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REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS*, PAGE 2797.

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 (Includes rules filed through October 28, 1985)

**The New Jersey Register supplements the New Jersey Administrative Code. To complete your research of the latest State Agency rule changes, see the Register Index of Rule Proposals and Adoptions in this issue.*

TABLE OF RULES IN THIS ISSUE

RULE PROPOSALS		HUMAN SERVICES	
Interested persons comment deadline	2712	Administration Manual: retroactive Medicaid eligibility	2729(a)
ADMINISTRATIVE LAW		Pharmaceutical Services: ineligible prescription drugs	2730(a)
Conference hearings and employee/employer disputes	2712(a)	Consultant Pharmacist Services	2731(a)
BANKING		Vision Care Manual: billing procedures	2731(b)
State savings and loan parity with Federal associations	2713(a)	Medicaid Only: deeming of income	2732(a)
COMMUNITY AFFAIRS		Child abuse prevention	2735(a)
UCC: Plumbing Subcode	2714(a)	LABOR	
ENVIRONMENTAL PROTECTION		Unemployment compensation and pension offset	2736(a)
Use of steel-jaw leghold traps	2714(b)	LAW AND PUBLIC SAFETY	
Disposal and possession of dead deer	2715(a)	Registration of vehicles subject to Federal Heavy Vehicle Use Tax	2737(a)
Reuse of hazardous waste	2716(a)	Termination of pregnancy	2738(a)
Disposal of asbestos waste	2719(a)	PUBLIC UTILITIES	
HEALTH		Intrastate transportation of natural gas	2740(a)
Controlled dangerous substances: manufacture, distribution, disposal and nondrug use	2721(a)	TRANSPORTATION	
HIGHER EDUCATION		Bus stops and parking restrictions throughout State	2742(a)
Fund for the Improvement of Collegiate Education: policies and procedures	2724(a)	Additional parking restrictions in Essex, Monmouth, Cumberland, Camden and Warren counties	2744(a)
Student assistance programs: award combinations	2725(a)	Classification of project bidders	2746(a)
Garden State Scholarship Program	2726(a)	TREASURY-GENERAL	
Guaranteed Student Loans and payment of insurance fee	2727(a)	State Police disability retirant rule	2746(b)
Interest liability on defaulted student loans	2728(a)	OTHER AGENCIES	
Direct PLUS program and co-signer requirement	2728(b)	CASINO CONTROL COMMISSION	
		Jobs compendium submission	2747(a)

(Continued on Back Cover)

RULE PROPOSALS

Interested persons may submit, in writing, information or arguments concerning any of the following proposals until **December 18, 1985**. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal or group of proposals.

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

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice.

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice Rules of Special Applicability Conference Hearings

Proposed Amendments: N.J.A.C. 1:2-2.1 and 1:2-2.4

Authorized By: Ronald I. Parker, Acting Director,
Office of Administrative Law.

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

Proposal Number: PRN 1985-644.

Submit comments by December 18, 1985 to:
Steven L. Lefelt, Deputy Director
Office of Administrative Law
Quakerbridge Plaza, Building No. 9
Quakerbridge Road, CN 049
Trenton, New Jersey 08625

The agency proposal follows:

Summary

In the September 3, 1985 issue of the New Jersey Register, the Office of Administrative Law submitted a Notice of Pre-Proposal to amend N.J.A.C. 1:2-2.1 (see 17 N.J.R. 2072(a)). The Notice stated that OAL was considering extending the conference hearing procedure currently used in Civil Service matters involving layoffs, termination after the probationary work period and disciplinary actions other than termination from employment to hearings involving all termination from employment cases. Currently, the conference hearing procedure is used in termination from employment cases only if requested by the employee.

Conference hearing rules provide a speedier, simpler and less formal procedure by eliminating prehearing conferences and post-hearing briefs, minimizing motion practice, making the hearing rules more flexible and allowing oral decisions.

The OAL received comments from the International Federation of Professional and Technical Engineers and the Police-men's Benevolent Association supporting the extension of the conference hearing rules. Camden County, however, objected to the pre-proposal because it believed that OAL intended to expand the number of hearings. OAL also received comments from the Communication Workers of America and from the Civil Service Commission which generally supported the change in the rules, but which suggested that a party's request for a plenary hearing be automatically granted. Under the pre-proposal, the party would have been required to submit a motion to convert which would be granted if it was in the interest of providing a full and fair hearing in the circumstances of the case.

OAL concurs with the suggestion, and the rule proposal provides that a conference hearing will be converted to a

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plenary hearing at the request of either party. Additionally, the judge remains able to convert the proceeding to a plenary hearing if in his or her determination, it is appropriate in the circumstances of the case to do so. N.J.A.C. 1:2-2.4(b).

Social Impact

The proposed amendment will speed up the resolution of employer/employee disputes, shorten the time of potential hardship, anxiety and on-the-job conflicts and make the process less onerous for employees especially those who are not represented by an attorney.

Economic Impact

The proposed amendment may streamline the proceedings thereby saving the parties and the OAL considerable time and money.

Full text of the proposal follows:

OFFICE OF ADMINISTRATIVE LAW
TITLE 1
RULES OF SPECIAL APPLICABILITY
CHAPTER 2
[EXPERIMENTAL] CONFERENCE HEARINGS AND
CIVIL SERVICE CASES

SUBCHAPTER 2. CONFERENCE HEARINGS

1:2-2.1 Applicability; scope

These rules for the conduct of conference hearings shall apply [on an experimental basis] to contested cases from the Civil Service Commission dealing with layoffs, disciplinary actions **including terminations** [other than termination from employment,] and termination after probationary work period [, and, upon request of the employee, to cases dealing with termination from employment]. Any aspect of hearing not covered by these rules of special applicability shall be governed by the Uniform Administrative Procedure Rules (UAPR) contained in N.J.A.C. 1:1. To the extent that these conference hearing rules are inconsistent with the UAPR, these rules shall apply.

1:2-2.4 Modification of conference hearing procedures or conversion of conference hearing into plenary hearing.

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

(d) In cases involving disciplinary actions resulting in termination from employment, the conference hearing shall be converted into a plenary proceeding upon the request of either party.

BANKING

(a)

DIVISION OF SAVINGS AND LOAN ASSOCIATION

State Savings and Loan Association Parity with Federal Savings and Loan Associations

Proposed Readoption: N.J.A.C. 3:26-4.1

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

Authority: N.J.S.A. 17:12B-48(21).

Proposal Number: PRN 1985-627.

Submit comments by December 18, 1985 to:
William B. Lewis, Deputy Commissioner
Department of Banking
36 West State Street
CN 040
Trenton, NJ 08625

The agency proposal follows:

Summary

N.J.A.C. 3:26-4.1 permits State savings and loan associations to exercise any power, right, benefit, or privilege permitted to Federal savings and loan associations, provided such power, right, benefit, or privilege is not contrary to law, subject to the Commissioner of Banking's authority not to permit such power, right, benefit, or privilege. This rule will expire on December 31, 1985. Pursuant to Executive Order No. 66(1978), this rule was reviewed by the Department of Banking and found to be necessary, adequate, reasonable, efficient, understandable, and responsive to the purposes for which it was originally promulgated. The Department proposes to re-adopt this rule without change.

Social Impact

N.J.A.C. 3:26-4.1 will continue to provide State-chartered savings and loan associations with the opportunity to provide the public with additional financial services not previously available to them. The associations are provided the ability to maintain competitive parity with Federal savings and loan associations and aids in the preservation of the dual banking system.

Economic Impact

N.J.A.C. 3:26-4.1 has provided State savings and loan associations with the opportunity to generate increased revenues. The agency incurs administrative costs, which are minimal. There are no costs to the public.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 3:26-4.1.

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code Plumbing Subcode

Proposed Amendment: N.J.A.C. 5:23-3.15

Authorized By: John P. Renna, Commissioner,
Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

Proposal Number: PRN 1985-620.

Submit comments by December 18, 1985 to:
Michael L. Ticktin, Esq.
Administrative Practice Officer
Division of Housing and Development
CN 804
Trenton, N.J. 08625-0804

The agency proposal follows:

Summary

Adoption of the 1984-85 Supplement to the National Standard Plumbing Code/1983 is proposed. The National Standard Plumbing Code/1983 is the plumbing subcode of the State Uniform Construction Code which is adopted by reference subject to modifications stated in the Uniform Construction Code Regulations. The sponsoring organization of the model code, the National Association of Plumbing-Heating-Cooling Contractors, engages in a public code change process and issues supplements between succeeding editions of its code. This procedure enables the code to be responsive to rapidly advancing building technology. The adoption of this supplement is proposed so that New Jersey's plumbing subcode may be as up-to-date as possible. The modifications being made to the supplement relate to the administration and enforcement systems of the State Uniform Construction Code and do not change the technical provisions of the model codes.

Social Impact

The supplement contains improvements to the model code that is designed to protect public health, safety and welfare through efficient and effective use of available materials and current construction technology. The NSPC supplement contains several New Jersey State sponsored code changes that were accepted by the organization and are now being incorporated into the model code.

Economic Impact

There may be an economic impact on property owners and building and plumbing contractors who perform or contract for their performance of work that will have to comply with the supplement to the code. In some instances, the new code provisions may result in savings, and in other instances, in increased costs. It is not possible to anticipate these economic impacts as the future extent and type of construction activity in the State impacted by the supplements is unknown.

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

5:23-3.15 Plumbing subcode

(a) Rules concerning subcode adopted are as follows:

1. (No change.)

i. Copies of this code may be obtained from the sponsor at: NAPHCC, [1016-20th Street, N.W., Washington, DC 20063] P.O. Box 6808, Falls Church, VA 22046.

2. (No change.)

3. **The National Standard Plumbing Code/1984-85 supplement is adopted by reference with modifications as cited in (c) below as part of the plumbing subcode for New Jersey.**

(b) (No change.)

(c) **The following chapters of sections of the 1984-85 supplement to the plumbing subcode are modified as follows:**

1. Chapter 7, entitled "Plumbing Fixtures" is amended as follows:

i. **Figure 7.4.5 on page 21 is amended to insert the words "Twenty-one inches" in the space for clearance on the first fixture. Also delete the word "code" and substitute in lieu thereof "subcode" in the block at bottom.**

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

(b)

Fish and Game Council General Trapping; Prohibition of Steel-Jaw Leghold Traps

Proposed Amendment: N.J.A.C. 7:25-5.12

Authorized By: Anthony E. DiGiovanni, Chairman,
Fish and Game Council.

Authority: N.J.S.A. 23:4-22.6

DEP Docket No: 063-85-10.

Proposal Number: PRN 1985-636.

Submit comments by December 18, 1985 to:
Russell A. Cookingham, Director
Division of Fish, Game and Wildlife
Department of Environmental Protection
CN 400
Trenton, N.J. 08625

The agency proposal follows:

Summary

Upon the advice of the Office of the Attorney General, in order to comply with the dictates of P.L.1984, c.37, §6 (codified at N.J.S.A. 23:4-22.6), the Fish and Game Council proposes this amendment prohibiting the manufacture, sale, offer for sale, possession, importation, transportation, or use of the steel-jaw leghold type trap and causing the possession of such traps, with some exceptions, to be prima facie evidence of a violation of the statutory prohibitions.

Social Impact

The trapping public will be deprived of the opportunity to pursue trapping and enjoy the trapping experience with the steel-jaw leghold trap that it has known for many years. The concerns of those who perceive the steel-jaw leghold trap as a threat to pets and children should be lessened.

Economic Impact

Agriculturalists and landowners will no longer have the steel-jaw leghold trap for the control of various animals causing damage and economic losses to crops, livestock, dams, and real estate. Trappers will suffer losses of income. The New Jersey fur trade is expected to incur economic losses due to the reduction in furbearer harvests.

Environmental Impact

Notwithstanding the legislation requiring the promulgation of this rule, the Fish and Game Council believes the steel-jaw leghold trap to be an important tool in the proper management of our furbearer resources. This trap is needed to harvest and control certain wildlife populations. Overpopulation of furbearers in a given area increases the potential for the spread and severity of wildlife diseases which may have domestic animal, as well as human, health implications. Further, potentially resultant overpopulation of certain furbearers may adversely impact upon their habitats.

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

7:25-5.12 General trapping

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

Redesignate (e)-(j) as (f)-(k) (No change in text.)

(e) Steel-jaw leghold type trap:

1. Effective October 27, 1985, and thereafter, no person in this State shall:

- i. Manufacture, sell, offer for sale, possess, import or transport an animal trap of the steel-jaw leghold type;
- ii. Take or attempt to take any animal by means of a trap of the steel-jaw leghold type; or
- iii. Use a steel-jaw leghold type trap.

2. The possession of a trap of the steel-jaw leghold type shall be prima facie evidence of a violation of these regulations except under the conditions prescribed by N.J.S.A. 23:4-22.5 which are:

- i. The use of steel-jaw leghold traps for the purpose of exhibition by humane or educational institutions or organizations; or
- ii. The possession of such traps by a person in the act of turning over the traps to a law enforcement agency.

(a)

Disposal and Possession of Dead Deer

Proposed New Rules: N.J.A.C. 7:25-17

Authorized By: Robert E. Hughey, Commissioner,
 Department of Environmental Protection.
 Authority: N.J.S.A. 13:1B-3 and N.J.S.A. 23:4-43.
 DEP Docket No. 060-85-10.
 Proposal Number: PRN 1985-634.

Submit comments by December 18, 1985 to:
 Howard Geduldig
 Office of Regulatory Services
 Department of Environmental Protection
 CN 402
 Trenton, N.J. 08625

The agency proposal follows:

Summary

The proposed new rules reinstate, with one substantive change concerning residency noted below, regulations appearing at N.J.A.C. 7:25-17.1 to 17.4 that expired on May 2, 1985 pursuant to Executive Order 66 (1978).

The new rules contain sections concerning scope, purpose and construction of the subchapter. The proposal continues the directive that dead deer found along a public road shall be disposed of by police officers or their designees at sanitary landfills or other approved sites unless retention of the carcasses is authorized. The expired rules permitted retention by a New Jersey resident upon compliance with specified reporting and permit requirements. The proposed new rules remove this discrimination against residents of other states. The proposal also continues the directive that dead deer found on private property shall be disposed of by police officers or their designees upon request of the property owner or, where killed pursuant to special permit, the dead deer shall be disposed of as directed by the Division of Fish, Game and Wildlife. Finally, the proposal continues the requirement that police officers taking action under these rules file quarterly reports with the Division of Fish, Game and Wildlife.

Social Impact

These rules should have a positive social impact in that they provide for the prompt removal of deer carcasses from the roads, thereby removing an aesthetically displeasing sight and hazardous condition. Further, the rules provide a legal means for the acquisition of otherwise unutilized venison.

Economic Impact

The removal of deer from the State's roadways by the public and municipal officials helps to reduce deer recovery costs borne by the Division of Fish, Game and Wildlife. Also, some individuals consider that the acquisition of the deer helps to offset any damages to their vehicles.

Environmental Impact

It is anticipated that these rules should have a minimal beneficial environmental impact.

Full text of the proposed new rule follows:

SUBCHAPTER 17. DISPOSAL AND POSSESSION OF DEAD DEER

7:25-17.1 Scope

This subchapter shall constitute the rules governing the disposal and possession of dead deer found on or along any New Jersey public highway or on private property.

7:25-17.2 Purpose

The purpose of this subchapter is to provide for efficient, effective and utilitarian removal of dead deer found on or along any New Jersey public highway or on private property.

7:25-17.3 Construction

These rules shall be liberally construed to permit the department to effectuate the purposes of N.J.S.A. 23:4-43.

7:25-17.4 Authorized persons and disposal or possession

Deer found dead on or along any New Jersey public highway shall be disposed of by New Jersey State or municipal police officers or persons authorized by them at a sanitary landfill or other site approved by the Division of Waste Management of the Department of Environmental Protection or the police agency may authorize possession, as conditioned in N.J.A.C. 7:25-17.6.

7:25-17.5 Dead deer on private property

Deer found dead on any private property shall be disposed of by State or municipal police officers, or personnel authorized by them, upon request of the property owner, in the manner prescribed in N.J.A.C. 7:25-17.4. The owner or lessee of cultivated lands who kills deer under permit of the Division of Fish, Game and Wildlife on such property shall dispose of the dead deer as directed by the Division of Fish, Game and Wildlife.

7:25-17.6 Possession of dead deer

(a) New Jersey State or municipal police officers shall issue a written permit to possess the accidentally killed deer for consumption, or to transfer the deer carcass to another person for consumption, on forms provided by the Division of Fish, Game and Wildlife upon satisfaction of both of the following conditions:

1. The deer was killed by an accidental collision with a motor vehicle; and
2. The accidental collision was reported to the New Jersey State or municipal police as soon as possible.

(b) The permit described in (a) above shall be valid for 90 days from date of issue.

(c) A deer that has been so severely injured by a collision with a motor vehicle that it must be killed shall be considered as accidentally killed for the purposes of this subchapter.

7:25-17.7 Information required

(a) Any State or municipal officer disposing of or authorizing the disposal or possession of accidentally killed deer shall notify the New Jersey Division of Fish, Game and Wildlife on a quarterly basis of the following information on forms provided by the Division of Fish, Game and Wildlife:

1. The location where the deer was killed;
2. The sex of the deer;
3. The date of the accidental deer kill; and
4. The name and address of the permittee.

DIVISION OF WASTE MANAGEMENT

(a)

Hazardous Waste Management Waste Exchange and Other Amendments to Exemptions from Rules

Proposed Amendments: N.J.A.C. 7:26-1.4, 7.4, 9.1, 12.1, and 12.8

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

Authority: N.J.S.A. 13:1E-6.

DEP Docket No. 061-85-10.

Proposal Number: PRN 1985-633.

Submit comments by December 18, 1985 to:

Ann Zeloof
Office of Regulatory Services
CN 402
Trenton, N.J. 08625

The agency proposal follows:

Summary

The Department of Environmental Protection is proposing amendments to the existing hazardous waste regulations at N.J.A.C. 7:26-1.4, 7.4, 9.1, 12.1 and 12.8 in order to encourage hazardous waste reuse, as an alternative to disposal. The proposed amendments will bring New Jersey's hazardous waste management program more in line with the intent of the Federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6901 et seq. while contributing to the advancement of environmental protection. More specifically, this proposal provides certain exemptions for offsite hazardous waste reuse. The proposal has been developed because of a growing awareness that certain, carefully regulated, reuse options could lead to enhanced environmental protection, and additionally, relieve industry of a measurable economic burden.

The proposal is a limited exception from the rule for reuse of hazardous waste. Generators of hazardous waste destined for off-site reuse will still have to comply with all of the existing generator storage and manifesting requirements as generators who discard their waste. In addition, the generator will be required to register with the Department prior to offering the hazardous waste for offsite reuse. A hazardous waste manifest will also have to accompany all shipments of waste directed for reuse. The registration process has been kept as simple as possible in order to encourage generators to participate.

Companies seeking to use hazardous waste as a substitute for a raw material in a manufacturing process must first comply with N.J.A.C. 7:26-12.2(b)11. Company representatives must submit, among other things, a statement of the potential environmental effects of using the waste and detailed descriptions of the waste reuse process and associated activities. These regulations specifically exclude from the definitions of reuse the direct placement of hazardous waste on the land or the burning of hazardous waste for energy recovery or any other purpose. The Department believes that the proposal contains reasonable standards to allow the reuse of hazardous waste where the waste is more akin to a raw material than to a waste.

Social Impact

The proposed amendments will generally benefit the residents of New Jersey by helping to conserve resources and by increasing the number of legal and environmentally positive options for managing certain hazardous wastes. The amendments will enhance environmental protection by encouraging the economical reuse of hazardous waste, rather than disposal by conventional methods, many of which are environmentally threatening. Reuse is a preferred option.

Economic Impact

Certain generators of hazardous waste will derive economic benefit from these rules, where wastes which are currently disposed of as hazardous waste at a significant cost, are offered for reuse. Reusers will benefit economically, because they will be able to substitute a less expensive material for the raw material they are currently using.

Environmental Impact

The proposed amendments are expected to have a positive environmental impact by decreasing the amount of hazardous waste which must be disposed of through existing disposal options which have the potential to pollute. Because the hazardous material designated for reuse will have an economic value, it will more likely be handled in an environmentally responsible manner. Reusing waste material will also have a positive impact on the environment by helping to conserve raw materials.

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

7:26-1.4 Definitions

...

“Hazardous waste reuse” means the process whereby hazardous waste is employed directly as an ingredient (including use as an intermediate) in an industrial process to make a product, or employed in a particular function or application as an effective substitute for a commercial product. The following activities are not considered hazardous waste reuse for the purposes of these regulations:

1. Applying hazardous waste or products derived from hazardous waste directly to the land;
2. Burning hazardous waste or fuels produced from hazardous waste for energy recovery;
3. Storage of hazardous waste for longer than 90 days;
4. The reuse of any hazardous waste, if the waste was subjected to treatment or processing prior to reuse;
5. Any method, technique or process that allows for an unauthorized release, discharge, or escape of the material reused or to be reused or its by-products into the air, water, or land of the State; or
6. Activities such as collection, separation, storage, processing, modification, conversion, reclamation or treatment of wastes undertaken as a commercial venture;

...

“Waste exchange facility” means a facility which receives hazardous waste for hazardous waste reuse, complies with the requirements of N.J.A.C. 7:26-12.1(b)11, has received a waste exchange facility identification number from the Department and which meets the standards and conditions set forth in N.J.A.C. 7:26-9.1(c)13.

“Waste exchange facility identification number” means the identification number issued by the Department to a waste exchange facility. The receipt of the waste exchange identification number allows the operator of the waste exchange facility to accept certain specified types and volumes of hazardous waste(s) via manifest for hazardous waste reuse. Identification numbers shall be issued for a specific site and once issued are not transferrable.

7:26-7.4 Hazardous waste generator responsibilities

(a) General requirements for generators not exempted pursuant to N.J.A.C. 7:26-8.1 et seq. are as follows:

- 1.-2. (No change.)
3. A generator who transports, or offers for transportation, hazardous waste for offsite **hazardous waste reuse**, treatment, storage, or disposal must prepare a manifest before transporting the waste offsite.
4. A generator must provide the following information on the manifest form:
 - i.-viii. (No change.)
 - ix. **When shipping hazardous waste to a waste exchange facility, the generator shall enter the waste exchange facility identification number in section G of the uniform manifest.**
 - 5.-9. (No change.)
 - (b)-(d) (No change.)
 - (e) It shall be considered a violation of these regulations for a hazardous waste generator to:
 - 1.-2. (No change.)
 3. Designate on the manifest form a hazardous waste facility which is not an authorized facility (see N.J.A.C. 7:26-1.4) or a waste exchange facility which has not received a waste exchange facility identification number from the Department; or
 4. Ship or permit the shipment of hazardous waste to any site which is not an authorized hazardous waste facility or a waste exchange facility which has not received a waste exchange facility identification number from the Department.
 - (f) (No change.)
 - (g) Annual reporting requirements are as follows:
 1. (No change.)
 - i.-x. (No change.)
 - xi. **Waste exchange facility NJDEP identification number, name, and address.**
 2. (No change.)
 3. **The hazardous waste generator shall include all waste shipped to a waste exchange facility in the report of facility activities as required in paragraph 1. above.**
 - (h)-(i) (No change.)
 - (j) A generator shall not offer hazardous waste to a waste exchange facility for hazardous waste reuse unless:
 1. The generator has registered with the Department’s waste exchange facility program. To register, a generator shall submit the following information to the Department:
 - i. Generator’s name, mailing address, site address and telephone number;
 - ii. Generator’s EPA identification number;
 - iii. A description of the process which generated the waste;
 - iv. A physical and chemical analysis, of the waste(s) to be reused;
 - v. An estimate of the volume of waste (which is intended for reuse) generated per year;
 - vi. Updates of any information submitted under this subsection where changes occur in the process generating the waste, the analysis of the waste or the volume of the waste.

vii. Any other information as requested by the Department.

2. The generator has complied with all applicable requirements for managing containers of hazardous waste at N.J.A.C. 7:26-7.2 and all storage requirements under N.J.A.C. 7:26-9.3(a)2.

3. The generator has completed a hazardous waste manifest and has included the waste exchange facility's identification number in Section G of the manifest, which must accompany the waste when shipped to the waste exchange facility.

4. The waste transporter is registered as a hazardous waste transporter with the Department.

5. The designated waste exchange facility has qualified for a permit-by-rule under N.J.A.C. 7:26-12.1(b)11 to receive the generator's waste and has received a waste exchange facility identification number from the Department pursuant to N.J.A.C. 7:26-12.1(b)11.

7:26-9.1 Scope and applicability

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

(c) The standards and requirements of this subchapter do not apply to:

1.-12. (No change.)

13. The owner/operator of a waste exchange facility provided the following conditions are met:

i. The owner and operator of the waste exchange facility has qualified for the permit exemption under N.J.A.C. 7:26-12.1(b)11;

ii. A waste exchange facility identification number has been received from the Department prior to accepting hazardous waste for reuse;

iii. Wastes intended for hazardous waste reuse are stored no longer than 90 days;

iv. Wastes are stored and managed in conformance with relevant requirements of N.J.A.C. 7:26-7.2(e), 7:26-9.4(d) and (e), 7:26-10.4 and 7:26-10.5;

v. The owner/operator of the waste exchange facility maintains a written operating record at the facility in accordance with the applicable provisions of N.J.A.C. 7:26-9.4(i);

vi. Wastes accepted for hazardous waste reuse are accompanied by a properly completed manifest which the owner/operator handles in accordance with the requirements of N.J.A.C. 7:26-7.6(b).

vii. Wastes accepted for hazardous waste reuse originated from generators that are registered with the Department's waste exchange program pursuant to N.J.A.C. 7:26-7.4(i)1. (Out-of-state generators must also register with the Department's waste exchange program);

viii. Residues resulting from hazardous waste reuse are disposed of in accordance with the rules in this Chapter;

ix. Information regarding all hazardous waste reuse activities at the site is included in an annual report, submitted to the Department by March 1 of the following calendar year. The annual report shall include the following information:

(1) Waste exchange facility name, mailing address, site address and telephone number;

(2) Waste exchange facility identification number;

(3) A list (by manifest number) of all manifests received in the last calendar year, generators' names and addresses, types and volumes of wastes received, and methods of hazardous waste reuse; and

x. If the owner/operator of the waste exchange facility ceases the process which reuses the waste, the owner/operator shall:

(1) Accept no additional waste through the waste exchange;

(2) Remove all waste being stored on-site within 90 days of its receipt; and

(3) Dispose of any remaining waste as a hazardous waste in accordance with the rules in this Chapter.

xi. This exemption shall not apply to a person who is otherwise required to obtain a Hazardous Waste Management Facility Permit for an activity at the same plant location as the waste exchange facility. Under such circumstances, the application for a permit for a waste exchange facility shall be considered a modification of the existing hazardous waste facility permit, under N.J.A.C. 7:26-12.6 and 7:26-12.8.

(d) (No change.)

7:26-12.1 Scope and applicability

(a) (No change.)

(b) The following persons are not required to obtain a permit pursuant to this subchapter to conduct the following activities or construct or operate the following hazardous waste facilities:

1.-10. (No change.)

11. The owner/operator of a waste exchange facility, provided all conditions and requirements of N.J.A.C. 7:26-9.1(c)13 are met, and the owner/operator submits the following information and documentation to the Department:

i. Waste exchange facility name, mailing address, site address and telephone number;

ii. The Facility EPA identification number. (All facilities that intend to operate as a waste exchange facility shall apply for and receive an EPA I.D. number from the United States Environmental Protection Agency. When applying to EPA, attach a letter to the notification form explaining that although not regulated by EPA, hazardous waste reuse is a regulated activity in New Jersey.);

iii. Description of the wastes to be reused;

iv. Name, mailing address, site address, and telephone number of the generator(s) that will supply waste to the waste exchange facility;

v. Description of the volume of wastes to be reused;

vi. Description of the volume of virgin material(s) used in the past 12 months for which the waste will be substituted, or other suitable time period as determined by the Department, verified by written documentation such as invoices, purchase orders, etc.;

vii. Statement of all potential environmental hazards of using the waste in lieu of a virgin material and measures to be taken to mitigate potential hazards to the extent possible;

viii. The following certification, signed by the owner/operator of the waste exchange facility, or an authorized representative:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant Penalties for submitting false information, including the possibility of fine and imprisonment."

(Date)

(Print name and title)

(signature)

ix. For waste exchange facilities that intend to store waste in containers prior to reuse, all information required pursuant to N.J.A.C. 7:26-12.2(f)1; and

x. For waste exchange facilities that intend to store waste in tanks prior to reuse, all information required pursuant to N.J.A.C. 7:26-12.2(f)2.

xi. This exemption shall not apply to a person who is otherwise required to obtain a Hazardous Waste Management Facility Permit for an activity at the same plant location as the waste exchange facility. Under such circumstances the application for a permit for a waste exchange facility shall be considered a modification of the existing hazardous waste facility permit, under N.J.A.C. 7:26-12.6 and 12.8.

7:26-12.8 Minor modifications of permits

(a) (No change.)

(b) Minor modifications may only:

1.-7. (No change.)

8. Authorize the operation of a waste exchange facility. (see N.J.A.C. 7:26-9.1(e)13 and 7:26-12.1(b)11).

(a)

Disposal of Asbestos Waste Disposal Area; Disruption

Proposed Amendment: N.J.A.C. 7:26-2.6 and 2.7

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.
Authority: N.J.S.A. 13:1B-3 and 13:1E-6.
DEP Docket No. 062-85-10.
Proposal Number: PRN 1985-635.

Submit comments by December 18, 1985 to:

J. Mark McQuerrey
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, N.J. 08625

The agency proposal follows:

Summary

Comments were received by the Department of Environmental Protection (Department) in response to the rule proposal for regulating asbestos disposal, generally, (effective on February 19, 1985 at 17 N.J.R. 446(a)), which suggested that landfill operators who accept asbestos waste should be required to place the waste in a separate area, identified with the deed of record for the landfill property. This was recommended in order to better insure that asbestos waste will not be exposed to the air either at the time of disposal or due to erosion or other disruption of the protective landfill cover. The Department agrees that additional protections are required to insure that asbestos waste will remain safely buried. Therefore, the Department proposes to prohibit disruption of asbestos disposal areas and to require that the operators of new landfills develop an asbestos disposal area of the landfill, separate from other waste disposal activities. This area must then be identified by a metes-and-bounds description filed with the deed of record for the landfill property and in the facility designs on file with the Department. For existing landfills which have accepted asbestos waste for disposal, the disruption of the landfill cover, and in the case of new landfills the cover of the asbestos disposal area, is prohibited and a notice to that effect is required to be filed with the deed of record. The Department proposes to delete the existing

language in N.J.A.C. 7:26-2.6(e)2 and replace it with a newly structured provision which more clearly sets forth the Department's intent.

The Department also proposes to require that owners or operators of landfills provide and require the use of protective equipment by landfill employees and transport vehicle drivers who work in asbestos disposal areas.

Federal regulations governing asbestos disposal (see 29 CFR 1910 and 40 CFR 61) allow exemption from asbestos management requirements for small quantities of asbestos waste, resulting from renovation or demolition projects. The Department proposes a similar exemption for up to 260 feet of asbestos-coated pipe or 160 square feet of flat, asbestos-coated surface (ducts, boilers, tanks, structural members, etc.).

Finally, the department has inserted a cross-reference to the asbestos disposal rules in the code section relating to disruption of closed landfills.

Social Impact

By requiring that the record of landfill property ownership contain notices that surface disruption of asbestos disposal areas is prohibited, future owners of such properties will not have false expectations regarding development options available for the landfill areas involved. This will assist in insuring that landfill disruptions do not occur and that asbestos material is not exposed to the air in the future.

Respiratory protection for individuals involved in the actual dumping of asbestos waste at landfills has the obvious effect of insuring that, should asbestos waste be emitted during dumping, those most likely to be harmed will have adequate protection. Though the Department believes that compliance with the packaging requirements of State and Federal rules will prevent emission at landfills, it must be recognized that a potential exists and that it is wise to require respiratory protection.

Economic Impact

The prohibition against disruption of asbestos disposal areas will impact potential development of landfill areas after facility closure, with associate economic repercussions. Landfills, by their nature and design, already have significant limits on development options, without consideration of this proposal. The impact of the additional restrictions proposed in this rule are, therefore, not as significant as they might otherwise be.

Owners of new landfills will have the additional responsibility to prepare and maintain a separate asbestos disposal area at the facility. The requirement to provide protective equipment to workers in asbestos disposal areas will result in costs to landfill owners of equipment purchase and maintenance. These increased costs will be reflected in increased fees for landfill users.

Generators of small quantities of asbestos waste will benefit from the lesser regulatory burden they may bear, as a result of this amendment.

