applicant has for and the use he or she expects to make of the certificate.

(c) The applicant shall be required to furnish all documentary evidence the Board shall require, except as provided herein.

(d) The applicant shall have the right to restrict the Board's investigation. In such a case, the Board's investigator shall note in his or her report the limitations placed on the inquiry by the applicant, and the Board shall evaluate such limitations when considering the application.

10A:70-8.4 Criteria

The Board shall evaluate the application on the basis of the applicant having achieved a degree of rehabilitation indicating that his or her engaging in the proposed employment would not be incompatible with the welfare of society.

10A:70-8.5 Board Action

The Board shall grant or revoke a Certificate of Good Conduct by majority vote of its members.

10A:70-8.6 Notification

(a) The Board shall notify the applicant of its decision within 30 days of the date the application was considered.

(b) A copy of the certificate, if granted, shall be filed with the Secretary of State.]

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Christopher Dietz, Chairman
State Parole Board
P.O. Box 7387
Whittlesey Road
Trenton, N.J. 08625

The State Parole Board thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-186.

(a)

CORRECTIONS

STATE PAROLE BOARD

Adopted New Rules: N.J.A.C. 10A:71-3.5

Adopted Amendments: N.J.A.C. 10A:71-1.1,
3.2-3.4, 3.15, 3.19, 3.21, 3.25, 3.29, 4.2, 5.8,
6.1, 6.6, 7.15, 7.16

Parole Board Rules

Effective Date: September 10, 1981

On August 12, 1981, the State Parole Board in the Department of Corrections, pursuant to authority of N.J.S.A. 30:4-123.48 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 10A:71-3.5 and amendments to various sections in N.J.A.C. 10A:71 concerning Parole Board Rules as proposed in the Notice published July 9, 1981 as 13 N.J.R. 436(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 13, 1981 as R.1981 d.322.

(b)

CORRECTIONS

STATE PAROLE BOARD

Proposed Amendment: N.J.A.C. 10A:71-1.5

Parole Board Rules

Disqualification of Board Members and Hearing Officers

Summary

The proposed amendment includes hearing officers under provisions governing the withdrawal of Board members from participation in cases. In addition, the basis for such withdrawal is clarified to include indirect and direct personal interests.

Social Impact

There will be no social impact since the amendment simply defines how the Board assigns cases to Board members and hearing officers.

Economic Impact

There will be no economic impact since any case in which a Board member or hearing officer must withdraw will be considered by another Board member or hearing officer.

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

10A:71-1.5 Disqualification or incapacity of Board members or hearing officers

(a) A Board member or hearing officer shall not participate in any [Board or Board panel] deliberations or disposition of any case in which the Board member or hearing officer has either a direct or indirect personal interest.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Christopher Dietz, Chairman
State Parole Board
P.O. Box 7387, Whittlesey Road
Trenton, New Jersey 08628

CHAPTER 71
PAROLE

The State Parole Board thereafter may adopt this proposal without further notice. The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-206.

(a)

CORRECTIONS

STATE PAROLE BOARD

Adopted Amendment: N.J.A.C. 10A:71-6.9

Parole Board Rules

Discharge from Parole Supervision

Effective Date: September 10, 1981

On August 12, 1981, the State Parole Board, in the Department of Corrections, pursuant to authority of N.J.S.A. 30:4-123.48 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 10A:71-6.9 concerning discharge from parole supervision as proposed in the Notice published July 9, 1981 at 13 N.J.R. 440(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 13, 1981 as R.1981 d.324.

(b)

CORRECTIONS

STATE PAROLE BOARD

Proposed New Rules: N.J.A.C. 10A:71-9

Parole

Parole Board Clemency Rules

Christopher Dietz, Chairman of the State Parole Board in the Department of Corrections, pursuant to authority of N.J.S.A. 30:4-123.48 and N.J.S.A. 2A:167-11, proposes to adopt new rules to be cited as N.J.A.C. 10A:71-9 concerning the Parole Board's investigation of clemency cases.

Summary

The proposed rules detail procedures that are followed by the State Parole Board when investigating clemency cases for the Governor. The rules include definitions of the types of clemency, eligibility requirements, application procedures, and investigation requirements.

Social Impact

The rules will provide the State with a clear and concise procedure for the consideration of requests for executive clemency. The rules in no way alter the Governor's clemency powers, which are Constitutional.

Economic Impact

The proposal represents no substantial economic impact on any party. The rules merely describe the procedures followed by the Board in conducting clemency investigations. The Parole Board will provide adequate funding for a clemency investigator who will compile necessary documents for review by the Board and the Governor.

Full text of the proposed new rules follows.

SUBCHAPTER 9. EXECUTIVE CLEMENCY

10A:71-9.1 Scope

The general power of pardoning of sentences offenses necessarily includes the lesser powers of remission of fines, penalties, forfeitures and commutation. The provisions of this subchapter have been approved by the Governor and define Board procedures within statutory limits and the authority conferred by the Governor.

10A:71-9.2 Definitions

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

"Board" means the New Jersey State Parole Board.

"Commutation of sentence" means the form of executive clemency which changes the punishment imposed for a conviction from a greater to a lesser one.

"Medical commutation of sentence" means the form of executive clemency which changes the punishment imposed for a conviction from a greater to a lesser one for those offenders who are approaching imminent death, or who are so ill as to be without prospect of recovery under conditions of confinement, or who need medical attention not available under conditions of confinement.

"Executive clemency" is synonymous with the "pardoning power" vested in the Governor by the New Jersey Constitution and refers to the various forms of that power which the Governor may grant at his discretion with respect to offenses against this State.

"Expungement" means a form of relief obtained in a judicial proceeding pursuant to N.J.S.A. 2C:52-1 et seq.

"Pardon" means the highest form of executive clemency and releases the offender from any and all forfeitures annexed to the offense for which he obtains a pardon.

"Remission" releases the petitioner from the obligation of paying a fine, penalty, forfeiture, cost, restitution or a portion thereof.

"Restoration to the right of suffrage" means the form of executive clemency which restores to the petitioner the right to vote which was lost by virtue of conviction of a disenfranchising offense in this or another jurisdiction. Conviction of certain offenses, whether such conviction results in a sentence of confinement or not, results in the loss of the right to vote, which right may be restored by order of the Governor. (See N.J.S.A. 18A:14-70, 18A:14-94, 18A:14-95 and 18A:14-96; also N.J.S.A. 19:4-1, 19:31-17, 19:34-25, 19:34-46 and 19:34-47.)

10A:71-9.3 General eligibility requirements

(a) Any person who has been convicted of an offense against the State of New Jersey may petition the Governor for executive clemency provided the requirements set forth in this section are met.

(b) An application for a pardon shall not be entertained:

1. In cases involving homicide, unless at least 10 years have elapsed since the applicant was discharged from confinement, and any parole supervision or probation supervision; or

2. In all other cases, unless;

i. At least five years have elapsed since the applicant was discharged from confinement, and any parole supervision or probation supervision; or

ii. At least five years have elapsed since the conviction of the applicant, where the applicant was not committed to an institution or placed on probation.

3. A pardon to avoid deportation is exempt from the time limitations herein.

(c) An application for restoration of the right of suffrage shall not be entertained:

1. Unless two years have elapsed since the applicant was released on parole or released at the expiration of the sentence; or

2. Unless two years have elapsed since the conviction of the applicant, where applicant was not committed to an institution.

(d) An application for commutation of sentence shall not be entertained:

1. Unless the applicant has served six months of a term with a maximum of one year or less; or

2. Unless the applicant has served one year of a term with a maximum exceeding one year; and

3. Unless the applicant is not currently eligible for parole consideration.

(e) An application for medical commutation of sentence shall not be entertained unless there is medical evidence which demonstrates that the applicant is approaching imminent death or is so ill as to be without prospect of recovery under conditions of confinement, or needs medical attention not available under conditions of confinement.

(f) An application for remission shall not be entertained:

1. Unless the applicant is within six months of release from confinement; or

2. Unless the applicant is at liberty in the community.

(g) The Board will entertain petitions for executive clemency in cases involving motor vehicle violations only upon referral by the Division of Motor Vehicles.

10A:71-9.4 Forms

(a) An "application" is that document which is initially completed by an applicant as a basis for determining eligibility to petition for executive clemency.

(b) A "petition" is that document which is completed by a petitioner upon determination by the Board that the applicant is eligible to petition for executive clemency. A petition provides the basis for the Board's investigation of the case.

(c) The application and the subsequent petition are forms prescribed by the Board.

10A:71-9.5 Application

(a) An application shall be obtained from the Board as follows:

1. All persons who are confined in an institution within New Jersey shall obtain application from the chief executive officer of the institution of confinement. The chief executive officer shall not deny any inmate the opportunity to file an application to petition for executive clemency. Completed applications shall be returned to the Board through the aforesaid chief executive officer.

2. All other applicants or their agents shall obtain the prescribed application forms by writing to or appearing at the office of the Board. Completed applications shall be returned to the Board.

10A:71-9.6 Determination of eligibility

(a) Upon receipt of a completed application the Board shall determine the eligibility of the applicant to petition for executive clemency.

(b) If the applicant is ineligible, the Board shall notify the applicant by mail, of the reason for the determination, and, if applicable, the date on which the applicant will become eligible to petition.

(c) If the applicant is eligible, the Board shall forward a petition for completion by the applicant.

10A:71-9.7 Waiver of eligibility requirements

(a) The Board may, upon the approval of the Governor, waive any of the eligibility requirements contained in this subchapter.

(b) A request to waive the eligibility requirements shall be made in writing to the Board.

(c) Except where otherwise directed by the Governor, a request to waive the eligibility requirements contained in this subchapter shall not be considered unless, in the opinion of the Board, the petitioner will be or is being deprived of potential educational or employment opportunities, or the petitioner is suffering economic hardship or emotional strain due to ramifications of his or her conviction.

(d) If the Board determines to recommend to the Governor that a waiver be granted, the Board shall notify the Governor, forward an executive clemency petition to the applicant, and proceed to consider the petitioner's case.

(e) If the Board determines to recommend to the Governor that a waiver not be granted, the Board shall notify the Governor in writing of such determination.

(f) A waiver, if granted, does not indicate that the requested clemency will receive favorable consideration, but rather that the applicant is being given an earlier opportunity to file than would normally be allowed.

(g) The Board shall advise all interested parties upon the grant or denial of a waiver.

10A:71-9.8 Petition

(a) A petition shall briefly set forth the facts of the case, the reasons justifying executive clemency and other pertinent data.

(b) Petitions for eligible applicants shall be forwarded to the applicant or his or her agent by mail together with a request for such supporting documents as the Board deems appropriate.

(c) Such petition shall be completed by the petitioner and the Governor or the Board may require that it be before a person authorized to take oaths.

(d) Completed petitions shall be returned to the Board together with such supporting documents as the Board may request, and any other documents the petitioner may wish to submit for consideration.

10A:71-9.9 Testimonial letters

(e) Each petitioner for pardon or restoration of the right of suffrage shall be requested to supply testimonial letters from at least two responsible persons who have knowledge of the petitioner's community adjustment for at least two years preceding the filing of the petition. Such letters shall be addressed to the Governor and filed with the Board.

(b) If possible, the testimonial letters should be from individuals who are aware of the offense(s) for which executive clemency is sought. A petitioner who does not supply the requested letters shall, in lieu thereof, attach to the petition a statement setting forth the reasons for the alleged inability to supply such letters, and such statement will be evaluated by the Board in its consideration of the case.

10A:71-9.10 Incomplete petitions

(a) If the Board determines that a petitioner has deliberately failed to supply requested documents, deliberately failed to complete the petition in any substantial respect or deliberately filed an inaccurate petition, the Board may disqualify the petitioner from filing.

(b) In such case, the Board shall so notify the petitioner and a petition for any form of executive clemency shall not be entertained until two years have elapsed from the date of such notice.

10A:71-9.11 Scope of investigation

(a) The Board shall cause a confidential investigation to be made of the facts and circumstances with respect to each petition for executive clemency.

(b) The investigation shall include recommendations or opinions of appropriate criminal justice agencies and community representatives, an evaluation of the criminal record, present circumstances, reputation and character of the petitioner.

(c) If the petitioner is incarcerated, the Board shall request at least two copies of classification material from the institution where the petitioner is incarcerated.

(d) The investigation shall be a thorough survey of all the pertinent legal and social information bearing upon the petitioner's life situation, with particular reference to the petitioner's need for the requested executive clemency, and his plans if the requested executive clemency should be granted.

(e) In such cases as the Board deems appropriate, the chief of the Bureau of Parole in the Department of Corrections or the chief probation officer of a county shall be requested to complete an investigation of the petitioner's community adjustment and furnish the Board with an evaluation of the factors relating to such adjustment.

10A:71-9.12 Investigation interview

(a) Each petitioner may be requested to appear for a confidential interview to be conducted by a designated representative of the Board, subject to such exceptions as the Board deems warranted.

(b) Failure to appear for a requested interview will result in the Board closing the petitioner's executive clemency file unless good cause for non-appearance is shown.

(c) Counsel for petitioner, if any, may appear at the interview with the petitioner. However, appearance by counsel is not required.

10A:71-9.13 Documentary evidence

The petitioner may be required to furnish documentary evidence supporting statements made in, or in connection with, the petition, including requests for verification of the petitioner's employment, financial status, military service, marital status and any other matters that the Board deems appropriate.

10A:71-9.14 Limitations on investigation

(a) Petitioner shall have the right to direct the Board to refrain from contacting individuals such as employers, business associates, family or friends.

(b) The investigator shall note in his or her report to the Board the limits placed by the petitioner on the inquiry and the reasons, if any, for such limitations, and such limitations will be evaluated by the Board in its consideration of the case.

10A:71-9.15 Investigation termination at petitioner's request

(a) The petitioner shall have the right to have the investigation terminated at any time by giving written notice to the Board.

(b) In such cases the Board will close the petitioner's executive clemency file and another petition shall not be entertained until two years have elapsed from the date of receipt of such notice.

10A:71-9.16 Publication

(a) The Board shall forward notice of petitions received to the sentencing court and the prosecutor, and to such

judicial and law enforcement agencies as the Board deems appropriate.

(b) Said notice will be deemed competent authority for any such agency to transmit to the Board copies of such records as the agency may have with respect to any petitioner.

(c) Judicial and law enforcement agencies, as used herein, shall include, but shall not be limited to, the offices of the prosecutors, Federal and State attorneys general, court clerks, probation officials, judges, sheriffs, municipal and State police and the Federal Bureau of Investigation.

(d) The Board may request officials of any judicial or law enforcement agency to comment on the merits of any petition.

10A:71-9.17 Scope of review by board

(a) The Board shall review all petitions for executive clemency and make a report and recommendation to the Governor in each case as provided in this subchapter.

(b) Except where otherwise directed by the Governor or the Board, no hearing on a petition shall be held.

(c) The Board shall not, unless there is good cause and then only in the Board's discretion, consider any questions regarding the correctness, regularity or legality of court proceedings.

10A:71-9.18 Board's function

(a) The Board will meet at least monthly to consider petitions on which an investigation has been completed.

(b) Unless otherwise authorized by the Board, only members of the Board and its staff shall be present at the meeting.

(c) The Board shall vote on each petition, and as soon thereafter as is reasonably possible, it shall submit to the Governor a written report and recommendation on each petition.

(d) In cases where a member of the Board dissents, a minority report shall also be submitted to the Governor.

(e) The Board shall submit to the Governor with its report and recommendation all materials received in connection with each petition.

(f) Except as otherwise authorized by the Governor, the Board shall not divulge to petitioner or to other interested parties its recommendation to the Governor or the reasons therefore.

10A:71-9.19 Decision of the Governor

(a) The Governor shall notify the petitioner or to the petitioner's attorney of the decision by mail, with copy to the Board.

(b) Upon such notification, the Board shall promptly notify such parties as may be entitled to be apprised of the decision.

(c) Where executive clemency is granted, the Board shall notify the Bureau of Identification in the Division of State Police, and said Bureau shall upon receipt of such notice make appropriate entries in their records.