Environmental Impact

The requirements of this proposal are intended to insure that the asbestos waste disposed at landfills is never exposed to the air. The Department is concerned that, with passage of time after a landfill is closed, unsuspecting persons will seek to develop the landfill property. The notices filed with the landfill property deeds will provide needed knowledge to future potential purchasers of the land involved.

By allowing for exemption of small quantities of asbestos waste associated with renovation and demolition projects, a slightly increased potential for uncontrolled release of asbestos will result.

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

7:26-2.6 Sanitary landfill operational requirements (Specific)

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

(e) Rules concerning the disposal of asbestos and asbestos-containing waste in sanitary landfills follow:

1. (No change.)

2. All asbestos and asbestos-containing waste accepted for disposal at a sanitary landfill shall be disposed of in the following manner:

i. Upon acceptance of the waste, a separate excavation immediately shall be prepared in the working face of the facility. Said excavation shall be of sufficient width and depth so as to allow the asbestos-containing waste to be deposited such that a minimum of three (3) feet buffer exists between the top layer of the waste deposited and the top of the excavated site.

ii. The asbestos and asbestos-containing waste shall be deposited in the excavation and the area immediately shall be covered with three (3) feet of earth or other cover material in a manner that prevents the rupture of the containers during burying operations. This requirement is in addition to the cover requirements of N.J.A.C. 7:26-2.5]

i. Owners or operators of new landfills accepting asbestos waste shall meet the following requirements:

(1) The owner or operator of the landfill shall develop a separate area of the landfill, apart from other waste disposal areas, for disposal of asbestos and asbestos-containing waste. It is recommended that the asbestos disposal area be operated by a trench method, with sufficient width and ramping to allow the transport vehicle to back up to or into the trench to allow for proper unloading of the asbestos and asbestos-containing waste in a manner that prevents the rupture of the containers during the unloading operation.

(2) Upon acceptance of the waste, the asbestos disposal area shall immediately be prepared. After unloading, the asbestos and asbestos containing waste shall be immediately covered with a minimum of three feet of soil.

(3) In areas in which asbestos and asbestos-containing waste has been previously deposited, as required by (2) above, the current working face may be prepared by removal of cover material; however, no previously deposited asbestos and asbestos-containing waste shall be exposed and a minimum of six inches of cover material shall be maintained between the cells. After unloading, the asbestos and asbestos-containing waste shall be immediately covered with a minimum of three feet of soil.

(4) The final cover of the asbestos disposal area shall be a minimum of three feet of soil and shall be sufficient to minimize infiltration into the asbestos and asbestos-containing waste. The final slopes shall be graded to facilitate run-off away from the asbestos disposal area.

(5) The final cover shall be seeded and maintained to prevent erosion and exposure of the asbestos and asbestos-containing waste.

ii. Owners or operators of existing landfills must comply with one of the following two options for disposal of asbestos and asbestos-containing waste:

(1) The owner or operator of the landfill may develop a separate area of the landfill for asbestos and asbestos-containing waste disposal, prepared and operated as required by 2i above; or

(2) A separate excavation may be prepared in the working face of the landfill. The excavation shall be of sufficient width and depth so as to allow the asbestos and asbestos-containing waste to be deposited such that a minimum of three feet of earth or other cover material may be placed between the top of the waste deposited and the top surface of the working face. A written notice must be recorded along with the deed for the landfill property, for all landfilled areas, with the appropriate county recording office, notifying future owners of the property that asbestos has been disposed in the landfill and that disruption or excavation is expressly prohibited under N.J.A.C. 7:26-2.6(e)2v.

iii. The asbestos and asbestos-containing waste deposited in the disposal areas described in 2i and 2ii above, shall immediately be covered with three feet of earth or other approved cover material in a manner that prevents the rupture of the containers during the burying operation.

iv. For disposal areas identified in 2i and 2ii(1) above, a detailed, metes-and-bounds description of the asbestos disposal area must be recorded, along with the deed for the landfill property, with the appropriate county recording office, notifying future owners of the property that disruption or excavation is expressly prohibited under N.J.A.C. 7:26-2.6(e)2v. This description shall also include the depths of asbestos waste and cover material and shall remain in the record in perpetuity.

v. For disposal areas identified in 2i and 2ii above, the intermediate and/or final landfill cover may not be disrupted, except as required for pollution control or remedial action, in which case such disruption must be managed in compliance with State and Federal regulations governing the removal, disposal or other handling of asbestos or asbestos-containing material.

vi. No person may enter an asbestos disposal area at a landfill during the unloading and covering of asbestos and asbestos-contained waste without wearing a respirator approved for asbestos by the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration. This equipment shall be provided and maintained in good working order by the landfill owner or operator.

3.-4. (No change.)

5. The requirements in this subsection do not apply to renovation or demolition projects wherein the total project involves less than 260 feet of asbestos-coated pipe or less than 160 square feet of asbestos-coated surface, such as ducts, boilers, tanks, structural members and the like.

7:26-2.7 Disrupted landfill requirements

(a)-(e) (No change.)

(f) For landfills which accept asbestos waste, disruption of any asbestos disposal area is also regulated under N.J.A.C. 7:26-2.6(e).

HEALTH

(a)

NARCOTIC AND DRUG ABUSE CONTROL

Controlled Dangerous Substances Miscellaneous Provisions

Proposed New Rules: N.J.A.C. 8:65-8

Authorized By: J. Richard Goldstein, M.D., State
Commissioner of Health.

Authority: N.J.S.A. 24:21-9.

Proposal Number: 1985-619.

Submit comments by December 18, 1985 to:
Lucius A. Bowser, RP, MPH
Chief
Drug Control Program
CN 362
Trenton, N.J. 08625

Summary

The Department of Health proposes new rules related to various miscellaneous requirements, such as sales by one registrant to another; manufacture of narcotic solutions by a pharmacist; distribution upon discontinuance or transfer of business; disposal procedures over controlled substances; and the use of Peyote for non-drug use by the Native American Church. These new rules will provide instructions for supplying controlled drugs to ocean vessels or aircraft. Much of these requirements in the new rules were in effect for 14 years but expired in February 1985 pursuant to Executive Order No. 66 (1978). The new rules contain significant changes from the expired text warranting introduction as a new rule.

Social Impact

The proposed new rules will have a significant impact upon the public in that they will complete the chain of responsibility over controlled dangerous substances from manufacturer through ultimate discontinuance of business and disposal of those substances. Such requirements will maintain regulation over controlled dangerous substances and keep them in licit channels rather than finding their way into illicit channels of distribution and sale.

Economic Impact

These new rules will not have any new or additional significant economic impact on those persons or firms which the regulations govern. All controlled dangerous substance registrants have been utilizing these regulations for 14 years under both State and Federal Laws, and should these new rules not be promulgated registrants handling controlled substances will still be bound by these regulations which are in effect under Federal Law. No additional burdens or economic costs would be imposed by these new rules.

Full text of the proposed new rules follows.

SUBCHAPTER 8. MISCELLANEOUS PROVISIONS

8:65-8.1 Definitions

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

"Act" means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801) and/or the Controlled Substances Import and Export Act (84 Stat.1285; 21 U.S.C. 951). Any term not defined in this Section shall have the definition set forth in Sections 102 and 1001 of the Act (21 U.S.C. 802 and 951) and in 301.02.

8:65-8.2 Application of State Law and Other Federal Law

Nothing in Parts 301 through 308, 311, 312, 316 of Federal Regulations shall be construed as authorizing or permitting any person to do any act which such person is not authorized or permitted to do under other Federal laws or obligations under international treaties, conventions or protocols, or under the law of the State in which he desires to do such act nor shall compliance with such Parts be construed as compliance with other Federal or State laws unless expressly provided in such other laws.

8:65-8.3 Exceptions to regulations

(a) Any person may apply for an exception to the application of any provision of Parts 301 through 308, 311, 312 of Federal Regulations by filing a written request stating the reasons for such exception.

(b) Requests shall be filed with the Administrator, Drug Enforcement Administration, U.S. Department of Justice, Washington, D.C. 20537.

(c) The Administrator may grant an exception in his discretion, but in no case shall he be required to grant an exception to any person which is not otherwise required by law or the regulations cited in this section.

8:65-8.4 Distribution by dispenser to another practitioner

(a) A practitioner who is registered to dispense controlled substances may distribute (without being registered to distribute) a quantity of such substance to another practitioner for the purpose of general dispensing by the practitioner to his or its patients; provided, that:

1. The practitioner to whom the controlled substance is to be distributed is registered under the Act and the State Act (N.J.S.A. 24:21-10) to dispense that controlled substance;

2. The distribution of such controlled substance is recorded by the distributing practitioner in accordance with N.J.A.C. 8:65-5.17(a)5 and by the receiving practitioner in accordance with N.J.A.C. 8:65-5.17(a)3;

3. If the substance is listed in schedule I or II, an order form is used as required in N.J.A.C. 8:65-6;

4. The total number of dosage units of all controlled substances distributed by the practitioner pursuant to this section during the 12-month period in which the practitioner is registered to dispense does not exceed five percent of the total number of dosage units of all controlled substances distributed and dispensed by the practitioner during the 12-month period.

(b) If, at any time during the 12-month period which the practitioner is registered to dispense, the practitioner has reason to believe that the total number of dosage units of all controlled substances which will be distributed by him pursuant to this section will exceed five percent of the total number of dosage units of all controlled substances distributed

and dispensed by him during the 12-month period, the practitioner shall obtain a registration to distribute controlled substances.

8:65-8.5 Manufacture and distribution of narcotic solutions and compounds by a pharmacist

As an incident to a distribution under N.J.A.C. 8:65-8.4 a pharmacist may manufacture (without being registered to manufacture) an aqueous or oleaginous solution or solid dosage form containing a narcotic controlled substance in a proportion not exceeding 20 percent of the completed solution, compound or mixture.

8:65-8.6 Distribution to supplier

(a) Any person lawfully in possession of a controlled substance listed in any schedule may distribute (without being registered to distribute) that substance to the person from whom he obtained it or to the manufacturer of the substance, provided that a written record is maintained which indicates the date of the transaction, the name, form and quantity of the substance, the name, address, and registration number, if any, of the person making the distribution, and the name, address, and registration number, if known, of the supplier or manufacturer.

(b) In the case of returning a controlled substance listed in schedule I or II, an order form shall be used in the manner prescribed in Part 305 of the Act and N.J.A.C. 8:65-6 and be maintained as the written record of the transaction. Any person not required to register pursuant to Section 302(c) or 1007(b)1 of the Act or N.J.A.C. 8:65-1.3 shall be exempt from maintaining the records required by this section.

8:65-8.7 Distribution upon discontinuance or transfer of business

(a) Any registrant desiring to discontinue or transfer business activities altogether or with respect to controlled substances shall return his Federal Certificate of Registration, and any unexecuted order forms in his possession to the Drug Control Program, New Jersey State Department of Health, CN 362, Trenton, NJ 08625 as well as the State Certificate of Registration for cancellation. Any controlled substances in his possession may be disposed of in accordance with Section 307.21 of the Act or N.J.A.C. 8:65-8.10 or by transfer to another registrant. If the registrant desires to transfer the substances to another registrant, he shall take an inventory, together with his name, address, and registration number, and the name, address, and registration number of the proposed transferee and send them to the Special Agent in Charge of the District Office of the Drug Enforcement Administration in the region in which he is doing business at least 15 days in advance of the date of the proposed transfer. If the Special Agent in Charge does not notify the registrant that the transfer should be postponed or cancelled, the registrant may transfer the substances to the named transferee without being registered as a distributor. All controlled substances listed in schedule I or II must be transferred pursuant to an order form in accordance with Part 305 of the Act or N.J.A.C. 8:65-6. Schedule III, IV and V substances will be transferred in accordance to the inventory prepared by the registrant and submitted to the Special Agent in Charge. If the Special Agent in Charge denies the registrant authority to make the proposed transfer, the registrant shall either dispose of the substances in accordance with N.J.A.C. 8:65-8.10 or transfer the substances to another registrant in accordance with this section and/or instructions of the Special Agent in Charge.

(b) In the case of registrants required to make reports pursuant to Part 304 of the Act, a report marked "Final" will be prepared and submitted by the transferor registrant showing the disposition of all the controlled substances for which a report is required; no additional reports will be required from him, provided that no further transactions involving controlled substances are consummated by him. The initial report of the transferee registrant shall account for transactions beginning with the day next succeeding the date of discontinuance or transfer of business by the transferor registrant, and the substances transferred to him shall be reported as receipts in his initial report.

(c) A registrant shall notify the Drug Control Program, New Jersey State Department of Health, CN 362, Trenton, NJ in writing no less than 15 days prior to the discontinuance or transfer of business activities with respect to controlled substances as set forth in (a) above, unless the Program waives requirements in individual instances. Such notification shall include but not be limited to:

1. Name, address, State CDS and Federal DEA registration numbers of the registrant discontinuing or transferring his controlled substances activities;

2. Name, address, State CDS and Federal DEA registration numbers of the registrant, or proof of application for same, of registrant to whom the controlled substances are to be transferred;

3. Name, address, State CDS and Federal DEA registration numbers, or proof of application for same of the registrant receiving the records, which include prescription files, or patient orders of practitioners of the discontinued business;

4. Name, and address of the person or firm who will maintain records, such as invoices, purchase records and executed order forms of the discontinued or transferred business for a period of not less than two years; and

5. The date on which the discontinuance or transfer of the business activity will take place.

8:65-8.8 Distribution to ocean vessels or aircraft

(a) Any registrant lawfully in possession of a controlled substance listed in any schedule may distribute (without being registered to distribute) that substance to a medical officer, master or first officer, of any ocean vessel engaged in international trade or in trade between points of the United States and any merchant vessel belonging to the United States Government; or to any aircraft operated by a carrier under a certificate of permit issued pursuant to the Federal Aviation Act of 1958 (49 U.S.C. 1301) provided that:

1. The medical officer shall be:

i. Licensed in a state as a physician;

ii. Employed by the owner or operator of the vessel, aircraft or other entity; and

iii. Registered under the Act at either of the following locations:

(1) The principal office of the owner or operator of the vessel, aircraft or other entity; or

(2) At any other location provided that the name, address, registration number and expiration date as they appear on the Certificate of Registration for this location are maintained for inspection at said principal office in a readily retrievable manner.

2. A registered medical officer may serve as medical officer for more than one vessel, aircraft, or other entity under a single registration, unless he serves as medical officer for more than one owner or operator, in which case he shall either

maintain a separate registration at the location of the principal office of each such owner or operator or utilize one or more registrations pursuant to l(iii)(2) above.

3. If no medical officer is employed by the owner or operator of a vessel or aircraft, or in the event the medical officer is not accessible and the acquisition of controlled substance is required, the master or first officer of the vessel, or aircraft, who shall not be registered, may purchase controlled substances from a registered manufacturer or distributor or from an authorized pharmacy through the following procedure:

i. The master or first officer of the vessel or aircraft must personally appear at the vendor's place of business, present proper identification, (for example, Seaman's photographic identification card) and a written requisition for the controlled substances;

ii. The written requisition must be on the vessel or aircraft's official stationary or purchase order and must include the name and address of the vendor, the name of the controlled substance (dosage form, strength and number or volume per container) number of containers ordered, the name of the vessel, the vessel's official number and country of registry, the owner or operator of the vessel, the port at which the vessel is located, the controlled substances and the date of the requisition;

iii. The vendor may, after verifying the identification of the vessel's officer requisitioning the controlled substances, deliver the controlled substances to that officer. The transaction shall be documented, in triplicate, on a record of sale in a format similar to that outlined in this subsection. The vessel's requisition shall be attached to copy 1 of the record of sale and filed with the controlled substances records of the vendor. Copy 2 of the record of sale shall be furnished to the officer of the vessel and retained aboard the vessel. Copy 3 of the record of sale shall be forwarded to the nearest DEA Division office within 15 days after the end of the month in which the sale is made;

iv. The vendor's record of sale should be similar to, and must contain all the information required in the following format:

Sale of Controlled Substances to Vessels

(Name of Registrant) _____

(Address of Registrant) _____

(DEA Registration Number) _____

Line No.	Number of Packages	Size of Packages	Name	Pkg Dist.	Date
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____

Line numbers may be continued according to the needs of the vendor.

Number of lines completed _____

Name of the vessel _____

Vessel's official number _____

Vessel's country of registry _____

Owner or operator of vessel _____

Name and title of vessel's officer who presented requisition _____

Signature of vessel's officer who presented the requisition _____

4. Any registered pharmacy which wishes to distribute controlled substances pursuant to this section shall be authorized to do so, provided that:

i. The registered pharmacy notifies the nearest Division officer of the Drug Enforcement Administration of its intentions to distribute controlled substances prior to the initiation of such activity. This notification shall be by registered mail and shall contain the name, address and registration number of the pharmacy as well as the date upon which such activity will commence; and

ii. Such activity is authorized by state law; and

iii. The total number of dosage units of controlled substances meet the requirements of N.J.A.C. 8:65-8.4.

8:65-8.9 Incidental manufacture of controlled substances

Any registered manufacturer who, incidentally but necessarily, manufactures a controlled substance as a result of the manufacturer of a controlled substance or basic class of controlled substance for which he is registered and has been issued an individual manufacturing quota pursuant to Part 303 of the Act (if such substance or class is listed in schedule I or II) shall be exempt from the requirement of registration pursuant to Part 301 of the Act and, if such incidentally manufactured substance is listed in schedule I or II, shall be exempt from the requirement of an individual manufacturing quota pursuant to Part 303 of the Act, if such substances are disposed of in accordance with Part 307.21 of the Act.

8:65-8.10 Procedure for disposing of controlled substances

(a) Any person in possession of any controlled substance and desiring or required to dispose of such substance may request the Special Agent in Charge, U.S. Department of Justice, Drug Enforcement Administration, 970 Broad St., Newark, N.J. 07102 for authority and instructions to dispose of such substance. The person may also contact the Drug Control Program, New Jersey State Department of Health for such authority and instruction. The request shall be made in the following manner:

1. If the person is a registrant required to make reports pursuant to Part 304 of the Act, he shall list the controlled substances or substance which he desires to dispose of on the "b" subpart of the report normally filed by him, and submit three copies of that report to the Special Agent in Charge, U.S. Department of Justice, Drug Enforcement Administration, 970 Broad St., Suite 806, Newark, N.J., 07102.

2. If the person is a registrant not required to make reports pursuant to Part 304 of the Act, he shall list the controlled substance or substances which he wishes to dispose of on DEA-41 form or Form DDC-51 of the Drug Control Program, New Jersey State Department of Health, CN 362, Trenton, NJ 08625. If he elects to use the DEA-41 form, he must submit three copies of that form to the Special Agent in Charge, U.S. Department of Justice, Drug Enforcement Administration, 970 Broad St., Newark, N.J., 07102. If the person elects to use the DDC-51 form, he must submit three

copies of that form to the Drug Control Program, New Jersey State Department of Health, CN 362, Trenton, N.J., 08625 or may telephone that agency.

3. If the person is not a registrant he shall submit to the Special Agent in Charge a letter stating:

- i. The name and address of the person;
- ii. The name and quantity of each controlled substance to be disposed of;
- iii. How the applicant obtained the substance, if known; and
- iv. The name, address and registration number, if known, of the person who possessed the controlled substance prior to the applicant, if known.

(b) The Special Agent in Charge or the Drug Control Program shall authorize and instruct the applicant to dispose of the controlled substances in one of the following manners:

1. By transfer to the District Office of the Special Agent in Charge;
2. By transfer to a person registered under the act and authorized to possess such substance or substances;
3. By destruction in the presence of an agent of the District Office of the Special Agent in Charge or an agent of the Drug Control Program; or
4. By such other means as the Special Agent in Charge or the Drug Control Program may determine to assure that the substance or substances does not become available to unauthorized persons.

(c) This section shall not be construed as affecting or altering in any way the disposal of controlled substances through procedures provided in laws and regulations adopted by any state.

8:65-8.11 Disposal of controlled substances by the District Office

(a) Any controlled substance delivered to the District Office of the Special Agent in Charge, U.S. Department of Justice, Drug Enforcement Administration under 307.21 or forfeited pursuant to section 511 of the Act (21 U.S.C. 881) may be delivered to any department, bureau, or other agency of the United States or of any State upon proper application addressed to the Administrator, U.S. Department of Justice, Drug Enforcement Administration, Washington, D.C. 20537.

(b) The application shall show the name, address, and official title of the person or agency to who the controlled drugs are to be delivered, including the name and quantity of the substances desired and the purpose for which intended.

(c) The delivery of such controlled drugs shall be ordered by the Special Agent in Charge, if in his opinion, there exists a medical or scientific need therefor.

8:65-8.12 Native American Church

The listing of peyote as a controlled substance in schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the Native American Church, and members of the American Native Church so using peyote are exempt from registration. Any person who manufactures peyote for or distributes peyote to the Native American Church, however, is required to obtain registration annually and to comply with all other requirements of law.

HIGHER EDUCATION

For the following Department of Higher Education proposals, submit comments by December 18, 1985 to:

Grey J. Dimenna, Esq.
Administrative Practice Officer
Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

(a)

BOARD OF HIGHER EDUCATION

Fund for the Improvement of Collegiate Education Policies and Procedures

Proposed New Rules: N.J.A.C. 9:2-2

Authorized By: Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.

Authority: P.L. 1985, c. 193 (N.J.S.A. 18A:62-8 et seq., specifically 18A:62-12).

Proposal Number: PRN 1985-621.

The agency proposal follows:

Summary

The Board of Higher Education is statutorily charged with the responsibility for adopting rules and regulations regarding the priorities and competitive grant procedures of the Fund for the Improvement of Collegiate Education (FICE). FICE is a fund established within the Department of Higher Education to make grants to institutions of higher education for the purpose of improving teaching processes, access to and the academic quality of higher education and the retention of students, especially those receiving financial aid. The proposed new rules set forth the fund's priorities and the procedures to be utilized in awarding grants.

Social Impact

The proposed new rules will govern procedures whereby institutions of higher education may apply and receive grant funds for projects under the FICE program. Awarding of such grant funds shall provide for various programs to improve collegiate education at such institutions.

Economic Impact

The proposed new rules governs procedures whereby institutions may apply for and receive grant funds for projects under the FICE program. For fiscal year 1985, \$2 million has been appropriated to the program.

Full text of the proposed new rules follows:

SUBCHAPTER 2. FUND FOR THE IMPROVEMENT OF COLLEGIATE EDUCATION: POLICIES AND PROCEDURES

9:2-2.1 Definitions

The following words shall have the following meanings unless the context clearly indicates otherwise.

"Board" means the Board of Higher Education of New Jersey.

"Chancellor" means the Chancellor of the New Jersey Department of Higher Education.

"Department" means the New Jersey Department of Higher Education.

"Fund" means the Fund for the Improvement of Collegiate Education.

"Institution" means an institution of collegiate grade in New Jersey which is approved or licensed by the State Board of Higher Education.

9:2-2.2 Fund priorities

(a) The purpose of the Fund is to make grants to institutions including, but not limited to, grants for:

1. The improvement of teaching and learning processes;
2. The improvement of access to and the academic quality of higher education;
3. The enhancement of the quality of student life on campus; and
4. The improvement of collegiate retention of students, in particular, students receiving assistance through State financial aid programs.

(b) The specific objectives for the Fund may vary from year to year, but must be consonant with the above purpose of the Fund. These objectives shall be stated in the annual request for proposals issued by the Department to the institutions.

9:2-2.3 Competitive grant procedures

(a) A request for proposal shall be issued annually by the Department to all New Jersey institutions sufficiently in advance of the deadline for receipt of proposals. The proposal will:

1. Describe the purpose of the Fund;
2. State the goals and objectives;
3. Set forth funding categories and policies; and
4. Provide guidelines for the development and submission of the proposal, budget and attachments.

(b) Proposal review shall be performed by independent consultants retained by the Department for this purpose.

(c) The review process shall be in conformity with procedural and content guidelines developed by the Department as set forth in the request for proposals.

(d) Grants shall be awarded based upon competitive criteria established by the Board, including but not limited to:

1. Their ability to accomplish the objectives delineated in the annual request for proposals;
2. Their congruence with the funding restrictions and the evaluation requirements set forth in the annual request for proposals;
3. Their individual merit and worthiness for funding relative to other competing proposals; and
4. Other criteria consistent with the purpose of the Fund, annually set forth in the request for proposal as developed by the Department.

9:2-2.4 Consortial arrangements

(a) Consortial arrangements of institutions, including public and private agencies and organizations are jointly eligible, but a single institution must serve as the fiscal agent.

STUDENT ASSISTANCE BOARD

(a)

Student Assistance Programs Award Combinations

Proposed Repeal and New Rule: N.J.A.C. 9:7-2.9

Authorized By: Student Assistance Board, Joseph Streit, Chairman.

Authority: N.J.S.A. 18A:71-26.6, 18A:71-26.8, 18A:71-26.11, 18A:71-26.12, 18A:71-47(b), and 18A:71-48.

Proposal Number: PRN 1985-631.

The agency proposal follows:

Summary

The proposed new rule more clearly defines the procedures which financial aid officers must follow when reviewing other financial aid received by students holding awards provided under programs administered by the Student Assistance Board. The new rule also brings the State regulation more into conformity with Federal regulations.

Social Impact

The proposed new rule provides postsecondary institutions with a clearer understanding of the allowable combination of State, Federal, and institutional aid as they develop financial aid packages in accordance with the total educational budget for students pursuing their undergraduate education.

Economic Impact

The proposed new rule further defines award combinations in an effort to maintain equity in the distribution of scholarship and grant funds administered by the Student Assistance Board.

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

9:7-2.9 Award combinations

[Students receiving a Tuition Aid Grant award may also accept a Garden State Scholarship or an Educational Opportunity Fund Grant if offered by the institution they attend or plan to attend. Students cannot simultaneously hold an Educational Opportunity Fund Grant and a Garden State Scholarship but students can simultaneously receive a Distinguished Scholarship and an Educational Opportunity Fund Grant in any single semester. The total amount of financial aid received by a student may not exceed the college budget as defined by the institution. Tuition Aid Grants will in general be reduced so that the student's resources will not exceed the financial aid officer's estimate of the student's need, to a minimum grant of \$100.00. This policy will permit students to accept other offers of student assistance as well as facilitate their acceptance into the Educational Opportunity Fund Program.]

(a) **Students receiving New Jersey State student aid funds may receive combinations of a Tuition Aid Grant, a Distinguished Scholarship, veterans grants, a POW/MIA grant, a**

Public Tuition Benefits grant, and a Garden State Scholarship or an Educational Opportunity Fund grant. Students cannot simultaneously hold an Educational Opportunity Fund grant and a Garden State Scholarship grant in any single semester.

(b) Students applying for financial aid at the institution they are attending may not receive aid in excess of their financial need as determined by the uniform methodology. Aid is defined as scholarships and grants based on need, educational loans, except Guaranteed Student Loans and PLUS Loans, college work-study program earnings, tuition reimbursement such as through an employer or military, monies awarded through other legislation such as the Trade Adjustment Act and ROTC scholarships, including the monthly subsistence payment, and vocational rehabilitation assistance. Distinguished Scholarship awards, other scholarships based on merit, other special benefit grants, Guaranteed Student Loans, and PLUS Loans may be used to replace total family contribution. The total assistance received from all sources may not exceed the total college educational budget as defined by the institution.

(c) If the total amount of aid exceeds the student's need by more than \$100.00, an adjustment to some portion of the aid package is required. The first adjustment should be made to reduce student loans, then to any institutional aid (including federal campus-based programs) and lastly, to State awards.

(a)

Garden State Scholars Eligibility Requirements; Award Amounts; Recruitment and Awarding Responsibilities; Institutional Eligibility, Allocations, and Funding of Awards; Renewal of Scholarships

Proposed Amendments: N.J.A.C. 9:7-4.1 and 4.2

Proposed Repeal and New Rule: N.J.A.C. 9:7-4.5

Proposed New Rules: N.J.A.C. 9:7-4.3 and 4.8

Authorized By: Student Assistance Board, Joseph Streit,
Chairman.

Authority: N.J.S.A. 18A:71-26.5, 18A:71-26.6,
18A:71-26.8, 18A:71-26.10 and 18A:71-26.12.

Proposal Number: PRN 1985-632.

The agency proposal follows:

Summary

The proposed amendments and new rules recognize the Garden State Distinguished Scholarship Program as a vehicle for recruiting academically able students to attend New Jersey postsecondary institutions. As a result of this program, changes were recommended to strengthen the academic component of the Garden State Scholarship Program and link funding to institutional recruitment activities. These changes also recognize that students with the highest level of academic achievement should be eligible for increased funding.

Social Impact

The proposed amendments and new rules define institutional recruitment activities required for the Garden State

Scholarship Program by linking funding to recruitment efforts and also provide for an increase in the amount of the award for students with high achievement on the Scholastic Aptitude Test and through secondary school performance.

Economic Impact

The proposed amendments and new rules provide increased awards for students who exhibit the highest level of academic achievement and require that institutions link funding under this program with institutional recruitment activities.

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

9:7-4.1 Eligibility requirements

(a) Undergraduate Garden State Scholarship recipients must meet minimum academic requirements as defined [below] in N.J.A.C. 9:7-4.6, demonstrate financial need as defined herein, and be selected by the institution they attend or plan to attend. In addition to the financial need determination explained in N.J.A.C. 9:7-2.4 and 2.9, undergraduates must have demonstrated financial need to qualify for an award. Demonstrated financial need is the difference between the applicant's total resources (Estimated Family Contribution and other aid) and the total cost of college attendance (college budget). The undergraduate's demonstrated financial need will be reviewed annually by the institution to determine renewal eligibility.

(b) Distinguished Scholarship recipients must meet the academic requirements as defined by the Student Assistance Board. The academic requirements shall include secondary school ranking in the graduating class and/or a combination of the secondary school ranking and combined Scholastic Aptitude Test scores. Each year the Student Assistance Board shall determine and publicize the actual academic requirements prior to the distribution of awards. Such scholarships may be awarded on the basis of indicators of academic merit defined by the Board, without consideration of financial need, and must satisfy the requirements as stipulated in N.J.A.C. 9:7-2.9. Distinguished Scholarship recipients must attend an eligible New Jersey institution and [are] **may be eligible** to receive a Garden State Scholarship [This scholarship can be awarded in conjunction with] **or** an Educational Opportunity Fund Grant. Distinguished Scholarship recipients will be selected without regard to their course of study and awards will not be limited by institutions. Distinguished Scholarships are renewable for up to four or five years, depending upon the course of study and providing the student continues to achieve satisfactory academic progress. Eligible scholars may receive assistance under the Tuition Aid Grant Program.

(c) (No change.)

9:7-4.2 Award amounts

Undergraduate scholarship award amounts shall be a minimum of \$200.00. The maximum **Garden State Scholarship** award shall be [established annually by the Student Assistance Board] **\$1,000 and the Student Assistance Board shall annually establish award amounts in recognition of various levels of academic achievement.** The exact amount of the Garden State Scholarship award shall be determined by the college financial aid officer and depend upon the student's financial need [taking into account the family contribution and other aid received, the total of which may not exceed the college budget (as defined by the institution)] **as defined in N.J.A.C. 9:7-2.9.** The Garden State Distinguished Scholarship award [is made

without consideration of financial need. The maximum] and the graduate fellowship award amounts shall be established annually by the Student Assistance Board.

9:7-4.3 Recruitment and awarding responsibilities

Institutions must develop and implement recruitment activities designed to promote the Garden State Scholarship Program. Institutional allocations received through this program must be linked to institutional recruitment activities. Expenditures and recruitment results will be reviewed by the department and unutilized funds will be subject to reallocation by the Student Assistance Board.

[9:7-4.5 College eligibility and allocation procedures for undergraduate grants]

(a) The Student Assistance Board will determine each year the amount of Garden State Scholar appropriated funds which may be allocated to individual New Jersey collegiate institutions.

(b) Allocations for the 1979-80 award year are based on the average annual amount of State Scholarship expenditures by an institution over the three-year period AY 75-76 to AY 77-78. In addition, they will receive 90 percent of the original 1978 allocation plus the 1978 allotment amount. The 1979 allotment will be made available to institutions as an amount without distinction between initial and renewal amounts.]

9:7-4.5 Institutional eligibility, allocations, and funding of awards

(a) An eligible institution is one that is located in New Jersey, is approved or licensed by the State Board of Higher Education, and is accredited by a regional accrediting association recognized by the Council on Postsecondary Accreditation.

(b) The Student Assistance Board will annually allocate scholarship funds to all eligible institutions to assist eligible renewal and initial award recipients. All eligible institutions will be guaranteed a minimum allocation of funds for undergraduate scholarships annually by the Student Assistance Board.

(c) The Board may periodically redistribute, transfer, or adjust any uncommitted scholarship funds. Under no circumstances shall the Board be held responsible for commitments made by institutions in excess of their annual allocation.

9:7-4.8 Renewal of scholarships

Students receiving undergraduate or graduate scholarship assistance will continue to receive aid provided they continue to meet all of the eligibility criteria as stipulated in statute and in the regulations adopted by the Student Assistance Board. Award eligibility based upon academic achievement, as defined in N.J.A.C. 9:7-4.6, must only be evaluated when initial awards are being determined and the academic eligibility criteria used at the time scholarships are awarded shall remain throughout the student's remaining period of eligibility.

HIGHER EDUCATION ASSISTANCE AUTHORITY

(a)

Student Loans Insurance Fees

Proposed Amendment: N.J.A.C. 9:9-1.6

Authorized By: New Jersey Higher Education Assistance Authority, Jerome Lieberman, Chairman.

Authority: N.J.S.A. 18A:72-10.

Proposal Number: PRN 1985-639.

The agency proposal follows:

Summary

The proposed amendment changes the method of payment and refund policy of the required insurance fee under the Guaranteed Student Loan Program. Currently, a borrower must pay the lending institution the required one percent (of the total loan requested) fee up front with the submission of the student loan application. Refund of the fee is not allowed once the application has been approved regardless of whether the loan is ever received. Under the proposed amendment, the borrower would not pay the fee up front with the submission of the application, but the amount of the fee would be deducted from the loan proceeds upon disbursement. Thus, student borrowers will only be charged the fee if the loan is actually received.

Social Impact

The proposed amendment will result in greater administrative ease in processing student loan applications by lending institutions.

Economic Impact

The proposed amendment will eliminate the need for borrowers to pay money up front in applying for a student loan and will ensure that only those students who actually receive a loan pay the fee.

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

9:9-1.6 Insurance and origination fees

(a) An applicant for a student loan must:

1. Pay an insurance fee of one percent of the requested amount of the loan. Checks should be made payable to the lender. Any adjustment or refund is made by the lender. [No refunds will be issued after the application has been approved by the Authority.] **The fee is only charged upon [approval] disbursement, however, the fee is not charged twice if the student changes schools within the same academic year:**

2. (No change.)

(b) (No change.)

(a)

**Guaranteed Student Loan Program
Defaulted Loan Interest Payments; Procedure
for Filing Claim**

Proposed Amendment: N.J.A.C. 9:9-1.16

Authorized By: New Jersey Higher Education
Assistance Authority, Jerome Lieberman, Chairman.
Authority: N.J.S.A. 18A:72-10.
Proposal Number: PRN 1985-622.

The agency proposal follows:

Summary

The Higher Education Assistance Authority is statutorily charged with the administration of the Guaranteed Student Loan Program including the purchasing of defaulted student loans from lending institutions pursuant to its guaranty agreements. Under current State regulations, lending institutions may bill the Higher Education Assistance Authority for the outstanding principal of the loan plus accrued interest up to one year from the date of first delinquency. The proposed amendment changes the amount of interest which the Higher Education Assistance Authority may be billed to a maximum of 90 days beyond the date of default, thereby bringing this requirement into accord with Federal regulations concerning this area.

Social Impact

The proposed amendment, by narrowing the time between the loan's default and the purchase of the defaulted loan by the Higher Education Assistance Authority, will require lending institutions to submit defaulted loans to the Higher Education Assistance Authority for purchase under its guaranty agreement on a more timely basis.

Economic Impact

Limiting the amount of interest which the Higher Education Assistance Authority shall pay to lending institutions on defaulted student loans shall lessen the total amount of interest payments made by the Higher Education Assistance Authority to lending institutions.

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

9:9-1.16 Procedure for filing claim

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

(c) Separate claims must be submitted on each loan accruing interest at different rates. It is permissible to combine more than one loan on one claim form as long as the interest rate is the same. Two sets of claims forms will be sent with both copies expected to be returned in completed form. The lender will be reimbursed for the total unpaid principal and interest due [not to exceed one year's interest following the expiration of the grace period on all non-converted accounts and not to exceed one year's interest following the date of the first delinquent payment on converted accounts] **for a period not to exceed 90 days beyond the date of default on both non-converted and installment accounts.** A photostatic copy of the note must be forwarded with the claims. By law, the Authority may not reimburse the lender for late charges.

(b)

**Direct PLUS Program
Loan Prerequisites**

Proposed Amendment: N.J.A.C. 9:9-9.2

Authorized By: New Jersey Higher Education
Assistance Authority, Jerome Lieberman, Chairman.
Authority: N.J.S.A. 18A:72-10.
Proposal Number: PRN 1985-623.

The agency proposal follows:

Summary

The Higher Education Assistance Authority is statutorily charged with the administration of the Guaranteed Student Loan Program and PLUS (Parent Loans for Undergraduate Students) program, two Federally insured educational loan programs, within the State of New Jersey. The Higher Education Assistance Authority is also authorized to make such loans directly to applicants who are eligible for loans but are unable to obtain such a loan from a financial institution. Federal regulations permit the Higher Education Assistance Authority to adopt its own regulations regarding its direct loan programs concerning the need for a co-signer. The proposed amendment changes the current Higher Education Assistance Authority policy mandating a co-signer for each direct PLUS loan issued by the Higher Education Assistance Authority to allow the Higher Education Assistance Authority discretion as to the requirement for a co-signer.

Social Impact

The proposed amendment, by granting the Higher Education Assistance Authority discretion as to whether a co-signer is required for a direct PLUS loan, will make direct PLUS loans more available for financially qualified borrowers.

Economic Impact

Elimination of the co-signer requirement for all borrowers will eliminate financial barriers to qualified borrowers, thereby allowing a greater number of PLUS loans to be issued.

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

9:9-9.2 Loan prerequisites

(a) Prior to obtaining a direct PLUS loan, the borrower must satisfy the following additional requirements:

1.-2. (No change.)

3. Each applicant [will] **may** be required to have a co-signer for each loan **at the discretion of the Authority**; and

4.-5. (No change.)

HUMAN SERVICES

The following proposals are authorized by Geoffrey S. Persey, Acting Commissioner, Department of Human Services.

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

For proposals numbered PRN 1985-616, 618, 641 and 642, submit comments by December 18, 1985 to:

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

(a)

Administration Manual Retroactive Eligibility: Time Limit for Submission of Application

Proposed Amendment: N.J.A.C. 10:49-1.1

Authority: N.J.S.A. 30:4D-3i, 7a, 7b, 7c; 1902(a)(34) of the Social Security Act; 42 CFR 435.914; 42 CFR 447.45(d).

Proposal Number: PRN 1985-618.

The agency proposal follows:

Summary

This proposal concerns Medicaid patients who apply for coverage of their medical bills that occurred three months prior to the month of application for public assistance. This provision is required by 1902(a)(34) of the Social Security Act and federal regulations (42 CFR 435.914), and is a mandatory component of the state's Title XIX program. It is commonly referred to as retroactive eligibility.

Under the current system, there is no time limit for Medicaid patients to submit their applications for retroactive eligibility. Consequently, some applications are received by the Retroactive Eligibility Unit (within the Division of Medical Assistance and Health Services) several months after the patient applied for assistance, such as AFDC (Aid to Families with Dependent Children), SSI (Supplemental Security Income), etc. The delay in filing an application for retroactive eligibility presents a problem with paying some of the medical services that were rendered during the retroactive period.

If the patient/applicant is found financially eligible, Medicaid providers are advised to submit the appropriate Medicaid claim form to the Retroactive Eligibility Unit for consideration and authorization for payment. An approved claim is sent to the appropriate fiscal agent, either New Jersey Blue Cross or the Prudential Insurance Company, for processing. Occasionally the fiscal agents deny payment of a claim that is "overaged," i.e., beyond 12 months from the date of service. Federal regulations (42 CFR 447.45(d)) require providers to submit all claims no later than 12 months from the date of service. In essence, a delay in submitting an application for

retroactive eligibility may pose a problem with the federal time requirements for claim submittal.

Therefore, the Division proposes to require Medicaid patients to submit their applications for retroactive eligibility within six months from the date of application for assistance (AFDC, SSI, etc.). Applications not submitted within the prescribed time frames will not be processed and will be returned to the applicant. The patient/applicant would have the right to request a hearing if he/she disagreed with the Division's denial.

The Division believes this rule is necessary to insure a prompt determination of a patient's eligibility for Title XIX (Medicaid) coverage during the retroactive period, and for prompt payment to qualified providers who rendered services (that can be covered by the New Jersey Medicaid Program) during this period.

Social Impact

The proposal impacts on all applicants for AFDC, SSI or other benefit programs that enables a person to qualify for Title XIX coverage. When a person applies for AFDC, SSI, etc., they will have six months from this date to submit an application for retroactive eligibility. The purpose of the retroactive eligibility application is to request coverage of any unpaid medical bills that were incurred three months prior to the month of application.

The rule impacts on Medicaid providers who wish to be reimbursed for services rendered during the retroactive period. The only possibility that their claims can be processed for payment is if the patient is declared financially eligible. A patient/applicant who does not submit an application timely will be considered ineligible during the retroactive period.

Economic Impact

The Division's Retroactive Eligibility Unit is already responsible for processing applications for retroactive eligibility. It is not anticipated there will be any additional administrative costs associated with this proposal.

Applications for retroactive eligibility that are submitted timely will be processed in the usual manner. The patient/applicant will be notified as to their eligibility status. An application that is not submitted timely will be returned to the patient/applicant.

In the event a patient/applicant is declared eligible, providers will be notified that unpaid bills may be covered by the New Jersey Medicaid Program. The providers must submit the appropriate claim form to the Retroactive Eligibility Unit for consideration. Claims not submitted in the prescribed manner will be returned to the provider. If the patient is eligible, and the service is covered, then the provider will be entitled to reimbursement in accordance with the usual Medicaid policies and procedures.

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

10:49-1.1 Who is eligible for Medicaid?

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

(d) Persons applying for Medicaid benefits will be asked if they have unpaid medical bills incurred within the three month period immediately prior to the month of application for Medicaid. Persons indicating that they do have such bills may complete an "Application for Retroactive Medicaid Eligibility" (FD-74) and forward the application with all outstanding

unpaid bills to the Medicaid Retroactive Eligibility Unit. An application for retroactive eligibility may be obtained by the applicant or his/her authorized agent from the county welfare agency, the Medicaid District Office or the Retroactive Eligibility Unit, Medicaid Central Office[, Trenton] (**address on application**). **The application must be submitted within six months from the date of application for public assistance.**

1. If the New Jersey Medicaid Program determines that the person was eligible for Medicaid at the time the service was rendered or item supplied, providers will be notified directly that the unpaid bills for any service/item covered by the New Jersey Medicaid Program may be reimbursable in accordance with standard Medicaid reimbursement procedures. The provider will then complete the appropriate Medicaid claim form and **must** submit it to the Retroactive Eligibility Unit for consideration and authorization of payment.

(e) (No change.)

(a)

Pharmaceutical Services Manual Drug Products in Unit Dose or Other Special Packaging, Drug Products Primarily Used for Cosmetic Purposes

Proposed Amendments: N.J.A.C. 10:51-1.14 and 5.16

Authority: N.J.S.A. 30:4D-6b(6), 7, 7a, 7b; 30:4D-22,
24.

Proposal Number: PRN 1985-642.

The agency proposal follows:

Summary

This proposal concerns types of prescription drugs that will not be eligible for reimbursement by both the New Jersey Medicaid Program and the PAAD (Pharmaceutical Assistance to the Aged and Disabled) Program.

Manufacturers of pharmaceuticals issue drugs in unit dose packaging or other special packaging. In some instances, the unit dose or special packaging is substantially more costly than the same drug issued in non-unit dose, or non-special packaging.

The Division of Medical Assistance and Health Services (the Division) plans to notify pharmaceutical providers by newsletters of the specific products which will not be covered in unit dose or special packaging. The Division can still cover the same drug provided in the less costly, or non-unit dose, form.

The most frequent use of unit dose packaging is for drugs distributed to long term care facilities.

The proposal also concerns the lack of eligibility of payment for drugs which are primarily cosmetic in nature.

Social Impact

The rule should not impact significantly on Medicaid or PAAD patients who require these drugs because they still can be obtained in the non-unit dose form.

The rule would impact on providers of pharmaceutical services since some of their products issued in unit dose or special packaging will not be covered by the Medicaid or PAAD

programs. The prohibition would apply in those instances where the cost of the drug in unit dose packaging is significantly more than the same product in non-unit dose form.

Economic Impact

The Division might experience some cost savings by reimbursing for drugs in the non-unit form.

The impact on providers will vary, depending on the drugs which would not be reimbursed if they were issued in unit dose packaging or other special packaging. However, providers might still be entitled to reimbursement if the drug were issued in non-unit dose form.

Medicaid patients are not required to pay towards the cost of prescription drugs. PAAD beneficiaries are required by law to pay a \$2.00 copayment for prescription drugs (N.J.S.A. 30:4D-22).

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

10:51-1.14 Services not eligible for reimbursement

(a) The following classes of prescription drugs are not eligible for reimbursement:

1.-16. (No change.)

17. **Products for which the cost in unit dose packaging, or other special packaging, exceeds an amount which would be deemed reasonable by the Commissioner (Human Services) when compared to the cost of the same product in non-unit dose, or non-special packaging.**

i. **EXAMPLE: Cimetidine unit dose liquid is twice the cost of Cimetidine liquid packaged in bottles. This is deemed an unreasonable difference in cost.**

18. **Products in forms and whose labeling or prescription indicates the primary use is cosmetic in nature, i.e., hair restoration.**

1. **EXAMPLE: Topically applied products containing Minoxidil.**

19. **Products which do not offer significant price and/or therapeutic advantage over existing reimbursable products.**

(b) (No change.)

10:51-5.16 Pharmaceutical services not eligible for payment

(a) The following classes of prescription drugs will not be honored for payment:

1.-3. (No change.)

4. **Drugs dispensed during periods the PAAD eligible is a patient in a Long-Term Care Facility (SNF, ICF), Hospital [and] or Special Hospital and has drug benefits covered in full or in part by Medicaid, Medicare, Blue Cross or other plans or if such benefits are included in the daily rate of the facility.**

i. (No change.)

5.-10. (No change.)

11. **Products for which the cost in unit dose packaging, or other special packaging, exceeds an amount which would be deemed reasonable by the Commissioner (Human Services) when compared to the cost of the same product in non-unit dose, or non-special packaging.**

i. **EXAMPLE: Cimetidine unit dose liquid is twice the cost of Cimetidine liquid packaged in bottles. This is deemed an unreasonable difference in cost.**

12. **Products in forms and whose labeling or prescription indicates the primary use is cosmetic in nature, i.e., hair restoration.**

i. **EXAMPLE: Topically applied products containing Minoxidil.**

13. **Products which do not offer significant price and/or therapeutic advantage over existing reimbursable products.**

(a)**Pharmaceutical Services Manual
Consultant Pharmacist Services****Proposed Readoption: N.J.A.C. 10:51-4**

Authority: N.J.S.A. 30:4D-6a(4)(a)b(6)(13)(14), 7, 7a,
7b; 42 CFR 442.333; 20 CFR 405.1127.

Proposal Number: PRN 1985-616.

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 10:51-4, entitled Consultant Pharmacist Services, expires on April 10, 1986. This proposal is designed to readopt the Consultant Pharmacist Subchapter of the Pharmaceutical Services Manual. The rule is based on federal regulations which require supervision of pharmaceutical services in both skilled nursing facilities (SNF) (20 CFR 405.1127) and intermediate care facilities (ICF) (42 CFR 442.333). In New Jersey, SNFs and ICFs are collectively referred to as LTCFs (long term care facilities).

A qualified consultant pharmacist is one who holds a current valid license from the New Jersey State Board of Pharmacy, has at least one year's experience in the practice of institutional pharmacy, and can, upon request, produce evidence of successfully completing annual training programs.

The consultant pharmacist is responsible for assuring that LTCFs administer drugs in compliance with all state and federal laws. The duties of the consultant pharmacist include monitoring the drug regimen of each patient to assure that the patient receives the prescribed dosage at the proper intervals. The consultant pharmacist also assures the LTCF maintains adequate and accurate records, and other duties as specified in the regulation.

The rule should be continued because it is necessary, adequate, reasonable, efficient, understandable and responsive for the purpose for which it was promulgated. The rule was, and is still, needed to implement federal requirements governing dispensation and administration of drugs in LTCFs. The rule has not been amended since its adoption and is not being changed on readoption because it adequately describes the qualifications and responsibilities of a consultant pharmacist in an LTCF.

Social Impact

The rule impacts on Medicaid patients in LTCFs, all LTCFs that participate in the New Jersey Medicaid program, and upon consultant pharmacists. The rule should be continued because many Medicaid patients in LTCFs require prescribed medication which should be monitored by a qualified pharmacist. In addition, the LTCFs policies and procedures for ordering, storing, disposing of drugs and maintaining records should also be supervised by a qualified pharmacist.

The rule needs to be readopted to insure continued compliance with federal requirements, and to set forth qualifications and responsibilities for those pharmacists functioning as consultants in LTCFs that participate in the New Jersey Medicaid Program.

Economic Impact

The Division of Medical Assistance and Health Services does not directly reimburse consultant pharmacists. The LTCF is responsible for reimbursing the consultant pharmacist, and enters this figure on their cost report. The Division uses the figures on the LTCFs cost report to determine the per diem rate. Therefore, the Division does compensate the LTCF for the required function of the consultant pharmacist.

There are no specific figures available because there is no direct reimbursement to the individual consultant.

Medicaid patients are not required to pay for the services of a consultant pharmacist. Medicaid patients in LTCFs are required to contribute toward the cost of their care based on their available income.

The rule should be continued to enable the Division to receive federal funding for a required component of patient care in an LTCF.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 10:51-4.

(b)**Vision Care Manual
Billing Procedures****Proposed Readoption: N.J.A.C. 10:62-3**

Authority: N.J.S.A. 30:4D-6a(5)b(6)(7).

Proposal Number: PRN 1985-641.

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 10:62-3, entitled Billing Procedures, expires on July 10, 1986. This proposal is designed to readopt the Billing Procedures Subchapter of the Vision Care Manual. The rule describes the billing procedures which are used by providers of vision care services, including ophthalmologists, optometrists, and opticians.

Claims for eye examination and treatment are submitted on the HCFA-1500. Claims for optical appliances are submitted on form MC-9. Both types of claims are processed by the Prudential Insurance Company, acting as fiscal agent for the Division of Medical Assistance and Health Services.

The rule also contains instructions for patient identification, prior authorization when appropriate, combination Medicare/Medicaid claims using the HCFA-1500, and instructions for completing the MC-9 form.

An administrative review has been conducted, and a determination made that the rule should be continued because it is necessary, adequate, reasonable, efficient, understandable and responsive for the purpose for which it was intended. The rule instructs providers of vision care services on the method of billing the New Jersey Medicaid Program in order to obtain reimbursement.

The rule was amended as R.1981 d.249, effective July 9, 1981 to indicate that the HCFA-1500 would be the claim form used by physicians and other practitioners (for services other than optical appliances). The HCFA-1500 claim form is used by both Medicare and Medicaid.

The only change being made upon adoption is that the address for the Division of Medical Assistance and Health Services should be CN-712, not P.O. Box 2486.

Social Impact

The rule applies to all Medicaid patients who are in need of eye care and optical appliances. The rule also applies to all providers of vision care services, who need to know the proper method of submitting a claim when treating a Medicaid patient.

The rule needs to be continued so Medicaid patients can receive necessary eye care and corrective treatment, and the providers can be reimbursed accordingly.

Economic Impact

The Division spent approximately 5 million dollars (federal-state share combined) on vision care services in fiscal year 1984. There is no cost to the Medicaid patient.

The economic impact on providers varies, depending on the number of Medicaid patients being treated. Providers are reimbursed on a fee for service basis.

The rule needs to be readopted to insure continued receipt of federal funding for vision care services.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 10:62-3.

Full text of the proposed amendment to the readoption follows (deletions shown in brackets [thus:] additions shown in boldface **thus**).

10:62-3.8 Mailing instructions

(a) For items requiring prior authorization detach the last copy for your records and forward the original and first copy (carbon attached) to:

Vision Care Unit
Division of Medical Assistance and Health Services
[P.O. Box 2486] CN-712
Trenton, New Jersey 08625

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

(a)

DIVISION OF PUBLIC WELFARE

**Medicaid Only Manual
Deeming of Income**

Proposed Amendment: N.J.A.C. 10:94-5.5

Authority: N.J.S.A. 44:7-87; 42 CFR 435.20; and 20 CFR 416.1160 through 1169.

Proposal Number: PRN 1985-630.

Submit comments by December 18, 1985 to:

Audrey Harris, Director
Division of Public Welfare
CN 716
Trenton, New Jersey 08625

The agency proposal follows:

Summary

As a result of meetings with county welfare agency (CWA) staff, the Department recognized the need to clarify regulations regarding the deeming of income in the Medicaid Only program. While existing regulations prescribing the deeming process are correct, CWA staff advised they are difficult to follow due to the complex nature of the deeming process. Therefore, the Department is proposing to amend N.J.A.C. 10:94-5.5 in order to clarify the deeming process by outlining specific steps to follow for each of the deeming situations, that is, ineligible spouse to eligible spouse, ineligible spouse to eligible spouse and eligible child, and parent to eligible child deeming.

Deeming of income, as part of the financial eligibility process, is required by Federal regulations at 42 CFR 435.20 and 20 CFR 416.1160 through 1169. Deemed income is income attributed to another whether or not the income is actually available to the second person. The deeming process recognizes some measure of relative responsibility as it applies from spouse-to-spouse or parent-to-child. The basis for deeming lies in the concept that husband and wife, parents and children, who are individuals related by blood, marriage or adoption and living together generally have a responsibility for each other and share income and resources.

The amended rule does not change the deeming rules, but rather clarifies the steps to be used to arrive at deemed income.

Social Impact

The amended deeming regulations will provide clarification of the deeming process for CWA staff as well as applicants for and recipients of Medicaid Only. This proposal is considered to have a positive social impact as it serves to clarify the complex deeming process.

Economic Impact

These clarifying amendments have no adverse economic impact on the public at large or CWAs. However, these amendments will serve to facilitate administration of the program.

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

10:94-5.5 Deeming of income

(a) When an applicant/recipient is an adult residing in the same household with [his/her] **his or her** ineligible spouse or is a child residing in the same household with [his/her] **his or her** parent(s) or spouse of the parent, the income of the ineligible spouse or parent(s) is considered in the determination of financial eligibility. The amount included as income to the applicant/recipient, whether or not it is actually available, is called deemed income and is computed as described in N.J.A.C. 10:94-5.5(c), (d), (e), and (f).

1. Child: For the purpose of this section, a child is an individual who is not married and is under the age of 18 (see N.J.A.C. 10:94-5.3(a)15i regarding earnings of a child who is a student). **Additionally, deeming of parental income to a blind or disabled child ceases when the child reaches age 18.**

2. (No change.)

(b) Items not included in deeming: In determining the income of an ineligible spouse, parent and/or spouse of a parent, or income of any ineligible children in the household, the following are not included as income:

1.-7. (No change.)

8. The value of in-kind support and maintenance furnished to the ineligible spouse, **ineligible parent(s)** or ineligible spouse of a parent, and ineligible children in the household;

9.-10. (No change.)

11. Income necessary for a plan to achieve self-support but only if the spouse's or parental income is actually being used according to the plan to achieve self-support.

[(c) Deeming procedures:

1. Deeming of income from spouse to spouse: If the applicant's/recipient's own countable income when compared to the applicable income standard would create financial ineligibility, the deeming process does not apply. However, if such ineligibility is not established, the following deeming steps apply:

i. Calculate the ineligible spouse's income, both earned and unearned, less any income excluded in accordance with N.J.A.C. 10:94-5.5(b).

ii. Subtract the living allowance for each ineligible child (Table A, Figure 1). This allowance is reduced by any income of the child. (If such child is receiving public assistance, no living allowance may be deducted). Apply this allowance first to reduce the ineligible individual's unearned income. Any remaining portion of this allowance is then used to reduce earned income.

iii. If the remaining income is equal to or less than the appropriate amount in Table A, Figure 2, no income is available for deeming. The applicant's/recipient's income eligibility is to be determined based on the income eligibility standards in Table B.

iv. If (c)liii above does not apply, add the ineligible individual's remaining unearned income to all of the applicant's/recipient's unearned income. (See N.J.A.C. 10:94-5.4(a)12 for value of in-kind support and maintenance in deeming situations.) Add the ineligible individual's remaining earned income to all of the applicant's/recipient's earned income. All income disregards used to determine an eligible couple's countable income are applied as appropriate.

v. If the remaining amount is less than Table A, Figure 3, as appropriate for the living arrangement, income eligibility is established. If the remaining amount is equal to or higher than the appropriate figure in Table A, the applicant/recipient is financially ineligible.

2. Deeming of income to spouse and child(ren): In situations when an ineligible individual is subject to deeming of

his/her income to both a spouse who is an applicant/recipient and a child applicant/recipient, the following procedures are used:

i. Determine the amount, if any, to be deemed to the spouse in accordance with the procedures in N.J.A.C. 10:94-5.5(c)1.

ii. If, after deeming of income from the spouse, the adult applicant/recipient is income eligible, there is no income to be deemed to the child(ren).

iii. If, in the process of deeming of income to the spouse, such spouse becomes financially ineligible, that portion of deemed income above that necessary to create income ineligibility shall be deemed to any child applicant/recipient. This income is treated as unearned income to the child. Thus, it is subject to the \$20.00 general disregard.

iv. In the event there is more than one child applicant/recipient in the household, divide the deemable income equally among them. However, income is not deemed to any child in excess of that amount which, in combination with his/her countable income, creates financial ineligibility. That excess is available for deeming to any other applicant/recipient child(ren) in the household.

3. Deeming of income from a parent (and spouse of a parent) to a child: The computation methods for deeming of income from an ineligible parent (and spouse of a parent) to a child differ depending on the type of parental income. Determine to the total monthly parental income, both earned and unearned, less any income excluded in N.J.A.C. 10:94-5.5(b). Reduce the parental income by the living allowance for each ineligible child (Table A, Figure 1) minus any income of such child. (No allowance may be deducted for a child receiving public assistance). Allocate this allowance against unearned income first, then against earned income. The remaining income should be treated in accordance with the following procedure as appropriate.

i. Remaining income is earned income only:

(1) Further reduce remaining income by \$85.00.

(2) Next, a living allowance is subtracted for the parent (and spouse of a parent) living in the household. This allowance is found on Table A, Figure 4a.

(3) The remaining amount is the income deemed to the applicant/recipient child(ren).

ii. Remaining income is unearned only:

(1) Further reduce the remaining income by \$20.00.

(2) Subtract the appropriate parental living allowance found on Table A, Figure 4b.

(3) The remaining amount is deemed to the applicant/recipient child(ren).

iii. Remaining income is both earned and unearned:

(1) Further reduce the unearned portion of the income by \$20.00.

(2) Next, reduce the earned income by any portion of the \$20.00 not used in (c)3iii(1) above. Further, reduce the earned income by \$65.00 plus one-half the remainder. Combine any remaining earned income with the remaining unearned income.

(3) Subtract a living allowance for the parent (and spouse of parent living in the household). (See Table A, Figure 4c).

(4) The remaining amount is the income deemed to the applicant/recipient child(ren).

4. Treatment of income deemed to a child: Any income deemed to a child is treated as unearned income and thus subject to the \$20.00 general disregard. In the event there is more than one applicant/recipient child in the household, the deemable income is divided equally among them. However, no income is to be deemed in excess of the amount which,

when combined with the child's own countable income, creates ineligibility. That excess is available for deeming to other applicant/recipient children in the household.]

(c) **Deeming of income from spouse to spouse:** If the applicant's/recipient's own countable income, as determined in accordance with N.J.A.C. 10:94-5.2, less appropriate exclusions in N.J.A.C. 10:94-5.3, exceeds the applicable Medicaid Only income eligibility standard in Table B at N.J.A.C. 10:94-5.6(c)5, the applicant/recipient is financially ineligible for Medicaid Only based on his or her own countable income, and there is no deeming. However, if the applicant's/recipient's own countable income renders him or her financially eligible for Medicaid Only, the following steps shall be used to compute deemed income:

1. Step 1: Calculate separately the ineligible spouse's earned and unearned income, less any income excluded in accordance with N.J.A.C. 10:94-5.5(b). Do not combine the two totals.

2. Step 2: Determine the living allowance for each ineligible child not receiving public assistance, by subtracting the child's countable income from the amount of the living allowance for an ineligible child in Table A, Figure 1.

3. Step 3: Subtract the living allowance for each ineligible child, determined in Step 2 above, from the unearned income of the ineligible spouse. Subtract any remaining living allowance from the earned income of the ineligible spouse. For any ineligible child receiving public assistance, no living allowance may be subtracted.

4. Step 4: If the total remaining income (earned plus unearned) of the ineligible spouse is equal to or less than the appropriate remaining income amount in Table A, Figure 2, no income is available for deeming to the applicant/recipient. The deeming process stops.

i. Determine the applicant's/recipient's income eligibility for Medicaid Only by comparing his or her own countable income to the appropriate Medicaid Only income eligibility standard in Table B at N.J.A.C. 10:94-5.6(c)5.

5. Step 5: If Step 4 above does not apply, and the ineligible spouse's remaining total income (earned plus unearned) exceeds the appropriate remaining income amount in Table A, Figure 2, the deeming process continues and the applicant/recipient and his or her ineligible spouse are treated as a couple. The following deeming steps shall be used to compute the couple's countable income:

i. Add the ineligible individual's remaining unearned income after the deduction of the living allowance for the ineligible child(ren) to all of the applicant's/recipient's unearned income. Determine the value of in-kind support and maintenance in deeming situations, in accordance with N.J.A.C. 10:94-5.4(a)12.

(1) Do not apply the \$20.00 general income exclusion to the applicant/recipient individual's income before combining the income.

ii. Add the ineligible individual's remaining earned income after deduction of the living allowance for the ineligible child(ren) to all of the applicant's/recipient's earned income.

iii. Treat the two totals of unearned and earned income in the same manner as those of an eligible couple. Apply appropriate income exclusions and compute the couple's countable income as follows:

(1) First, subtract the \$20.00 general income exclusion from the total unearned income. Then, subtract any unused portion of the general income exclusion from the total earned income, if any.

(2) From the remaining earned income, subtract \$65.00 (work expense allowance) and one-half of the remainder of earned income.

(3) Add the remaining earned and unearned income together to arrive at the couple's total countable income.

6. Step 6: If the couple's (applicant/recipient and ineligible spouse) remaining countable income is less than the amount in Table A, Figure 3, for the appropriate living arrangement, the applicant/recipient is financially eligible for Medicaid Only. If the couple's remaining income is equal to or greater than the amount in Table A, Figure 3, for the appropriate living arrangement, the applicant/recipient is financially ineligible for Medicaid Only.

(d) **Deeming of income to spouse and child(ren):** In situations when an ineligible individual is subject to deeming of his or her income to both an applicant/recipient spouse and an applicant/recipient child, the following deeming procedures are used:

1. Step 1: Determine the amount of income, if any, to be deemed to the applicant/recipient spouse in accordance with the procedures in N.J.A.C. 10:94-5.5(c).

2. Step 2: If, after deeming of income from the ineligible spouse, the adult applicant/recipient is financially eligible for Medicaid Only, there is no income available for deeming to the applicant/recipient child(ren). The deeming process stops.

3. Step 3: If, in the process of deeming of income to the applicant/recipient spouse, such spouse becomes financially ineligible for Medicaid Only, that portion of deemed income that exceeds the eligibility level in Table A, Figure 3, for the appropriate living arrangement for the adult applicant/recipient shall be deemed to any child applicant/recipient. This income is treated as unearned income to the child.

4. Step 4: If there is more than one child applicant/recipient in the household, divide the deemable income equally among them. However, income is not deemed to any child in excess of that amount which, in combination with his or her own countable income, creates financial ineligibility for the child. That portion of deemed income that exceeds the eligibility level in Table B, for the appropriate living arrangement, shall be available for deeming equally to any other applicant/recipient child(ren) in the household (in accordance with Step 5 below) in addition to their equal shares of the total parental deemable income.

5. Step 5: Combine any income deemed to the eligible child together with any countable income of the eligible child.

i. First, subtract the \$20.00 general income exclusion from the child's unearned income.

ii. If the child's total income is less than the appropriate income eligibility standard in Table B, the child is financially eligible for Medicaid Only.

iii. If the child's total income is greater than the appropriate income eligibility standard in Table B, the child is financially ineligible for Medicaid Only, and that portion of deemed income that exceeds the eligibility level in Table B, for the appropriate living arrangement for the applicant/recipient child, shall be available for deeming equally to any other applicant/recipient children in addition to their equal shares of the total deemable income.

(e) **Deeming of income from a parent (and spouse of a parent) to a child:** The computation methods for deeming of income from an ineligible parent (and spouse of a parent) to a child differ depending on the type of parental income.