10A:71-9.20 Conditions for refile of petitions

(a) Where a petition for executive clemency has been denied, another petition for any form of executive clemency, except medical commutation of sentence, shall not be entertained unless:

1. Two years have elapsed since the date the prior petition was denied; or

2. It shall be determined that there are facts justifying the refile which could not, with reasonable diligence, have been brought forward when the petition was first filed; or

3. The Governor's denial indicated a date for such reconsideration; or

4. The Governor authorizes such refile pursuant to N.J.A.C. 10A:71-9.7.

10A:71-9.21 Form of executive clemency orders

The Governor shall prescribe the forms for all orders of executive clemency.

10A:71-9.22 Medical commutation of sentence conditions

Petitioners granted medical commutation of sentence, and thereby released from incarceration, may be required to provide periodic reports concerning their medical condition.

10A:71-9.23 Revocation of executive clemency

(a) All executive clemency orders are granted with the condition that the person granted clemency maintain acceptable conduct.

(b) If information comes to the attention of the Board indicating that a person granted executive clemency has violated any of the terms, conditions or limitations of the executive clemency order, the Board shall investigate such case and recommend to the Governor whether executive clemency order should be revoked.

10A:71-9.24 Administrative matters

(a) Conferences with attorneys or other persons interested in executive clemency matters may be held by the Chairman or his or her designated representative except where otherwise directed by the Governor.

(b) All official files, documents and records in the offices of the Board, in the custody of any official or member of the Board or kept or caused to be maintained by an official or member of the Board pertaining to executive clemency are confidential.

(c) Unless authorized by the Governor, no record, document, paper, exhibit, or other official instrument in writing, pertaining to a petition for executive clemency, shall be withdrawn from the file or furnished to or inspected by any person.

(d) Except where authorized by the Governor, all statements and information relative to an executive clemency petition shall emanate from the Office of the Governor.

10A:71-9.25 Governor's constitutional authority not abridged

Nothing contained in this subchapter shall be deemed to limit or abridge in any way the constitutional authority of the Governor to act on any request for executive clemency.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Christopher Dietz, Chairman
State Parole Board
P.O. Box 7387
Whittlesey Road
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-187.

(a)

INSURANCE

THE COMMISSIONER

Proposed New Rules: N.J.A.C. 11:12 Legal Insurance

Public Hearing: October 1, 1981

Summary

This regulation sets forth procedures to be followed in implementing N.J.S.A. 17:46C-1 et seq., providing for authorization and regulation of legal insurance to be issued by insurers permitted to write legal insurance in New Jersey.

Social Impact

These rules recognize the need to encourage the development of effective and economically sound methods for making legal services more readily available at reasonable cost to citizens of New Jersey.

Economic Impact

The regulation of legal insurance as described in N.J.S.A. 17:46C-1 et seq. will impact, it is estimated, the administrative expenses of the Department of Insurance to the extent of approximately \$100,000. Additional personnel will be required to implement the mandates of this statute. All Divisions of the Department of Insurance will be involved in some part of the regulation of N.J.S.A. 17:46C-1 et seq.

Full text of the proposed new rules follows.

CHAPTER 12 LEGAL INSURANCE

SUBCHAPTER 1. INSURERS AUTHORIZED TO TRANSACTION THE BUSINESS OF LEGAL INSURANCE

11:12-1.1 Authorization of insurers

(a) An insurer defined in N.J.S.A. 17:46C-3b may transact the business of insurance in New Jersey after satisfying the following conditions.

1. Notify the commissioner of the intent to write legal insurance and submit satisfactory evidence of authorization to transact the business of insurance. Such evidence shall include proof of the necessary corporate power to transact the business of legal insurance.

2. Submit to and have approved by the commissioner a copy of the policy and certificate forms to be used.

3. Submit to and have approved by the commissioner the rating system upon which the legal insurance rates will be based. The commissioner has determined not to allow a file and use rating procedure at this time.

11:12-1.2 Experience reports

An insurer transacting legal insurance in New Jersey shall submit periodic experience reports on a form and at a frequency to be prescribed by the commissioner.

11:12-1.3 Persons authorized to sell legal insurance

(a) Any person holding an unexpired New Jersey agent's, broker's, or solicitor's license may solicit, negotiate, and/or effectuate legal insurance. Requirements and procedures providing for future examinations and licensing of agents, brokers, and solicitors will be amended to include legal insurance.

(b) An insurer and any full or part time, salaried em-

ployee of an insurer may solicit, negotiate and/or effectuate legal insurance for the account of the insurer.

11:12-1.4 Annual reports

An insurer who obtains a certificate of authority under N.J.S.A. 17:46C-4 shall submit an annual report on a form to be prescribed by the Commissioner.

A public hearing concerning this rule will be held on October 1, 1981, at 10:00 A.M. at:

Department of Insurance
201 East State Street
Trenton, New Jersey 08625

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. John G. Foley
Assistant Commissioner
New Jersey Department of Insurance
201 East State Street
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-218.

(a)

INSURANCE

THE COMMISSIONER

Public Notice: List of Municipalities Requiring Insurance Companies to Pay Unpaid Liens

On July 27, 1981, Herman W. Hanssler, Assistant Commissioner of Insurance, pursuant to authority of P.L. 1978, c. 309, filed a list of municipalities that have passed an ordinance requiring insurance companies writing fire insurance on risks located in that municipality to pay unpaid liens out of any claimed payments in excess of \$2,500.

Full text of the additions to the prior list follows.

The Borough of Spotswood 08884 (Middlesex County)	June 19, 1981
The Borough of Matawan 07747 (Monmouth County)	June 19, 1981

This list was filed on July 27, 1981 as R.1981 d.304. Such list is not subject to codification but will appear in Title 11 for informational purposes.

(b)

LABOR AND INDUSTRY

THE COMMISSIONER

Proposed Amendment: N.J.A.C. 12:15-1.3 Maximum Weekly Benefit Rates 1982 Maximum Weekly Benefits for Unemployment Compensation and State Plan Temporary Disability

John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-3(c) and 43:21-40,

proposes to amend N.J.A.C. 12:15-1.3 concerning the 1982 maximum weekly benefit rates.

Summary

This proposed amendment establishes the 1982 maximum weekly benefit rates for benefits under the Unemployment Compensation Law and for State Plan benefits under the Temporary Disability Benefits Law.

Social Impact

The increase in these maximum weekly benefit rates will have no significant social impact.

Economic Impact

The proposed amendment will increase the weekly benefit rates received by individuals eligible for the maximum weekly benefit rate under the Unemployment Compensation Law and the Temporary Disability Benefits Law, beginning January 1, 1982.

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

12:15-1.3 Maximum weekly benefit rates

(a) In accordance with the provisions of the Unemployment Compensation Law, the maximum weekly benefit rate for benefits under the Unemployment Compensation Law and the maximum weekly benefit amount for State Plan benefits under the Temporary Disability Benefits Law is hereby promulgated as being [\$133] \$145.00 per week.

(b) These maximum benefits shall be effective for the calendar year [1981] 1982 on benefit years and periods of disability commencing on or after January 1, [1981] 1982.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Arthur J. O'Neal, Jr.
Assistant Commissioner
Income Security, Room 602
State Department of Labor and Industry
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-216.

(c)

LABOR AND INDUSTRY

THE COMMISSIONER

Proposed Amendment: N.J.A.C. 12:15-1.4 Taxable Wage Base 1982 Taxable Wage Base Under the Unemployment Compensation Law

Summary

John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-7(b)(3), proposes to amend N.J.A.C. 12:15-1.4 concerning the taxable wage base under the Unemployment Compensation Law.

Summary

This proposed amendment establishes the 1982 taxable wage base for the purpose of contributions under the Unemployment Compensation Law.

Social Impact

The increase in the taxable wage base will have no significant social impact.

Economic Impact

The proposed amendment will increase the wages of an individual employee of an employer that are subject to contributions under the Unemployment Compensation Law beginning January 1, 1982.

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

12:15-1.4 Taxable wage base under the unemployment compensation law

(a) In accordance with the provisions of N.J.S.A. 43:21-7(b)(3), the "wages" of any individual with respect to any one employer for the purpose of contributions under the Unemployment Compensation Law shall include the first [\$7,500] \$8,200 paid during the calendar year [1981] 1982.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Arthur J. O'Neal, Jr.
Assistant Commissioner
Income Security, Room 602
State Department of Labor and Industry
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-215.

(a)

LABOR AND INDUSTRY

THE COMMISSIONER

Proposed Amendment: N.J.A.C. 12:15-1.5 Unemployment Compensation Contribution Rates of Governmental Entities

John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-7.3(e), proposes to amend N.J.A.C. 12:15-1.5 concerning contribution rates of governmental entities.

Summary

This proposed amendment establishes the 1982 contribution rate for governmental entities that elect to pay contributions under the Unemployment Compensation Law.

Social Impact

The maintenance of the contribution rate for governmental entities for 1982 at the same level as the rate that prevailed in 1981 will have no significant social impact.

Economic Impact

The proposed amendment will maintain the contribution rate for governmental entities in 1982 at the same level that prevailed in 1981.

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

12:15-1.5 Contribution rate of governmental entities and instrumentalities

(a) In accordance with the provisions of N.J.S.A. 43:21-7.3(e), the contribution rate for all governmental entities and instrumentalities electing to pay contributions under the Unemployment Compensation Law is hereby established as being two percent (2%), for the entire calendar year.

(b) This contribution rate shall be effective on taxable wages paid in the calendar year of [1981] 1982.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Arthur J. O'Neal, Jr.
Assistant Commissioner
Income Security, Room 602
State Department of Labor and Industry
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-214.

(b)

LABOR AND INDUSTRY

DIVISION OF WORKPLACE STANDARDS

Adopted Amendments: N.J.A.C. 12:192

Adopted New Rules: N.J.A.C. 12:195

Carnival-Amusement Rides

Improving Safety for the Public

Effective Date: September 10, 1981

Operative Date: October 15, 1981

On August 12, 1981, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 5:3-36 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to and new rules in N.J.A.C. 12:195 concerning carnival-amusement rides as proposed in the Notice published July 9, 1981 at 13 N.J.R. 441(d), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

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

12:195-1.9 Inspection fee and permit

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

(d) Upon application for a permit, the *[Office of Safety Compliance]* *appropriate officials of the Division of Workplace Standards* shall inspect the amusement ride for which an annual fee shall be charged at the rate of \$50.00 for each major ride and \$25.00 for each kiddie ride.

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

"Division" means the Division of Workplace Standards, New Jersey Department of Labor and Industry, CN 054, Trenton, New Jersey 08625.

An order adopting the rule was filed with the Office of Administrative Law on August 12, 1981, as R.1981 d.321.

(a)**LABOR AND INDUSTRY****THE COMMISSIONER****Proposed Amendment: N.J.A.C. 12:235-1.5****Benefit Rates****Workers' Compensation Benefit Rates for 1982**

John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:15-12(a), proposes to amend N.J.A.C. 12:235-1.5 concerning workers' compensation benefit rates for 1982.

Summary

This proposed amendment establishes the 1982 maximum workers' compensation rates for temporary total disability, permanent total disability and dependency.

Social Impact

The increase in these maximum weekly benefit rates will have no significant social impact.

Economic Impact

The proposed amendment will increase the weekly benefit rates received by individuals eligible for the maximum weekly benefit rate for temporary total disability, permanent total disability and dependency under the Workers' Compensation Law.

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

12:235-1.5 Maximum workers' compensation benefit rates

(a) In accordance with the provisions of N.J.S.A. 34:15-12(a), the maximum workers' compensation benefit rate for temporary total disability, permanent total disability, and dependency is hereby promulgated as being [\$199] \$217.00 per week.

(b) This maximum compensation shall be effective as to injuries occurring in the calendar year of [1981] 1982.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Arthur J. O'Neal, Jr.
Assistant Commissioner
Income Security, Room 602
State Department of Labor and Industry
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-213.

(b)**LAW AND PUBLIC SAFETY****DIVISION OF ALCOHOLIC BEVERAGE CONTROL****Proposed New Rule: N.J.A.C. 13:2-24.4****Proposed Amendments: N.J.A.C. 13:2-7.10, 23.17 and 24.1****Regulation of Credit and the Possession of Chilled Malt Beverages by State Beverage Distributors and Limited Retail Distribution Licensees**

Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-39 and 33:1-1(w), 11(2)(c) and 12(3)(b), proposes to adopt a new rule to be cited as N.J.A.C. 13:2-24.4 and to amend N.J.A.C. 13:2-71.10, 23.17 and 24.1 concerning malt beverages, State beverage distributors, and limited retail distribution licensees.

Summary

On March 4, 1981 the presently existing Division credit regulations were repealed effective November 7, 1981. See, 13 N.J.R. 37(b) and 13 N.J.R. 238(b). The new rule N.J.A.C. 13:2-24.4 and the amendments to N.J.A.C. 13:2-7.10 and 24.1 are in response to the recommendations of a "Special Panel on Credit" contained in a report to the Director dated July 10, 1981.

The amendment to N.J.A.C. 13:2-7.10 is designed to prevent license transfers which may defraud creditors and to insure that transferees are aware of outstanding obligations to alcoholic beverage wholesalers. The regulation requires that a written acknowledgement of debt and satisfaction methods be presented to the local issuing authority prior to the approval of a potential license transfer. It does not require the local authority to examine the validity of any debts or to become involved in contractual agreements between wholesalers and retailers as they may relate to sales of alcoholic beverages on credit terms.

The amendment to N.J.A.C. 13:2-24.1 is a deletion of a paragraph which is incorporated in new regulation N.J.A.C. 13:2-24.4.

New regulation N.J.A.C. 13:2-24.4 articulates a comprehensive policy with respect to wholesale to retail credit relations. Consistent with the Division's efforts to deregulate industry trade practices, the industry will physically administer a credit system subject to stringent standards and supervision by the Division. The regulation establishes 30 days as the maximum period of credit extension to retailers and mandates that retailers in default be precluded from receiving further credit until delinquencies are satisfied. The regulation provides for a mechanism by which retailers may dispute the existence of a delinquency prior to the impact of adverse consequences and requires extensive reporting of wholesaler activity to the Division.

The amendment to N.J.A.C. 13:2-23.17 does not relate to credit issues. The amendment is intended to conform a regulation adopted prior to 1967 to statutory language. See, N.J.S.A. 33:1-1(w) and 11(2)(c) and 12(3)(b). The regulation makes it clear that neither limited retail distribution nor State beverage distributor licensees may sell chilled malt alcoholic beverages.

Social Impact

It is not anticipated that the proposed new regulation and amendments with respect to credit regulations will have any social impact, as the basic credit standards under which the industry has been operating will be extended with more significant supervision by the Division.

The proposed amendment to N.J.A.C. 13:2-23.17 may have the effect of minimally reducing the availability of chilled malt beverages to consumers at licensed premises conducting business pursuant to the existing regulation.

Economic Impact

The majority consensus opinion of the "Special Panel on Credit" in its July 1981 report to the Director was that the absence of credit regulations on November 1, 1981 would result in dire economic consequences to the industry, possibly necessitating a rise in consumer prices. The proposals relating to credit (N.J.A.C. 13:2-7.10, 24.1 and 24.4) would replace credit regulations repealed effective November 1, 1981. See: 13 N.J.R. 238(b). Since the industry is presently administering a credit information system, there will be no discernible economic impact upon either the industry or the public at large. The Division, however, may incur additional costs relating to the administration of more active supervision, particularly with respect to the review process concerning disputed delinquencies.

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

13:2-7.10 Hearing not required; reasons

(a) (No change.)

(b) No application shall be approved unless the issuing authority affirmatively finds and reduces to resolution that:

1. - 2. (No change.)

3. The applicant has disclosed, and the authority reviewed the source of all funds used in the purchase of the license and the licensed business, and all additional financing obtained in connection with the licensed business[.]; and

4. In the case of person-to-person transfers, that it has received a written statement, under oath, signed by an authorized representative of both the transferor and transferee, affirming that the transferee is aware of all obligations outstanding to New Jersey alcoholic beverage manufacturers, wholesalers, and distributors, and that either the transferee has assumed any such obligations or the obligations have been or will be satisfied by the transferor out of the proceeds of the sale of the licensed business.

13:2-23.17 Possession of chilled malt alcoholic beverages

No limited retail distribution or state beverage distributor licensee shall possess with intent to sell, sell or otherwise distribute [or allow, permit or suffer] any chilled malt alcoholic beverage [other than in kegs, barrels or similar containers of at least one gallon capacity, in or upon the licensed premises].