1. Step 1: Determine the total monthly parental income, both earned and unearned (separately), less any income excluded in N.J.A.C. 10:94-5.5(b). Do not combine the two totals.

i. Determine the living allowance for each ineligible child not receiving public assistance, by subtracting the child's countable income from the amount of the living allowance for an ineligible child in Table A, Figure 1. No allowance may be deducted for a child receiving public assistance.

ii. Subtract the living allowance for each ineligible child, determined in (e)1i above, from the unearned income of the parent(s). Subtract any remaining living allowance from the earned income of the parent(s).

iii. The remaining parental income should be treated in accordance with the procedures of Step 2, 3, or 4 below, as appropriate.

2. Step 2: Remaining parental income is earned income only:

i. From the remaining parental earned income, subtract \$85.00 (\$20.00 general income exclusion plus \$65.00 work expense exclusion).

ii. Next, subtract the appropriate parental living allowance for the parent (and spouse of a parent) living in the household. This parental allowance is found in Table A, Figure 4a.

iii. The remaining amount is the income deemed to the applicant/recipient child(ren). This deemed income is treated as unearned income.

iv. Combine any income deemed to the eligible child together with any countable income of the eligible child.

(1) Subtract the \$20.00 general income exclusion from the child's unearned income.

v. If the child's total countable income is less than the appropriate income eligibility standard in Table B, the child is financially eligible for Medicaid Only.

3. Step 3: Remaining parent income is unearned only:

i. From the remaining parental unearned income, subtract \$20.00 (general income exclusion).

ii. Next, subtract the appropriate parent living allowance for the parent (and spouse of a parent) living in the household. This parental allowance is found in Table A, Figure 4b.

iii. The remaining amount is the income deemed to the applicant/recipient child(ren). This deemed income is treated as unearned income.

iv. Combine any income deemed to the eligible child together with any countable income of the eligible child.

(1) Subtract the \$20.00 general income exclusion from the child's unearned income.

v. If the child's total income is less than the appropriate income eligibility standard in Table B, the child is financially eligible for Medicaid Only.

4. Step 4: Remaining parental income is both earned and unearned:

i. First, subtract the \$20.00 general income exclusion from the remaining parental unearned income. Then, subtract any unused portion of the general income exclusion from the remaining parental earned income.

ii. From the remaining earned income, subtract \$65.00 (work expense allowance) and one-half of the remainder of earned income. Combine any remaining earned income with the remaining unearned income.

iii. Subtract the appropriate parental living allowance for the parent (and spouse of parent) living in the household. This parental allowance is found in Table A, Figure 4c.

iv. The remaining amount is the income deemed to the applicant/recipient child(ren). This deemed income is treated as unearned income.

v. Combine any income deemed to the eligible child together with any countable income of the eligible child.

(1) Subtract the \$20.00 general income exclusion from the child's unearned income.

vi. If the child's total income is less than the appropriate income eligibility standard in Table B, the child is financially eligible for Medicaid Only.

(f) Treatment of income deemed to a child: Any income deemed to a child is treated as unearned income and thus

subject to the \$20.00 general income exclusion. If there is more than one applicant/recipient child in the household, the deemed income is divided equally among them. However, no income is to be deemed in excess of the amount which, when combined with the child's own countable income, creates ineligibility. That portion of deemed income that exceeds the eligibility level in Table B, for the appropriate living arrangement, is available for deeming equally to other applicant/recipient children in the household in addition to their equal shares of the total parental deemed income. The following steps shall apply in treatment of income deemed to a child:

1. Step 1: Combine any income deemed to the eligible child together with any countable income of the eligible child.

2. Step 2: Subtract the \$20.00 general income exclusion from the child's unearned income.

3. Step 3: If the child's total remaining income is less than the appropriate income eligibility standard in Table B the child is financially eligible for Medicaid Only. The child has no excess deemed income available for other applicant/recipient children.

4. Step 4: If, in the process of deeming of income to an applicant/recipient child, such child becomes financially ineligible for Medicaid Only, that portion of deemed income that exceeds the appropriate income eligibility standard in Table B shall be divided equally among other applicant/recipient children in the household, in addition to their equal shares of the total parental deemed income, and shall be counted in determining financial eligibility for Medicaid Only for such other children.

[(d)](g) (No change in text.)

(a)

DIVISION OF YOUTH AND FAMILY SERVICES

Child Abuse Prevention and Treatment Act of 1974 Requirements

Proposed Amendment and New Rule: N.J.A.C. 10:129-2, 2.2

Authority: N.J.S.A. 30:4C-4, 30:1-12, 9:6-8.15, 9:6-1, 9:6-8.9, 9:6-8.21.

Proposal Number: PRN 1985-640.

Submit comments by December 18, 1985 to:

Raymond Wolfinger
Office of Regulatory and Legislative Affairs
Division of Youth and Family Services
1 South Montgomery Street
CN 717
Trenton, N.J. 08625

The agency proposal follows:

Summary

In 1974 the Federal Government passed the Child Abuse Prevention and Treatment Act (the Act). The Act set certain national standards for the handling of child abuse and neglect cases by the various states, and made available funds to those states which would adopt state standards in compliance with the standards outlined in the Act and adopted in regulation form by the Secretary of Health, Education and Welfare (now Health and Human Services). In conjunction with the Act, and

pursuant to the availability of federal monies, in 1974, 1977 and 1984 New Jersey amended and expanded many of its child abuse and neglect reporting and recordkeeping statutes and rules (collectively, laws) in both Title 9 of the New Jersey Statutes and Title 10 of the New Jersey Administrative Code. Periodically, the Federal Government amends the Act, or promulgates new regulations to respond to changes in the Act as well as to increase the effectiveness of the federal standards, and the various states must amend either their statutes or regulations in order to remain in compliance with these federal standards so that they can continue to receive federal monies thereunder.

Recently, the Division of Youth and Family Services was informed by the federal Regional Office that language in the New Jersey Statutes concerning child abuse was too broad to be considered consistent with Federal regulations governing sexual exploitation of children. In order to remedy this situation N.J.A.C. 10:129-2 is being amended to add a second section containing a new definition of sexual abuse, which definition will mirror the change Congress made in Section 102(3) of P.L. 98-457 when amending the Act to redefine child abuse. Section 2 of the proposed amendment will further indicate that the definition elaborates on the definition of sexual abuse as that term is used in Title 9 of the New Jersey Statutes.

In order to facilitate inclusion of further amendments which may be necessitated by future federal changes, one technical change is also proposed. Specifically, the subchapter name is changed to widen the scope of the subchapter.

Social Impact

The proposed amendment will be beneficial in two ways. First, by remaining in compliance with federal requirements New Jersey will continue to receive federal funds through the National Center on Child Abuse and Neglect (NCCAN). Also, by establishing a more comprehensive legal definition of sexual abuse it should assist the prosecution of cases under this definition.

Economic Impact

The economic impact on the State of New Jersey will be to continue New Jersey's compliance with federal regulations thereby enabling New Jersey to continue to receive federal funds in this area. Since the proposed amendment merely explains in more detail the definition of sexual abuse, there will be no other economic impact.

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

SUBCHAPTER 2. CHILD ABUSE PREVENTION AND TREATMENT ACT OF 1974 REQUIREMENTS [CONFIDENTIALITY OF CHILD ABUSE RECORDS IN COMPLIANCE WITH FEDERAL REQUIREMENTS]

10:129-2.2 Definition of sexual abuse

(a) The term "sexual abuse" includes:

1. The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct (or any simulation of such conduct) for the purpose of producing any visual depiction of such conduct; or

2. The rape, molestation, prostitution, or other such form of sexual exploitation of children, or incest with children, under circumstances which indicate that the child's health or welfare is harmed or threatened thereby.

(b) The term "child" or "children" means any individual who has not or individuals who have not attained the age of 18.

LABOR

(a)

DIVISION OF UNEMPLOYMENT AND TEMPORARY DISABILITY INSURANCE

Offset of Unemployment Insurance Benefits by Retirement and Pension Income

Proposed Readoption with Amendment: N.J.A.C. 12:17-11

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

Authority: N.J.S.A. 43:21-1 et seq., specifically 43:21-11.

Proposal Number: PRN 1985-617.

Submit comments by December 18, 1985 to:
 Frederick C. Kniesler, Assistant Commissioner
 Income Security
 Department of Labor, Room 602
 John Fitch Plaza
 Trenton, New Jersey 08625

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66 (1978) the Department of Labor proposed to readopt N.J.A.C. 12:17-11 which expires January 1, 1986.

The Department has reviewed the rules and found them to be necessary, reasonable and proper for their originally intended purpose.

Prior to March 31, 1980 New Jersey's Unemployment Compensation Law did not have a pension offset provision. As a result of mandatory Federal legislation (P.L. 94-566) all states were required to reduce unemployment insurance benefits by 100 percent of the pension amount received by an individual claiming UI benefits. Failure to enact such a provision would have resulted in New Jersey's employers losing the 90 percent tax credit permitted under the Federal Unemployment Tax Act (over \$500 million annually) in addition to the state agency losing Federal administrative grants of \$40 to \$50 million annually.

Because of the very stringent conditions imposed by P.L. 94-566, supplemental legislation was enacted on September 26, 1980 (P.L. 96-364) which provided states with some latitude in the amount and types of pensions that were to be used as an offset against unemployment insurance benefits.

Accordingly, the Department of Labor adopted regulations effective January 1, 1981 to provide for the offset of benefits

only when the pension, retirement pay, annuity or other similar payment is under a plan maintained or contributed to by a base period or chargeable employer under the Unemployment Compensation Law. This concept is covered under N.J.A.C. 12:17-11.1.

N.J.A.C. 12:17-11.2 provides that the reduction of benefits would be based on the individual's percentage contribution to the pension plan as follows:

1. If the claimant did not contribute to the pension plan, the offset would be 100 percent. For example, an individual who did not contribute to the plan and whose weekly pension amount is \$100.00 would have that amount deducted from his weekly unemployment entitlement.

2. If the claimant contributed to the plan (but not 100 percent) the offset would be 50 percent. For example, an individual who contributed to the pension plan and whose weekly pension amount is \$100.00 would have \$50.00 deducted from his weekly unemployment entitlement.

3. If the claimant contributed 100 percent to the pension plan no offset against unemployment insurance would be made.

There is a minor technical amendment to N.J.A.C. 12:17-11.2(a)3. The word "not" is added to the third condition to clarify the intent of the rule in those situations where the claimant contributed 100 percent to the pension plan.

N.J.A.C. 12:16-11.3 was adopted on January 3, 1984 and provides that in those situations where a lump sum payment is made in lieu of a periodic pension payment the calculation of the weekly pension amount shall be made based on the life expectancy of the individual through the use of actuarial tables. Previously, the Department had calculated the prorated monthly amount of lump sum payments over a twelve month period. This rule provides for a far more lenient and reasonable treatment of lump sum payments.

Social Impact

New Jersey is required by the Federal Unemployment Tax Act to provide for the offset of unemployment insurance benefits in those cases where an individual is receiving a pension or retirement pay. This proposed readoption provides for guidelines to ensure that such reductions in unemployment benefits are reasonable, equitable and are in compliance with Federal law.

Economic Impact

The readoption of these rules should present no change in economic impact. Employers will continue to receive the 90 percent tax credit permitted under the Federal Unemployment Tax Act while the Department of Labor will continue to receive Federal funding for the administration of the unemployment insurance program. While claimants receiving pensions from base period employers will continue to have some type of reduction against their unemployment benefits the schedule provided under N.J.A.C. 12:16-11.2 is in accord with the parameters provided by Federal law.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 12:17-11.

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

12:17-11.2 Amount of reduction

(a) For weeks of unemployment beginning on or after January 1, 1981, the amount of any such reduction shall be de-

termined by taking into account contributions made by the individual for the pension, retirement or retired pay, annuity or other similar periodic payment. The following schedule will apply.

1. If such payment is made under a plan to which the individual did not contribute, the amount of benefits payable to such individual for any week will be reduced by an amount equal to the amount of such pension, retirement or retired pay, annuity or other payment which is reasonably attributable to such week provided that the reduced weekly benefit amount will be computed to the next lower multiple of \$1.00 if not already a multiple thereof.

2. If such payment is made under a plan to which the individual contributed (but less than 100 percent), the amount of benefits payable to such individual for any week will be reduced by an amount equal to 50 percent of the amount of such pension, retirement or retired pay, annuity, or other payment which is reasonably attributable to such week, provided that the reduced weekly benefit amount will be computed to the next lower multiple of \$1.00 if not already a multiple thereof.

3. If such payment is made under a plan to which the individual contributed 100 percent, the amount of benefits payable to such individual for any week shall **not** be reduced.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF MOTOR VEHICLES

Licensing Service Registrations

Proposed New Rule: N.J.A.C. 13:21-5.11

Authorized By: Robert S. Kline, Acting Director, Division of Motor Vehicles.

Authority: N.J.S.A. 39:2-3, 39:3-4, 39:3-5, 39:3-20 and 39:5-30.

Proposal Number: PRN 1985-637.

Submit comments by December 18, 1985 to:

Robert S. Kline, Acting Director
Division of Motor Vehicles
25 So. Montgomery Street
Trenton, New Jersey 08666

The agency proposal follows:

Summary

The proposed new rule sets forth that the Director of the Division of Motor Vehicles shall refuse to issue a registration certificate for a vehicle which is subject to the Federal Heavy Vehicle Use Tax imposed pursuant to 26 U.S.C. §4481 if the applicant therefor fails to supply proof that he has paid said tax on the vehicle. Such proof shall be in the form prescribed by the United States Secretary of the Treasury at 26 CFR §41.6001-2. This tax is imposed, with certain exceptions, upon vehicles which have a gross weight of 55,000 pounds or more.

Social Impact

The proposed new rule precludes the registration of a vehicle subject to the Federal Heavy Vehicle Use Tax in this State unless the applicant therefor supplied proof to the Division of Motor Vehicles verifying that said tax has been paid.

Economic Impact

23 U.S.C. §141(d) provides that any state which permits the registration of heavy vehicles without requiring proof that the vehicle owners have paid the Federal Heavy Vehicle Use Tax imposed by 26 U.S.C. §4481 will forfeit up to 25 percent of its Federal-aid highway funds for the fiscal year. Hence, the proposed new rule is intended to prevent the State of New Jersey from losing a portion of its Federal-aid highway funds.

Since the owners of heavy vehicles are already required to pay the Federal Heavy Vehicle Use Tax to the Internal Revenue Service for their vehicles which are subject to said tax pursuant to 26 U.S.C. §4481, the proposed new rule should not have any additional economic impact on said individuals.

Full text of the proposed new rule follows:

13:21-5.11 Registration refusal

The Director shall refuse registration of a vehicle if the applicant therefor has failed to furnish proof, in the form prescribed by the United States Secretary of the Treasury at 26 CFR §41.6001-2, that the Federal Heavy Vehicle Use Tax imposed by section 4481 of the Internal Revenue Code of 1954 (26 U.S.C. §4481) has been paid.

BOARD OF MEDICAL EXAMINERS**(a)****Termination of Pregnancy****Proposed Repeal and New Rule: N.J.A.C.****13:35-4.2**

Authorized By: Board of Medical Examiners, Edward W. Luka, M.D., President.

Authority: N.J.S.A. 45:9-2.

Proposal Number: PRN 1985-638.

Submit comments by December 18, 1985 to:
Charles A. Janousek, Executive Secretary
Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08608

The agency proposal follows:

Summary

Suit was filed in the United States District Court for New Jersey alleging that the present Medical Board rule regulating terminations of pregnancy did not reflect current accepted medical standards of practice and thereby inhibited access of women to such procedures done in a non-hospital setting. With respect to those portions of the rule which limited the stage of pregnancy at which such procedures could be done in a licensed clinic, the Honorable District Judge H. Lee Sarokin issued an order July 10, 1985 enjoining the Board

from enforcing those portions of the rule which limited termination procedures to 18 weeks of pregnancy, but stayed the injunction for 90 days so that the Board could evaluate criteria which would maximize the likelihood of a safe surgical procedure in a non-hospital setting and to so modify the Board rule. The present proposal would establish specific and more stringent criteria for the qualifications of a physician who wishes to perform advanced procedures past the 18th week of pregnancy and also permits a special and more intensive review process if permission is sought to do post-twenty week procedures. After receipt of public comment, the Board may transfer to the content of the rule some or all of the material now presented in the guidelines.

Social Impact

Professional literature suggests that since at least 1981, at least 90 percent of terminations of pregnancy took place during the first trimester. Of the remainder, eight percent took place between the 13th and 20th week since last menstrual period and only one percent beyond that stage. Morbidity increases with advancing gestational age and procedures performed at 18 or more weeks LMP are 24 times as likely to result in fatal complications as procedures performed at 8 or fewer weeks. However, the mortality rate for procedures at 18 weeks LMP is reported to be similar to that for child birth. In terms of mortality, the dilation and evacuation (D & E) procedure is reported to be safer than other procedures throughout the second trimester even when performed in non-hospital facilities, but only if the physician is sufficiently skilled and adequate facilities and support staff are available including emergency access to a properly equipped hospital. The proposed new rule incorporates some facility standards established by the New Jersey Department of Health for ambulatory care facilities capable of performing surgical procedures, and proposes specific criteria to provide additional protection for the patient contemplating such a procedure in an ambulatory care setting. Strict record-keeping and reporting requirements are included so that the Board may evaluate the safety record compiled by physicians authorized to perform such procedures to ascertain whether the terms of this expanded rule will continue to be in the public interest.

Economic Impact

Although the number of women seeking advanced second trimester termination procedures is small by percentage, professional literature reports that the women seeking such service tend to be young, poor, and not well educated. The proposed new rule should aid in providing a needed medical service to persons who might otherwise have difficulty in securing it.

Full text of the rule proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 13:35-4.2, as amended in the New Jersey Register at 17 N.J.R. 2562(b).

Full text of the proposed new rule follows.

13:35-4.2 Termination of pregnancy

(a) This rule is intended to regulate the quality of medical care offered by licensed physicians for the protection of the public, and is not intended to affect rules of the Department of Health establishing institutional requirements. To the extent that rules of the two agencies may overlap, the Medical Board recognizes and relies upon the regulatory procedures of the Department of Health in establishing minimum accep-

table standards for non-physician personnel, equipment and resources, the adequacy of the physical plant of the facility in which surgical procedures shall be performed, and the facility's interrelationship with an adequate network of health care-related resources such as ambulance service, etc.

(b) The termination of a pregnancy at any stage of gestation is a procedure which may be performed only by a physician licensed to practice medicine and surgery in the State of New Jersey.

(c) Provisions of this rule referring to stage of pregnancy shall be in terms of "weeks LMP." For example, the stage of pregnancy at 12 weeks' gestational size, as determined by a physician, is the equivalent of 14 weeks from the first day of the last menstrual period (LMP).

(d) After 14 weeks LMP, any termination procedure other than dilatation and evacuation (D & E) shall be performed only in a licensed hospital.

(e) After 14 weeks LMP and through 18 weeks LMP, a D & E procedure may be performed either in a licensed hospital or in a licensed ambulatory care facility (referred to herein as LACF) authorized to perform surgical procedures in accordance with Department of Health chapter N.J.A.C. 8:33A. The physician may perform the procedure in an LACF which shall have a Medical Director who shall chair a Credentials Committee. The Committee shall grant to operating physicians practice privileges relating to the complexity of the procedure and commensurate with an assessment of the training, experience and skills of each physician for the health, safety and welfare of the public. A list of the privileges of each physician shall contain the effective date of each privilege conferred, shall be reviewed at least biennially, and shall be preserved in the files of the LACF.

(f) A physician planning to perform a D & E procedure after 18 weeks LMP and through 20 weeks LMP in an LACF shall first file with the Board a certification that the physician meets the eligibility standards set forth in 1 through 7 below and shall comply with its requirements and the current guidelines of the Board interpreting the rule. Those guidelines, which shall be available from the Board, shall be based upon medical standards and practices which are deemed to promote the health and safety of patients receiving advanced D & E procedures in a non-hospital setting. Rule provisions for which guidelines have been established are marked with an asterisk.

1. The physician is certified or eligible for certification by the American Board of Obstetrics-Gynecology or the American Osteopathic Board of Obstetrics-Gynecology, and the physician satisfactorily completes at least 50 hours of Continuing Medical Education each year in obstetrics-gynecology.

2. The physician has admitting privileges at a nearby licensed hospital which has an operating room, blood bank, and an intensive care unit.*

3. The procedure shall be done in a location which is designated by the Department of Health as a licensed ambulatory care facility (LACF) authorized to perform surgical procedures as in (e) above.*

4. The procedure shall be done in an LACF which shall have a Medical Director and a Credentials Committee which have duly evaluated the training, experience and skill of the physician at continuous and successive levels of complexity of the D & E procedure in pregnancies advancing in stages from 18 weeks LMP through 19 weeks LMP through 20 weeks LMP, and the physician has been granted successive practice privileges consistent with management of the increased risk to the health and safety of the patient at that stage.* (Where

the applicant physician is also the Medical Director, the physician shall submit a certificate from the Administrator or Chief of Department of a hospital where the applicant has been evaluated and credentialed in a comparable manner.)

5. The physician shall perform the procedure only on a patient who has been examined and found to be within the eligibility criteria established for advanced D & E procedures in the LACF setting.*

6. The procedure shall be performed in an LACF providing adequate staff support and resources for the operative procedure as well as interim follow-up and post-operative care, and where a physician is available and readily accessible 24 hours a day to respond to any post-operative problem.*

7. The physician shall cooperate with the Medical Director to maintain contemporaneous and cumulative statistical records demonstrating the utilization and safety record of each stage procedure and of each surgeon. Said records shall be available for inspection by the Board and copies shall be submitted to the Board semi-annually.*

(g) A physician may request from the Board permission to perform D & E procedures in an LACF after 20 weeks LMP. Such request shall be accompanied by proof, to the satisfaction of the Board, of superior training and experience as well as proof of support staff and facilities adequate to accommodate the increased risk to the patient of such procedure.

(h) The physician shall make suitable arrangements to insure that all tissues removed shall be properly disposed of by submission to a qualified physician for pathologic analysis or by incineration or by delivery to a person/entity licensed to make biologic and/or tissue disposals in accordance with law including applicable rules of the Department of Health.

GUIDELINES

Following are interpretations of the specified rule sections.

(f)2. The hospital shall be accessible within 20 minutes driving time during the usual hours of operation of the clinic. There shall be a written agreement by the hospital that LACF patients needing hospitalization shall be accepted.

3. The LACF is licensed pursuant to N.J.A.C. 8:33A and 8:43A as an ambulatory care facility authorized to perform surgical procedures. The facility shall be in current and good standing at all times when surgical procedures are performed there. The LACF shall have a written agreement with an ambulance service assuring immediate transportation of a patient at all times when a patient has been admitted for surgery and until the patient has been discharged from the recovery room.

4. The physician new to the LACF shall have his/her operating technique evaluated initially and at least yearly by the Medical Director or his/her designee who shall possess appropriate experience with D & E procedures at least as advanced as those for which the applicant physician seeks approval. The applicant shall be evaluated during that number of procedures which shall be adequate to achieve a sufficient professional skill, and the evaluation procedure shall be documented in the personnel file maintained for that physician. The Medical Director shall agree to review the charts of all patients who suffer complications and in addition shall review charts at random, and shall calculate the complication rate of each physician.

5. To maximize the likelihood of safe surgeries, the physician shall perform the procedure only in an LACF which has established a list of eligibility-ineligibility criteria. The physician shall require that an adequate medical history be obtained. In addition, there shall be specific inquiry on usage

of drugs, whether prescribed or obtained in any other manner; the identity, quantity and last time of usage shall be recorded and brought to the attention of the surgeon.

A physical examination shall be performed, which will typically include weight, temperature, blood pressure, a breast examination where indicated, heart and lungs examination, abdominal palpation, pelvic examination including inspection of the cervix and bi-manual examination including estimation of gestational size, and rectal examination if appropriate; inspection and examination of extremities for varicosities and signs of phlebitis and further examination as indicated by history or laboratory findings. All women with significant medical, gynecological, psychological or hematological abnormalities must be referred for medical evaluation.

If the patient is more than 14 weeks LMP, or there is any difficulty in ascertaining uterine size or any question of pelvic pathology, ultrasonography shall be performed.

The physician shall perform the procedure only in an LACF where contraindications to performance of the procedure in a non-hospital setting have been established, including at least the following circumstances: (a) no available veins; (b) gestational size undetermined; (c) gestational size exceeding physician's capability or training; (d) inadequate instrumentation for all eventualities; (e) patient unable to cooperate; (f) extreme obesity precluding the use of conventional instruments; (g) severe vaginitis; (h) acute infections (excepting chorioamnionitis); (i) large myomas; (j) significant medical conditions including blood dyscrasias, cardio-vascular or respiratory disorders, etc.; (k) hematocrit 30% or less. Referrals for a hospital procedure shall be made promptly for any patient found ineligible for an LACF procedure because of medical contraindications.

6. The physician shall perform the procedure only in an LACF fully staffed and with instrumentation and supplies and emergency equipment appropriate to the advanced procedure, all in accordance with Department of Health requirements and accepted standards of practice. A policy shall have been established regarding use of laminaria or osmotic cervical dilators, including maintenance of contact and follow-up with patients permitted to leave the LACF overnight while awaiting completion of the procedure. The policy shall include written instructions to the patient in addition to oral counseling, to assure that the patient understands the risks and the necessity of returning and of contacting the LACF in the event of any complication.

The physician may delegate the administration of anesthesia to be given by a Certified Registered Nurse Anesthetist whose registration and certification is current, provided that the operating surgeon or another physician on the premises is available to assist in the event of anesthetic complication, and that physician is knowledgeable in the use of the anesthetic and in resuscitative measures including CPR.

The physician shall assure that drugs on the premises, including those used for anesthesia procedures, are controlled by inventory and specific management policy in accordance with pertinent rules of the federal Drug Enforcement Administration, the State Department of Health, and any applicable rules of the Medical Board.

The physician shall assure that a patient is required to remain in the recovery room for a minimum of one hour and until in satisfactory condition for discharge, and that a physician remains on the LACF premises until the last patient has been discharged from the recovery room. The patient shall be given written instructions on possible complications and

directed to contact an LACF physician who shall be available and readily accessible on a 24 hour/day basis.

The physician shall perform the procedure in an LACF having a specific policy for examination of tissues removed, and a report shall be kept in the patient's file.

The physician shall perform the procedure in an LACF having a specific policy for treatment and follow-up where there is an adverse medical occurrence such as: (a) incomplete termination procedure requiring hospitalization; (b) failed procedure resulting in a second procedure off premises or a continuing pregnancy; (c) perforation or suspected perforation; (d) hemorrhage (defined as approximately 500 cc or above at one event); (e) infection (defined as fever of 100.4 degrees F. or greater on 3 or more days).

7. The physician shall perform the procedure in an LACF where monthly records are maintained to provide the following data (for the purpose of these records, individual patients comprising the lists shall be identified only by date and by initials and/or case number): (a) number of patients who received termination procedures; (b) number of patients who received laminaria or osmotic cervical dilators who failed to return for completion of the procedure; (c) number of patients who reported for postoperative visits; (d) number of patients who needed repeat procedures; (e) number of patients who received transfusions; (f) number of patients suspected of perforation; (g) number of patients who developed pelvic inflammatory disease within 2 weeks; (h) number of patients who were admitted to a hospital within 2 weeks of the procedure; (i) number of patients who died within 30 days. Subsections (b) through (i) shall be summarized by number and percentage of monthly total for post-18 week procedures.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Gas Utility Rules Plant Construction

Proposed Amendment: N.J.A.C. 14:6-1.1

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

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

BPU Docket Number: GX8510954.

Proposal Number: PRN 1985-615.

Submit comments by December 18, 1985 to:

Kevin A. Conti, Esq.
Regulatory Officer
Board of Public Utilities
1100 Raymond Boulevard
Newark, New Jersey 07102

The agency proposal follows:

Summary

The Natural Gas Pipeline Safety Act (49 USCA 1671, et seq.), enacted in 1968 and amended by Title I of the Pipeline Safety Act of 1979, vests jurisdiction in the federal government

with respect to the regulation of the safety aspects of interstate and intrastate gas pipeline facilities. Under the Act, the Department of Transportation has been designated as the federal agency with the responsibility for administering its terms.

The Act provides for state participation in the regulation of gas pipeline safety. State participation can be achieved either through certification pursuant to 49 USCA 1674(a), whereby a state agency assumes safety responsibility with respect to intrastate gas facilities over which it has jurisdiction under state laws, or by agreement pursuant to 49 USCA 1674(b), whereby a state agency assumes surveillance and inspection responsibility for intrastate facilities and reports probable violations to the Department of Transportation, Office of Operations and Enforcement, for enforcement action.

Currently, the State of New Jersey's participation under the Act is accomplished under the agreement option. The Board, as the state agency with jurisdiction over gas pipeline facilities, exercises its responsibilities through the Bureau of Pipeline Safety, Division of Gas.

It is the intention of the Board to attain certification status through the adoption of the proposed regulation and the enactment of a new statute that will empower the Board with the authority to levy penalties for the violation of any law, order, rule or regulation of this State pertaining to natural gas pipeline safety. The amended regulation provides for the adoption, by reference, of the minimum federal safety standards for the transportation of gas and pipeline facilities. In the future, after adoption by the Board of the minimum safety standards, the Board may adopt rules providing for additional or more stringent safety standards for intrastate pipeline transportation as long as those safety standards are compatible with the minimum federal standards.

Social Impact

The proposed amendments, together with the enactment of a proposed statute as described above, will enable the Board to regulate the safety aspects of the intrastate transportation of natural gas in a more comprehensive manner. The ability to promulgate more stringent safety standards and enforce those standards through the exaction of injunctive and monetary sanctions will serve to enhance the safety of natural gas transportation to the benefit of the populace of this State.

Economic Impact

Implementation of this rule, together with the enactment of a proposed statute, may result in additional costs being incurred by the Board of Public Utilities, as the Board will undertake enforcement responsibilities in addition to the duties that it currently performs under the Act.

The adoption of this rule should not result in any adverse economic impact upon utility companies or its customers.

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

14:6-1.1 Plant construction

(a) The construction and installation of plant and facilities of gas utilities must be in accordance with N.J.A.C. 14:3-2.1 (Plant construction). [and in addition must be in accordance with the applicable requirements of the USA Standard Code of Pressure Piping, Gas Transmission and Distribution Piping Systems, and the USA Standard Installation of Gas Appliances and Gas Piping in effect at the time of construction. When, and if, any controversy arises as to the necessity for

adopting specifications calling for construction of a higher standard, the matter may be referred to the Board for determination]. **In addition, plant construction and operation, including design, maintenance, security requirements, operator training, must meet the specific requirements of this subchapter.**

(b) **As a portion of this subchapter relating to utility plant, and all aspects of construction and operation thereof, and as a portion of all other subchapters under Chapter 6, Gas, the Board hereby adopts, by reference, as though set out in full, the following:**

1. **Current edition (and amendments as issued) of Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards; Part 192, Title 49 of the Code of Federal Regulations (Federal Code).**

2. **Current edition (and amendments as issued) of Liquefied Natural Gas Facilities: Federal Safety Standards; Part 193, Title 49 of Code of Federal Regulations (Federal Code).**

(c) **Any such plant and its facilities which were designed and constructed prior to (the effective date of this amended regulation) shall be subject to all the provisions of the Federal Code herein adopted by reference, including effective dates set forth in the Federal Code. When existing facilities are replaced, relocated or significantly altered, the siting, design and construction requirements of the Federal Code sections cited above in (b)1 and 2 shall apply.**

(d) **If, and when, any controversy arises necessitating the adoption by the Board of more stringent specifications than those set forth in the Federal Code, for construction, operation, maintenance, etc., such specifications shall be effectuated by regulation duly promulgated by the Board, providing they are compatible with the Federal Code.**

(e) **The Natural Fuel Gas Code (ANSI Z223.1/NFPA 54), shall apply to the construction, maintenance and all phases of operation of gas utility plant facilities which are beyond the scope of the Federal Code sections cited above in (b)1 and 2.**

TRANSPORTATION

The following proposals are authorized by Roger A. Bodman, Commissioner, Department of Transportation.

Submit comments by December 18, 1985 to:
 Charles L. Meyers
 Administrative Practice Officer
 Department of Transportation
 1035 Parkway Avenue
 CN 600
 Trenton, New Jersey 08625

TRANSPORTATION OPERATIONS

(a)

Restricted Parking and Stopping

Routes U.S. 1 and 9 in Union County; 20 in Bergen County; 23 in Passaic County; 27 in Middlesex County; 28 in Somerset County; U.S. 30 in Atlantic and Camden Counties; 33 in Monmouth County; 57 in Warren County; 63 in Bergen County and U.S. 130 in Salem County.

Proposed Amendments: N.J.A.C. 16:28A-1.2, 1.10, 1.15, 1.18, 1.19, 1.21, 1.23, 1.36, 1.46 and 1.67

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-139 and 39:4-199.