13:2-24.1 Discrimination in terms of sale

(a) (No change.)

(b) The provisions of the foregoing shall not prevent:

1. Differentials which make only due allowance for actual differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which alcoholic beverage products are sold or delivered to, or paid for by, purchasers including discounts for prompt payment[.];

[2. Differences in terms of credit, when justified by history or risk, to a particular customer or account in

bona fide transactions not otherwise in restraint of trade and as is customary to the industry; the credit period usual and customary to the industry shall be deemed to be thirty days from date of delivery in the case of all sales of any alcoholic beverages to retailers.]

13:2-24.4[(Reserved)] Regulation of wholesaler credit

(a) Credit terms established by an individual wholesaler shall be offered equally to the entire retail trade unless different terms to individual retail accounts are justified by the financial or credit history or risk of the particular accounts.

1. The maximum period for which credit may be extended in sales made to retailers is 30 days from the date of delivery in the case of all sales of any type of alcoholic beverage.

(b) In the event that a wholesaler has not received payment in accordance with the terms of sale as set forth upon an individual delivery invoice pursuant to N.J.A.C. 13:2-39.1, such wholesaler shall physically serve a "Notice of Obligation" upon any such defaulting retailer or its employee on the next business day after the obligation is due.

1. A "Notice of Obligation" shall inform the retailer in writing of amount due, the date delinquency occurred, the consequences of non-payment and that, in the event that the claim is disputed, immediate written notice shall be given to the Division of Alcoholic Beverage Control which will initiate a review pursuant to (f) below.

(c) A wholesaler which has complied with the provisions of (b) above shall, on the third business day thereafter, cause a written or electronic "Notice of Delinquency" to be transmitted to all wholesalers of alcoholic beverages who sell to retailers in this State and to the retailer which is the subject of the Notice. The "Notice of Delinquency" shall contain the State license number of the delinquent licensee, the amount due and the date past due.

1. A "Notice of Delinquency" shall not be transmitted by any wholesaler which has received notice that the retailer disputes the existence of an obligation.

2. Any wholesaler which has received a "Notice of Delinquency" with respect to a retail account shall not sell alcoholic beverages to that account on credit terms until it has received a "Notice of Satisfaction" thereof.

(d) A wholesaler which has caused a "Notice of Delinquency" to be transmitted with respect to a retail account shall promptly upon satisfaction of the terms of sale relating to the original transaction (and in no event later than three business days) cause all persons to whom a "Notice of Delinquency" was transmitted to receive a "Notice of Satisfaction." The "Notice of Satisfaction" shall include State license, number of the retailer, the date of satisfaction, and the date originally due.

1. "Satisfaction" for purposes of this regulation shall mean payment according to the terms of sale established individually by each wholesaler in its Current Price List pursuant to N.J.A.C. 13:2-24.6(a)3i.

(e) Any wholesaler which disseminates credit obligation, delinquency or satisfaction information directly, or through a credit information agency, shall be responsible for the accuracy of the information transmitted to any person and shall:

1. Cause to be maintained all information transmittals and other credit records for a period of two years; and

2. Cause to be submitted to the Division monthly reports of all delinquent retail accounts by license number, license name, the amount due, and the date due; and

3. Cause to be submitted to the Division annually, evidence in the form of a report outlining what it or its agent

has done and will do to insure compliance with ABC credit regulations.

(f) Upon receipt of a written claim by a retailer that it disputes the existence of a debt as set forth in a Notice of Obligation, the Director or his designee will, upon a showing that either the merchandise was not delivered or that payment has been made, direct that the matter be set down for informal hearing with notice to the parties. In the event that the dispute has not been resolved by the date of the hearing, the Director or his designee shall take proofs as to whether or not the merchandise which is the subject of the "Notice of Obligation" was delivered, and/or whether or not payment was made, and if so, upon what date. Should the Director or his designee determine that the "Notice of Obligation" was accurate, an Order shall be entered directing that a "Notice of Delinquency" be issued with respect to the licensee for such period of time as that which would have transpired between the original "Notice of Obligation" and "satisfaction." Should it be determined that the original "Notice of Obligation" was inaccurate, an Order shall be entered prohibiting the issuance of a "Notice of Delinquency." The party for whom the determination was adverse shall promptly remit to the Division such costs as may be determined, which shall in no event be less than \$25.00.

(g) The provisions of this regulation may be relaxed in the discretion of the Director, upon written petition by a retail licensee with notice to all creditor-wholesalers, in such instances where a formal debt liquidation plan has been entered into by such a licensee. In proceedings pursuant to (f) above, the Director will decline to entertain claims predicated upon set-offs or other defenses more appropriately resolved by the parties in a court of competent jurisdiction.

OAL Note: N.J.A.C. 13:2-24.4, concerning unfair competition and credit practices, was repealed and marked "reserved" by R.1981 d.71, as filed with the Office of Administrative Law on March 4, 1981, to become effective (operative) November 1, 1981.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Joseph H. Lerner, Director
Division of Alcoholic Beverage Control
Newark International Plaza
Newark, New Jersey 07104

The Division of Alcoholic Beverage Control thereafter may adopt rules concerning this subject without further notice (see N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-219.

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amendment: N.J.A.C. 13:19-10.5

Point System

Reduction of Point Accumulation

Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-30, proposes to

amend N.J.A.C. 13:19-10.5 concerning reduction of point accumulation.

Summary

The proposed amendment clarifies how the 12-month period of violation-free driving which results in the three-point reduction of points is to be computed where subsequent to the last point violation there is a driver license suspension. The proposed amendment provides that the period from the last point violation to the subsequent driver license suspension shall be credited in calculating the 12-month period of violation-free driving.

Social Impact

The proposed amendment will clarify for drivers how the 12-month period of violation-free driving is calculated in determining to assess the three-point reduction. In that the period from the last point violation to the subsequent driver license suspension will be credited in calculating the 12-month period, drivers will qualify for the point reduction sooner than they would under the existing rule.

Economic Impact

There is no economic impact on the Division. There is an economic impact on drivers affected by the proposed amendment in that insurance premium surcharges may be lowered because of the assessment of the point reduction.

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

13:19-10.5 Reductions of point accumulation

(a) The record of points assessed against any individual shall be reduced by three points for each 12 months of violation-free driving. If an individual's point total is three or less at the time of eligibility for such credit, the driver's point total shall be reduced to zero. No point totals shall be reduced below zero.

(b) [No point totals shall be reduced below zero or so as to reflect minus points. An individual whose license has been suspended for some other reason during the 12-month period of violation-free driving shall, within the discretion of the Director, not be eligible for the three-point reduction. For purposes of determining the date of point reduction, the following shall apply:

1. If a six-point award is granted in accordance with section 4 of L.1977, c.27, the three-point reduction will be made effective one year from the date of the six-point award;

2. If a six-point award is not granted in accordance with section 4 of L.1977, c.27, the three-point reduction will be made effective one year from the date of the last point violation, or driver license restoration, whichever applies;

3.] The annual three-point reduction will be granted effective one year from the date of the last point violation, one year from the date of the last reduction [or award], or one year from the date of the last driver license restoration[, whichever applies]; provided, however, that whenever an individual's driving privileges are suspended after the last point violation the period from the date of the last point violation to the date of the subsequent driver license suspension shall be included in the calculation of the one year period.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Joan H. Wiskowski, Director
Division of Motor Vehicles
25 South Montgomery Street
Trenton, New Jersey 08666

(b)

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

This proposal is known as PRN 1981-220.

(a)

LAW AND PUBLIC SAFETY

BOARD OF ARCHITECTS BOARD OF PROFESSIONAL AND LAND SURVEYORS BOARD OF PROFESSIONAL PLANNERS

Adopted New Rules: N.J.A.C. 13:27-6, 13:40-7
and 13:41-4

Division of Responsibility in Preparation of
Site Plans and Major Subdivision Plats

Effective Date: September 10, 1981

On June 9, 1981, Sidney Schenker, President of the State Board of Architects in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:3-3 and 3-10 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 13:27-6 concerning the permissible scope of practice of the profession of architecture in the preparation and submission of site plans and major subdivision plats.

On June 4, 1981, Sol Seid, President of the State Board of Professional Engineers and Land Surveyors in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:8-39 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 13:40-7 concerning the permissible scope of practice of the profession of professional engineer and land surveyors in the preparation and submission of site plans and major subdivision plats.

On June 12, 1981, Louis Goettlemann, President of the State Board of Professional Planners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14A-2 and 14A-4 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 13:41-4 concerning the permissible scope of practice of the profession of professional planners in the preparation and submission of site plans and major subdivision plats.

This rule was initially proposed in the November 6, 1980 New Jersey Register at 12 N.J.R. 667(b) and was re-proposed with revisions on April 9, 1981 at 13 N.J.R. 231(a). The latter proposal is adopted hereby and without change.

Orders adopting these rules were filed with the Office of Administrative Law on August 10, 1981 as R.1981 d.320.

LAW AND PUBLIC SAFETY

BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Proposed Amendment: N.J.A.C. 13:31-1.8
Inspection Authorities

The Board of Examiners of Electrical Contractors in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:5A-6, proposes to amend N.J.A.C. 13:31-1.8 concerning inspections of work.

Summary

Under N.J.S.A. 45:5A-16, failure of an electrical contractor to secure an inspection of his contract work by the authorized electrical inspector or to perform his work in conformity with the National Electrical Code (NEC) was a violation of the Electrical Contractors Licensing Act and grounds for disciplinary action. With the repeal of that section in 1980, it became unclear whether such failures remained grounds for disciplinary action.

The current regulation of the Board of Examiners of Electrical Contractors, regarding inspection authorities, refers to the repealed section and does not state who is responsible for obtaining an inspection. Furthermore, it does not deal with a licensee's failure to conform his work to the NEC or to correct violations found during an inspection.

The proposed amendment is intended to update the present regulation and state the board's current policy. It makes clear that each licensed electrical contractor must conform his work to the standards of the NEC, must arrange inspections, and must, at no additional charge to consumers, correct violations in his work discovered during such inspections. Failure to comply is occupational misconduct. Moreover, the proposal authorizes electrical inspections in conformity with the State Uniform Construction Code Act.

Social Impact

The proposed amendment is expected to result in more efficient and safer electrical work and thus enable the board to protect consumers better.

Economic Impact

Because the proposed amendment puts electrical contractors on clear notice of work standards and their obligation to correct faulty work, it is expected to reduce the need for consumers to hire second electrical contractors to repair work performed by others. Thus, costs of electrical work to the general public should be reduced.

Enforcement costs for the State will not increase significantly because the board already receives, reviews and acts on consumer complaints regarding faulty work. In fact, by putting licensees on notice of standards, the number of complaints should decrease, thus reducing enforcement costs.

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

13:31-1.8 [Inspection authorities] **Work standards and inspections**

[(a) All electrical work subject to provisions of "The Electrical Contractors Licensing Act of 1962" (N.J.S.A. 45:5A-1 et seq.) shall be inspected and a final certificate of approval obtained as soon as practicable in accordance with the Act and the regulations of the Board.

(b) The following are designated as approved inspection authorities pursuant to N.J.S.A. 45:5A-16(g):

1. Any municipal inspection agency;
2. Any county inspection agency;
3. Any other governmental designated inspection agency;
4. Any inspection authority approved by any public utility as defined in N.J.S.A. 48:2-13.

(c) All certificates of inspection issued by any inspection agency authorized by this section shall certify that the electrical installation inspected was in conformance with standards of the National Electrical Code then in effect and the standards, if any, of the municipality or county where such installation is performed.

(d) All such inspection agencies shall maintain copies of all certificates of inspection issued, which records shall be available for inspection by the board.

(e) Such records shall be maintained for a period of at least six years.]

(a) Every licensee who performs or supervises the installation, erection, repair or alteration of electrical equipment for the generation, transmission or utilization of electrical energy subject to "The Electrical Contractors Licensing Act of 1962" (N.J.S.A. 45:5A-1, et seq.) shall assure that the work performed conforms to the standards of the National Electrical Code in effect at the time the work is performed.

(b) Every licensee who performs or supervises work described in (a) above shall, within a reasonable time after completion of the work, secure an inspection of the completed work in conformity with the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and the Uniform Construction Code, N.J.A.C. 5:23-1.1 et seq.

(c) Every such licensee shall be responsible for correcting, within a reasonable time and at no additional charge to the customer, any Code violation discovered in the work performed or supervised by the licensee.

(d) Failure to comply with (a), (b) or (c) above shall be deemed occupational misconduct within the meaning of N.J.S.A. 45:1-21(e).

Interested persons may present, in writing, data, views, or arguments relevant to the proposed action on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

John S. LeMaire, Executive Secretary
State Board of Examiners of Electrical Contractors
1100 Raymond Boulevard, Room 503
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-199.

(a)

LAW AND PUBLIC SAFETY

BOARD OF MEDICAL EXAMINERS

Adopted Amendment: N.J.A.C. 13:35-1.5

Board of Medical Examiners

Military Service in Lieu of Internship (Podiatry)

Effective Date: September 10, 1981

On July 8, 1981, Edwin H. Albano, M.D., President of the New Jersey Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 13:35-1.5 concerning military service in lieu of internship (podiatry) as proposed in the Notice published June 4, 1981 at 13 N.J.R. 366(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 19, 1981 as R.1981 d.346.

(b)

LAW AND PUBLIC SAFETY

BOARD OF MEDICAL EXAMINERS

Adopted New Rule: N.J.A.C. 13:35-2.7

Military Service in Lieu of Internship

Effective Date: September 10, 1981

On July 8, 1981, Edwin H. Albano, M.D., President of the New Jersey Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 13:35-2.7 concerning military service in lieu of internship as proposed in the Notice published June 4, 1981 at 13 N.J.R. 367(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 19, 1981 as R.1981 d.348.

(c)

LAW AND PUBLIC SAFETY

STATE BOARD OF MEDICAL EXAMINERS

Notice of Correction

Standards for Out-of-State

Medical School Clinical Training

Take notice that a printing error appeared in the July 9, 1981 issue of the New Jersey Register in the notice appearing at 13 N.J.R. 443(b), concerning standards for medical school clinical training programs conducted in New Jersey by out-of-State medical schools.

Full text of the proposed new rule as it should have appeared follows.

13:35-11.4 Educational program

(a) (No change from text of proposal.)

(b) Education:

1. The clinical training program shall be limited to students entering a level of education equal to the final two semesters or equivalent of the final year of clinical experience of the medical school curriculum.

2. - 4. (No change from text of proposal.)

This notice is published as a matter of public information.

(a)

LAW AND PUBLIC SAFETY

BOARD OF MORTUARY SCIENCE

Adopted Amendment: N.J.A.C. 13:36-5.12

Mortuaries

Advertising of Funeral Services and Funeral Establishments

Effective Date: September 10, 1981

On August 4, 1981, the Board of Mortuary Science in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 13:36-5.12 concerning advertising of funeral services and funeral establishments as proposed in the Notice published June 4, 1981 at 13 N.J.R. 368(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

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

13:36-5.12 Advertising [contents]

(a) (No change from proposal.)

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

(b) All signs, stationery, [advertising in newspapers, publications and other media of advertising.] and advertisements must indicate the true firm name as registered with the Board of Mortuary Science, however, this shall not apply to *small* novelty items *[such as "Faintex," and pens.]* *where the space for advertising is limited.*

(c) (No change from proposal.)

(d) In addition, it shall be deceptive and misleading for any advertisement to contain the following:

1. The name of a person not licensed by the Board in connection with the name of a mortuary in any manner whatsoever, unless the unlicensed person is clearly and obviously identified in the advertisement as such by the use of the phrase "unlicensed and *[unable to make funeral arrangements or prepare human remains for funerals.]*" *not qualified to make funeral arrangements, embalm or conduct funerals.*" The surname of an unlicensed person may appear in the title of a mortuary as registered with the Board.

2. - 8. (No change from proposal.)

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

An order adopting the rule was filed with the Office of Administrative Law on August 19, 1981 as R.1981 d.349.

(b)

LAW AND PUBLIC SAFETY

BOARD OF MORTUARY SCIENCE

Adopted Repeal: N.J.A.C. 13:36-9.1

Forms

Uniform Penalty Letter

Effective Date: September 10, 1981

On August 4, 1981, the Board of Mortuary Science in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 13:36-9.1 concerning the uniform penalty letter as proposed in the Notice published July 9, 1981 at 13 N.J.R. 452(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 19, 1981 as R.1981 d.347.

(c)

LAW AND PUBLIC SAFETY

BOARD OF PHARMACY

Adopted Amendment: N.J.A.C. 13:39-9.12

Outdated or Sample Drugs

Effective Date: September 10, 1981

On July 22, 1981, Sheldon Moed, President of the New Jersey Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-36.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 13:39-9.12 concerning outdated or sample drugs as proposed in the Notice published April 9, 1981 at 13 N.J.R. 235(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 19, 1981 as R.1981 d.350.

(d)

ENERGY

THE COMMISSIONER

Proposed New Rules: N.J.A.C. 14A:2-5

Energy Emergency

State Set-Aside

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-11(b), (q), -16, and -17 proposes to adopt new rules to be cited as N.J.A.C. 14A:2-5 concerning the New Jersey State Set-Aside program. This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. DOE 007-81-09.

Summary

From 1973 to March 31, 1981, the New Jersey Department of Energy and its predecessors administered a set-aside program under the Emergency Petroleum Allocation Act of 1973 and the Federal Energy Guidelines is-

sued pursuant to it. The State Set-Aside has been suspended with the advent of the decontrol of petroleum products and will remain suspended until the law which created it expires on September 30, 1981. The program has proven its value, especially during the disruptions caused by the Arab embargo of 1973-74, the very cold winters of 1976 and 1977, and the problems caused by the Iraq-Iran war of 1979 and 1980. The Department believes it is necessary to respond to future emergencies with a New Jersey State Set-Aside.

The term "State Set-Aside" refers to the specific amount of a product subject to the provisions of this regulation which the Department of Energy requires a prime supplier to reserve for allocation and utilization by the Department in the event of emergencies due to fuel shortages or dislocations in the distribution system. The actual amount which a prime supplier must set aside is calculated from the total supply which he sells into the distribution system of New Jersey for consumption within the State.

The prime supplier or producer will make available such amounts of each covered product as is stipulated in these regulations. The State Set-Aside percentages have been initially established at the level of the Federal percentages, since experience has shown that they are adequate but not onerous.

When a fuel emergency occurs and this regulation is activated, an applicant may request assignment of covered products from the State Set-Aside. Applications shall be in writing on a form prescribed by the Department. Applications may first be made by telephone, but must be confirmed in writing within five days.

If the Department approves a hardship or emergency application, it shall assign a prime supplier and amount from the State Set-Aside to the applicant. Any prime supplier to the State may be assigned, regardless of whether its brand is different from that of the supplier normally used by the applicant. The Department shall also issue to an applicant a document authorizing such assignment. The document is effective upon issuance and represents a call on the prime supplier's set-aside volumes for the month of issuance.

When presented with an authorizing document, a wholesale purchaser-reseller shall provide the assigned amount of the product to the applicant. The wholesale purchaser-reseller will then receive from its prime supplier an equivalent volume of the product.

In all cases, the assigned products specified in the authorizing document shall be made available to the wholesale purchaser-consumer, end-user, or wholesale purchaser-reseller at prices prevailing for similar classes of purchasers in the locality at the time the product is sold.

In addition, each prime supplier shall designate a representative to act on his behalf with respect to the State Set-Aside program.

That portion of a prime supplier's State Set-Aside volume for a particular month which is not assigned by the Department during that month, or which is not subject to an authorizing document issued no later than the last day of that month, shall become a part of the prime supplier's total supply for the subsequent month.

At any time during the month, the Department may release part or all of a prime supplier's set-aside volume through its normal distribution system in order to relieve either a statewide fuel shortage or a localized supply imbalance.

In order to predict and prepare for fuel shortages it is essential that the Department of Energy continuously receive information concerning the availability and use of fuels. Owing to the fact that suppliers presently use

federal form EIA-25 to furnish the Department with monthly reports concerning the availability of fuel and set-aside volumes, the Department of Energy will not require the use of Department forms. In the event that use of the federal form is discontinued, the Department of Energy will reconsider requiring the use of its own form.

Social Impact

The State Set-Aside will be administered and utilized by the Department of Energy to meet the hardship and emergency requirements of users of covered products. It will diminish the impact of shortages by providing the Department with the flexibility to respond to specific energy-related problems.

The regulations would insure that all sellers and suppliers have relatively equal access to products covered by this regulation. In turn, this would stabilize the availability of fuel for the public and would lessen the possibility of long lines at a small number of service stations.

Economic Impact

In the absence of mandatory allocation and price controls, and as a result of the unavailability of imports sufficient to satisfy domestic demand, the State may unnecessarily experience shortages of covered products: motor gasoline, gasohol, aviation gasoline, kerosene, diesel fuel oil, distillate fuel oil, No. 4 fuel oil, residual fuel oil and propane. Such shortages will create severe economic hardships and emergencies, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including transportation of food and other essential goods. Such hardships and emergencies jeopardize the normal flow of commerce and constitute a threat to the public health, safety and welfare. Such hardships can be reduced through a State Set-Aside system to respond to such shortages effectively and efficiently.

When the regulation is activated, staff from the Department of Energy familiar with its operation, supplemented by outside temporary personnel, will review applications for allocations of covered products and administer the program for the duration of the fuel emergency. At the height of a fuel emergency the cost of this effort is estimated to be \$15,000 per month.

The benefit to the welfare of the people and economy of the State of New Jersey far outweighs the cost of administering the State Set-Aside program.

The benefit to an applicant is evident: the regulation would make available covered products to relieve his and his customers' hardship or emergency. In addition, members of the public would be able to continue to satisfy their petroleum needs at the place of business of their usual supplier.

The cost imposed upon an applicant would be minimal because the additional forms required by the Department demand very little time and effort to complete. In any event, the added income derived from sale of the assigned product would more than offset any possible inconvenience of the applicant.

Full text of the proposed new rules follows (deletions indicated in brackets [thus]).

CHAPTER 2

ENERGY EMERGENCY [ALLOCATION]

. . .

SUBCHAPTER 5. STATE SET-ASIDE

14A:2-5.1 Scope and purpose

(a) If the Governor proclaims, by executive order, a

state of energy emergency based upon a finding by the commissioner that there exists or impends a petroleum supply shortage of a dimension which endangers the public health, safety or welfare in all or any part of the State, the commissioner may establish a State Set-Aside for the following petroleum products: motor gasoline, gasohol, aviation gasoline, kerosene, diesel fuel oil, distillate fuel oil, No. 4 fuel oil, residual fuel oil and propane.

(b) The State Set-Aside shall be utilized by the Department to meet hardships and emergency requirements of wholesale purchaser-consumers, end-users, and wholesale purchaser-resellers within the State of New Jersey including wholesale purchaser-consumers and end-users which are part of any governmental organization.

14A:2-5.2 Definitions

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

"Commissioner" means the Commissioner of the New Jersey Department of Energy.

"Covered product" means any petroleum product subject to the State Set-Aside.

"Department" means the New Jersey Department of Energy.

"End-user" means any firm which is an ultimate consumer of a covered product other than a wholesale purchaser-consumer.

"Prime supplier" means the supplier, or producer which makes the first sale of any covered product subject to the State Set-Aside into the state distribution system for consumption within the state.

"Producer" means a firm which:

1. Produces an allocated natural gas liquid product in a refinery;
2. Maintains an ownership interest in any allocated natural gas liquid product when such product is initially extracted from natural gas in a gas processing plant or separated from an unfractionated natural gas liquid mixture at a fractionating facility; or
3. Imported into the United States more than 5,000,000 gallons of allocated natural gas liquid products or unfractionated natural gas liquid mixtures during the immediately preceding four calendar quarters.

"Wholesale purchaser-consumer" means any firm that is an ultimate consumer which, as part of its normal business practices, purchases or obtains a covered product from a supplier and receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location and which either:

1. Purchased or obtained more than 20,000 gallons of that covered product for its own use in agricultural production in any completed calendar year subsequent to 1971;
2. Purchased or obtained more than 50,000 gallons of that covered product in any completed calendar year subsequent to 1971 for use in one or more multi-family residences; or
3. Purchased or obtained more than 84,000 gallons of that covered product in any completed calendar year subsequent to 1971.

"Wholesale purchaser-reseller" means any firm which purchases, receives through transfer, or otherwise obtains (as by consignment) a covered product and resells or otherwise transfers it to other purchasers without substantially changing its form. They are designated in the trade as distributors, jobbers, resellers, retailers or service station operators.

14A:2-5.3 State Set-Aside volume

(a) On a form prescribed by the Department, a prime

supplier shall inform the Commissioner on or before the 20th of each month of the estimated volume of each covered product to be sold into the state's distribution system for consumption within the state during the next month. The prime supplier shall report the State Set-Aside volume available during the next month, using the formula in (c) below. The prime supplier shall also report the actual volume of each covered product sold into the state's distribution system for consumption within the state during the previous month.

(b) The Commissioner shall determine the State Set-Aside percentage level for each covered product. The initial percentage levels for the State Set-Aside shall be as follows:

1. Motor gasoline: Five percent;
2. Gasohol: Five percent;
3. Aviation gasoline: Five percent;
4. Kerosene: Four percent;
5. Diesel fuel oil: Four percent;
6. Distillate fuel oil: Four percent;
7. No. 4 fuel oil: Three percent;
8. Residual fuel oil: Three percent; and
9. Propane: Three percent.

(c) The State Set-Aside volume available to the Department for a particular month shall be the amount calculated by multiplying the State Set-Aside percentage level by each prime supplier's estimated volume of each covered product to be sold into the state's distribution system for consumption within the state during that month.

(d) The State Set-Aside for a particular month may not be accumulated or deferred. It shall be made available from stocks of prime suppliers whether directly or through their wholesale purchaser-resellers.

14A:2-5.4 Applications for State Set-Aside

(a) All hardship and emergency applications for assignment from the State Set-Aside and appeals shall be filed with the Department.

(b) Applications shall be in writing on a form prescribed by the Department. Applications may first be made by telephone, but must be confirmed in writing within five days.

(c) If the applicant does not have a supplier, it shall identify two suppliers which the applicant has contacted and which could provide the covered product.

(d) The information to be supplied shall be sufficient to enable the Department to act properly on the application. Applications shall include, but not be limited to, name of applicant, address, telephone, contact person, type of business, type of fuel requested, amount to be received in month of application, amount requested, justification for application, inventory, storage capacity, amount that was received in each month of the previous year from all prime suppliers or wholesale purchaser-resellers (if applicable) and their names.

14A:2-5.5 Assignments from State Set-Aside

(a) If the Department approves a hardship or emergency application, it shall assign a prime supplier and amount from the State Set-Aside to the applicant. Any prime supplier to the state may be assigned regardless of whether its brand, if any, is different from the brand of the applicant. To determine an appropriate prime supplier, the Department may coordinate with the State representative of the prime supplier.

(b) To facilitate relief of the hardship and emergency requirements of wholesale purchaser-consumers and end-users, the Department may direct that a wholesale purchaser-reseller be supplied from the State Set-Aside, in order that the wholesale purchaser-reseller can supply

the wholesale purchaser-consumers and end-users experiencing hardship or emergency.

(c) The Department shall issue to an applicant granted an assignment, a document authorizing such assignment. A copy of the authorizing document (or summary) shall also be provided by the Department to the designated State representative of the prime supplier assigned to the applicant.

(d) An authorizing document issued by the Department pursuant to this section is effective upon issuance and represents a call on the prime supplier's set-aside volumes for the month of issuance, irrespective of the fact that delivery of the product subject to the authorizing document cannot be made until the following month.

(e) An authorizing document not presented to either the prime supplier or designated wholesale purchaser-reseller of the prime supplier within 10 days of issuance shall expire after that time.

14A:2-5.6 Responsibilities of wholesale purchaser-resellers

(a) Wholesale purchaser-resellers shall provide the assigned amount of the product to an applicant when presented with an authorizing document. Wholesale purchaser-resellers of prime suppliers shall honor such authorizing documents upon presentation, and shall not delay deliveries required by the authorizing document while confirming such deliveries with the prime supplier. A wholesale purchaser-reseller which provides product pursuant to an authorizing document shall, in turn, receive from its prime supplier an equivalent volume of the product.

(b) The assigned products specified in the authorizing document shall be made available to the wholesale purchaser-consumer or end-user at prices prevailing for similar classes of purchasers in the locality of the wholesale purchaser or end-user at the time of the sale of the product.

14A:2-5.7 Prime suppliers

(a) Each prime supplier shall designate a representative to act for and in behalf of the prime supplier with respect to the State Set-Aside. Each prime supplier shall notify the Department in writing of such designation.

(b) All prime suppliers shall supply products from their State Set-Aside volume each month, as directed by the Department, not to exceed the total State Set-Aside volume for each product for that month. That portion of a prime supplier's State Set-Aside volume for a particular month which is not assigned by the Department during that month, or which is not subject to an authorizing document issued no later than the last day of that month, shall become a part of the prime supplier's total supply for the subsequent month.

(c) The assigned products specified in the authorizing document shall be made available to the wholesale purchaser-consumer, end-user, or wholesale purchaser-reseller at prices prevailing for similar classes of purchasers in the locality of the wholesale purchaser-consumer, end-user, or wholesale purchaser-reseller at the time of the sale of the product.

14A:2-5.8 Release of State Set-Aside

(a) At any time during the month, the Department may issue an authorizing document releasing part or all of a prime supplier's set-aside volume through the prime supplier's normal distribution system in the State.

(b) The Department may designate certain geographical areas within the state as suffering from an intra-state supply imbalance. At any time during the month, the Department may issue an authorizing document to some or all of the prime suppliers with purchasers within such

geographical areas releasing part or all of their set-aside volume through their normal distribution systems to increase the supply of all the prime supplier's purchasers located within such areas.

(c) Authorizing documents issued pursuant to this paragraph shall be in writing and effective immediately upon presentation to the prime supplier's designated state representative. Such authorizing documents shall represent a call on the prime supplier's set-aside volumes for the month of issuance irrespective of the fact that delivery cannot be made until the following month.

14A:2-5.9 Penalties

(a) Any person who violates the provisions of these rules shall be liable to a penalty of not more than \$500.00 for the first offense and not more than \$5000.00 for the second or any subsequent offense, to be collected in a civil action by a summary proceeding under the penalty enforcement law (N.J.S.A. 2A:58-1 et seq.), or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court shall also have jurisdiction to enforce the penalty enforcement law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

(b) The Department may compromise and settle any claim for a penalty under this section in such amount in the discretion of the Department as may appear appropriate and equitable under all of the circumstances.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Linda M. Scurzo
Office of Regulatory and
Governmental Affairs
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-217.

(a)

TRANSPORTATION

THE COMMISSIONER

Adopted Amendment: N.J.A.C. 16:28-1.49 Speed Limits for State Highways Route 35

Effective Date: September 10, 1981

On August 14, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-5, 39:4-98 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 16:28-1.49 concerning speed limits for State highway Route 35, in Sayreville Borough, Perth Amboy, Middlesex County as proposed in the Notice published July 9, 1981 at 13 N.J.R. 451(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 17, 1981 as R.1981 d.333.

(a)

TRANSPORTATION

THE COMMISSIONER

Adopted Amendment: N.J.A.C. 16:28-1.111
Speed Limits For State Highways
Route 87

Effective Date: September 10, 1981

On August 14, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-98 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 16:28-1.111 concerning speed limits for State highway Route 87, in Atlantic City, Atlantic County as proposed in the Notice published July 9, 1981 at 13 N.J.R. 452(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 17, 1981 as R.1981 d.334.

(b)

TRANSPORTATION

THE COMMISSIONER

Adopted Amendment: N.J.A.C. 16:28A-1.7
Restricted Parking and Stopping
Route U.S. 9

Effective Date: September 10, 1981

On August 14, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 16:28A-1.7 concerning "no parking" zones along Route U.S. 9, in the Township of Manalapan, Monmouth County, as proposed in the Notice published July 9, 1981 at 13 N.J.R. 452(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 17, 1981 as R.1981 d.335.