Proposal Number: PRN 1985-625.

The agency proposal follows:

Summary

The proposed amendments will establish "no parking bus stop" zones along Routes U.S. 1 and 9 in Linden City, Union County; 20 in East Rutherford Borough, Bergen County; 23 in Wayne Township, Passaic County; 28 in Somerville Borough, Somerset County; 30 in Camden City, Camden County; 33 in Neptune Township, Monmouth County and 63 in Ridgefield Borough, Bergen County, "no parking" zones along Routes U.S. 30 in Galloway Township, Atlantic County, 57 in Washington Borough, Warren County and "time limit parking" zones along Routes 27 in Highland Park Borough, Middlesex County and U.S. 130 in Carneys Point Township, Salem County for the safe and efficient flow of traffic, the enhancement of safety, the safe on/off loading of passengers at established bus stops and the safety of the well-being of the populace.

Based upon requests from the local officials the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The investigations proved that the establishment of "no parking bus stop" zones along Routes U.S. 1 and 9, 20, 23, 28, 30, 33, and 63, "no parking" zones along Routes U.S. 30 and 57, and "time limit parking" zones along Routes 27 and U.S. 130 were warranted.

The Department therefore proposes amendments to N.J.A.C. 16:28A-1.2, 1.10, 1.15, 1.18, 1.19, 1.21, 1.23, 1.36, 1.46 and 1.67 based upon the requests from local officials and the traffic investigations.

Social Impact

The proposed amendments will establish "no parking bus stop" zones along Routes U.S. 1 and 9 in Linden City, Union County; 20 in East Rutherford Borough, Bergen County; 23 in Wayne Township, Passaic County; 28 in Somerville Borough, Somerset County; 30 in Camden City, Camden County; 33 in Neptune Township, Monmouth County and 63 in Ridgefield Borough, Bergen County, "no parking" zones along Routes U.S. 30 in Galloway Township, Atlantic County; 57 in Washington Borough, Warren County and "time limit parking" zones along Routes 27 in Highland Park Borough, Middlesex County and U.S. 130 in Carneys Point Township, Salem County for the safe and efficient flow of traffic, the enhancement of safety, the safe on/off loading of passengers at established bus stops and the safety of the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local officials will incur direct and indirect costs for their work force for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "no parking" zones signs, and the local officials will bear the costs for the installation of "no parking bus stop" and "no parking time limit" zones signs. Motorists who violate the rules will be assessed the appropriate fine.

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

16:28A-1.2 Route U.S. 1 and 9

(a) The certain parts of State highway Route U.S. 1 and 9 described in [(a) of] the **subsection** shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-4. (No change.)

(b) The certain parts of State highway Route U.S. 1 and 9 described [herein below] **in this subsection** shall be [, and hereby are,] designated and established as "no parking" zones where parking is prohibited at all times. [and i] In accordance with the provisions of N.J.S.A. 39:4-199 permission is [hereby] granted to erect appropriate signs at the following established taxi stand[.]:

[1. along the westerly (southbound) side beginning at a point 62 feet south of the southerly curb line of Columbia Avenue Ramp extending to a point 46 feet southerly therefrom.]

1. Along the westerly (southbound) side in Palisades Borough Park, Bergen County:

i. Beginning of a point 62 feet south of the southerly curb line of Columbia Avenue Ramp extending to a point 46 feet southerly therefrom.

(c) The certain parts of State highway Route U.S. 1 and 9 described in this **subsection** shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops:

1. [In Borough of Palisades Park,] [a]Along [Route US 1 and 9] (Broad Avenue) southbound on the westerly side [thereof at] in **Palisades Park Borough, Bergen County:**

i. Far side bus stop:

[i](1) East Columbia Avenue [(far side)]—Beginning at the southerly curb line of East Columbia Avenue and extending 100 feet southerly therefrom.

2.-4. (No change.)

5. Along the southbound (westerly) side in Ridgefield Borough, Bergen County:

i. Near side bus stop:

(1) **Banta Place**—Beginning at the prolongation of the northerly curb line of Banta Place and extending 135 feet northerly therefrom.

6. Along the northbound (easterly) side in Linden City, Union County:

i. Near side bus stops:

(1) **Clinton Street**—Beginning at the southerly curb line of Clinton Street and extending 120 feet southerly therefrom.

(2) **Woodlawn Avenue**—Beginning at the southerly curb line of Woodlawn Avenue and extending 120 feet southerly therefrom.

ii. Far side bus stops:

(1) **West Brook Drive**—Beginning at the northerly curb line of West Brook Drive and extending 200 feet northerly therefrom.

(2) **Gilchrist Avenue**—Beginning at the northerly curb line of Gilchrist Avenue and extending 120 feet northerly therefrom.

(3) **Park Avenue**—Beginning at the northerly curb line of Park Avenue and extending 120 feet northerly therefrom.

iii. Mid-block bus stops:

(1) **Between West Brook Drive and Willow Glade Road**—Beginning at a point 1,050 feet north of the northerly curb line of West Brook Drive and extending 150 feet northerly thereof.

(2) **Between Willow Glade Road and Staten Island Rapid Transit Railroad**—Beginning at a point 600 feet north of the northerly curb line of Willow Glade road prolonged and extending 200 feet northerly thereof.

7. Along the southbound (westerly) side in Linden City, Union County:

i. Far side bus stops:

(1) **Bachelor Avenue**—Beginning at the southerly curb line of Bachelor Avenue and extending 150 feet southerly therefrom.

(2) **Gilchrist Avenue**—Beginning at the southerly curb line of Gilchrist Avenue prolonged and extending 120 feet southerly therefrom.

(3) **Industrial Lane**—Beginning at the southerly curb line of Industrial Lane and extending 120 feet southerly thereof.

ii. Near side bus stops:

(1) **Park Avenue**—Beginning at the northerly curb line of Park Avenue and extending 120 feet northerly therefrom.

(2) **Clinton Street**—Beginning at the northerly curb line of Clinton Street and extending 120 feet northerly thereof.

iii. Mid-block bus stop:

(1) **Between Willow Glade Road and the Staten Island Rapid Transit Railroad**—Beginning at a point 250 feet north of the northerly curb line of Willow Glade Road and extending 200 feet northerly thereof.

[(d) The certain parts of State highway Route US 1 and 9 described in (d) of this section shall be and hereby are designated—and established as “no parking” zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-139 permission is hereby granted

to erect appropriate signs at the following established bus stops:

1. Southbound on the westerly side thereof of Banta Place (near side) beginning at the prolongation of the northerly curb line of Banta Place and extending 135 feet northerly therefrom.]

16:28A-1.10 Route 20

(a) (No change.)

(b) The certain parts of State highway Route 20 described in this subsection shall be designated and established as “no parking” zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops:

1. Along the southbound (westerly) side in East Rutherford Borough, Bergen County.

i. Near side bus stop:

(1) **Gotham Parkway**—Beginning at the prolongation of the northerly curb line of Gotham Parkway and extending 205 feet northerly therefrom.

16:28A-1.15 Route 23

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

(c) The certain parts of State highway Route 23 described in [(c) of] this subsection shall be designated and established as “no parking” zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is [hereby] granted to erect appropriate signs at the following established bus stops:

1. Along [Route 23, in the Township of Wayne, County of Passaic southbound on the westerly side thereof at:] the southbound (westerly) side in Wayne Township, Passaic County:

i.-iii. (No change.)

iv. Far side bus stops—Fairfield Road:

(1) (No change.)

(2) **Along Service Road**—Beginning at the southerly curb line of Fairfield Road and extending 140 feet southerly therefrom.

2. Along [Route 23, in the Township of Wayne, County of Passaic northbound on the easterly side thereof at:] the northbound (easterly) side in Wayne Township, Passaic County:

i. (No change.)

3.-7. (No change.)

16:28A-1.18 Route 27

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

(e) The certain parts of State highway Route 27 described in this subsection shall be designated and established as “time limit parking” zones where parking is prohibited at all times except as specified. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established time limit Parking Zones:

1. Along both sides in Highland Park Borough, Middlesex County:

i. One (1) hour time limit parking along South First Avenue to Sixth Avenue from 9:00 A.M. to 6:00 P.M. daily except Sundays and Public holidays. Vehicles must park between pointed lines provided.

16:28A-1.19 Route 28

(a) (No change.)

(b) The certain parts of State highway Route 28 described in this section shall be designated and established as “no parking” zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 per-

mission is granted to erect appropriate signs at the following bus stops:

1.-14. (No change.)

15. Along the eastbound (southerly) side in Somerville Borough, Somerset County:

i. Near side bus stop:

(1) Rehill Avenue—Beginning at the westerly curb line of Rehill Avenue and extending 105 feet westerly therefrom.

(c)-(e) (No change.)

16:28A-1.21 Route U.S. 30

(a) The certain parts of State highway Route U.S. 30 described in [(a) of] this section shall be designated and established as “no parking” zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-5. (No change.)

6. No stopping or standing in Galloway Township, Atlantic County:

i. Along both sides:

(1) For the entire corporate limits of Galloway Township, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

(b) The certain parts of State highway Route U.S. 30 described in this section shall be designated and established as “no parking” zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following bus stops:

1.-15. (No change.)

16. Along the southerly side in Camden City, Camden County:

i. Mid-block bus stop:

(1) Between Broadway and 7th Street—Beginning at the easterly curb line of Broadway and extending 202 feet westerly therefrom.

16:28A-1.23 Route 33

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

(c) The certain parts of State highway Route 33 described in this section shall be designated and established as “no parking” zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops:

1.-4. (No change.)

5. Along the westbound (northerly) side in Neptune Township, Monmouth County:

i. Mid-block bus stop:

(1) Between Davis Avenue and Wakefield Avenue—Beginning 365 feet west of the westerly curb line of Davis Avenue and extending 135 feet westerly therefrom.

6. Along the eastbound (southerly) side in Neptune Township, Monmouth County.

i. Mid-block bus stop:

(1) Between Davis Avenue and Wakefield Avenue—Beginning 550 feet west of the prolongation of the westerly curb line of Davis Avenue and extending 135 feet westerly therefrom.

16:28A-1.36 Route 57

(a) The certain parts of State highway Route 57 described in this section are designated and established as “no parking” zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-2. (No change.)

3. No stopping or standing in Washington Borough, Warren County:

i.-iii. (No change.)

iv. (East Washington Avenue) southside—Beginning 200 feet east of the prolongation of the easterly curb line of Prosper Way and extending 580 feet easterly therefrom, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

4. (No change.)

(b) (No change.)

16:28A-1.46 Route US 130

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

(c) The certain parts of State highway Route U.S. 130 described in this subsection shall be designated and established as “Time Limit Parking” zones where parking is prohibited at all times except as specified below. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established Time Limit Parking zones:

1. Fifteen (15) minutes time limit parking in Carneys Point Township, Salem County:

(i) (Shell Road) westerly—Beginning 35 feet north of the northerly curb line of Division Street to a point 50 feet northerly therefrom.

16:28A-1.67 Route 63

(a) (No change.)

(b) The certain parts of State highway Route 63 described in this subsection shall be designated and established as “no parking” zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops[.]:

1. (No change.)

2. Along the southbound (westerly) side in Ridgefield Borgen, Bergen County:

i. Far side bus stop:

(1) Fairview Terrace—Beginning at the prolongation of the southerly curb line of Fairview Terrace and extending 110 feet southerly therefrom.

(a)

**Restricted Parking and Stopping
Routes U.S. 46 in Essex County, 49 in
Cumberland County, 57 in Warren County,
73 in Camden County and 79 in Monmouth
County.**

**Proposed Amendments: N.J.A.C. 16:28A-1.32,
1.34, 1.36, 1.40 and 1.42**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1,
39:4-139 and 39:4-199.

Proposal Number: PRN 1985-614.

The agency proposal follows:

Summary

The proposed amendments will establish “no parking” zones along Routes U.S. 46 in Fairfield Township, Essex County, 49 in Bridgeton City, Cumberland County, 73 in Pennsauken Township, Camden County, “no parking-loading zone” along Route 57 in Washington Borough, Warren Coun-

ty and "no parking" bus stop zones along Route 79 in Marlboro Township, Monmouth County, for the safe and efficient flow of traffic, the enhancement of safety, the safe on/off loading of passengers at established bus stops and the safety of the well-being of the populace.

Based upon requests from the local officials the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The investigations proved that the establishment of "no parking," "no parking-loading" and "no parking" bus stop zones were warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.32, 1.34, 1.36, 1.40 and 1.42 based upon the requests from local officials and the traffic investigations.

Social Impact

The proposed amendments will establish "no parking" zones along Routes U.S. 46 in Fairfield Township, Essex County, 49 in Bridgeton City, Cumberland County, 73 in Pennsauken Township, Camden County, "no parking-loading" zone along Route 57 in Washington Borough, Warren County and "no parking" bus stop zones along Route 79 in Marlboro Township, Monmouth County, for the safe and efficient flow of traffic, the enhancement of safety, the safe on/off loading of passengers at established bus stops, and the safety of the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local officials will incur direct and indirect costs for its work force for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "no parking" zones signs, and the local officials "no parking bus stop" and "no parking loading zone" zones signs. Motorists who violate the rules will be assessed the appropriate fine.

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

16:28A-1.32 Route U.S. 46

(a) The certain parts of State highway Route U.S. 46 describe in this subsection shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-15. (No change.)

16. No stopping or standing in Fairfield Township, Essex County:

i. Along both sides:

(1) For the entire length within the Township of Fairfield including all ramps and connections under the jurisdiction of the Department of Transportation, except at designated bus stops.

(b) (No change.)

16:28A-1.34 Route 49

(a) [In accordance with the provisions of N.J.S.A. 39:4-138.1,] [t]The certain parts of State highway Route 49 described in [(a) of] this subsection are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-2. (No change.)

3. No stopping or standing in [City of] Bridgeton City, Cumberland County: [along both sides beginning 180 feet east of the easterly curb line of South Giles Street to a point 250 feet easterly therefrom.]

i. Along both sides:

(1) Beginning 180 feet east of the easterly curb line of South Giles Street to a point 250 feet easterly therefrom.

ii. Along the north side:

(1) From the easterly curb line of Lawrence Street to a point 200 feet easterly therefrom.

4.-7. (No change.)

(b) (No change.)

16:28A-1.36 Route 57

(a) (No change.)

(b) [In accordance with the provisions of N.J.S.A. 39:4-138.1,] [t]The certain parts of State highway Route 57 described in [(b) of] this section are designated and established as "no parking" zones where parking is prohibited as specified for designated curb loading zones[.] and at all times for loading zones. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established LOADING ZONES:

1. (No change.)

2. No parking—LOADING ZONE in Washington Borough, Warren County:

i. East Washington Street south side:

(1) Beginning at a point 35 feet east of the easterly curb line of Broad Street and extending 59 feet therefrom.

16:28A-1.40 Route 73

(a) The certain parts of State highway Route 73 described in this subsection are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-6. (No change.)

7. No stopping or standing in Pennsauken Township, Camden County:

i. Along both sides:

(1) For the entire length in Pennsauken Township, to include all ramps, bridges and approaches under the jurisdiction of the Commissioner of Transportation.

16:28A-1.42 Route 79

(a) The certain parts of State highway Route 79 described in [(a) of] this subsection are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-4. (No change.)

(b) The certain parts of State highway Route 79 described in this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stop[.]:s.

1. Along the easterly (northbound) side in Marlboro Township, Monmouth County.

i. (No change.)

ii. Far side bus stop:

(1) Beginning at the northerly curb line of Newton Street and extending 120 feet northerly therefrom.

(a)

CONSTRUCTION AND MAINTENANCE**Contract Administration****Classification of Prospective Bidders****Proposed Amendment: N.J.A.C. 16:44-1.2**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:2-1, 14A:1-1 and 14:15-2.

Proposal Number: PRN 1985-628.

The agency proposal follows:

Summary

In the Department of Transportation, all persons proposing to bid on work are classified according to the type and amount of work on which they are entitled to bid. In 1968, an unlimited classification requiring specific prequalification for contracts over \$25,000,000, was adopted. Since that time construction costs have increased substantially. As a result of the rising costs of construction, the short and long term schedule of projects to be let by the Department includes a major increase in projects estimated at over \$25,000,000.

The proposed amendment will increase the current "unlimited" class from over \$25,000,000 to over \$50,000,000 thereby alleviating the burden imposed on the Department which must currently specifically prequalify each contractor bidding projects over \$25,000,000 each time it intends to bid such a project. Additional classification dollar ratings will also be added to the present rating system.

Social Impact

The proposed amendment will increase the current "unlimited" class from over \$25,000,000 to over \$50,000,000 and add other ratings to the present system. Prospective bidders will be afforded the opportunity to enhance their classification ratings by meeting the prequalification requirements established for the new rating categories.

Economic Impact

By raising the specific prequalification requirement to over \$50,000,000, the number of projects currently in the "unlimited" class will be reduced and the administrative costs associated with the processing of specific prequalification questionnaires will be minimized. The contracting industry will also be benefitted by the elimination of the administrative costs associated with preparing specific prequalification questionnaires for projects estimated to cost between \$25,000,001 and \$50,000,000.

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

16:44-1.2 Classification of prospective bidders

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

(d) As to the amount of work:

For less than Class A = actual rating in thousands

Class A to Class Q (No change.)

Class R [Over \$25,000,000] **\$25,000,001 to \$30,000,000**

Class S **\$30,000,001 to \$35,000,000**

Class T **\$35,000,001 to \$40,000,000**

Class U **\$40,000,001 to \$45,000,000**

Class V **\$45,000,001 to \$50,000,000**

Class W Over **\$50,000,000**

Class ["R"] "W" (Unlimited) involves work in excess of [\$25,000,000] **\$50,000,000**. A prospective bidder, so classified, will be notified of the intention of the New Jersey Department of Transportation to undertake a project in the "Unlimited" class, and such prospective bidder shall be required to specifically prequalify to bid upon the work in question by applying for such specific classification at least 20 days before the date set for the receiving of bids.

A prospective bidder, whose statements do not qualify him to bid in an amount that will be sufficient to place him in "Class A" will be graded and classed according to his actual ability to undertake a project as shown by his statements.

(e)-(q) (No change.)

TREASURY-GENERAL

(b)

DIVISION OF PENSIONS**State Police Retirement System
Disability Retirants****Proposed Repeal: N.J.A.C. 17:5-5.12**

Authorized By: Anthony Ferrazza, Secretary, State Police Retirement System.

Authority: N.J.S.A. 53:5A-30h.

Proposal Number: PRN 1985-624.

Submit comments by December 18, 1985 to:

Peter J. Gorman, Esq.

Administrative Practice Officer

Division of Pensions

20 West Front St.

CN 295

Trenton, New Jersey 08625

The agency proposal follows:

Summary

This proposal involves the deletion of the entire text of N.J.A.C. 17:5-5.12 concerning disability retirants since the provisions of Chapter 147, Laws of 1984, appear to alter the policies outlined in the rule. Thus, the rules in N.J.A.C. 17:5-5.12 are no longer applicable and are proposed for repeal thereby eliminating the requirement of a reduction in a State Police Retirement System retirant's disability allowance.

Social Impact

The proposed repeal will affect current and future members of the State Police Retirement System who are or will receive a disability retirement allowance from that system. Such benefits will no longer be limited by the amount of additional income such individuals earn while they are receiving such disability retirement allowance.

Economic Impact

The proposed repeal will not have any significant, adverse economic impact upon the members involved or the retirement

system. The repeal will however, benefit the members to the extent that there will no longer be a reduction in the retirant's disability allowance.

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

17:5-5.12 [Disability retirant; annual report] (**Reserved**)

[(a) Where applicable, the total earnings permitted without reduction of pension is the difference between the retirement allowance and the salary now attributable to the member's former position in the Division of State Police.

(b) The pension will be reduced to an amount which, together with the earnings, will equal the salary now attributable to the former position in the Division of State Police. The annuity portion of the allowance will not be reduced.

(c) Reported earnings at the end of a calendar year will be the basis for pension reduction in the following calendar year. The reduction in pension, if any, will follow the testing on an April 1 to the following April 1 basis.

(d) "Salary now attributable to his former position" will mean the actual annual salary the employee would be receiving if he were reinstated to such position.]

streamline procedures for both the staff of the Casino Control Commission and casinos preparing jobs compendium submissions.

Social Impact

The proposed new rule essentially codifies the procedures presently utilized by the Commission. All those submissions must conform to the form prescribed by the regulation. The new rule will benefit the Commission by assuring that all jobs compendiums will be prepared and filed in a uniform manner, thus facilitating the Commission's review of this information. Further, the casino hotels will now be more fully and clearly apprised of their particular obligation to submit this information under the Casino Control Act.

Economic Impact

The proposed new rule will have a favorable economic impact on both the Commission and the casinos preparing the submissions. Requiring uniform submissions will result in a more efficient and economical review of jobs compendiums by the Commission staff. The cost to the casinos preparing jobs compendiums will be reduced because the new rule requires that fewer copies be prepared and submitted to the Commission.

Full text of the proposed new rule follows:

19:45-1.11A Jobs compendium submission

(a) Each casino licensee and applicant for a casino license shall, pursuant to N.J.S.A. 5:12-70j, and -99a(2) and (3), prepare and maintain a jobs compendium consistent with the requirements of this section detailing job descriptions and lines of authority for all personnel engaged in the operation of the hotel and casino. Unless otherwise directed by the Commission, a jobs compendium shall be submitted to the Commission for approval at least six months prior to the projected date of issuance of a certificate of operation. The Commission shall review each jobs compendium and shall determine whether it conforms to the requirements of the Act and the Commission's regulations. If the Commission finds any insufficiencies, it shall specify the same in writing to the casino licensee or applicant, who shall make appropriate alterations. When the Commission determines a submission to be adequate in all respects, it shall notify the casino licensee or applicant accordingly. No casino licensee shall commence gaming operations unless and until its jobs compendium is approved by the Commission.

(b) A jobs compendium shall include the following sections, in the order listed:

1. An alphabetical table of contents listing by position title each job description included in (b)4. below and the page number on which the corresponding job description may be found;

2. A departmental table of contents listing by department each position title within the department in order of direct lines of authority and the page number on which the corresponding job description may be found;

3. A table of organization for each department and division illustrating by position title direct and indirect lines of authority within the department or division. Each table of organization shall indicate the projected or actual number of persons to be employed in each position title and shall accurately correspond to the job description included in b(4) below;

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION

**Accounting and Internal Controls
Jobs Compendium**

Proposed New Rule: N.J.A.C. 19:45-1.11A

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

Authority: N.J.S.A. 5:12-70j and 99a(2) and (3).

Proposal Number: PRN 1985-626.

Submit comments by December 18, 1985 to:

Robert J. Genatt, General Counsel
Casino Control Commission
Princeton Pike Office Park
Building No. 5
CN 208
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Casino Control Commission currently requires that each casino hotel maintain and submit to it a jobs compendium detailing the job descriptions and supervisory lines of authority for all personnel employed by a casino hotel. Maintenance of jobs compendiums provides the Commission with important employee licensing information which is required to be maintained by the Casino Control Act. See N.J.S.A. 5:12-70j and -99a(2) and (3).

The proposed new rule requires that jobs compendiums conform to the format described in the rule. This will

4. A description of each employee position. Each position shall be listed on a separate page and shall accurately correspond to the position title as illustrated in the table of organization and as listed in the tables of contents. Each job description shall include the following:

- i. Position title and corresponding department;
- ii. Salary range;
- iii. Job duties and responsibilities;
- iv. Direct and indirect supervisory reporting lines;
- v. Positions supervised;
- vi. Detailed descriptions of experiential or educational requirements;
- vii. Projected number of employees in the position;
- viii. Equal employment opportunity class or subclass;
- ix. Proposed registration or license endorsement consistent with the requirements of the Act and the Commission's regulations; and
- x. The date of submission of each employee position job description and the date of any prior job description it supersedes.

(c) Except as otherwise provided in (d) below, any proposed amendment to a previously approved jobs compendium shall be submitted to and approved by the Commission before such amendment is implemented by the casino licensee. Unless otherwise directed by the Commission, any amendment required to be preapproved pursuant to this subsection shall be submitted to the Commission at least 90 days prior to the proposed effective date of the amendment and shall contain, at a minimum:

1. A detailed cover letter listing by department each position title to which modifications are being proposed and a brief summary of all changes which are being proposed to the

jobs compendium since the last amendment submitted; and

2. The actual text of the proposed changes to the information required by (b)1. through 4. above contained on pages which may be used to substitute for those sections of the jobs compendium previously approved by the Commission.

(d) Amendments to casino hotel employee registrant position titles which report to casino hotel employee registrant position titles may be implemented by a casino licensee without the prior approval of the Commission. Such changes shall be immediately recorded in the jobs compendium maintained by the licensee on its premises, but do not have to be submitted to the Commission except as otherwise provided in (e) below or upon request. This subsection shall not apply to casino hotel employee registrant position titles which are:

1. Departmental or divisional supervisory positions; or
2. Positions with duties requiring access to premises authorized for the sale or service of alcoholic beverages pursuant to N.J.S.A. 5:12-103g(1).

(e) Notwithstanding any other requirement of this section, each casino shall submit a complete and up-to-date jobs compendium to the Commission 18 months after its receipt of a certificate of operation and every two years thereafter, unless otherwise directed by the Commission.

(f) Whenever required by this section, a casino licensee shall file six copies of a jobs compendium or an amendment to a jobs compendium with the License Division of the Commission and two copies to the Division of Gaming Enforcement. The cover shall indicate the name of the casino licensee, the date of the submission and shall be labeled "Jobs Compendium Submission" or "Jobs Compendium Amendment" as appropriate.

RULE ADOPTIONS

BANKING

(a)

CEMETERY BOARD

Cemeteries

Readoption: N.J.A.C. 3:41

Proposed: July 15, 1985 at 17 N.J.R. 1704(a).
 Adopted: October 15, 1985 by Mary Little Parell,
 Commissioner, Department of Banking.
 Filed: October 16, 1985 as R.1985 d.573, **without change**.

Authority: N.J.S.A. 8A:2-2.

Effective Date: October 16, 1985.
 Expiration Date pursuant to Executive Order No. 66
 (1978): October 16, 1990.

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

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 3:41-1.1 to 10.4.

COMMUNITY AFFAIRS

(b)

DIVISION OF LOCAL GOVERNMENT SERVICES

Local Government Finance Regulation Municipal, County and Authority Deferred Compensation Programs

Adopted New Rules: N.J.A.C. 5:37

Proposed: August 19, 1985 at 17 N.J.R. 1960(a).
 Adopted: October 24, 1985 by Barry Skokowski,
 Director, Division of Local Government Services.
 Filed: October 28, 1985 as R.1985 d.598, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 43:15B-3.

Effective Date: November 18, 1985.
 Expiration Date Pursuant to Executive Order No. 66
 (1978): November 18, 1990.

Summary of Public Comments and Agency Responses:
 Written comments were received from one commentator during the public comment period.

The Copeland Companies, a provider of deferred compensation services, outlined six points:

1. The private contractor should be relieved of its obligation to reimburse the local unit for legal costs whenever the private contractor is adjudicated to be innocent of any wrongdoing or the legal action is the result of an omission or commission on the part of the employer.

2. The Division of Local Government Services should have a time period of 15 days to act upon a deferred compensation plan submitted for approval.

3. Suggested that the State submit a prototype Model Plan to IRS for a private ruling rather than each local unit submitting its own plan to IRS.

4. Suggested an alternative procedure for the timely investment of employee payroll deferrals.

5. Employee payroll deferrals should be accounted for on a quarterly basis in order to keep participants informed of the status of their investment.

6. Distinguished an administrative service contractor from an investment service contractor relative to the proposal requiring the contractor to provide a bond to protect the plan and the employer from fraud and dishonesty.

Responses:

1. The rule provides for the contractor to reimburse the employer for the reasonable costs of litigation arising as a result of the acts or omissions of the contractor. If the contractor is innocent of any wrongdoing he will not be required to indemnify the employer.

2. Generally, the plan document and the contract are reviewed simultaneously and, therefore, the time period for approval provided in 5:37-13.1 would be applicable. N.J.A.C. 5:37-4.2 has been amended to provide a time period for plan approval and, thusly, provide coverage for situations where the general procedure is inapplicable.

3. IRS requires submission of each plan from the employer and not a prototype from the State.

4. The Division is unaware of any problems with the present provisions on timely investment and is unconvinced a change is necessary at this time.

5. The Division agrees with the comment and N.J.A.C. 5:37-10.3 has been amended to provide for a quarterly accounting.

6. The Division agrees with the comment and N.J.A.C. 5:37-13.11 has been amended accordingly.

In addition to the changes made in response to the received comment, several typographical errors have been corrected.

Full text of the expired rules adopted as new appears in the New Jersey Administrative Code at N.J.A.C. 5:37.

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

CHAPTER 37 MUNICIPAL, COUNTY AND AUTHORITY EMPLOYEES DEFERRED COMPENSATION PROGRAMS

SUBCHAPTER 1. DEFINITIONS

5:37-1.1 Definitions

"Accounting date" means that annual date at the close of its fiscal year when the employer shall render an accounting of its deferred compensation program, at which time all participants are appraised of the value of their individual accounts.

"Administrator" means the person or group of local public officials and/or employees (including the local governing body) who is/are appointed by the local governing body as the named fiduciary and is responsible for the administration of the deferred compensation plan and program and the investments and the accounting of funds maintained under the plan.

"Approved plan" means a deferred compensation plan which is in compliance with the Internal Revenue Code and has been approved by the Director.

"Beneficiary" means the person, persons, or legal entity designated by a participant to receive any undistributed deferred compensation which becomes payable in the event of the participant's death.

"Code" means the Internal Revenue Code of 1954, as amended.

"Deferred compensation" means the concept whereby an employee voluntarily agrees to have a portion of his or her salary paid at specified date later than the time at which the salary is actually earned.

"Director" means the Director of the Division of Local Government Services.

"Employee" means any person, including elected, appointed and salaried persons, providing personal services to the employer.

"Employer" means a local jurisdiction, either a municipality, county, or an authority thereof.

"IRS" means the U.S. Internal Revenue Service.

"Joinder agreement" means the agreement an employee signs with the employer to become a participant in the program.

"Participant" means a local government employee who is participating in a deferred compensation program.

"Pay period" means the period of time for which the employer computes compensation for an employee.

"Plan" means the locally developed deferred compensation plan.

"Private organization" means any organization, firm, corporation, partnership, or individual, whether profit making or nonprofit, which is not a governmental entity.

"Program" means the deferred compensation program of the employer, operated in accordance with an approved plan.

OFFICE OF ADMINISTRATIVE LAW NOTE: The previous rules in SUBCHAPTER 2. ROLE OF THE BOARD, were proposed for repeal although the proposal notice did not properly reflect the change. Upon adoption, old Subchapter 2 has been deleted and Subchapter 3 through 11 have been recodified as 2 through 10.

SUBCHAPTER 2. ROLE OF THE DIRECTOR

5:37-2.1 Adopting regulations

The Director shall publish and enforce rules and regulations for employer deferred compensation programs.

5:37-2.2 Approving plans
(No change.)

5:37-2.3 Approving contracts
(No change.)

5:37-2.4 Prior contracts

Any such contracts as cited in N.J.A.C. 5:37-2.3 which have been executed prior to the adoption of this chapter and which are still open must also be reviewed by the Director for his comments.

5:37-2.5 Review investments
(No change.)

SUBCHAPTER 3. ROLE OF THE EMPLOYER

5:37-3.1 Institution of program
(No change.)

5:37-3.2 Responsible for accounting
(No change.)

5:37-3.3 Responsible for administration
(No change.)

5:37-3.4 Join State program

The employer may decide to join the State Deferred Compensation Program, if eligible, or operate its own program.

5:37-3.5 No personal liability

The employer, including the person or group appointed as administrator, shall not be held personally liable, individually or collectively, for any negative returns on investment of program funds which is less than any participant or group or participants expected. Employers shall require a hold harmless provision in contracts with contractors which includes a statement that the employer will be indemnified as a result of any cause of action brought against it as a result of acts or omissions of the contractor together with the reasonable costs of litigation arising therefrom.

SUBCHAPTER 4. STANDARD PLAN AND APPROVED PLAN

5:37-4.1 Standard plan

The employer shall draft, or have drafted, a standard plan which shall contain all of the policies and procedures to be used in operating a deferred compensation program. At minimum this plan shall contain policies and procedures which address each of the issues in N.J.A.C. 5:37-5 through 13. While not mandatory, it is urged that the plan be drafted in consultation with representatives of the potential participants.

5:37-4.2 Director approval

Any plan adopted or prepared to be adopted by an employer shall be approved by the Director prior to implementation. ***The Director shall approve or reject said plan within 15 working days of receipt. If the plan is rejected, the Director shall, in writing, explain his reasons for rejection.*** If a plan is adopted prior to the adoption of this chapter, the local plan shall be submitted to the Director for his review; and any modifications to the Plan required by the Director shall be made by the employer within 60 days from time of notification by the Director.

5:37-4.3 Local resolution
(No change.)

5:37-4.4 Opinion and certification on Internal Revenue Service compliance

The attorney for the employer shall file with the Director an opinion stating that the employer's plan meets the requirements of Section 457 of the Internal Revenue Code of 1954, as amended. He or she must also certify that an application has been filed with the Internal Revenue Service for a ruling that the plan meets the requirements of Section 457 of the Internal Revenue Code of 1954, as amended, and that such ruling will be forwarded to the Director when received.

SUBCHAPTER 5. ADMINISTRATOR

5:37-5.1 Appointment of administrator
(No change.)

5:37-5.2 Responsibilities of administrator
(No change.)

5:37-5.3 Staff and contracts

SUBCHAPTER 6. ELIGIBILITY

5:37-6.1 Citation of eligibility
(No change.)

SUBCHAPTER 7. ENROLLMENT

5:37-7.1 Written enrollment

Any eligible employee may enroll in the program by agreeing in writing, on forms supplied by the administrator, to a deferral of income in accordance with N.J.A.C. 5:37-8.

5:37-7.2 Leave of absence
(No change.)

5:37-7.3 Waiver of rights

Once a joinder agreement is signed, the participant and his beneficiary waive all claims and rights to commute, sell, assign or otherwise use or transfer rights to receive any payments from the Program, which payments and rights are expressly declared to be non-assignable and nontransferable.

5:37-7.4 Employer retaining assets

All amounts of compensation deferred under the plan shall remain the asset of the employer; the obligation of the employer to participating employees shall be contractual only, and no preferred or special interest in the deferred money shall accrue to such participants. Such money shall be subject only to the claims of the employer's general creditors until distributed to any or all participants.

5:37-7.5 Ban on solicitation

No organization seeking a contract pursuant to N.J.A.C. 5:37-13 shall by any means solicit employee participation in any deferred compensation program or solicit employees to support the efforts of the organization to secure such a contract. No representative of an organization under contract pursuant to N.J.A.C. 5:37-13 shall communicate with any prospective participant without the expressed written consent and knowledge of the employer.

5:37-7.6 Limit on joinder agreement

The employer and a participant may sign and/or be contractually obligated by only one joinder agreement during any one calendar year; however, deferral amounts may be amended by the participant pursuant to N.J.A.C. 5:37-8.2. A joinder agreement expires upon termination of service or a revocation of deferrals.

SUBCHAPTER 8. DEFERRAL AMOUNTS

5:37-8.1 Minimum amounts
(No change.)

5:37-8.2 Joinder agreement
(No change.)

SUBCHAPTER 9. INVESTMENT POLICIES

5:37-9.1 Employer investment
(No change.)

5:37-9.2 Eligible investments
(No change.)

5:37-9.3 Choice of investments
(No change.)

5:37-9.4 Administrative expenses
(No change.)

5:37-9.5 Return to participants

(a) After the deduction of administrative expenses, if any, from the program, the balance of the program funds, including all amounts deferred and any and all return on investment of the program funds shall be credited to the participant's accounts. Such credit shall be made in a manner that is equal, equitable, and/or prorated in a non-discriminatory manner. Due to anticipated program start up costs, which can be charged to the program, many employer programs may, during the first year, have a program balance which is less than the total of all deferrals placed into the program, and which, when credited to individual accounts, will indicate a balance in each individual account which is less than the individual has placed in the account through his or her deferrals. After the first year of program operation, however, the administrator shall not permit, or allow to be permitted, the cumulative program balance to be less than the total cumulative sum of all amounts deferred by all participants, or any participant's account to have a balance that is less than the cumulative sum of all of his or her deferrals since his or her participation in the program commenced. The only exceptions to this last statement shall be:

1. Variable annuities which guarantee that during the first three years of fund accumulation a participant will have distributed to him or her, upon withdrawal from the program, an amount equal to the amount the Participant has deferred;
2. A variable annuity with no such guarantee which is offered as part of a fixed and variable product line; and
3. Life insurance contracts.

5:37-9.6 Credit to accounts
(No change.)

5:37-9.7 Timing of investments

All funds from amounts deferred shall be invested by the administrator or private contractor responsible for investments within 72 hours, exclusive of Sundays and holidays, of the time the administrator or contractor receives the funds or is notified that the funds are available for investment or is any other manner aware that the amounts deferred have been made and are available for investment.

SUBCHAPTER 10. ACCOUNTING PROCEDURES

5:37-10.1 Separate account

The administrator shall establish, or cause to have established, an employees' deferred salary account in which all

program funds, amounts deferred and return on investments are to be placed and accounted for. This account shall be established for accounting purposes only and shall be subject to the claims of general creditors of the Employer.

5:37-10.2 Pooling of funds
(No change.)

5:37-10.3 *[Semi-annual]* ***Quarterly*** report

The administrator shall make available at least *[semi-annually]* ***quarterly*** a report to each participant which shall indicate the value (or balance) of each participant's account, as well as, the value (or balance) of the entire program; this report shall indicate for each participant the balance of the participant's account as of the last accounting date, the amount of salary deferred and any return on investment accrued to the participant's account or any losses on investment charged to the participant's account since the last report or accounting date.

5:37-10.4 Audit or review
(No change.)

5:37-10.5 Timing of deferrals

The amount of salary deferral specified by each participant in his or her joinder agreement shall be deferred by the employer at the end of each pay period.

5:37-10.6 Coordination of deferral with other payroll deductions

For each pay period, the amount deferred shall not be treated as compensation subject to Federal income tax withholding, but shall be treated as compensation subject to withholding for New Jersey Gross Income Tax, pensions, social security, insurance and other fringe benefits, except to the extent that applicable law may provide otherwise from time to time.

OFFICE OF ADMINISTRATIVE LAW NOTE: The previous rules in SUBCHAPTER 12. DISTRIBUTION PROCEDURES, were proposed for repeal although the proposal notice did not properly reflect the change. Upon adoption, old Subchapter 12 has been deleted and Subchapters 13, 16 and 17 have been recodified as 11, 12 and 13, respectively.

SUCHAPTER 11. AMENDMENT OF PLAN

5:37-11.1 Reasons for amendment
(No change.)

5:37-11.2 Procedure for amendment
(No change.)

5:37-11.3 Approval of amendment

Any amendment made to an approval plan must be submitted to the Director for approval prior to implementation with a resolution of the governing body adopting the amendment. Any amendments required by the IRS do not require Director approval before implementation; however, such amendments must be filed with the Director.

SUBCHAPTER 12. CONFIDENTIALITY

5:37-12.1 Participant records confidential

All records regarding participation, amounts deferred, account balances, withdrawals and any other information regarding a participant's account shall be held confidential by the administrator, his or her staff, and/or any contractor.

5:37-12.2 Program records

Any records, reports or other information relating to the Program as a whole, including, but not limited to cash flow analysis, investment reports, audits and semi-annual reports shall be made available by the Administrator to any Participant and/or the Division of Local Government Services upon request.

SUBCHAPTER 13. CONTRACTORS AND DEPOSITORIES

5:37-13.1 Review of proposed contracts

Prior to the execution of a contract between an Employer and a contractor, whereby the employer will contract for all or part of the administration of the program, the employer shall submit to the Director a copy of the proposed contract, along with any related documents, such as proposals and plans. The Director shall approve or reject said proposed contract(s) within 15 working days of receipt. If the proposed contract is rejected, the Director shall, in writing, explain his reasons for rejection. No contract shall be executed without the written approval of the Director.

5:37-13.2 Insurance companies

Any insurance company that wishes to offer Deferred Compensation Programs to local governments shall be authorized by the Commissioner of Insurance to do business in the State of New Jersey.

5:37-13.3 Mutual fund companies

Any public or private corporation that wishes to offer a mutual fund or other type of security as part of a Deferred Compensation Program shall be registered with the Security and Exchange Commission and shall submit to the Director a copy of the Company's "Certification of Good Standing" from the New Jersey Secretary of State.

5:37-13.4 Non-profit corporations

Any non-profit, tax-exempt corporation that wishes to offer Deferred Compensation Programs to local governments must provide to the Director a copy of their IRS tax exemption certification.

5:37-13.5 Depositories

Any banking institution that wishes to serve as a depository for local government controlled Program funds and/or wishes to offer Deferred Compensation Programs to local governments shall be regulated by the New Jersey Department of Banking. Such banking institution shall not be under a "Cease and Desist Order" issued by the New Jersey Department of Banking; such status shall be determined by the Employer.

5:37-13.6 Conflict of interest
(No change.)

5:37-13.7 Non-discrimination

Any organization, person, company, corporation, partnership or other entity wishing to offer Deferred Compensation Programs to local governments shall certify to the Director, as part of the solicitation documents specified in N.J.A.C. 5:37-13.1 that it does not discriminate in its employment or investment policies and practices.

5:37-13.8 Award of contracts

Any contracts to provide all or part of the administration of the Employer's Deferred Compensation Program shall comply with the Local Public Contracts Law. The Employer shall submit to the Director a certification from the Em-

ployer's attorney which states that award of said contract(s) complies with the Local Public Contracts Law, describes the procedure followed, and states the length of the contract.

5:37-13.9 Non-collusion
(No change.)

5:37-13.10 Contractor disclosure

(a) Every Employer who retains a contractor to administer all or part of its program shall require that the contractor fully disclose to the administrator, and to its employees where appropriate, the fees charged by the contractor, the fee and commission structure of the contractor, the investment program offered by the contractor, and any other pertinent information which the Employer may need in evaluating the contractor's fee and service.

(b) All contracts entered into by the employer shall contain termination clauses that are reasonable with respect to transfers of assets and/or responsibilities under the Plan.

(c) Any and all policies, contracts, or other legal documents executed by the Employer and any contractor must be kept in a safe and secure place by the administrator; the administrator shall not permit a contractor to keep the original and all copies of any policies, contracts, or other legal documents.

5:37-13.11 Bonding and evidence of insurance

(a) Each contractor who provides *[administrative and/or]* investment services *or both administrative and investment services* for a deferred compensation program shall be bonded with a customary or usual bond obtained from an organization duly authorized and licensed to provide such bond in the State of New Jersey, to protect the plan and the employer from any loss resulting from fraud or dishonesty by such contractor. Evidence of such bond or ability to obtain such bond if the contract is awarded shall be provided to the employer and to the Director.

(b) The amount of bond shall not be less than 100 percent of the amount of funds managed *[or administered]* by such contractor.

(c) Each contractor who provides only administrative services for a deferred compensation program shall maintain a fidelity bond or fidelity insurance from an organization duly authorized and licensed to provide such bond or insurance in the State of New Jersey, to protect the plan and the employer from any loss resulting from fraud or dishonesty by such contractor. Evidence of such bond or insurance or ability to obtain same if the contract is awarded shall be provided to the employer and to the Director.

[(c)](d)* Each contractor providing services in accordance with these regulations shall provide the employer and Director with evidence of appropriate liability insurance and errors and omissions insurance.

5:37-13.12 Provisions for rules and regulations to be part of contract

Every contract or agreement entered into by an employer shall contain a provision that the agreement or contract is subject to the rules and regulations of the Division of Local Government Services and the rules and regulations are made a part thereof.

SUBCHAPTER 14. (RESERVED)
SUBCHAPTER 15. (RESERVED)

SUBCHAPTER 16. SEVERABILITY

5:37-16.1 Severability

These rules and any of the provisions thereof shall be severable, and if any of its provisions shall be held to be unconstitutional or otherwise invalid, the decision of the court shall not affect the validity of the remaining rules and regulations or any of the provisions thereof.

EDUCATION

(a)

STATE BOARD OF EDUCATION

School Districts; General Provisions Board of School Estimate

Notice of Correction: N.J.A.C. 6:3-1.2

Take notice that an error appears in the New Jersey Administrative Code at N.J.A.C. 6:3-1.2 concerning Board of school estimate. A proposal deleting subsection (b) of the rule was published in the January 21, 1985 issue of the New Jersey Register at 17 N.J.R. 143(a). The adoption deleting subsection (b) was published in the April 1, 1985 issue of the New Jersey Register at 17 N.J.R. 811(a). Therefore, N.J.A.C. 6:3-1.2(b) should not have appeared in the New Jersey Administrative Code and should be considered as having been repealed.

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

(b)

Water Supply Management Critical Areas

Adopted Amendment: N.J.A.C. 7:19-6.10

Proposed: August 19, 1985 at 17 N.J.R. 1966(a).
Adopted: October 25, 1985 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.

Filed: October 28, 1985 as R.1985 d.596, **without change**.

Authority: N.J.S.A. 581A-1 et seq., specifically 58:1A-5.

Effective Date: November 18, 1985.

Expiration Date pursuant to Executive Order No.
66(1978): March 19, 1990.

DEP Docket No. 039-85-07.

Summary of Public Comments and Agency Responses:

After due notice, a public hearing was held on the proposal on September 18, 1985. No comments were received from

those in attendance. Several written comments were received during the comment period which ended on September 25, 1985.

COMMENT: The Department should consider less restrictive controls for groups of individual wells which are built in sequential phases.

RESPONSE: Whether a development project is built in phases or all at once, the impact of the total amounts of water withdrawn from the threatened aquifer is ultimately the same. The Department believes that the scope of regulatory control should remain the same without regard to phased project implementation.

COMMENT: Where dwelling units encompass less than 850 square feet each, the threshold of regulatory jurisdiction should be 50 units rather than 30.

RESPONSE: Though there is some question as to whether those living in smaller dwelling units use significantly smaller quantities of water, the administrative burden of ascertaining dwelling size argues against making the kinds of distinctions which this suggestion contemplates.

COMMENT: Where it can be shown that a project of more than 30 units will use less than 10,000 gallons of water per day, the Department should raise the 30-unit threshold.

RESPONSE: Predictions of water conservation levels are characteristically unreliable and optimistic, while actual performance varies greatly and rarely meets projected conservation goals. Further, even if it could be shown that water usage was low one year, there is no assurance that this level would be sustained.

Full text of the adoption follows.

7:19-6.10 Water supply critical areas: general

(a) (No change.)

(b) For water supply critical areas described in (a)1, 2 and 3 above, the delineation shall include all areas adversely affected and a critical area margin, encompassing areas which may be adversely affected if present trends continue. The margin may include, among others, adjacent areas such as where a progressive reduction of the potentiometric surface threatens existing wells or an aquifer with saline contamination or where the slope of the potentiometric surface indicates a major source of water for the overdrawn area. The Department may establish modified restrictions within margin areas from those established for the rest of the critical area.

(c)-(k) (No change.)

(l) Within critical areas described in (a)1, 2 and 3 above, the Department may require water allocation for groups of private wells (two or more) associated with a development project where:

1. The total project involves the installation of private, residential water wells, serving more than 30 living units, individually or otherwise; or

2. For nonresidential projects, the total project involves the installation of private wells which will withdraw more than 10,000 gallons per day.

(a)

Emergency Water Supply Rules Surcharges; Residential Definitions

Adopted Amendments: N.J.A.C. 7:19A-1.4 and 7:19B-1.3

Proposed: August 19, 1985 at 17 N.J.R. 1967(a).

Adopted: October 25, 1985 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.

Filed: October 28, 1985 as R.1985 d.595, **without change.**

Authority: N.J.S.A. 58:1A-5.

Effective Date: November 18, 1985.

Expiration Date pursuant to Executive Order No.

66(1978): February 19, 1990.

DEP Docket No. 040-85-07.

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

Full text of the adoption follows.

7:19A-1.4 Definitions

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates a different meaning:

"Non-residential users" means all users of water other than residential users.

"Residential users" means all users of water who reside in a single structure, housing no more than four families, and in multiple family dwellings with no more than four families being serviced by one meter. (In any circumstance where residential and non-residential users are served by the same meter, the users shall be classified as non-residential users.)

7:19B-1.3 Definitions

For the purposes of this chapter, the following definitions shall apply, unless the context clearly indicates a different meaning:

"Non-residential users" means all users of water other than residential users.

"Residential users" means all users of water who reside in a single structure, housing no more than four families, and in multiple family dwellings with no more than four families being serviced by one meter. (In any circumstance where residential and non-residential users are served by the same meter, the users shall be classified as non-residential users.)"

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Defining Fishing Lines

Adopted New Rule: N.J.A.C. 7:25-16.1

Proposed: September 16, 1985 at 17 N.J.R. 2193(a).
 Adopted: October 25, 1985 by Robert E. Hughey,
 Commissioner, Department of Environmental
 Protection.
 Filed: October 28, 1985 as R.1985 d.597, **without change**.
 Authority: N.J.S.A. 23:1-2, 23:3-1 and 23:9-1.

Effective Date: November 18, 1985.
 Expiration Date pursuant to Executive Order No.
 66(1978): November 18, 1990.
 DEP Docket No. 046-85-08.

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

Full text of the adoption follows.

7:25-16.1 Defining lines upstream of which license is required to fish with handline, rod and line or long bow and arrow
 (a) The following table defines the upstream of which a license is required to fish with handline, rod and line or long bow and arrow.

Name of Water	License required upstream of this location
• • •	• • •
CUMBERLAND COUNTY	
Andrews Creek	None—all saline water
Back Creek	None—all saline water
Cedar Creek	100 ft. downstream of Cedar Lake Dam
Cohansey River	Route 49 Bridge at Bridgeton
Dividing Creek	Route 55 Bridge
Fishing Creek	None—all saline water
Fortescue Cr., Br. or Oranoken Cr.	None—all saline water
Manumuskin River	Required whole length
Maurice River	Mouth of Manumuskin River near Port Elizabeth
Menantico Creek	Required whole length
Mill Cr.—Tributary of Cohansey at Fairton	Route 553 Bridge, Fairton
Muskee Creek	S. side of bridge on Weatherby Rd.
Nantuxent Creek (Pages Run)	Route 553, North of Frames Corner
Oranoken Creek	Whitcar Mill, North of Beaver Dam
Oyster Creek	None—all saline water
Riggins Ditch	Route 47

Sow and Pigs Br. of Nantuxent	None—all saline water
Stow Creek	Buckhorn Rd. Bridge, Jericho
Straight Creek	None—all saline water
West Creek	100 Ft. below West Creek Lake Dams (Pickle Factory Pond)

• • •

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

HEALTH

(b)

DIVISION OF LOCAL AND COMMUNITY HEALTH SERVICES

**Food and Milk Program
 Frozen Desserts**

Adopted New Rule: N.J.A.C. 8:21-7

Proposed: August 19, 1985 at 17 N.J.R. 1986(b).
 Adopted: October 24, 1985 by J. Richard Goldstein,
 M.D., Commissioner, Department of Health.
 Filed: October 28, 1985 as R.1985 d.591, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 24:10-73.1.

Effective Date: November 18, 1985.
 Operative Date: January 1, 1986.
 Expiration Date pursuant to Executive Order No.
 66(1978): November 18, 1990.

Summary of Public Comments and Agency Responses:
 COMMENT: Testifying at the public hearing on the proposed frozen desserts regulations, the representative of the Northeast Ice Cream Association, Inc. commended the department for its redraft of the frozen desserts regulations. New Jersey's requirements are now in substantial conformance with those of surrounding states, thus making it easier for New Jersey frozen desserts products to travel in interstate commerce.

The Northeast Ice Cream Association, Inc. suggested one addition to 8:21-7.5, Water Ice Standard of Identity. The Association requested that after the word sherbet the following words be added "... except that the mix need not be pasteurized."

The Association contended that this change would bring the New Jersey Standard of Identity into conformance with the Federal Standard of Identity and poses no significant health hazard to the public since the product itself is not potentially hazardous, therefore not requiring pasteurization.

RESPONSE: The department agrees with the Association's position and has changed N.J.A.C. 8:21-7.5 to the wording suggested by the Association.

COMMENT: Three written comments were received from Dr. Dick Kleyn, Professor of Food Science at Rutgers, The State University.

1. 8:21-7.2(a)2i—Dr. Kleyn felt the statement about the levels of egg yolk solids was ambiguous and needed clarification.

2. 8:21-7.4(a)2—It was suggested that clarification was needed regarding the acidity requirement for non-fruit sherbets.

3. 8:21-7.16 and 7.17—It was suggested that the word "imitation" be substituted for the term "non-fruit" in the standards for sherbet and water ice.

RESPONSE: The wording utilized by the Department in N.J.A.C. 8:21-7.2(a)2i and 8:21-7.4(a)2 are identical to the Federal Standard of Identity for these frozen desserts products. Any change in the wording or intent of the standard could jeopardize the sale of these items in interstate commerce. Therefore, the department is not changing these standards as suggested by Dr. Kleyn.

In an effort to provide conformity with the standards of surrounding states, the Department is maintaining the "non-fruit" terminology of N.J.A.C. 8:21-7.16 and 7.17 for sherbet and water ice; but are also adding the parenthetical phrase "imitation" as suggested by Dr. Kleyn.

Typographical errors in the Register as published have been corrected at N.J.A.C. 8:21-7.3(a)6., 8:20-7.14(a), 8:21-7.27 through 8:21-7.30 and 8:21-7.33.

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

SUBCHAPTER 7. FROZEN DESSERTS

8:21-7.1 Definitions

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

"CFR" means the Code of Federal Regulations of the United States Government.

"Department" means the State Department of Health.

"Dispensing freezer" means the type of equipment which freezes frozen desserts so they are served in a soft condition for sale to the customer.

"Frozen desserts" means ice cream, frozen custard, ice milk, sherbet, water ice, mellorine, goat's milk ice cream, goat's milk ice milk, frozen yogurt, frozen lowfat yogurt or lowfat frozen yogurt, frozen nonfat yogurt or nonfat frozen yogurt, quiescently frozen confection, quiescently frozen dairy confection, frozen dietary dairy dessert, dietary frozen dessert or lowfat frozen dairy dessert, whipped cream confection, bisque tortoni, nonfruit sherbet, nonfruit water ice, manufactured dessert mixes, lactose reduced ice cream, lactose reduced ice milk, frozen pudding, freezer made shake and freezer made milk shake, lowfat parevine, parevine, Lo-Mel, as all such products are commonly known, together with any such mix used in frozen desserts and any products which are similar in appearance, odor or taste to such products or are prepared or frozen as such products are customarily prepared or frozen whether made with dairy or nondairy products.

"Label" means any written, printed or graphic matter attached to or on a package.

"Package" means any carton, box, jar, bottle, pail, wrapper or other container for frozen desserts.

"Person" means any individual, copartnership, corporation, cooperative association, cooperative coporation or unincorporated association.

8:21-7.2 Ice cream and frozen custard

(a) Rules concerning descriptions of ice cream and frozen custard are as follows:

1. Ice cream is a food produced by freezing, while stirring, a pasteurized mix consisting of one or more of the optional dairy ingredients specified in (b) below, and may contain one or more of the optional caseinates specified in (c) below subject to the conditions hereinafter setforth, and other safe and suitable nonmilk-derived ingredients; and excluding other food fats, except such as are natural components of flavoring ingredients used or are added in incidental amounts to accomplish specific functions. Ice cream is sweetened with nutritive carbohydrate sweeteners and may or may not be characterized by the addition of flavoring ingredients.

2. Ice cream contains not less than 1.6 pounds of total solids to the gallon, and weighs not less than 4.5 pounds to the gallon. Ice cream contains not less than ten percent milkfat, nor less than ten percent nonfat milk solids, except that when it contains milkfat at one percent increments above the ten percent minimum, it may contain the following milkfat-to-nonfat milk solids levels:

Percent Milkfat	Minimum Percent Nonfat Milk Solids
10	10
11	9
12	8
13	7
14	6

i. Except that when one or more bulky flavors are used, the weights of milkfat and total milk solids are not less than ten percent and 20 percent, respectively, of the remainder obtained by subtracting the weight of the bulky flavors from the weight of the finished food; but in no case is the weight of milkfat or total milk solids less than eight percent and 16 percent, respectively, of the weight of the finished food. Except in the case of frozen custard, ice cream contains less than 1.4 percent egg yolk solids by weight of the food, exclusive of the weight of any bulky flavoring ingredients used. Frozen custard shall contain 1.4 percent egg yolk solids by weight of the finished food: Provided, however, that when bulky flavors are added the egg yolk solids content of frozen custard may be reduced in proportion to the amount by weight of the bulky flavors added, but in no case is the content of egg yolk solids in the finished food less than 1.12 percent. A product containing egg yolk solids in excess of 1.4 percent, the maximum setforth in this paragraph for ice cream, may be marketed if labeled as specified by (e)1. below.

3. When calculating the minimum amount of milkfat and nonfat milk solids required in the finished food, the solids of chocolate or cocoa used shall be considered a bulky flavoring ingredient. In order to make allowance for additional sweetening ingredients needed when certain bulky ingredients are used, the weight of chocolate or cocoa solids used may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight may be multiplied by 1.4.

(b) The optional dairy ingredients referred to in (a) above are: Cream, dried cream, plastic cream, (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, skim milk in concentrated or dried form which has been modified by treating the concentrated skim milk with calcium hydroxide and disodium phosphate, whey, condensed whey, dry whey, and modified whey products, (for example reduced lactose whey, reduced minerals whey, and whey protein concentrate) that has been determined by the Food and Drug Administration (F.D.A.) to be generally recognized as safe (GRAS) for use in this type of food. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Any whey, condensed whey, dry whey, and modified wheys (partially delactosed whey, partially demineralized whey, demineralized whey and whey protein concentrate) used contribute, singly or in combination, not more than 25 percent by weight of the total nonfat milk solids content of the finished food. The modified skim milk, when adjusted with water to a total solids content of nine percent is substantially free of lactic acid as determined by titration with 0.1N NaOH, and it has a pH value in the range of 8.0 to 8.3.

(c) The optional caseinates referred to in (a) above may be added to ice cream mix containing not less than 20 percent total milk solids are: casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinate may be added in liquid or dry form, but must be free of excess alkali.

(d) Fat content shall be determined by the following methods contained in the current edition of "Official Methods of Analysis of the Association of Official Analytical Chemists."

1. Fat content shall be determined by the method: "Fat; Roese-Gottlieb Method—Official Final Action."

(e) Rules concerning nomenclature of ice cream and frozen custard are as follows:

1. The name of the food is "ice cream," except that when the egg yolk solids content of the food is in excess of that specified for ice cream by (a) above, the name of the food is "frozen custard" or "French ice cream" or "French custard ice cream."

2. If the food contains no artificial flavor, the name on the principal display panel or panels of the label shall be accompanied by the common or usual name of the characterizing flavor, for example, "vanilla," in letters not less than one-half the height of the letters used in the words "ice cream."

i. If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the natural flavor predominates, the name on the principal display panel or panels of the labels shall be accompanied by the common name of the characterizing flavor, in letters not less than one-half the height of the letters used in the words "ice cream," followed by the word "flavored," in letters not less than one-

half the height of the letters in the name of the characterizing flavor, for example, "Vanilla flavored," or "Peach flavored," or "Vanilla flavored and Strawberry flavored."

ii. If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the artificial flavor predominates, or if artificial flavor is used alone, the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor in letters not less than one-half the height of the letters used in the words "ice cream," preceded by "artificial" or "artificially flavored," in letters not less than one-half the height of the letters in the name of the characterizing flavor, for example, "artificial Vanilla," or "artificially flavored Strawberry" or "artificially flavored Vanilla and artificially flavored Strawberry."

3. If the food is subject to the requirements of 2.ii. above or if it contains any artificial flavor not simulating the characterizing flavor, the label shall also bear the words "artificial flavor added" or "artificial flavor added," the blank being filled with the common name of the flavor simulated by the artificial flavor in letters of the same size and prominence as the words that precede and follow it.

i. Wherever the name of the characterizing flavor appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this paragraph shall immediately and conspicuously precede or follow such name, in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than six-point on packages containing less than one pint, not less than eight-point on packages containing at least one pint but less than one-half gallon, not less than ten-point on packages containing at least one-half gallon but less than one gallon and not less than 12-point on packages containing one gallon or over. Provided, however, that where the characterizing flavor and a trademark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trademark or brand, may intervene if the required words are in such relationship with the trademark or brand as to be clearly related to the characterizing flavor: And provided further, that if the finished product contains more than one flavor of ice cream subject to the requirements of this paragraph, the statements required by this paragraph need appear only once in each statement of characterizing flavors present in such ice cream, for example, "Vanilla flavored, Chocolate, and Strawberry flavored, artificial flavors added."

4. If the food contains both a natural characterizing flavor and an artificial flavor simulating the characterizing flavor, any reference to the natural characterizing flavor shall, except as otherwise authorized by this paragraph, be accompanied by a reference to the artificial flavor, displayed with substantially equal prominence, for example, "strawberry and artificial strawberry flavor."

5. An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

i. In the case of vanilla beans or vanilla extract used in combination with vanillin if the amount of vanillin used is greater than one ounce per unit of vanilla constituent, as that term is defined in 21 CFR 169.3(c).

ii. In the case of fruit or fruit juice used in combination with artificial fruit flavor, if the quantity of the fruit or fruit juice used is such that, in relation to the weight of the finished ice cream, the weight of the fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture

content) is less than two percent in the case of citrus ice cream, six percent in the case of berry or cherry ice cream, and ten percent in the case of ice cream prepared with other fruits.

iii. In the case of nut meats used in combination with artificial nut flavor, if the quantity of nut meats used is such that, in relation to the finished ice cream the weight of the nut meats is less than two percent.

iv. In the case of two or more fruits or fruit juices, or nut meats, or both, used in combination with artificial flavors simulating the natural flavors and dispersed throughout the food, if the quantity of any fruit or fruit juice or nut meat is less than one-half the applicable percentage specified in ii. or iii. above. For example, if a combination ice cream contains less than five percent of bananas and less than one percent of almonds, it would be "artificially flavored banana-almond ice cream." However, if it contains more than five percent of bananas and more than one percent of almonds, it would be "banana-almond flavored ice cream."

6. If two or more flavors of ice cream are distinctively combined in one package, for example, "Neapolitan" ice cream, the applicable provisions of this paragraph shall govern each flavor of ice cream comprising the combination.

(f) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of 21 CFR 101, except that sources of milkfat or milk solids not fat may be declared in descending order of predominance either by the use of all the terms "milkfat and nonfat milk" when one or any combination of two or more of the ingredients listed in 21 CFR 101.4(b)(3), (4), (8), and (9) are used or alternatively as permitted in 21 CFR 101.4, Pursuant to Section 403(k) of the Federal Food, Drug, and Cosmetic Act. Artificial color need not be declared in ice cream except as provided in 21 CFR 74.705. Voluntary declaration of such color in ice cream is recommended.

8:21-7.3 Ice milk; identity; label statement

(a) Ice milk is the food prepared from the same ingredients and in the same manner prescribed for ice cream and complies with all the provisions of N.J.A.C. 8:21-7.2 (including the requirements for label statement of optional ingredients), except that:

- 1. Its content of milkfat is more than two percent but not more than seven percent;
- 2. Its content of total milk solids is not less than 11 percent;
- 3. Caseinates may be added when the content of total milk solids is not less than 11 percent;
- 4. The provision for reduction in milkfat and nonfat milk solids content from the addition of bulky flavors in N.J.A.C. 8:21-7.2 applies, except that in no case will the milkfat content be less than two percent, nor the nonfat milk solids content be less than four percent. When the milkfat content increases in increments of one percent above the two percent minimum, it may contain the following milkfat-to-nonfat milk solids levels:

Percent Milkfat	Minimum Percent Nonfat Milk Solids
2	9
3	8
4	7
5	6
6	5
7	4

- 5. The quantity of food solids per gallon is not less than 1.3 pounds;

6. When any artificial coloring is used in ice *[cream]* *milk*, directly or as a component of any other ingredients, the label shall bear the statement "artificially colored," "artificial coloring added," "with added artificial color," or "., an artificial color added," the blank being filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, ". artificially colored;"

7. If both artificial color and artificial flavoring are used, the label statements may be combined.

(b) The name of the food is "ice milk." Ice milk shall be offered for sale, sold or served only in properly labeled factory-filled containers, if the ice milk or any of its ingredients contain added color or any ingredients added for the purpose of imparting a characterizing flavor, except ice milk may be served and sold at retail from a dispensing freezer.

(c) When ice milk is sold at retail, direct from a frozen dessert dispensing freezer, as provided in (b) above, a sign must be prominently and conspicuously displayed not more than 18 inches above each dispensing freezer, where it can be clearly read by customers under normal condition of purchase, stating "ICE MILK SOLD HERE." The letters on such sign shall be bold face capitals in contrasting color to the background. When ice milk is sold at retail, only in properly labeled factory-filled containers, no such sign shall be required.

1. In addition, if items containing ice milk are listed on a menu board the statement "Ice Milk Served Here" shall be included on the menu board in reasonable proximity to the items containing ice milk. The letters in such statement shall be bold face capitals at least as large as the letters used in listing items containing ice milk and on a contrasting background.