(c)

TRANSPORTATION

THE COMMISSIONER

Adopted Amendments: N.J.A.C. 16:28A-1.14
and 1.57

Restricted Parking and Stopping
Routes U.S. 22 Alternate and U.S. 206

Effective Date: September 10, 1981

On August 14, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.14 and 1.57 concerning restricted parking and stopping along Routes

U.S. 22 Alternate and U.S. 206 as proposed in the Notice published July 9, 1981 at 13 N.J.R. 453(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 17, 1981 as R.1981 d.336.

(d)

TRANSPORTATION

THE COMMISSIONER

Adopted Amendment: N.J.A.C. 16:28A-1.15
Restricted Parking and Stopping
Route 23

Effective Date: September 10, 1981

On August 14, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 16:28A-1.15 concerning "no parking" zones for bus stops designated along Route 23 in Wayne Township, Passaic County, as proposed in the Notice published July 9, 1981 at 13 N.J.R. 454(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 17, 1981 as R.1981 d.337.

(e)

TRANSPORTATION

THE COMMISSIONER

Adopted Amendments: N.J.A.C. 16:28A-1.16
and 1.55
Restricted Parking and Stopping
Route 24 and Route U.S. 202

Effective Date: September 10, 1981

On August 14, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.16 and 1.55 concerning restricted parking along State highway Route 24 and Route U.S. 202 in Morristown, Morris County, as proposed in the Notice published July 9, 1981 at 13 N.J.R. 455(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 17, 1981 as R.1981 d.338.

(f)

TRANSPORTATION

THE COMMISSIONER

Adopted Amendment: N.J.A.C. 16:28A-1.18
Restricted Parking and Stopping
Route 27

Effective Date: September 10, 1981

On July 17, 1981, David W. Gwynn, Chief Engineer,

Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and 39:4-138.1, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 16:28A-1.18 concerning restricted parking along State highway Route 27, in Linden Township, Union County, as proposed in the Notice published June 4, 1981 at 13 N.J.R. 373(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on July 29, 1981 as R.1981 d.312.

(a)

TRANSPORTATION THE COMMISSIONER

**Adopted Amendment: N.J.A.C. 16:28A-1.37
Restricted Parking and Stopping
Route 70**

Effective Date: September 10, 1981

On August 14, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 16:28A-1.37 concerning restricted parking along Route 70 in the Township of Cherry Hill, Camden County, as proposed in the Notice published July 9, 1981 at 13 N.J.R. 456(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 17, 1981 as R.1981 d.339.

(b)

TRANSPORTATION TRANSPORTATION OPERATIONS

**Readopted Amendment: N.J.A.C. 16:30-3.6
Miscellaneous Traffic Rules
High Occupancy Vehicles Lanes Along Route 444
(Garden State Parkway)**

Effective Date: August 11, 1981

On August 11, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 27:7-21a and the applicable provisions of the Administrative Procedure Act, adopted a new rule to N.J.A.C. 16:30-3.6 concerning high occupancy vehicles lanes along Route 444 (Garden State Parkway) as proposed and as adopted in the Notice published July 9, 1981 at 13 N.J.R. 456(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 11, 1981 as R.1981 d.323.

(c)

TRANSPORTATION THE COMMISSIONER

**Adopted Amendment: N.J.A.C. 16:31-1.10
Turns
Route U.S. 30**

Effective Date: September 10, 1981

On August 14, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-138.6 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 16:31-1.10 concerning left turns on Route U.S. 30 in Absecon, Atlantic County, as proposed in the Notice published July 9, 1981 at 13 N.J.R. 457(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 17, 1981 as R.1981 d.340.

(d)

TRANSPORTATION TRANSPORTATION OPERATIONS

**Proposed New Rule: N.J.A.C. 16:31-1.16
Turns
No Left Turn Along Route 79**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5, 27:1A-44 and 39:4-138.6, proposes to adopt a new rule to be cited as N.J.A.C. 16:31-1.16 concerning left turns on State highway Route 79 in the Borough of Freehold, County of Monmouth.

Summary

This rule prohibits left turns on Route 79 in the Borough of Freehold, County of Monmouth.

Social Impact

This rule will preclude left turns and thus reduce accidents in view of rerouting of traffic in the borough, as requested by local officials and based upon engineering studies.

Economic Impact

This rule will cause signs to be erected involving direct and indirect costs incurred by the Department's workforce.

Full text of the proposed new rule follows.

16:31-1.16 Route 79

(a) Turning movements of traffic on the certain parts of State highway Route 79 described in (a) of this section are regulated as follows:

1. No left turns:
- i. South on Route 79 to east onto Post Office driveway.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-175.

(a)

TRANSPORTATION

BUREAU OF MAINTENANCE

Proposed Amendments: N.J.A.C. 16:41-8.1, 8.4, 8.5 and 8.6

Permits

Outdoor Advertising on Limited Access Highways and Nonlimited Access Highways on the Federal Aid Primary System

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5, proposes to amend N.J.A.C. 16:41-8.1 concerning outdoor advertising on limited and nonlimited access highways on the Federal Aid Primary System.

Summary

These amendments establish a definition for nonconforming signs and criteria under which nonconforming signs may be permitted to remain in noncommercially zoned areas within 660 feet of the edge of the right of way, even though they no longer conform to statutory or regulatory requirements. The regulations are being promulgated in order to comply with federal standards for nonconforming signs (see C.F.R. §750.707) and should be read in conjunction with those standards. Other minor changes include a change in the minimum percent of sign area required for safety slogans from 60 percent to 50 percent and clarification of the standards for placement of on-premise signs.

Social Impact

The nonconforming sign regulations represent a balance between the interest in allowing signs to remain which were once legally permitted, and the interest of highway beautification. While nonconforming signs are permitted, they are only allowed under the limited standards set forth in N.J.A.C. 16:41-8.5(a)9.

Economic Impact

The purpose of promulgating the nonconforming sign regulations is to ensure compliance with federal standards for highway beautification on federal aid primary highways. (See 23 C.F.R. §750.707.) Failure to enforce federal standards may result in the loss of federal funding for highways. (See 23 C.F.R. §1.9.) Thus, the promulgation of these regulations works to ensure the continued receipt of needed federal funding.

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

16:41-8.1 Definitions

“Nonconforming sign” means a sign, display or device which was lawfully erected and maintained prior to the

enactment, revision or amendment of N.J.S.A. 27:7A-11 et seq. (Chapter 371, Laws 1971), or of its pursuant regulations, but fails to conform with requirements of said statute by reason of such enactment, revision or amendment, or by reason of any other change in conditions.

16:41-8.4 General restrictions

(a) (No change.)

1. - 12. (No change.)

13. No outdoor advertising structure will be permitted which is abandoned, [or] disused, or destroyed for a fixed period of one year after originally reported by outdoor advertising staff. The permittee shall be officially notified by letter of said classification of disuse or abandonment in order that appropriate remedial action may be taken.

i. A sign shall be considered abandoned or destroyed when it is determined to be structurally unsound by a professional engineer, or it is in an aesthetically blighted condition[,] when 25 percent of the surface requires a reconditioning of the protective or decorative coating as evidenced by, but not limited to, peeling or flaking paint.

ii. (No change.)

14. - 15. (No change.)

16:41-8.5 Types of signs permitted

(a) (No change.)

1. - 3. (No change.)

4. Off-premises advertising signs within the protected area on limited access (other than the interstate system) and nonlimited access highways may be permitted in the following areas[.]:

i. - ii. (No change.)

iii. Signs located in areas not classified as industrial or commercial but which were lawfully erected and maintained and classified as nonconforming and which comply with the requirements of N.J.A.C. 16:41-8.6(a)9.

16:41-8.6 Standard requirements

(a) (No change.)

1. (No change.)

2. Official signs and notices:

i. - ii. (No change.)

iii. Public service signs:

(1) (No change.)

(2) The signs must contain safety slogans or messages, which shall occupy not less than [60] 50 percent of the area of the sign. No other message is allowed:

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

3. On-premise signs on limited access and nonlimited access highways:

i. (No change.)

ii. Signs advertising activities being conducted upon the property where signs are located.

(1) - (8) (No change.)

(9) When the advertised activity is a business, commercial, or industrial land use, the distance shall be measured from the regularly used buildings, parking lots, storage, or processing areas, or other structures which are essential and customary to the conduct of the business. It shall not be measured from driveways, fences, or similar facilities.

4. - 8. (No change.)

9. Nonconforming signs structure:

i. A lawfully categorized nonconforming sign structure shall be permitted to remain if it meets the following criteria:

(1) It must continue to be lawfully erected and maintained;

(2) It has not been destroyed, abandoned, disused;

(3) Its size is the same as on the effective date of the adoption, revision, or amendment of the law or regulation which rendered the sign nonconforming;

(4) Its illumination is substantially the same as on the effective date of the adoption, revision, or amendment of the law or regulation which rendered the sign nonconforming. Illumination may not be provided for nonconforming signs which had no previous lighting. Revisions in the type of illumination will be permitted with prior approval of the New Jersey Department of Transportation, to allow for use of more energy lighting systems.

(5) Its basic structure remains substantially the same as on the effective date of the adoption, revision, or amendment of the law or regulation which rendered the sign nonconforming. Changes in the basic structural components will be considered by the New Jersey Department of Transportation, if it can be demonstrated by the permittee that such revisions are necessary to meet local building codes or State or federal regulations.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:
Charles L. Meyers
Administrative Practice Officer
New Jersey 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 adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-190.

(a)

TRANSPORTATION

BUREAU OF MAINTENANCE

Proposed Amendment: N.J.A.C. 16:41A-7.1 Outdoor Advertising Tax Act Exempt Advertisements

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5, proposes to amend N.J.A.C. 16:41A-7.1 concerning exempt advertisements.

Summary

This amendment deletes unnecessary language and updates the rule to conform with present procedures.

Social Impact

This amendment will not affect the general public, and will comply with Executive Order 66 (1978) in the deletion of unnecessary rules.

Economic Impact

There will be no direct costs involved to the general public. Costs will be incurred through publication and printing by the Department.

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

16:41A-7.1 Exempt advertisements

(a) No permit is required for the erection, use or maintenance of any sign, advertising structure, object, or other

device which is to be used solely for any one of the following purposes; provided, that such sign, structure, object or other device is not owned by a licensee under the Act, and such exempt advertisement is not in violation of the provisions of N.J.S.A. 54:40-60:

1. - 3. (No change.)

4. For the display of a name, symbol, mark, product, service, or advertisement of any industry, commerce, business, occupation, trade, or service of any premises where the same is conducted or on any equipment on such premises provided that such sign, structure, object or device is not owned by a licensee. [and is not maintained more than 200 feet from the point on the premises where the business is conducted, except a home, or industrial development or a farm;]

5. - 8. (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses should be addressed to:

Charles L. Meyers
Administrative Practice Officer
New Jersey 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 adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-191.

(b)

TRANSPORTATION

THE COMMISSIONER

Adopted Repeal: N.J.A.C. 16:56-3 Aircraft Registration Aircraft Registry Logs

Effective Date: September 10, 1981

On August 14, 1981, Melvin R. Lehr, Assistant Commissioner for Transportation Services in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted the repeal of N.J.A.C. 16:56-3 concerning aircraft registry logs as proposed in the Notice published July 9, 1981 at 13 N.J.R. 457(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 17, 1981 as R.1981 d.341.

(c)

TREASURY

DIVISION OF PENSIONS

Proposed Amendment: N.J.A.C. 17:1-1.1 Administration and Receipts of Checks

William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-96, proposes to amend N.J.A.C. 17:1-1.1 concerning the receipt of checks.

Summary

The purpose of this proposal is to clarify the procedures of the Division of Pensions where the amount of the check received does not correspond to the amount billed by the Division.

Social Impact

The Division of Pensions and the employers participating in the various programs administered by the Division may be affected by this proposal. Such employers periodically receive certain billings from the Division concerning various benefit programs.

Economic Impact

If incorrect payments are received and returned to the remitter, the latter may be subject to additional interest upon such payments if the payment deadline is passed when such checks are returned.

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

17:1-1.1 Receipts deposited

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

(c) If checks are not in the amount of the billing and there is no dispute as to the amount involved, such checks will be returned to the remitter and the obligation will be considered as not having been paid; the remitter will be so advised.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph, Director
Division of Pensions
20 West Front Street
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-174.

(a)

TREASURY

DIVISION OF PENSIONS

Adopted Amendment: N.J.A.C. 17:1-4.11

General Administration

Purchase Terms and Employee Liability

Effective Date: September 10, 1981

On August 13, 1981, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-75.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:1-4.11 concerning purchase terms and employee liability as proposed in the Notice published July 9, 1981, at 13 N.J.R. 459(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on August 18, 1981 as R.1981 d.343.

(b)

TREASURY

DIVISION OF PENSIONS

Proposed New Rule: N.J.A.C. 17:1-4.33

General Administration

Leaves of Absence for Maternity; Benefits and Nondiscrimination

William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-96, proposes to adopt a new rule to be cited as N.J.A.C. 17:1-4.33 concerning leaves of absence for maternity, benefits and nondiscrimination.

Summary

The purpose of this proposal is to conform to the Attorney General's opinion that employees on leaves of absence for maternity should not be treated any differently than those employees on leave of absence due to personal illness regarding employee benefit programs.

Social Impact

Employees on leaves of absence for maternity may be affected by this proposal.

Economic Impact

The employees affected by this proposal may be able to continue their eligibility on coverages in certain benefit programs and thus achieve increased economic benefits therein.

Full text of the proposed new rule follows.

17:1-4.33 Leaves of absence for maternity; benefits; nondiscrimination

In accordance with the Attorney General's opinion AAA M79-4158, rendered in January, 1981, public employees, who are on authorized leaves of absence for maternity, will not be treated any differently from other public employees, who are on authorized leaves of absence for personal illness, concerning their rights, duties and obligations regarding their pension or other related employee benefit programs.

Interested persons may submit, in writing, data, view or arguments relevant to the proposed rules on or before October 13, 1981. These submissions and any inquiries about submissions and responses, should be addressed to:

William J. Joseph, Director
Division of Pensions
20 West Front Street
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-200.

(a)

TREASURY

PUBLIC EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Adopted Amendments: N.J.A.C. 17:2-6.4 Public Employees' Retirement System Loan Repayments

Effective Date: September 10, 1981

On July 15, 1981, the Board of Trustees of the Public Employees' Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 17:2-6.4 concerning loan repayments as proposed in the Notice published June 4, 1981 at 13 N.J.R. 375(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on July 24, 1981, as R.1981 d.303.

(b)

TREASURY

BOARD OF TRUSTEES OF THE TEACHERS' PENSION AND ANNUITY FUND

Proposed Amendments: N.J.A.C. 17:3-5 Purchases and Eligible Service

The Board of Trustees of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant to the authority of N.J.S.A. 18A:66-56, proposes to amend N.J.A.C. 17:3-5 concerning purchases and eligible service for the Teachers' Pension and Annuity Fund, by deleting the current text in its entirety and substituting new text therefor.

Summary

The proposed new rules reflect the standards for eligibility for purchases of service credit, new enrollments or rate adjustments, compulsory purchases, optional purchases of eligible service, methods of payment, military leave, and eligible credit. The intent of the proposed rules is to provide uniformity of rules concerning purchases and eligible credit throughout all retirement systems.

Social Impact

If an individual member purchases the service credits described in this proposal, that member will initially incur additional costs regarding such purchases. However, such purchases of service credit may lead to the member's increased benefits at retirement. Under such circumstances, the employer's liability for increased retirement benefits for its member-employee will likewise increase.

Economic Impact

This rule will only affect members who are buying previous service. It will increase their payroll deductions for such purpose. However, ultimately, their retirement benefits will increase.

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

CHAPTER 3

TEACHERS' PENSION AND ANNUITY FUND

SUBCHAPTER 5. [PURCHASES]

17:3-5.1 Eligibility for purchase

Only active contributing members of the Fund shall be eligible to make application for the purchase of credit.