2. No such sign or menu board declaration shall be required if the only method of advising customers on what items are being offered for sale is a menu furnished to the customer. In such case the menu shall contain the statement "Ice Milk Served Here." Such statement shall be in reasonable proximity to the menu items containing Ice Milk and the letters in such statement shall be bold face capitals at least as large as the letters used in listing items containing Ice Milk.

8:21-7.4 Sherbet; identity; label statement

(a) Rules concerning descriptions of sherbet are as follows:

1. Sherbet is a food produced by freezing, while stirring, a pasteurized mix consisting of one or more of the optional dairy ingredients specified in (b) below, and may contain one or more of the optional caseinates specified in (c) below subject to the conditions hereinafter setforth, and other safe and suitable nonmilk-derived ingredients; and excluding other food fats, except such as are added in small amounts to accomplish specific functions or are natural components of flavoring ingredients used. Sherbet is sweetened with nutritive carbohydrate sweeteners and is characterized by the addition of one or more of the characterizing fruit ingredients specified in (d) below or one or more of the nonfruit characterizing ingredients specified in (e) below.

2. Sherbet weighs not less than six pounds to the gallon. The milkfat content is not less than one percent nor more than two percent, the nonfat milk-derived solids content not less than one percent, and the total milk or milk-derived solids content is not less than two percent nor more than five percent by weight of the finished food. Sherbet that is characterized by a fruit ingredient shall have a titratable acidity, calculated as lactic acid, of not less than 0.35 percent.

(b) The optional dairy ingredients referred to in (a) above are: Cream, dried cream, plastic cream, (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, skim milk in concentrated or dried form which has been modified by treating the concentrated skim milk with calcium hydroxide and disodium phosphate, whey, condensed whey, dry whey, and modified whey products, (for example, reduced lactose whey, reduced minerals whey, and whey protein concentrate) that has been determined by F.D.A. to be generally recognized as safe (GRAS) for use in this type of food. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. The modified skim milk, when adjusted with water to a total solids content of nine percent is substantially free of lactic acid as determined by titration with 0.1N NaOH, and it has a pH value in the range of 8.0 to 8.3.

(c) The optional caseinates referred to in (a) above which may be added to sherbet mix are: casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinates may be added in liquid or dry form, but must be free of excess alkali. Such caseinates are not considered to be milk solids.

(d) The optional fruit characterizing ingredients referred to in (a) above are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other optional ingredients. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed or otherwise comminuted. It may be acidulated. In the case of concentrated fruit or fruit juices from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that, in relation to the weight of the finished sherbet, the weight of fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content), is not less than two percent in the case of citrus sherbets, six percent in the case of berry sherbets and ten percent in the case of sherbets prepared with other fruits. For the purpose of this section, tomatoes and rhubarb are considered as kinds of fruits.

(e) The optional nonfruit characterizing ingredients referred to in (a) above include but are not limited to the following:

1. Ground spice or infusion of coffee or tea;
2. Chocolate or cocoa, including sirup
3. Confectionery;
4. Distilled alcoholic beverage, including liquers or wine, in an amount not to exceed that required for flavoring the sherbet;
5. Any natural or artificial food flavoring (except any having a characteristic fruit or fruit-like flavor).

(f) Rules concerning nomenclature of sherbet are as follows:

1. The name of each sherbet is as follows:
 - i. The name of each fruit sherbet is ". sherbet," the blank being filled in with the common name of the fruit or fruits from which the fruit ingredients used are obtained. When the names of two or more fruits are included, such names shall be arranged in order of predominance, if any, be weight of the respective fruit ingredients used.
 - ii. The name of each nonfruit sherbet is ". sherbet," the blank being filled in with the common or usual name or names of the characterizing flavor or flavors; for example, "peppermint," except that if the characterizing flavor used is vanilla, the name of the food is ". sherbet," the blank being filled in as specified by N.J.A.C. 8:21-7.2(e)2 and 5i.

2. When the optional ingredients, artificial flavoring, or artificial coloring are used in sherbet, they shall be named on the label as follows:

- i. If the flavoring ingredient or ingredients consists exclusively of artificial flavoring, the label designation shall be "artificially flavored."
- ii. If the flavoring ingredients are a combination of natural and artificial flavors, the label designation shall be "artificial and natural flavoring added."
- iii. The label shall designate artificial coloring by the statement "artificially colored," "artificial coloring added," "with added artificial coloring," or "., an artificial color added," the blank being filled in with the name of the artificial coloring used.

(g) Wherever there appears on the label any representation as to the characterizing flavor or flavors of the food and such flavor or flavors consist in whole or in part of artificial flavoring, the statement required by (f)2i and ii, as appropriate, shall immediately and conspicuously precede or follow such representation, without intervening written, printed, or graphic matter (except that the word "sherbet" may intervene) in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than six-point on packages containing less than one pint, not less than eight-point on packages containing at least one pint but less than one-half gallon, not less than ten-point on packages containing at least one-half gallon but less than one gallon, and not less than 12-point on packages containing one gallon or over.

(h) Except as specified in (g) above, the statements required by (f)2 above shall be set forth on the principal display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(i) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of 21 CFR Part 101.

8:21-7.5 Water ice; identity; label statement

(a) Water ices are the foods each of which is prepared from the same ingredients and in the same manner prescribed in N.J.A.C. 8:21-7.4 for sherbets ***except that the mix need not be pasteurized*** and complies with all provisions of N.J.A.C. 8:21-7.4 (including the requirements for label statement of optional ingredients) except that no milk or milk-derived ingredient and no egg ingredient, other than egg white, is used.

(b) The name of the food is ". ice," the blank being filled in, in the manner as specified in N.J.A.C. 8:21-7.4(f)li and ii as appropriate.

8:21-7.6 Mellorine; identity; label statement

(a) Rules concerning descriptions of mellorine are as follows:

1. Mellorine is a food produced by freezing, while stirring, a pasteurized mix consisting of safe and suitable ingredients including, but not limited to, milk-derived nonfat solids and animal or vegetable fat, or both, only part of which may be milkfat. Mellorine is sweetened with nutritive carbohydrate sweetener and is characterized by the addition of flavoring ingredients.

2. Mellorine contains not less than 1.6 pounds of total solids to the gallon, and weighs not less than 4.5 pounds to the gallon. Mellorine contains not less than six percent fat and 2.7 percent protein having a protein efficiency ratio (PER) not less than that of whole milk protein (108 percent of casein) by weight of the food, exclusive of the weight of any bulky flavoring ingredients used. In no case shall the fat content of the finished food be less than 4.8 percent or the protein content be less than 2.2 percent. The protein to meet the minimum protein requirements shall be provided by milk solids, not fat and/or other milk-derived ingredients.

3. When calculating the minimum amount of milkfat and protein required in the finished food, the solids of chocolate or cocoa used shall be considered a bulky flavoring ingredient. In order to make allowance for additional sweetening ingredients needed when certain bulky ingredients are used, the weight of chocolate or cocoa solids used may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight may be multiplied by 1.4

(b) Mellorine shall be fortified so that Vitamin A is present in a quantity which will ensure that 40 international units (IU) are available for each gram of fat in mellorine, within limits of good manufacturing practice.

(c) Fat and protein content, and the PER shall be determined by the following methods contained in the current edition of "Official Methods of Analysis of the Association of Official Analytical Chemists."

1. Fat content shall be determined by the method: "Fat, Roese-Gottlieb Method—Official Final Action;"

2. Protein content shall be determined by one of the following methods: "Nitrogen—Official Final Action," Kjeldahl Method or Dye Binding Method;

3. PER shall be determined by the method: "Biological Evaluation of Protein Quality—Official Final Action."

(d) The name of the food is "mellorine." The name of the food on the label shall be accompanied by a declaration indicating the presence of characterizing flavoring in the same manner as is specified in N.J.A.C. 8:21-7.2(e).

(e) The common or usual name of each of the ingredients used shall be declared on the label as required by the appli-

cable sections of 21 CFR 101, except that sources of milkfat or milk solids not fat may be declared in descending order or predominance, either by the use of the terms "milkfat, and nonfat milk" when one or any combination of two or more ingredients listed in 21 CFR 101.4(b)(3), (4), (8), and (9) are used, or alternatively as permitted in 101.4. Mellorine shall be sold, held, offered for sale by any manufacturer, wholesaler, retailer, or any seller only in factory-filled containers except in the following instances:

1. Mellorine may be sold from a dispensing freezer or dipped from a properly labeled bulk container. When mellorine is sold in this manner from a dispensing freezer or dipped from a bulk container a sign shall be displayed in such a location as it can be easily read by customers under normal conditions of sale, stating "Mellorine Serve Here." Such sign shall be in bold face capitals on a contrasting background. In addition, if items containing mellorine are listed on a menu board the statement "Mellorine Served Here" shall be included on the menu board in reasonable proximity to the items containing mellorine. The letters in such statement shall be bold face capitals at least as large as the letters used in listing items containing mellorine and on a contrasting background.

2. No such sign or menu board declaration shall be required if the only method of advising customers on what items are being offered for sale is a menu furnished to the customer. In such case the menu shall contain the statement "Mellorine Served Here." Such statement shall be in reasonable proximity to the menu items containing mellorine and the letters on such statement shall be bold face capitals at least as large as the letters used in listing items containing mellorine. Any menu listing mellorine or items prepared with mellorine shall conform to the provisions of this paragraph.

8:21-7.7 Goat's milk ice cream; identity; label statement

(a) Goat's milk ice cream is the food prepared in the same manner prescribed in N.J.A.C. 8:21-7.2 for ice cream, and complies with all the provisions of N.J.A.C. 8:21-7.2 except that the only optional dairy ingredients that may be used are those in (b) below; caseinates may not be used; and paragraphs (e)(1) and (f) of N.J.A.C. 8:21-7.2 shall not apply.

(b) Optional dairy ingredients. The optional dairy ingredients referred to in (a) above are goat's skim milk, goat's milk, and goat's cream. These optional dairy ingredients may be used in liquid, concentrated, and/or dry form.

(c) The name of the food is "goat's milk ice cream" or, alternatively, "ice cream made with goat's milk," except that when the egg yolk solids content of the food is in excess of that specified for ice cream in N.J.A.C. 8:21-7.2, the name of the food is "goat's milk frozen custard" or, alternatively "frozen custard made with goat's milk," or "goat's milk french ice cream," or, alternatively "french ice cream made with goat's milk," or "goat's milk french custard ice cream," or, alternatively "french custard ice cream made with goat's milk."

(d) Each of the optional ingredients used shall be declared on the label by the applicable section of 21 CFR 101.

8:21-7.8 Goat's milk ice milk; identity; label statement

(a) Goat's milk ice milk is the food prepared in the same manner prescribed in N.J.A.C. 8:21-7.7 for goat's milk ice cream, except that paragraph (c) shall not apply, and which complies with all the requirements of N.J.A.C. 8:21-7.3(a)1, 2, 4, 5, 6, and 7 for ice milk.

(b) The name of the food is "goat's milk ice milk" or, alternatively "ice milk made with goat's milk."

(c) The provisions for serving ice milk from a dispensing freezer as required by N.J.A.C. 8:21-7.3 shall apply, except the required statement shall read "goat's milk ice milk served here."

8:21-7.9 Frozen yogurt; identity; label statement

(a) Frozen yogurt is the food which is prepared by freezing while stirring a pasteurized mix consisting of the ingredients permitted for ice cream in N.J.A.C. 8:21-7.2. Such ingredients are cultured after pasteurization by one or more strains of *Lactobacillus bulgaricus* and *Streptococcus thermophilus*, provided, however, fruit, nuts or other flavoring materials may be added before or after the mix is pasteurized and cultured. The standard plate count requirement for frozen desserts shall apply to the mix prior to culturing. Frozen yogurt, exclusive of any flavoring, contains not less than 3.25 percent milkfat and not less than 8.25 percent milk solids not fat. No heat or bacteriostatic treatment (other than refrigeration), which results in destruction or partial destruction of the organisms, shall be applied to the product after such culturing. The finished yogurt shall weigh not less than five pounds per gallon. The name of the food is "frozen yogurt."

(b) The label shall contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4, and comply with the provisions of 21 CFR 101.22.

(c) On the label of frozen yogurt the strains of bacteria may be collectively referred to as yogurt culture.

8:21-7.10 Frozen lowfat yogurt or lowfat frozen yogurt; identity; label statement

(a) Frozen lowfat yogurt or lowfat frozen yogurt is the food which is prepared by freezing while stirring a pasteurized mix consisting of the ingredients permitted for ice cream in N.J.A.C. 8:21-7.2. Such ingredients are cultured after pasteurization by one or more strains of *Lactobacillus bulgaricus* and *Streptococcus thermophilus*, provided, however, fruit, nuts or other flavoring materials may be added before or after the mix is pasteurized and cultured. The standard plate count required for frozen desserts shall apply only to the mix prior to culturing. The food, exclusive of any flavoring, contains not less than 0.5 percent nor more than two percent milkfat and not less than 8.25 percent milk solids not fat. No heat or bacteriostatic treatment (other than refrigeration), which results in destruction or partial destruction of the organisms, shall be applied to the product after such culturing. The finished food shall weigh not less than five pounds per gallon. The name of the food is "frozen lowfat yogurt" or "lowfat frozen yogurt."

(b) The label on the package of this food, in addition to all other required information shall:

1. Contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4;
2. Be in accordance with the provisions of 21 CFR 101.9;
3. Be in accordance with the provisions of 21 CFR 101.22.

(c) On the label, the strains of bacteria may be collectively referred to as yogurt cultures.

8:21-7.11 Frozen nonfat yogurt or nonfat frozen yogurt; identity; label statement

(a) Frozen nonfat yogurt or nonfat frozen yogurt is the food which is prepared by freezing while stirring a pasteurized mix consisting of the ingredients permitted for ice cream in N.J.A.C. 8:21-7.2. Such ingredients are cultured after pasteurization by one or more strains of *Lactobacillus bulgaricus* and *Streptococcus thermophilus*, provided, however, fruit, nuts, or other flavoring materials may be added before

or after the mix is pasteurized and cultured. The standard plate count requirement for frozen desserts shall apply only to the mix prior to culturing. The food, exclusive of any flavoring, contains less than 0.5 percent milkfat and not less than 8.25 percent milk solids not fat. No heat or bacteriostatic treatment (other than refrigeration), which results in destruction or partial destruction of the organisms, shall be applied to the product after such culturing. The finished food shall weigh not less than five pounds per gallon. The name of the food is "frozen nonfat yogurt" or "nonfat frozen yogurt."

(b) The label on the package of this food in addition to all other information shall:

1. Contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4;
2. Be in accordance with the provisions of 21 CFR 101.9;
3. Be in accordance with the provisions of 21 CFR 101.22.

(c) On the label, the strains of bacteria may be collectively referred to as yogurt culture.

8:21-7.12 Quiescently frozen confection; identity; label statement

(a) Quiescently frozen confection means the frozen product made from sweetening agent(s), harmless natural or artificial flavoring, water, and it may contain milk solids, harmless coloring, organic acids, and any safe and suitable functional ingredient approved by the Department. The finished product shall contain not less than 17 percent by weight of total food solids.

(b) The name of the food is "quiescently frozen confection."

(c) In the manufacture of this product, freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing).

(d) In the production of this quiescently frozen confection, no processing or mixing prior to quiescent freezing shall be used that develops in the finished confection mix any physical expansion in excess of ten percent.

(e) The confection must be manufactured in the form of servings, individually packaged, bagged or otherwise wrapped, properly labeled and purveyed to the consumer in its original factory-filled package. The individually wrapped confection need not be labeled if it is contained in a multiple package which is properly labeled and is purveyed unopened to the consumer.

(f) In addition to all other required information, the label shall contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4, and comply with the provisions of 21 CFR 101.22.

8:21-7.13 Quiescently frozen dairy confection; identity; label statement

(a) Quiescently frozen dairy confection means the frozen product made from milk products, sweetening agent(s), harmless natural or artificial flavoring, water, and it may contain harmless coloring, and any safe and suitable functional ingredient approved by the Department. The finished product contains not less than 13 percent by weight of total milk solids, not less than 33 percent by weight of total food solids.

(b) The name of the food is "quiescently frozen dairy confection."

(c) In the manufacture of this product, freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing).

(d) In the production of this quiescently frozen dairy confection, no processing or mixing prior to quiescent freezing shall be used that develops in the finished confection mix any

physical expansion in excess of ten percent.

(e) The confection must be manufactured in the form of servings, individually packaged, bagged or otherwise wrapped, properly labeled and purveyed to the consumer in its original factory-filled package. The individually wrapped confection need not be labeled if it is contained in a multiple package which is properly labeled and is purveyed unopened to the consumer.

(f) In addition to all other required information, the label shall contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4, and comply with the provisions of 21 CFR 101.22.

8:21-7.14 Frozen dietary dairy dessert; identity; label statement

(a) Frozen dietary dairy dessert means a frozen dessert prepared for persons who wish to restrict their intake of ordinary sweetening ingredients. It is produced by freezing while stirring a pasteurized mix consisting of the ingredients permitted for ice cream in N.J.A.C. 8:21-7.2 with the exception of nutritive carbohydrate sweeteners. The minimum fat content shall be three percent *[it]* **. It shall contain no sugars other than those naturally present in the milk solids or flavoring agents which have been added thereto and it may contain edible carbohydrates other than sugars. The edible carbohydrates must be approved by the Department. The name of the food is "frozen dietary dairy dessert."

(b) The label on frozen dietary dairy dessert in addition to other required information shall:

1. Contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4;
2. Contain a statement as follows:
 - i. (Diabetics: This product may be useful in your diet on the advice of a physician. The food is not a reduced calorie food);
 3. Immediately preceding or following the name of the product, contain a statement as follows: "Contains % milkfat." the blank to be filled in with the percentage of milkfat in the product;
 4. Comply with the provisions of 21 CFR 101.9 and 21 CFR 101.22.

(c) The product shall not be sold in any manner other than in sealed or unbroken packages or containers except that it may be sold from a dispensing freezer or dipped from a properly labeled bulk container. The container in which it is served shall contain the information required in (b) above, or identical information shall be supplied in printed form to the customer at the time of service.

8:21-7.15 Dietary frozen dessert or lowfat frozen dairy dessert; identity; label statements

(a) Dietary frozen dessert or lowfat frozen dairy dessert is a food prepared by freezing, while stirring, a pasteurized mix consisting of the ingredients permitted for ice cream in N.J.A.C. 8:21-7.2. The finished product contains less than two percent by weight of ether extractable fat: its content of total milk solids consisting of ingredients listed in N.J.A.C. 8:21-7.2(b) is not less than seven percent by weight. The product weighs no less than 4.5 pounds per gallon and the quantity of food solids per gallon is not less than 1.1 pounds nor more than 1.9 pounds, exclusive of any microcrystalline cellulose used as an ingredient.

(b) One or more vitamins and/or minerals listed in 21 CFR 101.9(c)(7)(iv) may be added to the product. If vitamins and/or minerals are added, the name of the food on the principal display panel shall be immediately preceded or fol-

lowed by the word "fortified" in the same style and at least one-half the size of the type used for the name "dietary frozen dessert" or "lowfat" frozen dairy dessert" and on the same contrasting background. If vitamins and/or minerals are added, then each four fluid ounce serving of finished product shall provide no less than eight percent nor more than 20 percent of the U.S. recommended daily allowance of such vitamins and/or minerals.

(c) The name of the food is "dietary frozen dessert" or "lowfat frozen dairy dessert."

(d) The label on dietary frozen dessert or lowfat frozen dairy dessert, in addition to all other required information shall:

1. Contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4;
2. Comply with the provisions of 21 CFR 101.9 and 21 CFR 101.22.

(e) Dietary frozen dessert or lowfat frozen dairy dessert may be sold from a dispensing freezer or may be dipped from a properly labeled bulk container. When dietary frozen dessert or lowfat frozen dairy dessert is sold directly from a dispensing freezer or dipped from a bulk container, the name of the food, nutrition information in compliance with 21 CFR 101.9, and a complete listing of dairy ingredients in accordance with the provisions of 21 CFR 101.4 shall appear on the container used or identical information shall be supplied in printed form at the time of service.

(f) When dietary frozen dessert or lowfat frozen dairy dessert is sold in such manner from a dispensing freezer as provided in (e) above, a sign shall be displayed in such a location as it can be easily read by customers under normal conditions of sale. Such sign shall be in bold face capitals on a contrasting background.

1. In addition, if items containing dietary frozen dessert or lowfat frozen dairy dessert are listed on a menu board, the statement "Dietary Frozen Dessert or Lowfat Frozen Dairy Dessert Served Here" shall be included on the menu board in reasonable proximity to the items containing dietary frozen dessert or lowfat frozen dairy dessert. The letters in such statement shall be bold face capitals at least as large as the letters used in listing items containing dietary frozen dessert or lowfat frozen dairy dessert and on a contrasting background.

2. No such sign or menu board declaration shall be required if the only method of advising customers on what items are being offered for sale is a menu furnished to the customer. In such case the menu shall contain the statement "Dietary Frozen Dessert or Lowfat Frozen Dessert Serve Here." Such statement shall be in reasonable proximity to the menu items containing dietary frozen dessert or lowfat frozen dairy dessert and the letters on such statement shall be bold face capitals at least as large as the letters used in listing items containing dietary frozen dessert or lowfat frozen dairy dessert. Any menu listing dietary frozen dessert or lowfat frozen dairy dessert or items prepared with dietary frozen dessert or lowfat frozen dairy dessert shall conform to the provisions of this paragraph.

8:21-7.16 Non-fruit *(imitation)** sherbet; identity; label statement

(a) Rules concerning descriptions of non-fruit sherbet are as follows:

1. Non-fruit sherbet is a food having a characteristic fruit-like flavor but shall not contain any fruit or fruit juice. Non-fruit sherbet is prepared by freezing while stirring a

pasteurized mix consisting of one or more of the optional dairy ingredients specified in (b) below, one or more of the optional caseinates specified in (c) below subject to the conditions hereinafter set forth, and any other safe and suitable non-milk-derived ingredients; and excluding other food fats, except such as are added in small amounts to accomplish specific functions. Non-fruit sherbet is sweetened with nutritive carbohydrate sweeteners and contains characteristic fruit-like flavor.

2. Sherbet weighs not less than six pounds to the gallon. The milkfat content is not less than one percent nor more than two percent, the nonfat milk-derived solids content not less than one percent, and the total milk or milk derived solids content is not less than two percent nor more than five percent by weight of the finished food.

(b) The optional dairy ingredients referred to in (a) above are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, sweetened condensed skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, skim milk in concentrated or dried form which has been modified by treating the concentrated skim milk with calcium hydroxide and disodium phosphate, whey, condensed whey, dry whey, and modified whey products (e.g. reduced lactose whey, reduced minerals whey, and whey protein concentrate) that has been determined by F.D.A. to be generally recognized as safe (GRAS) for use in this type of food. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk.

(c) The optional caseinates referred to in (a) above that may be added to non fruit sherbet are: casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate and sodium caseinate. Caseinates may be added in liquid or dry form, but must be free of excess alkali. Such caseinates are not considered to be milk solids.

(d) In addition to all other required information, the label shall:

1. Contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4;
2. Comply with the provisions of 21 CFR 101.22;
3. Contain the following statement ("Imitation Sherbet.") The blank to be filled in by the characterizing flavor used. The letters in the word imitation shall be the same size, type and color and on the same contrasting background as the name of the characterizing flavor and the word sherbet;
4. The statement required in 3. above shall be followed immediately by the words "contains no fruit or fruit juice" in letters at least half the size of those used in statement three above;
5. When a sign is used at the point of purchase to advertise non fruit sherbet, it shall contain the same information as required in 3. and 4. above;
6. When non fruit sherbet is sold other than in properly labeled factory-filled containers, a sign must be conspicuously displayed on the sale premises or vehicle where it can be clearly

read by customers under normal conditions of purchase stating the name of the food and the information required in 3. and 4. above. The letters on such sign shall be bold face capitals in contrasting color to the background.

7. The sign required in 6. above need not be used if the only method of advising customers on what items are being offered for sale is a menu furnished to the customer. In such case, the menu shall contain the name of the food and the information required in 3. and 4. above. Such statements shall be in reasonable proximity to the menu items containing non fruit sherbet and the letters in such statement shall be bold face capitals at least as large as the letters used in listing items containing non fruit sherbet. Any menu listing non fruit sherbet or items prepared with non fruit sherbet shall conform to the provisions of this paragraph.

8:21-7.17 Non-fruit *(imitation)* water ice; identity; label statement

(a) Non-fruit water ice is an ice having a characteristic fruit-like flavor, but shall not contain any fruit or fruit juice. Non fruit water ice is prepared while stirring a mix composed of:

1. Characteristic fruit-like flavors;
2. One or more nutritive sweeteners;
3. Any other safe and suitable ingredient approved by the Department.

(b) The finished non fruit water ice weighs not less than six pounds per gallon.

(c) In addition to all other required information the label shall:

1. Contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4;
2. Comply with the provisions of 21 CFR 101.22;
3. Contain the following statement: ("Imitation Ice"). The blank to be filled in by the characterizing flavor used. The letters in the word imitation shall be the same size, type and color and on the same contrasting background as the name of the characterizing flavor and the word ice;
4. The statement required in 3. above shall be followed immediately by the words "contains no fruit or fruit juice" in letters at least half the size of those used in 3. above.
5. When a sign is used at the point of purchase to advertise non fruit water ice, it shall contain the same information as required in 3. and 4. above.
6. When non-fruit water ice is sold other than in properly labeled factory-filled containers a sign must be conspicuously displayed on the sale premises or vehicle where it can be clearly read by customers under normal conditions of purchase, stating the name of the food and the information required in 3. and 4. above. The letters on such sign shall be bold face capitals in contrasting color to the background.
7. The sign required in 6. above need not be used if each customer is provided with a menu stating the name of the food and the information required in paragraphs three and four above in bold face capitals as large as those used in listing items containing non fruit water ice.

8:21-7.18 Manufactured desserts mix; identity; label statement

(a) "Manufactured desserts mix," whipped cream confection or bisque tortoni means a frozen dessert made with milk products, sweetening agents, flavoring agents, with or without harmless coloring or any other safe and suitable ingredients approved by the Department. It contains not less than 18 percent by weight of milk fat, and not more than 12 percent of milk solids not fat, and may be packaged with harmless

gas causing it to fluff upon ejection from the package or container.

(b) In addition to all other required information, the label shall contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4.

8:21-7.19 Freezer made shake; freezer made milk shake; identity; label statement

(a) Freezer made milk shake means a pure, clean, wholesome semi-viscous drink prepared by stirring while freezing in a dispensing freezer a pasteurized mix consisting of the ingredients prescribed for ice milk in N.J.A.C. 8:21-7.3 except that:

1. It shall contain not less than 3.25 percent and not more than six percent milk fat;

2. Its content of milk solids not fat shall not be less than ten percent;

3. Freezer made milk shake may only be sold or served from a dispensing freezer and may not be sold hard frozen.

(b) Other freezer made shakes including jumbo shake, thick shake, T.V. shake, or any coined or trade name containing the word "shake" shall meet the requirements of (a) above except that the minimum percent of milk fat may be less than 3.25 percent.

(c) "Shakes" not meeting the requirement for "milk shakes" shall not be advertised, sold or served as milk shake.

(d) When any freezer made milk shake or other freezer made shake purports to be or is represented for any special dietary use by man, it shall be sold only in a container labeled in accordance with all applicable provisions of the regulations of the Federal Food and Drug Administration.

8:21-7.20 Parevine; identity; label statement

(a) Parevine is the food which is prepared by freezing while stirring a pasteurized mix composed of one or more edible vegetable oils or fats; protein and carbohydrate food ingredients from other than milk or meat sources; nutritive sweeteners other than lactose; characterizing ingredients except any containing meat or milk; and any other safe and suitable ingredient which is not milk or meat or a product or derivative of milk or meat. This product shall not contain any milk, milk product, meat or meat products or any of their derivatives of any kind.

(b) Its fat content shall not be less than ten percent, except that when bulky optional characterizing ingredients are used, the fat content may be reduced, as a result of the addition of such ingredients, but shall in no case be less than eight percent.

(c) Its content of food solids shall not be less than 1.3 pounds per gallon of finished product.

(d) The name of the product is "parevine."

(e) Parevine may be sold from a dispensing freezer or dipped from a properly labeled bulk container. When parevine is sold in such manner from a dispensing freezer or dipped from a bulk container, a sign shall be displayed in such a location as it can be easily read by customers under normal conditions of sale, stating "Parevine Served Here".

1. Such sign shall be in bold face capitals on a contrasting background. In addition, if items containing parevine are listed on a menu board the statement "Parevine Served Here" shall be included on the menu board, in reasonable proximity to the items containing parevine. The letters in such statement shall be bold face capitals at least as large as the letters used in listing items containing parevine and on a contrasting background.

2. No such sign or menu board declaration shall be required if the only method of advising customers on what items are being offered for sale is a menu furnished to the customer. In such case, the menu shall contain the statement "Parevine Served Here". Such statement shall be in reasonable proximity to the menu items containing parevine and the letters of such statement shall be bold face capitals at least as large as the letters used in listing items containing parevine. Any menu listing parevine or items prepared with parevine shall conform to the provisions of this paragraph.

(f) The label on packages of parevine shall, in addition to all other required information, include a complete list of all ingredients in accordance with the provisions of 21 CFR 101.4.

8:21-7.1 Lo-mel; identity; label statement

(a) "Lo-mel" means a pure, clean, wholesome semi-viscous drink prepared by stirring while freezing in a dispensing freezer a pasteurized mix composed of edible fats or oils other than milkfat, milk solids not fat, water, optional sweetening ingredients as approved by the Department, with or without egg or egg products, with or without harmless flavoring, with or without harmless coloring, and with or without stabilizer or emulsifier as approved by the Department. It shall contain not more than six percent edible fats or oils. It shall contain not less than ten percent milk solids not fat. It may contain any other safe and suitable ingredients approved by the Department. It shall contain not more than one-half percent by weight of stabilizer and not more than one-fifth of one percent of emulsifier.

(b) Lo-mel may only be served or sold directly from a dispensing freezer and may not be sold hard frozen.

(c) When Lo-mel is sold a sign must be displayed which shall read "Lo-mel Served Here," in bold faced capitals on a contrasting background. No such sign shall be required if the only method of advising the customers of what items are being offered for sale is a menu furnished to the customer, in such case, the menu shall contain the statement "Lo-mel Served Here."

(d) When any Lo-mel purports to be or is represented for any special dietary used by man, it shall be sold only in a labeled container. The label shall include the name of the food, a complete list of ingredients in accordance with the provisions of 21 CFR 101.4 and nutrition information as required by 21 CFR 101.9.

8:21-7.22 Frozen pudding; identity; label statement

(a) Frozen pudding is a product made from a pasteurized mix, intended to be eaten in the frozen state. The mix may be composed of:

1. Milk and milk products;
2. Modified or unmodified food starch;
3. Sweetening agent(s);
4. Harmless natural and/or artificial flavoring;
5. Harmless natural and/or artificial color;
6. Any other safe or suitable functional ingredient approved by the Department.

(b) The finished product shall contain:

1. Not less than five percent by weight of milk solids not fat;

2. Not less than twenty-five percent total solids.

(c) The weight of the finished product shall not be less than 4.5 pounds per gallon.

(d) If not frozen promptly after pasteurization, it shall be cooled to 45°F or lower and maintained thereat.

(e) The name of the product is "Frozen Pudding".

(f) The label on packages of frozen puddings shall, in addition to all other required information, include a complete list of all ingredients in accordance with the provisions of 21 CFR 101.4 and 101.22.

(g) Frozen pudding may be sold from a dispensing freezer or dipped from a properly labeled bulk container. When frozen pudding is sold in such a manner from a dispensing freezer or dipped from a bulk container, a sign shall be displayed in such a location as it can be easily read by customers under normal conditions of sale, stating "Frozen Pudding Served Here".

1. Such sign shall be in bold face capitals in a contrasting background. In addition, if items containing frozen pudding are listed on a menu board the statement "Frozen Pudding Served Here" shall be included on the menu board in reasonable proximity to the items containing frozen pudding. The letters in such statement shall be bold face capitals at least as large as the letters used in listing items containing frozen pudding and on a contrasting background.

2. No such sign or menu board declaration shall be required if the only method of advising customers of what items are being offered for sale is a menu furnished to the customer. In such case, the menu shall contain the statement "Frozen Pudding Served Here". Such statement shall be in reasonable proximity to the menu items containing frozen pudding and the letters on such statement shall be in bold face capitals at least as large as the letters used in listing items containing frozen pudding. Any menu listing frozen pudding or items prepared with frozen pudding shall conform to the provisions of this paragraph.

8:21-7.23 Lactose reduced ice cream; identity; label statement

(a) Lactose reduced ice cream is the product resulting from the treatment of ice cream as defined in N.J.A.C. 8:21-7.2 by the addition of safe and suitable enzyme(s) so that the lactose remaining is thirty percent or less than lactose in ice cream.