17:3-5.2 Purchase terms

(a) Any active member desiring to establish or re-establish credit for past service shall pay into his Annuity Savings Fund the total amount as required on the basis of his current salary. Payments by members shall be determined as follows:

1. New enrollments:

i. If the purchase covers service immediately preceding the filing of the application for enrollment and is one year or less, double deductions shall apply. The beginning date shall be the enrollment date and the percent rate of contributions will be assigned according to the nearest attained age on this date.

ii. If more than one year, current salary times percent rate assigned at enrollment.

iii. Any veteran not on the January 1, 1955 payroll shall contribute at the percent rate applicable to the age resulting from the subtraction of his years of prior service (pre-1955) from the date of enrollment.

iv. Any veteran reenrolling shall contribute at the rate applicable to the age resulting from the subtraction of his years of prior service (pre-1955) from his age at the time of his reenrollment.

v. Any veteran who terminated membership before January 1, 1955, and whose withdrawal of contributions included contributions paid by his employer during a period of military leave, shall receive veteran prior service credit for only the period during which he actually contributed. He can receive additional membership credit for the period of his military leave if he redeposits the amount of employer contributions, plus interest to the date of his authorization of such purchase.

vi. The percent rate of contribution for any nonveteran compelled to purchase credit shall be based on the percent rate applicable to his nearest attained age on his compulsory enrollment date.

vii. The percent rate of contribution for any nonveteran enrolling on an optional basis shall be based on the percent rate applicable to his nearest attained age as of the date of enrollment.

2. Voluntary purchases:

i. The cost of a voluntary purchase of service credit is based on factors supplied by the actuary which reflect that the employee will assume 1/2 of the cost of Class B credit for the period. Class B credit provides the largest possible return in eventual retirement benefits, an allowance 1/6 greater than service credited as Class A.

ii. If Class A credit is being purchased, the cost will be 6/7 of the amount computed under the normal Class B formula.

3. Method of payment:

i. Lump sum;

ii. Partial lump sum of \$50.00 or more; balance by extra payroll deductions;

iii. Extra deductions equal to at least 1/2 of the full regular pension deduction for a maximum period of ten years. Class A to Class B conversions, compulsory and temporary service purchases must be liquidated by the attainment of the normal retirement age, or at least two years will be specified;

iv. Extra payroll deductions will include interest for the term of the installment.

17:3-5.3 Military leave

Any active member purchasing credit for out-of-State service may include in the maximum ten years' credit to be purchased, his leave of absence for military service, provided he received credit for such leave in the State or local public retirement system in which he was participating at the time he was in military service.

17:3-5.4 Eligible credit

(a) An active contributing member may purchase credit for:

1. Up to ten years of out-of-State full-time teaching service rendered in a public school conducted under the order and superintendence, and wholly or partly at the expense of a State, local or district board of education, provided the member is not receiving nor is entitled to receive a retirement allowance for such service from any other public retirement system and proof is received that he has withdrawn from such other system. Federal service or service rendered outside of the United States is not creditable.

2. Any prior full-time public school teaching service rendered in New Jersey.

3. Full-time and continuous substitute or temporary public school teaching service rendered in New Jersey for a period of not less than one full school semester, provided such service was immediately followed by an appointment to a regular full-time teaching position. Per diem or intermittent temporary or substitute service is not creditable.]

PURCHASES AND ELIGIBLE SERVICE

17:3-5.1 Eligibility for purchase

(a) Only active contributing members of the system shall be eligible to make application for purchase of credit.

(b) In order to be eligible to purchase temporary service, a member must submit a written request to purchase such service within one year from the date his initial pension contributions are certified to begin and such purchase must be authorized by the member before the expiration date indicated on the letter which quotes the terms of the purchase.

17:3-5.2 New enrollment purchases or rates adjustment

(a) Members who file an application for enrollment and indicate they want to purchase the period between their regular appointment and their compulsory date of enrollment will have such purchase calculated on the basis of their net pension rate of contribution and salary as of their date of their regular appointment. If more than one year has elapsed from the date of compulsory enrollment, the purchase of all service will be based on the member's current salary times the full pension rate of contribution.

(b) Upon enrollment or reenrollment, a veteran shall contribute at the percent rate applicable to the age resulting from the subtraction of his years of prior service (pre-1955) from the date he began his present employment or the date of enrollment, whichever is later, provided that member submits satisfactory evidence of prior public employment in New Jersey.

17:3-5.3 Reestablishing military leave credit

Any veteran, who terminated membership before January 1, 1955, and whose withdrawal of contributions included contributions paid by his employer during a period of military leave, shall receive veteran prior service credit for only the period during which he actually contributed. He can receive additional membership credit for the period of his military leave if he redeposits the amount of employer contributions, plus regular interest to the date of his authorization of such purchase.

17:3-5.4 Compulsory purchases

An employee, who was required to enroll and whose application was filed beyond his compulsory date of enrollment, will be required to purchase membership credit retroactive to the date of compulsory enrollment. Purchases will be calculated on the basis of the member's current salary at the full pension rate of contributions assigned as of his compulsory date of enrollment with regular interest.

17:3-5.5 Optional purchases of eligible service

(a) Members, who purchase temporary service, must purchase all such service immediately preceding enrollment. The purchase will be calculated on the basis of the member's current salary times the full percentage rate of contribution assigned at enrollment.

(b) The types of purchases indicated below will be calculated on the basis of the actuarial factor established for the member's age at the time of the purchase times his current salary:

1. All former TPAF and/or PERS membership credit;

2. All former service with any other employer which was not certified for membership but which would have qualified on a compulsory basis at the time the service was rendered;

3. Leaves of absence:

i. All of the period of the leave for personal reasons for a period of less than three months.

ii. All of the period of the leave up to two years for personal illness or maternity.

4. Members who purchase all or a portion of their eligible out-of-State service.

(c) Rules concerning the purchase and/or conversion of Class A credit include the following:

1. The cost of Class B service credit based on actuarial factors and such factors provide a retirement benefit which is $\frac{1}{5}$ greater than service credited as Class A. If Class A credit is purchased, the cost will be $\frac{6}{7}$ of the amount computed for a Class B purchase. The computation is based on the member's present salary multiplied by the actuarial factor for the member's age at the time of purchase with regular interest.

2. If a Class A member converts to Class B, he will contribute an additional $\frac{1}{6}$ of the total contributions that would have been payable based on his full Class A contribution rate with regular interest.

17:3-5.6 Methods of payment

(a) Methods of payment include:

1. Lump sum;

2. Partial lump sum of \$250.00 or more; balance by extra payroll deductions;

3. Extra deductions equal to at least $\frac{1}{2}$ of the full regular pension deduction for a maximum period of 10 years. Class A to Class B conversion, compulsory and temporary service purchase must be liquidated by age 60; if such person has attained the age of 58 or more at the time of purchase, two years will be specified;

4. Extra payroll deductions will include regular interest for the term of the installment.

17:3-5.7 Military leave

Any active member purchasing credit for out-of-State service may include in the maximum 10 years' credit to be purchased, his leave of absence for military service, provided he received credit for such leave in the State or local public retirement system in which he was participating at the time he was in military service.

17:3-5.8 Eligible credit

(a) An active contributing member may purchase credit for:

1. Up to 10 years of out-of-State full-time teaching service rendered in a public school conducted under the order and superintendence, and wholly or partly at the expense of a State, local or district board of education, provided the member is not receiving nor is entitled to receive a retirement allowance for such service from any other public retirement system and proof is received that he has withdrawn from such other system. Federal service and service rendered outside of the United States, with the exception of service rendered to a local school board in territories or possessions of the United States, Washington, D.C. and the Canal Zone, is not creditable.

2. Any previous, eligible full-time public school teaching service rendered in New Jersey.

3. Full-time and continuous substitute or temporary public school teaching service rendered in New Jersey for a period of not less than one full school semester, provided such service was immediately followed by an appointment to a regular full-time teaching position. Per diem or intermittent temporary or substitute service is not creditable.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mary C. Conrey, Secretary
Teachers' Pension and Annuity Fund
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Board of Trustees of the Teachers' Pension and Annuity Fund thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-173.

(a)

TREASURY

DIVISION OF PENSIONS

Proposed Amendment: N.J.A.C. 17:3-6.15 Teachers' Pension and Annuity Fund Compulsory Retirement

The Board of Trustees of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56, proposes to amend N.J.A.C. 17:3-6.15 concerning compulsory retirement.

Summary

The purpose of the proposed amendment is to clarify the compulsory retirement date for TPAF members.

Social Impact

Current and future members of the TPAF may be affected by this proposal since it deals with the date upon which they must retire.

Economic Impact

In some instances, the amended compulsory retirement date will result in increased retirement benefits for the member with corresponding increased costs to the State or local employers.

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

17:3-6.15 Compulsory retirement

(a) All members shall be required to terminate their active membership [at the close of the school year (July 1) that precedes their 71st birthday] effective as of the first of the month in which they attain age 71. The actual payment of retirement benefits will be subject to the regular filing requirements set forth in section 1 (Applications) of this subchapter.

(b) (No change.)

[(c) The tenure status of any member, for retirement purposes, shall terminate on the July 1 preceding age 71, and he shall be retired automatically by the Board as of his compulsory retirement date.]

[(d)] (c) (No change in text.)

(e) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mary C. Conrey, Secretary
Teachers' Pension and Annuity Fund
Division of Pensions
20 West Front Street
Trenton, N.J. 08625

The Board of Trustees of the Teachers' Pension and Annuity Fund thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-198.

(b)

TREASURY

PRISON OFFICERS' PENSION COMMISSION

Adopted Amendment: N.J.A.C. 17:7-3.2 Prison Officers' Pension Fund Concerning Effective Dates

Effective Date: September 10, 1981

On July 16, 1981, the Prison Officers' Pension Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:7-19 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 17:7-3.2 concerning effective dates as proposed in the Notice published April 9, 1981, at 13 N.J.R. 245(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on July 24, 1981 as R.1981 d.302.

(c)

TREASURY

INVESTMENT COUNCIL

Proposed Amendment: N.J.A.C. 17:16-5.5 Classification of Funds Temporary Reserve Group

The Investment Council in the Division of Investment in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-91, proposes to amend N.J.A.C. 17:16-5.5 concerning the temporary reserve group.

Summary

The State Investment Council seeks to revise the temporary reserve group section of Article 3 of the State Investment Council regulations (N.J.A.C. 17:16-5.5). Article 3 requires that funds having similar investment characteristics and objectives under their respective enabling acts be grouped together. The revision involves adding to the temporary reserve group the following four funds: Energy Conservation Fund, Natural Resources Fund, Pension Payroll Investment Fund and the Public Purpose Buildings Construction Fund.

Social Impact

The Energy Conservation Fund, the Natural Resources Fund and the Public Purpose Buildings Construction Fund are being established and added to the Temporary Reserve Group as a result of proceeds being generated from certain bond sales approved in the November 1980 general election by the New Jersey voters. The revision, including these three funds, merely establishes a fund classification through which those proceeds may be beneficially invested pursuant to the New Jersey Investment Council regulations.

The addition of the Pension Payroll Investment Fund, which is within the Cash Management Fund, is being added to the Temporary Reserve Group to permit use of the float on payroll checks of State employees to benefit that pension fund. This will have a beneficial impact on the members of the various pension funds.

Economic Impact

As to the three funds: The Energy Conservation Fund, Natural Resources Fund, and the Public Purpose Buildings Construction Fund, the proposed revisions will establish classifications of newly created funds, necessitated by recent bond sales required by voter approval, through investment as permitted by the New Jersey State Investment Council regulations which are economically benefited.

As to the Pension Payroll Investment Fund it will benefit economically as a result of having access to increased income by allowing the use of the float on payroll checks of State employees.

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

17:16-5.5 Temporary reserve group

(a) The temporary reserve group shall include:

1. - 9. (No change.)

10. Energy Conservation Fund;

Renumber 10. - 18. as 11. - 19.

20. National Resources Fund;

Renumber 19. - 23. as 21. - 25.

26. Pension Payroll Investment Fund;

Renumber 24. as 27.

28. Public Purpose Buildings Construction Fund;

Renumber 25. - 44. as 29. - 48.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roland M. Machold, Director
Division of Investment
349 West State Street
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-221.

(a)

TREASURY

DIVISION OF TAXATION

Proposed Amendment: N.J.A.C. 18:12A-1.12

Local Property Tax

County Boards of Taxation

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:3-14 proposes to amend N.J.A.C. 18:12A-1.12 concerning the Local Property Tax in general and county tax boards in particular.

Summary

The Director of the Division of Taxation, using his rule-making power, added subsection (c) to N.J.A.C. 18:12A-1.12 in order to require county boards of taxation to submit to the Division of Taxation, Local Property Tax and Public Utility Branch, a copy of any judgment of the county board of taxation involving an appeal to the county board regarding homestead tax rebates, veterans deductions, local property tax deductions for persons 65 years of age or older, or less than 65 years of age who are permanently and totally disabled, and certain surviving spouses.

Social Impact

There is no social impact regarding this rule since the rule deals with the local property tax appeal process and merely provides that county boards of taxation submit a copy of a judgment to the Director of the Division of Taxation who has the responsibility to regulate county boards of taxation. The rule is intended to give the director adequate notice so that the statutory process can be expedited for funds required to be distributed to municipalities in reimbursement for homestead tax rebates and other tax deductions granted.

Economic Impact

The proposed rule is intended to give the Director of the Division of Taxation adequate notice so that statutorily required distributions to municipalities can be expedited. This will result in some savings in time, money and will also protect State funds appropriated to municipalities in reimbursement for homestead tax rebates and other deductions granted. This will be an economic benefit to the municipality and will be an aid in protecting New Jersey state funds.

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

18:12A-1.12 Determination; judgments

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

(c) Upon entry of any judgment involving the appeal of a homestead tax rebate, veteran's deduction, or a property tax deduction for persons of the age of 65 or more years, or less than 65 years of age who are permanently and totally disabled and certain surviving spouses, the county board shall, within 10 days from the date of such entry, forward a copy of said judgment to the Division of Taxation, Local Property and Public Utility Branch.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

J. Henry Ditmars, Superintendent
Local Property Tax and Public
Utility Tax Branch
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

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

This proposal is known as PRN 1981-202.

(a)

TREASURY

DIVISION OF TAXATION

Proposed New Rule: N.J.A.C. 18:24-28

Sales and Use Tax

Tax Consequences of Purchase or Use of Race Horses

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24, proposes to adopt a new rule to be cited as N.J.A.C. 18:24-28 concerning the sales and use tax consequences of the purchase and/or use of horses in New Jersey for racing, the syndication of race horses, homebreds, leasing or trading horses and which defines certain terms related to the subject matter of the rule.

Summary

This proposed rule will clarify the application of the Sales and Use Tax Act to transactions which are common in the activity of breeding and racing horses in New Jersey. The rule will provide persons who participate in these transactions guidance with respect to the tax obligations which may arise under the stated circumstances.

Social Impact

It is not anticipated that the proposed rule will have a significant social impact on the general public who attend horse races and horse race meetings as spectators and patrons or those engaged in the breeding and racing of horses.

Economic Impact

The proposed rule does not impose any additional economic impact on those persons engaged in breeding and racing horses in New Jersey. The Division of Taxation anticipates that the proposed rule will enable such persons to properly comply with their current sales and use tax responsibilities and obligations under the New Jersey Sales and Use Tax Act.

Full text of the proposed new rule follows.

SUBCHAPTER 28. RACE HORSES

18:24-28.1 Scope of subchapter

This subchapter is intended to clarify the application of the New Jersey Sales and Use Tax Act (N.J.S.A. 54:32B-1, et seq.) to the imposition of sales and compensating use tax on race horses purchased or used within New Jersey.

18:24-28.2 Purchase of race horses

(a) The purchase of a race horse (tangible personal property) delivered to a person within New Jersey is subject to sales tax.

(b) The amount of the sales tax due is computed by

multiplying the purchase price of the race horse by five percent.

(c) The residency of the purchaser is not considered for purposes of imposing the tax where delivery is made to the purchaser in this State.

Example 1: A person purchases a race horse at an auction sale in Colts Neck. The purchase price of the horse is \$15,000. The purchaser or his agent takes delivery of the horse at the sale in Colts Neck. The sales tax due on the transaction is \$750.00.

Example 2: The facts are the same as in Example 1, except the horse is shipped by the auctioneer on a common carrier to the purchaser's farm in Kentucky. There is no sales tax due on the transaction. However, should the horse be returned to New Jersey, it may be subject to a compensating use tax.

18:24-28.3 Claiming races

(a) A sale of a race horse is deemed to have occurred when it is claimed in a claiming race within New Jersey.

(b) A "claim" or purchase of a horse is made when a person acquires a horse as a result of a successful bid placed prior to a claiming race. Title is passed once the race begins.

(c) For the purpose of computing the sales tax due, the purchase price of the claimed horse is the amount paid for the claim. The sales tax is collected at the track at the time the claim is paid.

Example 1: Horse X is entered in a \$10,000 claiming race at Monmouth Park. ABC Farms claims the horse. A taxable transaction has taken place and the tax due is \$500.00.

18:24-28.4 Compensating use tax

(a) The compensating use tax is imposed on the use of a race horse within this State if the race horse would have been subject to the sales tax when purchased in this State. The compensating use tax will not be imposed on the use of a race horse within this State if the horse was purchased by the user while a nonresident of this State. (See N.J.A.C. 18:24-28.5 regarding the term "resident".)

(b) The amount of the compensating use tax due is computed by multiplying the purchase price of the race horse by five percent. If such horse was used outside of this State for more than six months prior to its first use in this State, the compensating use tax is computed on the fair market value (not to exceed cost) of the race horse. Upon submission of proof that sales tax legally due another state has been paid to that state, New Jersey will allow a credit in that amount against any taxes due this State; but only if a similar credit is allowed by the other state for taxes paid in New Jersey.

18:24-28.5 Resident

(a) For the purpose of this subchapter, the following will apply for determining a resident.

1. Any individual who maintains a permanent place of abode in this State is a resident. A permanent place of abode is a dwelling place maintained by a person, or by another for him, whether or not owned by such person, on other than a temporary or transient basis. The dwelling may be a house, apartment, or flat; a room, including a room at a hotel, motel, boarding house or club; or a residence hall operated by an educational or charitable institution, or a trailer, mobile home, house boat or any other premises.

2. Any corporation incorporated under the laws of New Jersey and any corporation, association, partnership or other entity doing business in the State or maintaining a place of business in the State, or operating a hotel, place

of amusement or social or athletic club in this State is a resident.

3. Any person while engaged in any manner in carrying on in this State any employment, trade, business or profession shall be deemed a resident with respect to the use in this State of tangible personal property or services in such employment, trade, business or profession.

4. A person is considered to be engaged in carrying on business within New Jersey if he carries on activity preparatory to racing, maintains a stable, or races horses on tracks within New Jersey.

5. Activities preparatory to racing are those acts of a person which enable him to pursue a racing operation, such as the possession of a license to race in New Jersey and, in conjunction therewith, the entry of horses in races; the hiring of grooms, trainers, jockeys or drivers and registration with a jockey club at various tracks. The possession of a license by a nonresident, which is not accompanied simultaneously by one or more of the other activities described above will not result in a resident status until one or more of the additional acts occur.

18:24-28.6 Leases

(a) The lease of a race horse within New Jersey is considered a sale and is subject to the sales tax.

(b) A lease of a horse outside of New Jersey, for racing purposes outside of New Jersey, and the subsequent racing of the horse in New Jersey, will be subject to the compensating use tax if the lessee met the resident requirements, as defined in N.J.A.C. 18:24-28.5, at the time the lease took place.

(c) The sales or compensating use tax due is to be computed on the consideration paid by the lessee to the lessor.

18:24-28.7 Trades

(a) Trading of horses within New Jersey is a taxable transaction for each party to the trade. Sales tax due is to be computed on the current market value of the horse accepted in trade.

(b) Trading of horses outside of New Jersey will cause the parties to the trade to be liable for a compensating use tax if they meet the resident requirements set forth in N.J.A.C. 18:24-28.5 at the time of the trade and subsequently race the horse in New Jersey. Compensating use tax is to be computed on the market value as provided in N.J.A.C. 18:24-28.4 of the horse accepted in trade.

18:24-28.8 Homebreds

(a) A horse that is raced in New Jersey by the breeder is exempt from the sales and compensating use tax. However, if a breeder transfers ownership of the horse and later reacquires the horse to race, the reacquisition is considered a taxable purchase.

(b) Upon reacquisition of the horse in New Jersey for racing purposes, a sales tax is due. If the horse is reacquired outside of New Jersey and is subsequently raced in New Jersey, the user will be subject to a compensating use tax if he met the resident requirements set forth in N.J.A.C. 18:24-28.5 at the time of reacquisition.

18:24-28.9 Syndication

(a) The syndication of a horse within New Jersey, with the exception of one used exclusively for breeding purposes, is considered a sale of the horse and is subject to the sales tax.

(b) If a horse, not used exclusively for breeding purposes, is syndicated outside of New Jersey and subsequently is used in New Jersey, the syndicate will be subject to a compensating use tax if it met the resident requirements set forth in N.J.A.C. 18:24-28.5 at the time

of syndication. The qualifying residence is that of the syndicate, not of its individual members.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses should be addressed to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

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

This proposal is known as PRN 1981-193.

(a)

TREASURY

DIVISION OF TAXATION

Proposed Amendments: N.J.A.C. 18:26-2.12, 5.9, 5.17, 5.19, 6.16, 6.17, 8.6 and 8.12

Transfer Inheritance Tax

Pension Exemptions; Billing Procedure; Life Estate Computations; Disclaimers

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1, proposes to amend various sections in N.J.A.C. 18:26 concerning the transfer inheritance tax.

Summary

The Director, using his rulemaking power, amended certain rules in order to show the pension exemption for a surviving spouse, a change in the billing procedure, a change in the computation of the value of certain life estates and a change in the time limitation for renunciation of an inheritance or transfer. Also, the substance of N.J.A.C. 18:26-6.16 will be found under 18:26-6.17 and a new rule (concerning pensions) will be inserted as 18:26-6.16 to effectuate a logical sequence of the subject matter.

Social Impact

A taxpayer will be relieved of the burden to supply additional or supplemental data and information in respect of pensions. The ability to file a renunciation permits orderly estate planning. Improved billing procedures will expedite the processing of inheritance tax returns. The changes are intended to eliminate unnecessary taxpayer communication or correspondence with the Division.

Economic Impact

The pension exemption will result in a taxpayer benefit of an estimated \$600,000 per annum. The new billing procedures will result in improved return processing efficiency and eliminate unnecessary mailings, thus reducing administrative costs and postage expense. The other changes have no economic impact, since they are merely references to other rules or statutes.

Ful text of the proposed amendments follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

18:26-2.12 Renunciation [of devise]

If a transferee under a will renounces his rights thereunder, or any portion thereof, the renunciation is given

effect in computing the tax against the estate; provided, the instrument or renunciation is filed within [a reasonable time] nine months or as provided by law in the office of the clerk of the court where the will is probated and a copy thereof filed with the Transfer Inheritance Tax Bureau.

18:26-5.9 Certain profit sharing and retirement plans

The proceeds of a profit sharing or retirement plan payable at the date of death of a decedent to a beneficiary named by the decedent or in accordance with the preference schedule of beneficiaries is deemed to be a transfer which takes effect at or after death and is as such subject to the tax[.], except for the exemption provided by N.J.A.C. 18:26-6.17.

18:26-5.17 Proceeds of retirement contracts

The proceeds of a retirement contract purchased on the installment plan are subject to the New Jersey Inheritance Tax when the decedent dies prior to the date of retirement and the payments are returned to either his estate or to a designated beneficiary[.], except for the exemption provided by N.J.A.C. 18:26-6.17.

18:26-5.19 Annuity contracts

(a) (No change.)

(b) Annuity payable under certain trusts and plans which are exempt under Section 2039(c) of the Internal Revenue Code of 1954 [are] may not be exempt for New Jersey Inheritance Tax purposes. The treatment to be accorded payments made under such trusts and plans depends upon the facts and circumstances which exist in each case. (See N.J.A.C. 18:26-6.17.)

[18:26-6.16] 18:26-6.17 No fault insurance
(No change in text.)

18:26-6.16 Other pensions

An exemption is provided for payments from any pension, annuity, retirement allowance or return of contributions, which is a direct result of the decedent's employment under a qualified plan as defined by section 401(a), (b) and (c) or 2039(c) of the Internal Revenue Code, which is payable to a surviving spouse.

18:26-8.6 Final assessment bills

(a) Upon completion of the assessment, a bill showing the aggregated amount of tax, the names of the taxable beneficiaries and the tax assessed against each will be forwarded to the executor, administrator or other representative of the estate[.] except when N.J.A.C. 18:26-8.7 is applied.

(b) (No change.)

[(c) When the bureau and the representative of an estate cannot agree as to the taxability or other phase of a proceeding and there is a possibility of an appeal being taken, the bureau is required, prior to completing the assessment, to forward forms 0-20 and 0-21 showing any proposed changes. Upon the expiration of 30 days therefrom, if the representatives of the estate have not been heard from, the assessment will then be completed and a detailed "findings of facts and law" included at the time the bill and assessment is forwarded.

(d) If the form is returned unsigned by the estate the tax assessment will be completed in accordance with the changes outlined therein and the bureau will forward with the bill the detailed "findings of facts and law".]

18:26-8.12 Life estate in realty held by the entirety

(a) (No change.)

1. A life estate is computed on the basis of the [age of the older] lesser life expectancy of the devisees or grantees and the value so determined is considered as

immediately vested in equal shares, and subject to tax accordingly.

2. (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed amendments on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

William R. Mulholland, Superintendent
Inheritance Tax Bureau
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

The Division of Taxation thereafter may adopt these proposals without further notice (see N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-189.

(a)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Proposed Amendment: N.J.A.C. 19:4-6.28
District Zoning Regulations
Official Zoning Map

Public Hearing: October 27, 1981

The Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:171-6i and 13:17-116, proposes to amend N.J.A.C. 19:4-6.28 concerning the Hackensack Meadowlands district zoning regulations and the official zoning map for North Bergen, New Jersey.

Summary

The proposed amendment changes the zoning designation on the subject property from Park and Recreation to Light Industrial-A.

Social Impact

No social impact is anticipated because adequate park and recreation areas are contained in the Commission's Master Plan and zoning regulations.

Economic Impact

The amendment will provide additional zoned lands for industrial uses and in that regard will have a positive economic impact.

A summary of the proposed amendment to N.J.A.C. 19:4-6.28 (Official zoning map) follows.

In North Bergen, New Jersey, Block 453B, Lots 16A-1, 17A, 18, 19C, 20C, 21C and part of 15C-1, consisting of approximately 15 acres—change from Park and Recreation Zone to Light Industrial-A Zone.

A public hearing concerning the rule will be held on October 27 1981 at or after 11:00 A.M. at:

Office of the Hackensack Meadowlands
Development Commission
200 Murray Hill Parkway
East Rutherford, New Jersey 07073

Individuals wishing to make oral comments at this hearing should submit a written request before the date of hearing to:

Anthony Scardino, Jr., Executive Director
Hackensack Meadowlands Development
Commission
200 Murray Hill Parkway
East Rutherford, New Jersey 07073
(201-460-1700)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 27, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to the Executive Director at the address above.

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

This proposal is known as PRN 1981-192.

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Adopted Organizational Amendments: N.J.A.C.

19:12-2.1, 3.1—3.5, 4.1—4.3, 5.2 and 5.3;

19:16-2.1, 3.1, 4.1, 5.2 and 5.3, 6.2

Negotiations and Impasse Procedures

Effective Date: August 21, 1981

On August 17, 1981, James W. Mastriani, Chairman of the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-5.2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted organizational amendments to various sections in N.J.A.C. 19:12 and 19:16 concerning negotiations and impasse procedures.

A summary of the adopted organizational amendments follows:

1. "Director of impasses" has been changed to "director of conciliation."

2. The address of the Public Employment Relations Commission has been changed, in part, from "P.O. Box 2209" to "429 East State Street", and from zip code "08625" to "08608", in Trenton, New Jersey.

These organizational amendments are exempt from the notice and hearing requirements of the Administrative Procedure Act, N.J.S.A. 52:148-1 et seq., and became effective upon filing with the Office of Administrative Law on August 21, 1981 as R.1981 d.357 (see N.J.S.A. 52:14B-4(b)).

(b)

ECONOMIC DEVELOPMENT AUTHORITY

Proposed Amendment: N.J.A.C. 19:30-4.2

Targeting Authority Assistance

Basis of Eligibility

The New Jersey Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-51, proposes to amend N.J.A.C. 19:30-4.2 concerning the targeting of Authority assistance.

Summary

The proposed amendment will remove from the eligibility criteria for the targeting of Authority assistance the criterion of Urban Development Action Grant (UDAG) eligibility. Because one of the primary considerations for UDAG eligibility is the age of housing stock in a municipality, UDAG eligibility is not necessarily an accurate indicator of economic distress. Therefore, removing the criterion of UDAG eligibility as a determinant of targeting eligibility will improve the basis upon which the New Jersey Economic Development Authority identifies economically distressed municipalities in New Jersey.

Social Impact

The amendment will affect only municipalities whose sole basis for targeting eligibility has been UDAG eligibility. Presently, these are communities in which only 1.26 percent of the New Jersey population resides.

Economic Impact

The communities noted in the social impact statement above may lose the benefit of financial assistance eligibility under the targeting regulation. However, a beneficial economic impact to New Jersey as a whole will result from this amendment, in that it will target Authority financial assistance to those municipalities which have been more reliably and accurately identified as economically distressed. Thus, the Authority will have a more efficient basis for the determination of financial assistance eligibility.

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

19:30-4.2 Executive Director to establish list of economically distressed municipalities

(a) The Executive Director shall from time to time, but at least once each year, establish a list of economically distressed municipalities where Authority financial assistance will be available. In establishing such a list, the Executive Director shall include municipalities which meet the following criteria:

1. (No change.)

[2. Municipalities designated as potentially eligible for the Urban Development Action Grant Program, 42 U.S.C. Sec. 5318 et seq.]

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

(b) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Sam D. Calaby
Director of Research
New Jersey Economic Development
Authority
CN 990
Trenton, N.J. 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 adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-205.

(a)

CASINO CONTROL COMMISSION

Proposed Amendments: N.J.A.C. 19:41-11.1,
11.2, and 11.3

Casino Licensee Agreements Vendor Registration; Casino Service Industry License Applications

The New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-70(1) and (m) and 5:12-92, proposes to amend N.J.A.C. 19:41-11.1, 11.2 and 11.3 concerning presentation of casino licensee agreements, the review of such agreements and casino service industry license applications.

Summary

The amendments proposed for N.J.A.C. 19:41-11.1 would effect the elimination of the "application for the approval of a casino licensee agreement" and its replacement by the new "vendor registration form." The new language would also eliminate the requirement that a casino licensee submit every agreement into which it enters; rather, it would allow the Commission discretion to require the filing of such agreements in appropriate cases.

The amendments to N.J.A.C. 19:41-11.2 would conform the language of the regulation to section 92(c) of the Act regarding the standards to be applied in evaluating an enterprise's request for an exemption from casino service industry licensure.

The amendments to N.J.A.C. 19:41-11.3 would require the casinos to prepare and submit Master Purchasing and Disbursement Summaries and Agreement Filing Systems. They also would require only a single vendor registration form to be submitted on behalf of an enterprise beginning to transact business with a casino hotel and continue to allow an enterprise a reasonable amount of time to file a Casino Service Industry license application after being directed to do so. This section would also establish procedures to be followed in re-listing an enterprise which has previously been removed from the Master Vendor List.

Social Impact

The amendments proposed will have the potential of affecting all those enterprises which have been allowed to transact business with New Jersey casino hotels. At present there are approximately 4,400 enterprises which have received such permission. This will also affect those enterprises which transact such business in the future but it is impossible to estimate the number of these enterprises.

The new requirements will affect all casino licensees and permittees in the area of purchasing and data processing. Currently there are eight such operating casinos.

The changes are designed to make it easier for an enterprise and an operating casino to transact business. A substantial amount of duplicative submissions previously required of the casino operators is being eliminated while still allowing the Casino Control Commission and the Division of Gaming Enforcement to regulate and control the business being transacted by casino hotels as mandated by the Casino Control Act.

The enterprises affected should be able to transact business more freely with all operating casinos due to the creation of the "Master Vendor List" and the requirement that only a single "Vendor Registration Form" be submitted on behalf of each enterprise transacting such business. The proposed language would also eliminate the present

requirement that only one transaction may occur between an enterprise and a casino hotel prior to that enterprise appearing on the "Master Vendor List". This should also serve to increase competition and reduce the uncertainty now surrounding an enterprise's initial transaction with a casino hotel.

Economic Impact

Allowing an enterprise to transact business with all operating casinos once that enterprise appears on the "Master Vendor List" should increase competition in all areas of the Atlantic City casino market. No longer would each casino hotel be required to submit a form on behalf of an enterprise which has already transacted business with another casino hotel.

These amendments would also serve to reduce the amount of time spent by the casinos in filing agreements with the Commission and reduce the time and space previously devoted by the Commission to filing these contracts. This would result in significant savings on the part of the Commission and the casino operators in both physical space and man-hours previously devoted to handling these repetitive filings.

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

19:41-11.1 [Application for approval] Presentation of the agreement

(a) Each casino licensee shall be required upon ~~dis~~**dis**rective of the Commission to present to and file with the Commission a fully signed copy of every written agreement and a precise written description of the terms of and persons involved in and associated with every other agreement regarding either the realty of its casino hotel facility or any business or person doing business with or on the premises of its casino hotel facility.

(b) (No change.)

(c) Each such casino licensee or applicant for a casino license shall, together with the said copy or description of the agreement, file with the Commission no later than [five] 10 calendar days following the formal offer and acceptance of an agreement [a completed written application for the approval of a casino licensee agreement in a form specified by the Commission, which applications shall describe the persons involved in and associated with the said agreement] a ~~completed vendor registration form in a form as specified by the Commission for any enterprise which has not already had such form filed with the Commission on its behalf by any casino licensee or applicant for a casino license.~~

(d) Any failure of a casino licensee or applicant for a casino license to seasonably file [any application for the approval of a casino licensee agreement] ~~any information required by section 104b of the Act or the regulations of the Commission shall be the basis for the Commission to pursue any remedy or combination of remedies provided for in the Act or the regulations of the Commission.~~

(e) (No change.)

(f) Every [application for approval of a casino licensee agreement] ~~submission required by this subchapter shall comply with all the provisions of the Act and regulations of the Commission relating to applications.~~

(g) No agreement with a casino licensee shall be either performed or in force or effect unless [a written application for approval of the said agreement] a ~~written vendor registration form describing the enterprise performing pursuant to such agreement shall have first been properly and seasonably filed with and be pending before~~

the Commission in accordance with section 104b of the Act and the regulations of the Commission.

19:41-11.2 Suitability of the agreement

(a) The Commission shall review each [application for the approval of a] casino licensee agreement on the basis of the reasonableness of the terms of the agreement including the terms of compensation and the further basis of the qualifications of the persons involved in and associated with the agreement in accordance with the standards enumerated in section 86 of the Act and shall thereafter make a finding as to the suitability of this said business or persons to be involved or associated with the said casino enterprise.

(b) Whenever, pursuant to section 92c of the Act and the regulations of the Commission, the Commission has exempted any person involved in or associated with a casino licensee agreement from the casino service industry license requirement upon a finding that such person is regulated by a public agency or will provide goods or services in insubstantial or insignificant amounts or quantities and that such licensure is not necessary to protect the public interest or to accomplish the policies established by the Act, the Commission may in its discretion base its finding as to the suitability of the said business or person to be involved or associated with the said casino enterprise upon the fact of such exemption.

(c) If the Commission shall [deny an application for the approval of the casino licensee agreement,] disapprove of a casino licensee agreement the Commission may by directive require the termination of such agreement or association or pursue any remedy or combination of remedies provided for in the Act or the regulations of the Commission. If such disapproved agreement or association is not thereafter promptly terminated as required by Commission directive, the Commission may pursue any remedy or combination of remedies provided for in the Act or the regulations of the Commission.

19:41-11.3 Casino service industry license applications

(a) The Commission shall further review each [application for approval of a] casino licensee agreement to determine whether any enterprise involved therein or associated therewith is thereby a casino service industry enterprise required to be licensed by the Act or the regulations of the Commission.

(b) - (f) (No change)

(g) The Commission may in its discretion permit an unlicensed casino service industry enterprise to provide for a reasonable time goods or services to or conduct business with a casino, a casino licensee, its employees or agents[.].

[1. only if an application for the approval of a casino licensee agreement has been properly filed by the casino licensee or applicant for a casino license with and is pending before the Commission; and,

2. only if any required casino service industry license application has been properly filed by the casino service industry enterprise with and is pending before the Commission, provided however that any such enterprise directed to file a casino service industry license application may in the discretion of the Commission be permitted a reasonable time to prepare and file same.]

No casino licensee, its employees or agents may engage in any business with an enterprise not holding a valid casino service industry license unless:

1. The casino licensee has generated a master purchasing and disbursement summary and an agreement filing system in a form approved by the Commission; and

2. A vendor registration form has been filed with the Commission by a casino licensee on behalf of the enter-

prise doing such business; and

3. Any required casino service industry license application has been properly filed by said enterprise with and is pending before the Commission; provided, however, that any enterprise directed to so file such application may in the discretion of the Commission be permitted a reasonable time to prepare and file same.

(h) The Commission may expressly prohibit any such unlicensed enterprise from so providing goods or services or so conducting business on the basis that after having been directed to file a casino service industry license application, such enterprise failed to properly file such application within a reasonable time. Any such unlicensed enterprise prohibited from so providing goods or services or so conducting business on the basis of its failure to properly file such application may resume so providing goods and services and conducting business:

1. Ninety days following the proper filing of its casino service industry license application and after the payment of an additional late filing licensee fee of \$250.00; or

2. Immediately following a determination that such enterprise is not required to be licensed as a casino service industry.

Renumber (h) - (i) as (i) - (j).

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard Franz, Assistant Counsel
Atlantic City Office
Tennessee and Boardwalk
Atlantic City, New Jersey 08401

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

This proposal is known as PRN 1981-182.

(a)

CASINO CONTROL COMMISSION

Proposed Amendments: N.J.A.C. 19:43-1.1
and 1.2

Casino Service Industries
Licensing Requirements

The New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-63(c), proposes to amend N.J.A.C. 19:43-1.1 and 1.2 concerning the requirement for certain enterprises to obtain a Casino Service Industry License pursuant to N.J.S.A. 5:12-92.

Summary

The proposed amendments would provide the Commission with specific criteria to be used in determining whether an enterprise is transacting "regular and continuing" business with a casino, casino licensee, its employees or agents. While the amendment would provide objective criteria to be reviewed by the Commission it would still allow the Commission to exercise discretion in making the final decision regarding which enterprises should be required to file a Casino Service Industry License application.

Social Impact

This amendment will affect those enterprises which are transacting business with one or more of the Atlantic City casino hotels. At present there are approximately 4,400 enterprises permitted to transact such business but

it is anticipated that those which will fall into the category of "regular and continuing business" will be a small percentage of that number. By raising the threshold at which "regular and continuing business" is deemed to occur, more enterprises should be encouraged to compete in the Atlantic City casino market.

Economic Impact

By raising the amount of business which will be considered to be "regular and continuing," it is anticipated that the Commission will be requiring fewer enterprises to obtain Casino Service Industry Licenses. This will cause a corresponding reduction in the amount of money received by way of licensing fees. However, since all enterprise licensing fees represent only approximately three percent of the total received by the Casino Control Fund, the reduction of applications should have little or no effect on the Fund as a whole.

This amendment should have no economic impact on the operating casinos but should allow increased competition in the area of enterprises serving the casinos by raising the amount of business which will trigger a licensing request from the Commission.

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

19:43-1.1 Definitions

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

"Gaming equipment" means any mechanical electrical or electronic contrivance or machine used in connection with gaming or any game and includes, without limitation, roulette wheels, roulette tables, bix six wheels, craps tables, tables for card games, layouts, slot machines, cards, dice, chips, plaques, card dealing shoes, drop boxes, and other devices, machines, equipment, items or articles determined by the Commission to be so utilized in gaming as to require licensing of the manufacturers, distributors or servicers or as to require Commission approval in order to contribute to the integrity of the gaming industry or to facilitate the operation of the Commission or the Division.

["On a regular or continuing basis" means on a regular basis, on a continuing basis or at such time as the Commission determines that an enterprise has continued, is continuing, or is likely to continue to do business with or provide goods or services to a casino, a casino licensee, its employees or agents.]

...

19:43-1.2 License requirements

(a) No enterprise shall, on a regular or continuing basis, provide goods or services directly related to casino or gaming activity to, or otherwise transact business directly related to casino or gaming activity [to] with, a casino licensee, its employees or agents unless licensed in accordance with Sections 92a and b of the Act[.]; provided, however, that upon a showing of good cause by a casino licensee for each business transaction, the Commission may permit an applicant for a casino service industry license to conduct business transactions with such casino licensee prior to the licensure of that applicant pursuant to N.J.S.A. 5:12-92a.

1. (No change.)

(b) No enterprise shall, on a regular or continuing basis, provide goods or services or otherwise transact business not included in [subsection] (a) above and not directly related to casino or gaming activity to a casino licensee, its employees or agents unless licensed or exempted in

accordance with Sections 92c and d of the Act or authorized to do so pursuant to N.J.A.C. 19:41-11.3(g), which enterprise shall include but not be limited to suppliers of alcoholic beverages, food and non-alcoholic beverages, garbage handlers, vending machine providers, linen suppliers, maintenance companies, shopkeepers located within the approved hotel, and limousine services contracting with casino licensees.

(c) Unless otherwise determined by the Commission, persons and enterprises which provide, or imminently will provide, goods or services to, or otherwise transact business with, any casino licensee or casino licensees, their employees or agents shall be deemed to be transacting business on a regular or continuing basis if:

1. The total dollar amount of such transactions with a single casino licensee is or will be equal to or greater than \$50,000 within any 12-month period; or

2. The total dollar amount of such transactions with \$150,000 within any 12-month period.

(d) In determining if a person or enterprise not meeting the criteria of (c) above does or will, on a regular casino licensees is or will be equal to or greater than or continuing basis, provide goods or services to or otherwise transact business with any casino licensee or casino licensees, their employees or agents, the following factors shall be considered:

1. Number of transactions;
2. Frequency of transactions;
3. Dollar amounts of transactions;
4. Nature of goods or services provided or business transacted;

5. Maximum potential period of time necessary to fully provide the goods, perform the services or complete the business which is the subject of the transaction;

6. The recommendation of the Division of Gaming Enforcement;

7. The public interest and the policies established by the Act.

(e) The word "transaction", for the purpose of this section, shall be construed to effectuate the public interest and the policies of the Act.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 13, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard Franz, Assistant Counsel
Atlantic City Office
Tennessee and Boardwalk
Atlantic City, New Jersey 08401

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

This proposal is known as PRN 1981-183.

(a)

CASINO CONTROL COMMISSION

Notice of Correction: N.J.A.C. 19:45-1.3
and 19:45-1.7

Accounting and Internal Controls

Take notice that the notice of proposal concerning N.J.A.C. 19:45-1.3 which was published in the January 8, 1981 New Jersey Register at 13 N.J.R. 47(c), and adopted by notice appearing in the August 6, 1981 New Jersey Register at 13 N.J.R. 541(a), was incorrect. The pro-

posal inadvertently and incorrectly codified amendments to N.J.A.C. 19:45-1.7(e) as pertaining to N.J.A.C. 19:45-1.3. The proposal should have appeared as follows:

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

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

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

19:45-1.7 Annual audit and other reports

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

(e) Each licensee shall require its independent certified public accountant to render the following additional reports:

1. - 2. (No change.)

3. The licensee shall prepare a written response to the independent certified public accountant's reports required by (e)1 and 2 above. The response shall indicate, in detail, the corrective actions taken. Such response shall be submitted to the Commission and Division within 90 days from receipt of the independent certified public accountants reports.

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

This Notice is published as a matter of public information.

(a)

CASINO CONTROL COMMISSION

Adopted Emergency Amendments:

N.J.A.C. 19:47-2.6, 2.8 and 2.13

Rules of the Games

Blackjack Surrender

Emergency Rule Effective Date: July 23, 1981

Emergency Rule Expiration Date:

September 21, 1981

On July 16, 1981, Martin B. Danziger, Vice-Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-69, 5:12-70 and 5:12-100, and the applicable provisions of the Administrative Procedure Act, and upon certification by the Governor of the State of New Jersey that an imminent peril exists (see N.J.S.A. 52:14B-4(c)), adopted emergency amendments to N.J.A.C. 19:47-2.6, 2.8 and 2.13 concerning blackjack surrender.

These adopted emergency rules are the same as those proposed, in pertinent part, in the August 6, 1981 issue of the New Jersey Register at 13 N.J.R. 534(b), and can be found full text therein.

These emergency rules were filed with the Office of Administrative Law on July 23, 1981 as R.1981 d.301.

(b)

DELAWARE RIVER BASIN COMMISSION

Adopted New Rule: 2-3.5.3

Water Supply Projects

Conservation Requirements

Effective Date: September 1, 1981

On February 18, 1981, the Delaware River Basin Commission, pursuant to authority of N.J.S.A. 32:11D-88, adopted a new rule to be cited as 2-3.5.3 concerning the establishment of conservation requirements for water supply projects.

Full text of the adopted new rule follows.

2-3.5.3 Water Supply Projects—Conservation Requirements

Maximum feasible efficiency in the use of water is required on the part of water users throughout the Basin. Effective September 1, 1981 applications under Section 3.8 of the Compact for new water withdrawals subject to review by the Commission shall include and describe water-conserving practices and technology designed to minimize the use of water by municipal, industrial and agricultural users, as provided in this section.

(a) Applications for approval of new withdrawals from surface or ground water sources submitted by a municipality, public authority or private water works corporation whose total average withdrawals exceed one million gallons per day shall include or be in reference to a program prepared by the applicant consisting of the following elements:

(1) Periodic monitoring of water distribution and use, and establishment of a systematic leak detection and control program;

(2) Use of the best practicable water-conserving devices and procedures by all classes of users in new construction or installations, and provision of information to all classes of existing users concerning the availability of water-conserving devices and procedures;

(3) A contingency plan including use priorities and emergency conservation measures to be instituted in the event of a drought or other water shortage condition. Contingency plans of public authorities or private water works corporations shall be prepared in cooperation with, and made available to, all municipalities in the area affected by the contingency plan, and shall be coordinated with any applicable statewide water shortage contingency plans.

(b) Programs prepared pursuant to subsection (a) of this section shall be subject to any applicable limitations of public utility regulations of the signatory party in which the project is located.

(c) Applications for approval of new industrial or commercial water withdrawals from surface or ground water sources in excess of an average of one million gallons per day shall contain (1) a report of the water-conserving procedures and technology considered by the applicant, and the extent to which they will be applied in the development

of the project; and (2) a contingency plan including emergency conservation measures to be instituted in the event of a drought or other water shortage. The report and contingency plan shall estimate the impact of the water conservation measures upon consumptive and non-consumptive water use by the applicant.

(d) Applications for approval of new agricultural irrigation water withdrawals from surface or ground water sources in excess of one million gallons per day shall include a statement of the operating procedure or equipment to be used by the applicant to achieve the most efficient method of application of water and to avoid waste.

(e) Reports, programs and contingency plans required under this section shall be submitted by the applicant as part of the permit application to the state agency having jurisdiction over the project, or directly to the

Commission in those cases where the project is not subject to the jurisdiction of a state agency. State agencies having jurisdiction over a project that is subject to the provisions of this section shall determine the adequacy and completeness of the applicant's compliance with these requirements and shall advise the Commission of their findings and conclusions.

An order adopting the rule was filed with the Office of Administrative Law on August 7, 1981 as R.1981 d.319. Pursuant to N.J.S.A. 52:14B-2(a) and N.J.S.A. 32:11D-88, the rule is exempt from the notice, comment, and other rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. This rule is not subject to codification and will not appear in the New Jersey Administrative Code, but will be incorporated into Title 18, Part 401 of the Code of Federal Regulations.

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November Filing Deadlines:

Proposals	October 8
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