(b) The name of the food is "Lactose Reduced Ice Cream".

(c) The package label shall, in addition to all other required information, include a complete list of all ingredients in accordance with the provisions of 21 CFR 101.4 and contain nutrition information as required by 21 CFR 101.9.

(d) Wherever the name of the food appears on the container, the words "lactose reduced" shall be in the same type, style, and size and in the same color and contrasting background as the words "ice cream".

(e) Lactose reduced ice cream may be sold from a dispensing freezer or dipped from a properly labeled bulk container. When lactose reduced ice cream is sold in such a manner from a dispensing freezer, a sign shall be displayed where it can be easily read by customers under normal conditions of sale stating, "Lactose Reduced Ice Cream Served Here." Such sign shall be in bold face capitals on a contrasting background.

8:21-7.24 Lactose reduced ice milk; identity; label statement

(a) Lactose reduced ice milk is the product resulting from the treatment of ice milk, as defined in N.J.A.C. 8:21-7.3, by the addition of safe and suitable enzyme(s), so that the lactose remaining is thirty percent or less than lactose in ice milk.

(b) The name of the food is "Lactose Reduced Ice Milk".

(c) The package label shall, in addition to all other required information, include a complete list of all ingredients in accordance with the provisions of 21 CFR 101.4 and contain nutrition as required by 21 CFR 101.9

(d) Wherever the name of the food appears on the container, the words "lactose reduced" shall be in the same type,

style and size and in the same color and contrasting background as the words "ice milk".

(e) Lactose reduced ice milk may be sold from a dispensing freezer or dipped from a properly labeled bulk container. When lactose reduced ice milk is sold in such a manner from a dispenser, a sign shall be displayed where it can be easily read by customers under normal conditions of sale stating, "Lactose Reduced Ice Milk Served Here." Such sign shall be in bold face capitals on a contrasting background.

8:21-7.25 Lowfat parevine; identity; label statement

(a) Lowfat parevine is a food which meets all of the requirements of N.J.A.C. 8:21-7.20 except that its fat content shall be not more than six percent.

(b) The name of the food is "Lowfat Parevine".

(c) The provisions of N.J.A.C. 8:21-7.20(e) shall apply, except the required statement shall read "Lowfat Parevine Served Here".

8:21-7.26 Temporary marketing permit

Any person holding a current New Jersey frozen dessert license who wishes to manufacture a frozen dessert product for which a standard of identity has not been promulgated, may make application to the Department for a temporary marketing permit to market such a product. The application shall be on a form furnished by the Department and shall contain such information as the Department may require. Such permit shall be for a period not to exceed one year, however it may be renewed pending action by the Department.

8:21-7.27 through *[8:21-7.20]* *8:21-7.30* (Reserved)

8:21-7.31 Plant records

(a) Each licensee shall keep a true and correct record showing the milk and milk products received and the frozen desserts and special dietary foods manufactured. Such record shall show:

1. Source, date of receipt, and volume of milk products received;

2. Type of frozen dessert products manufactured;

3. Date and volume of each class of product manufactured.

(b) The records shall be legibly written in English and shall be retained at said plant or local office for a period of six months and shall be available at all times for examination by the Department.

8:21-7.32 Plant buildings and surroundings

Frozen dessert plants, stations and depots shall be so located as to insure proper shelter and drainage. Sewage and industrial wastes shall be disposed of in accordance with pertinent laws and regulations. Premises shall be kept clean and unless properly retained, no refuse shall be allowed to accumulate on or about the same. Roads, driveways, yards and parking areas adjacent thereto should be paved or otherwise treated to prevent dust. No person shall be allowed to live or sleep in any room where frozen desserts or special frozen dietary foods are manufactured, packed, stored, distributed or sold.

8:21-7.33 Plant construction

(a) The floors of all rooms in which frozen desserts are processed, handled, or stored, or in which containers, equipment, and utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly sloped, provided with trapped drains, kept in good repair; provided, hardening room floors need not be provided with floor drains when the floors are

[sloped] *sloped* to drain to one or more *[exists]* *exits*; provided further, that rooms for storing dry ingredients and/or packaging materials need not be provided with drains; and the floors may be constructed of tightly joined wood.

(b) Walls and ceilings of rooms in which frozen desserts are handled, processed, or stored, or in which containers, utensils, and equipment are washed shall have a smooth, washable, light-colored surface, in good repair.

(c) All openings to the outer air shall be effectively protected against the entrance of insects by self-closing doors, closed windows, screening, controlled air currents, or other effective means. Screen doors to the outer air shall be self-closing and screens for windows, doors, skylights, transoms, and other openings to the outer air shall be tight-fitting and free of breaks.

(d) All rooms in which frozen desserts are handled, processed, or stored and/or in which containers, equipment, and utensils are washed shall be well lighted and well ventilated. A minimum of 30 foot candles of light shall be provided in all working areas and ten foot candles of light in dry storage and cold storage rooms.

(e) There shall be separate rooms for:

1. The pasteurizing, processing, cooling, hardening and packaging of frozen desserts;
2. Cleaning and sanitizing facilities for milk tank trucks;
3. The cleaning and storage of frozen dessert containers and cases.

(f) Rooms in which frozen desserts are handled, processed, or stored, or in which containers, utensils, and equipment are washed or stored, shall not open directly into any room used for domestic purposes. All rooms shall be of sufficient size for their intended purposes.

8:21-7.34 Plant cleanliness

All rooms in which frozen desserts are handled, processed, or stored and/or in which containers, utensils, or equipment are washed or stored shall be kept clean, neat, and free of evidence of insects and rodents. Pesticides shall be safely used. Only equipment directly related to processing operations or to the handling of containers, utensils, and equipment, shall be permitted in the pasteurizing, processing, cooling and packaging rooms.

8:21-7.35 Construction and repair of containers and equipment

(a) All single service and multiuse containers and equipment which come in contact with frozen desserts shall be of smooth, impervious, corrosion resistant, nontoxic material shall be constructed for ease of cleaning and shall be kept in good repair. Single service containers, closures, gaskets, and other articles which come in contact with frozen desserts shall have been manufactured, packaged, transported and handled in a sanitary manner. Articles intended for single service use shall not be reused.

(b) All sanitary piping, fittings, and connections which are exposed to frozen desserts shall consist of smooth, impervious, corrosion-resistant, nontoxic, easily cleanable material. All piping shall be maintained in good repair. Frozen desserts shall be conducted from one piece of equipment to another only through sanitary piping.

8:21-7.36 Cleaning and sanitizing of containers and equipment

(a) The product contact surfaces of all multiuse containers, utensils and equipment used in the transportation, processing,

handling, and storage of frozen desserts shall be effectively cleaned and shall be sanitized before each use.

(b) The sanitizing of containers, utensils and equipment shall be accomplished by exposing them to one of the following methods:

1. A flow of steam at a temperature of 200 degrees F for at least five minutes; or
2. A flow of hot water at a temperature of 170 degrees F for at least five minutes; or
3. A flow of chlorine solution testing 50 p.p.m. for at least one minute; or
4. A flow of iodine solution testing 12.5 p.p.m. for at least one minute; or
5. By such other method as may be acceptable to the Department.

(c) After cleaning and sanitizing all product contact surfaces of containers, equipment and utensils, they shall be so stored and handled as to be protected from contamination.

8:21-7.37 Protection from contamination

Frozen desserts plant operations, equipment, and facilities shall be located and conducted to prevent any contamination of frozen dessert products, ingredients, equipment, containers, and utensils. All frozen dessert products or ingredients which have been spilled, overflowed, or leaked shall be discarded. The processing or handling of products other than frozen desserts in the plant shall be performed to preclude the contamination of such frozen desserts and its ingredients and the product-contact surfaces of all equipment, containers and utensils.

8:21-7.38 Pasteurization and cooling

(a) All mixtures used in the manufacture of frozen desserts shall be pasteurized in a plant and in properly designed and operated equipment, to one of the following temperatures and held continuously at or above that temperature for at least the corresponding specified time:

1. To a temperature of at least 155 degrees F for at least 30 consecutive minutes by the batch process; or
2. To a temperature of at least 175 degrees F for at least 25 consecutive seconds by a high-temperature-short-time process; or
3. To a temperature of at least 180 degrees F for at least 15 consecutive seconds by the high-temperature-short-time process; or
4. To a temperature of at least 280 degrees F for at least 2 consecutive seconds by the ultra-high-temperature process; or
5. To such equivalent temperature and holding periods demonstrated to accomplish the same results which are acceptable to the Department.

(b) After pasteurization, all milk and milk products, whether unmixed or mixed with any other ingredient, shall be maintained at a temperature of not more than 45 degrees F until subject to freezing. This requirement on maintaining temperature of mix shall be construed:

1. To require the use of refrigerated or insulated vehicles or approved insulated containers in transporting frozen desserts mix from the manufacturing plant to retail manufacturers; and
2. To apply the conveying mix from coolers or refrigerated tanks in the manufacturing plant to freezers by means of piping or tubing.

8:21-7.39 Bacterial standards

(a) Frozen desserts, special frozen dietary foods or their

mixes shall not contain in excess of ten coliform organisms per gram and/or in excess of fifty thousand bacteria per gram. When fruit, nuts or bulky flavoring is added after pasteurization, the coliform count shall not exceed twenty per gram.

(b) Tests to determine whether the bacteria standards for frozen desserts, special frozen dietary foods, or their mixes are being complied with shall be made following the procedures set forth in the current edition of "Standard Methods for the Examination of Dairy Products" published by the American Public Health Association, Inc.

8:21-7.40 Plant sanitary facilities

(a) The water supply shall be adequate as to quantity, of a safe, sanitary quality, and from an approved water supply system which is constructed, protected, operated, and maintained in conformance with the New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.) and regulations (N.J.A.C. 7:10) and local laws, ordinances, and regulations; provided, that if approved by the Department of Environmental Protection, a nonpotable water supply system may be permitted within the establishment for purposes such as air conditioning and fire protection, only if such system complies fully with N.J.A.C. 8:24-6.6 (Size, installation and maintenance of plumbing), and the nonpotable water supply is not used in such a manner as to bring it into contact either directly or indirectly with food, food equipment or utensils.

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

(c) Each plant shall be provided with adequate, conveniently located toilet facilities and dressing rooms accessible to the employees at all times which meet the following criteria:

1. Toilet facilities and dressing rooms shall be installed in accordance with applicable State and local standards;

2. Doors to toilet rooms and dressing facilities shall be self closing and shall not open directly into areas where products are exposed to airborne contamination; except where alternate means have been taken to prevent such contamination;

3. Toilet facilities and dressing rooms including toilet rooms and fixtures shall be kept clean and in good repair and free from objectionable odors;

4. Toilet rooms shall be equipped with lavatory fixtures which shall be located therein or immediately adjacent and shall be supplied with soap, running hot and cold water, single service towels or an approved hand drying device;

5. Handwashing signs directing employees to wash their hands before returning to work, shall be posted conspicuously in all toilet rooms and at each separate lavatory in the plant;

6. Handwashing facilities shall be conveniently located in processing rooms, and shall include a lavatory supplied with soap, running hot and cold water, single service towels or an approved hand drying device.

(d) All sewage and waste water shall be disposed of by means of a public sewage system or disposal system which is constructed and maintained in conformance with applicable State and local requirements.

(e) Garbage and refuse shall be so stored and disposed of as to minimize the development of odors, prevent waste from becoming an attractant and harborage or breeding place for vermin, and prevent contamination of food or food contact surfaces, ground surfaces, ground surfaces and water supplies.

8:21-7.41 Plant personnel

(a) No person, while affected by a disease in a communicable form, or while a carrier of such disease, or while affected with boils, sores, infected wounds, or other source of

microbiological contamination, shall work in a frozen desserts plant in any capacity in which there is a reasonable possibility of contaminating food, food ingredients, or food contact surfaces, or transmitting disease to other individuals.

(b) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods to prevent contamination of food products.

(c) Employees shall not use tobacco, eat food or drink beverages in areas where food or food ingredients are exposed or in areas used for washing and/or sanitizing of equipment or utensils. Smoking and eating areas may be designated by management where no contamination of food, equipment or utensils will result.

(d) Employees shall wear light colored, clean, washable uniforms and adequate hair restraints while engaged in handling frozen desserts, equipment and utensils.

8:21-7.42 Supply of milk and fluid milk products

All milk and fluid milk products used in the manufacture of frozen desserts for sale or distribution in New Jersey shall be obtained from milk plants holding permits from the Department of Health; except frozen dessert plants located outside the geographical boundaries of New Jersey shall receive their dairy ingredients, which are used in the manufacture of frozen desserts, from plants holding a current satisfactory Interstate Milk Shippers rating.

8:21-7.43 Packaging and labeling

(a) Frozen desserts shall be packaged in commercially acceptable containers and packaging material that will protect the quality of the product and protect it from possible contamination in regular channels of trade. The packaging, cutting, molding, dispensing and other handling or preparation of frozen desserts and their ingredients shall be done in a sanitary manner.

(b) Multiuse containers used for transporting frozen desserts shall be rinsed immediately after emptying, shall be cleaned upon return to the plant and shall be protected from contamination during storage. Metal cans and containers shall be free from rust and corrosion.

(c) All packages of frozen desserts shall be labeled in accordance with the applicable provisions of this subchapter (N.J.A.C. 8:21-7) and the Code of Federal Regulations, Title 21, Chapter 1. Frozen desserts packaged in accordance with a customer's request and in the presence of such customer shall be exempt from the labeling requirements, except as provided in the regulations.

8:21-7.44 Frozen desserts; mobile units

(a) Mobile units shall comply with all applicable provisions of these regulations exclusive of toilet facilities, pasteurization and storage facilities, and in addition thereto, shall comply with the following:

1. Truck interior shall be of sufficient size with equipment and fixtures conveniently located so as to eliminate needless steps for operation of equipment and serving of customers;

2. A potable water supply shall be provided, to be kept in a supply tank having a capacity of at least 40 gallons, heated electrically or otherwise. The tank shall be tilted sufficiently to permit complete drainage and a suitable drain cock shall be provided. The water inlet pipe shall be of removable flexible copper or other approved tubing, with nozzle for hose connection capped when not being used. Hose for connection to potable water supply shall be provided and it shall be equipped with an approved check valve;

3. A seamless double compartment sink supplied with running hot and cold water, which shall have a swivel faucet, shall be provided and it shall be large enough to accommodate the largest piece of equipment to be cleaned therein;

4. A hand wash sink, with running hot and cold water, soap and single service or individual towels or mechanical hand dryer shall be provided;

5. A suitable waste water tank with a capacity at least fifteen percent greater than the water supply tank shall be provided. The tank shall be tilted sufficiently to permit complete drainage and shall be provided with a suitable drain cock. It shall be provided with some means of gauging the contents and shall be emptied and flushed as often as necessary and shall be maintained in a sanitary condition;

6. A refrigerated box to maintain a temperature of 45 degrees F or below shall be provided. The box shall be of ample capacity, of stainless steel or other noncorrosive material, the floor of which shall be pitched towards a center drain. It shall be provided with metal racks or platforms or shelves on which to store products or ingredients and shall be equipped with an indicating thermometer;

7. Floors shall be of metal or similar approved material and properly sloped. Junctures of floors, walls and adjoining fixtures shall be water-tight and coved;

8. The truck interior shall be well lighted with a minimum of 30 foot candles on all working surfaces;

9. Flavors, syrups, fruits, and other ingredients used in making sundaes, shakes, etc., shall be kept in single service containers or other type of container acceptable to the Department;

10. A refrigerated syrup rail with holding plate to maintain a temperature not higher than 45 degrees F shall be provided. Use of syrup pumps is prohibited unless the type of pump has been found to be acceptable to the Department;

11. A refuse container with cover must be available for deposit of papers and other solid wastes by customers and operators, so constructed, designed and placed so it can be readily used, cleaned and kept clean, and shall be located so as not to create a nuisance;

12. Persons handling frozen desserts shall wear light colored, clean, washable uniforms and adequate hair restraints;

13. There shall be a partition or self-closing doors between the driver's seat and the manufacturing and serving area, unless the vehicle is air conditioned;

14. Frozen dessert mix shall be packaged in single service containers at the place of manufacture and shall remain in the original container until used;

15. The original frozen desserts license shall be displayed on each vehicle and a photocopy shall be posted in the depot from which the mobile unit is operated.

8:21-7.45 Mobile unit depots

(a) All mobile units, other than those operated exclusively at fairs, outings, carnivals and other fairs of short duration, shall operate from a depot as authorized on license. Such depot shall be large enough to accommodate one or more mobile units for cleaning and sanitizing. Mobile units shall return to their respective depots at least once a day for cleaning and sanitizing. Such depots shall be maintained and operated in accordance with the following requirements:

1. Walls shall be reasonably smooth and clean;

2. There shall be no openings in the walls or at the base of doors where vermin or rodents may enter;

3. The floor must be constructed of cement or other impervious material, must be provided with a drain, sloped to

such drain, and the juncture of the floor and walls shall be coved;

4. There shall be provisions for adequate ventilation. Ventilation facilities shall be screened or otherwise protected to prevent the entrance of flies, other insects, vermin or rodents;

5. There shall be adequate lighting, suitable toilet facilities, hand washing facilities equipped with hot and cold running water, soap and single service towels or air dryers, clothes lockers, and garbage cans provided;

6. A sufficient supply of hot and cold running water shall be provided and there must be at least two large sinks, each of which is large enough to accommodate the largest piece of equipment to be washed. Drain boards of impervious material shall be provided;

7. Hose and hose connections for supplying potable water to the mobile units shall be provided. Such hose shall be equipped with a check valve or other device to eliminate possible contamination from return flow. There shall be facilities for hanging the hose for complete drainage and to avoid contamination;

8. There shall be a metal pipe drying rack or its equivalent for utensils and equipment;

9. There shall be suitable covered storage facilities or containers for all refuse and waste which shall be removed daily from the depot;

10. A physical separation between the area where the trucks are located and the area where food is stored is required.

(a)

DIVISION OF HEALTH FACILITIES EVALUATION

Standards; All Health Care Facilities Licensure Fees

Adopted Amendment: N.J.A.C. 8:31-26.5

Proposed: August 19, 1985 at 17 N.J.R. 1999(a).

Adopted: October 21, 1985 by J. Richard Goldstein, M.D., Commissioner, Department of Health (with approval of Health Care Administration Board).

Filed: October 22, 1985 as R.1985 d.581, **without change**.

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

Effective Date: November 18, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): August 20, 1989.

Summary of Public Comments and Agency Responses:

The Department received two letters in support of the proposed amendment, N.J.A.C. 8:31-26.5, and acknowledged the letters in writing. Planned Parenthood of Bergen County, Inc., expressed the opinion that the proposed amendment accommodates, in an appropriate manner, the "particular nature" of facilities providing family planning services. The commentator agreed with the Department's assessment of the effect that a fee increase would have on the level of services provided to patients by the facility. The other letter of support was submitted by the Planned Parenthood League/Middlesex County.

Full text of the adopted amendment follows.

8:31-26.5 Licensure fees

(a) The department shall charge a nonrefundable fee for the filing of an application for licensure of a health care facility and for the annual renewal of the license in accordance with the following:

1. (No change.)
2. All other health care facilities, except hospitals, shall pay the following fees:

Facilities	Fees
Family Planning	\$100.00
Ambulatory Care	\$500.00
Home Health Agencies	\$500.00
Medical Day Care	\$500.00

(b) (No change.)

(a)

Interchangeable Drug Products

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

Proposed: July 15, 1985 at 17 N.J.R. 1733(a).
 Adopted: October 21, 1985 by the Drug Utilization Review Council, Robert Kowalski, Acting Chairman.
 Filed: October 22, 1985 as R.1985 d.579, **with portions of the proposal not adopted but still pending.**

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

Effective Date: November 18, 1985.
 Expiration Date pursuant to Executive Order No. 66(1978): April 2, 1989.

Summary of Public Comments and Agency Responses:
No comments received.
 The following products and their respective manufacturers were adopted:

Doxycycline hyclate caps 50,100 mg	Halsey
Metronidazole tabs 250 mg	Halsey
Doxycycline hyclate tabs 100 mg	Lemmon

The following products were not adopted but are still pending:

Ethaverine HCl tabs 100 mg	Sidmak
Isometheptene mucate 65 mg, dichloralphenazone 100 mg, acetaminophen 325 mg caps	Central Pharmafair
Phenylephrine HCl ophth soln 2.5%	Par
Phenylephrine HCl ophth soln 10% (viscous)	Pharmafair
Phentermine HCL caps 30 mg	Duramed
Phenytoin extended caps 100 mg	Bolar
Tolazamide tablets 250, 500 mg	Pharm Basics
Tolazamide tablets 100, 250, 500 mg	Duramed
Tolazamide tablets 100, 250, 500 mg	Par
Dipyridamole tabs 25, 50, 75 mg	Zenith
Hydralazine/HCTZ caps 25/25, 50/50, 100/50	Par
Dipyridamole tabs 25, 50, 75 mg	Danbury
Propranolol HCl tabs 80 mg	Duramed
Thioridazine HCl tabs 10, 15, 25, 50 mg	Cord

Thioridazine HCl tabs 10, 15, 25, 50 mg	Danbury
Deseripidine/methyclothiazide tabs 0.5/5 mg	Zenith
Diazepam tabs 2, 5, 10 mg	Zenith
Disopyramide phosphate caps 100, 150 mg	Zenith Mylan
Fluphenazine HCl tabs 5 mg	Zenith
Ibuprofen tabs 300, 600 mg	Zenith
Ibuprofen tabs 400, 600 mg	Mylan
Lorazepam tabs 0.5, 1, 2 mg	Quantum
Meprobamate 200 mg with aspirin 325 mg tabs	Zenith
Methyldopa 250 mg/HCTZ 15 mg and 250 tabs mg/25 mg	Mylan
Methyldopa tabs 250, 500 mg	Zenith
Metoclopramide tabs 10 mg	Quantum
Propranolol HCl tabs 10, 20, 40, 60, 80, 90 mg	Zenith Mylan
Propranolol HCl tabs 40 mg	Mylan
Vitamin B complex/minerals (Berocca Plus formula)	Pioneer

OFFICE OF ADMINISTRATIVE LAW NOTE: A related Notice of Adoption appears at 17 N.J.R. 2557(a).

DRUG UTILIZATION REVIEW COUNCIL

(b)

Interchangeable Drug Products

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

Proposed: May 6, 1985 at 17 N.J.R. 1043(a).
 Adopted: October 21, 1985 by the Drug Utilization Review Council, Robert Kowalski, Acting Chairman.
 Filed: October 22, 1985 as R.1985 d.580, **with portions of the proposal not adopted but still pending.**

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

Effective Date: November 18, 1985.
 Expiration Date pursuant to Executive Order No. 66(1978): April 2, 1989.

Summary of Public Comments and Agency Responses:
No comments received.
 The following products and their respective manufacturers were adopted:

Propranolol tabs 10, 20, 40, 80 mg	Schering
Prenatal vits (Stuartnatal 1+1 formula)	Amer. Ther.

The following products were not adopted but are still pending:

Isosorbide dinitrate S.L. tabs 10 mg	Barr
Isosorbide dinitrate tabs 20, 30 mg	Barr
Propranolol tabs 10, 20, 40 mg	Lederle
Propranolol tabs 60 mg	Schering
Aminophylline tabs 100 mg	Cord
Dipyridamole tabs 25 mg	Bolar
Dipyridamole tabs 25, 50, 75 mg	Barr

Methyclothiazide tabs 5 mg	Pharm Basics
Procainamide HCl sustained release tabs, 750 mg	Bolar
Thioridazine HCl tabs 100 mg	Cord
Warfarin sodium tabs 2, 2.5, 5 mg	Pharm Basics
Thioridazine HCl tabs 10, 15, 25, 50, 100 mg	Zenith
Phentermine HCl caps 30 mg	Chelsea

OFFICE OF ADMINISTRATIVE LAW NOTE: Related Notices of Adoption appear at 17 N.J.R. 2042(b) and 17 N.J.R. 2256(b).

HIGHER EDUCATION

(a)

BOARD OF HIGHER EDUCATION

Alternate Benefit Program General Provisions

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

Proposed: July 1, 1985 at 17 N.J.R. 1635(a).

Adopted: October 26, 1985 by Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.

Filed: October 25, 1985 as R.1985 d.588, with substantive changes not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

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

Effective Date: November 18, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): June 17, 1990.

Summary of Public Comments and Agency Responses:
Comment: All directors, associate directors and assistant directors, within any area of an institution's staff, should be eligible to participate in the Alternate Benefits Program.

Comment: All positions, except clerical staff positions, should be eligible to participate in the Alternate Benefits Program if the individuals for these positions are commonly recruited from among individuals with experience in higher education.

Response: These comments address institution's concerns regarding their capability to recruit staff from out-of-state institutions without the ability to offer such employees participation in the Alternate Benefit Program. The adopted amendments will allow professional staff who are among individuals commonly recruited from those with experience in higher education to participate in the program. Non-professional employees, employees not recruited from a higher education institution environment and security and maintenance employees are excluded from participating in the Alternate Benefit Program. These employees are excluded because it is believed that positions below a director level are either not comparable to professional staff or are not commonly recruited from individuals with experience in higher education.

Comment: N.J.A.C. 9:4-4.1(d) gives those individuals previously denied eligibility into the program until January 1, 1986 to reapply for admission into the program. The delay in adopting these regulations has limited the amount of time in which employees can apply for admission and the deadline date for admission should be extended.

Response: In view of the delay in adopting these regulations, the deadline date of January 1, 1986 has been changed to April 1, 1986. This will allow sufficient time for applications by employees to be submitted for admission into the program.

Full text of the adoption follows (addition to proposal shown in boldface with asterisks *thus*; deletion from proposal shown in brackets with asterisks *[thus]*).

9:2-4.1 General provisions

(a) Full-time members of the faculty and administrative staffs, as set forth below, of the University of Medicine and Dentistry of New Jersey, Rutgers, the State University, the New Jersey Institute of Technology, the state colleges and the county colleges are eligible to participate in the alternate benefit program under N.J.S.A. 18A:66-167 et seq.:

1. All officers, such as, president, vice president, secretary and treasurer;
2. All members of the faculty, such as dean, associate dean, assistant dean, professor, associate professor, assistant professor, instructor, assistant instructor and distinguished service professor;
3. All librarians;
4. All academic counselors;
5. All directors, associate directors, assistant directors or their equivalents, providing that those holding such titles serve in applicable positions as set forth in (b) below;
6. Administrative personnel directly in contact with and related to the academic performance of the students and the institution;
7. Administrative personnel who play an integral part in the policy determinations of the institutions;
8. Administrative and research personnel who perform work which required knowledge of an advanced nature in a field of science, technology or other area of specialized study and are commonly recruited from among individuals with experience in higher education.

(b) Eligibility to participate in the alternate benefit program by those employees within the category set forth in (a)5, above shall be limited to employees in the titles stated therein or positions of equivalent authority and responsibility who are commonly recruited from among individuals with experience in higher education. Except for those employees eligible under (c) below, no employees employed in a clerical or below the level of director in a maintenance or security position shall be eligible to participate in the alternate benefit program.

(c) Any eligible person who has been enrolled in the alternate benefit program for at least one year may continue to be enrolled in the program, notwithstanding promotion or transfer to a position within the institution not otherwise eligible for the program.

(d) Any employee of an eligible institution who has previously been denied eligibility for participation in the alternate benefit program who is currently eligible for participation in the alternate benefit program under this subchapter shall be granted until *[January]* *April* 1, 1986 to apply for eligibility to participate in the alternate benefit program.

(e) In the case of questions arising from the application of the guidelines, the Board of Higher Education hereby del-

legates responsibility to determine eligibility for participation in the alternate benefit program to the Chancellor of Higher Education in consultation with the employing institution and the Division of Pensions.

(f) The eligibility restrictions set forth in this section shall not apply to any individuals participating in the program pursuant to the provisions of N.J.S.A. 18A:64A-72.

(g) The holders of the following positions or their equivalent in the Department of Higher Education shall be eligible to participate in the alternate benefit program:

1. Chancellor;
2. Vice Chancellor;
3. Assistant Chancellor;
4. Deputy Assistant Chancellor;
5. Special Assistant;
6. Executive Assistant;
7. Confidential Agent;
8. Director;
9. Associate Director;
10. Assistant Director;
11. Program Officer;
12. Program Assistant;
13. Program Specialist;
14. Administrative Assistant;
15. Administrative Services Assistant;
16. Evaluation Analyst;
17. Project Coordinator, Computer Planning and Information Systems;
18. Program Development Specialist;
19. Management Compliance Officer;
20. Project Specialist;
21. Coordinator, Veteran's Programs;
22. Assistant Coordinator, Veteran's Programs;
23. Supervisor, Processing Services;
24. Special Projects Officer;
25. Fiscal Analyst;
26. Graduate Program Coordinator;
27. Supervisor, Program Analysts.

(a)

Teacher Education Degree Standards

Adopted Amendments: N.J.A.C. 9:2-12.1 and 12.2

Proposed: June 17, 1985 at 17 N.J.R. 1515(a).

Adopted: September 25, 1985 by Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.

Filed: October 25, 1985 as R.1985 d.589, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:3-14(d) and (e).

Effective Date: November 18, 1985, except for current seniors enrolled at public institutions of higher education and with the following further exceptions:

1. N.J.A.C. 9:2-12.2(b) effective with the entering freshman class of September, 1986;

2. N.J.A.C. 9:2-12.2(c)-(e) effective with the entering freshman class of September, 1985.
Expiration Date pursuant to Executive Order No. 66(1978): June 17, 1990.

Summary of Public Comments and Agency Responses:

The Board of Higher Education received numerous written comments from New Jersey colleges and universities and also testimony at a public hearing on the proposal held on September 10, 1985. The comments made and the agency's responses are summarized below.

Comment: Implementation of the proposal will have an adverse effect upon the awarding of education degrees and the schools and departments of education at each institution of higher education.

Response: The intent of the proposed rules is to affect the curriculum, not the academic organization, of teacher education programs. Each institution has the responsibility to determine for itself the academic structures for its programs, subject to the approval of the Board of Higher Education. Further, under this proposal, students will be able to take a double major and receive two degrees, one in education and a second in the liberal arts.

Comment: The requirements of a full liberal arts major for elementary education students will increase substantially the number of credits needed to complete all requirements for a baccalaureate degree. This will result in fewer students, especially minority students, going into teaching because of the additional time and costs required.

Response: The impact on program size has been investigated. It is clear that a number of those who have raised this objection in regard to their own institution's programs, failed to take account of four other changes: 1. the reduction in credits required in professional education, due to the cap of 30 credits established last year; 2. the reduction in the credits required in the study of the behavioral/social sciences, from 18 to 9; 3. the elimination of the 12 credit limit on double-counting between the liberal arts major and general education by the Board of Education (this limit has never been a part of the higher education regulations); and 4. the elimination of the prohibition on behavioral/social science courses related to teaching also counting toward fulfillment of the general education requirements. The net effect of these four changes is a reduction in the size of programs compared to those brought into compliance with the new regulations in the Spring of 1984. This reduction in size will be compensated for by colleges now requiring full liberal arts majors in place of the 30 credit coherent sequences. While it must be granted that at some colleges students enrolling in some liberal arts majors while pursuing elementary teacher education will have programs larger than typical, most majors at most colleges can be completed in under 130 credits.

Comment: The requirement of a liberal arts major is inappropriate for an elementary school teacher.

Response: The Department believes that the requirement for approximately 60 credits of general education should be sufficient to meet the needs of elementary teachers for collegiate study in the areas they will teach. Additionally, this comment fails to recognize the importance of study in depth for the intellectual development of college students. It is essential for a teacher, including an elementary teacher, to understand the nature and structure of knowledge, the ways in which it is created and advanced. This kind of understanding is best developed by completing a liberal arts major.

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

9:2-12.1 Admission, retention and graduation of students

(a) Teacher preparation programs are those curricula which lead to a recommendation for a New Jersey instructional certificate irrespective of the organizational unit of the college by which the curriculum is offered. Formal admission to teacher preparation programs shall be reviewed at the beginning of the junior year and shall be granted only to those students who have:

1. (No change.)

2. Achieved acceptable levels of proficiency in the use of the English language (oral and written) and mathematics. Students with deficiencies in these areas upon admission to college shall be required to demonstrate the elimination of such deficiencies through an oral or written assessment no later than the beginning of the junior year.

3. Demonstrated aptitude for the profession of teaching through successful completion of an ***[introductory course which provides]*** appropriate practical experience***[s]*** in an elementary or secondary school. This requirement would normally have to be met before the student is granted status as a junior in the program.

(b) Each student shall be evaluated at the end of the semester prior to student teaching by college faculty (both education and subject matter) and confirmed as a candidate for certification on the basis of a comprehensive assessment of relevant indicators which shall include:

1.-2. (No change.)

(c) (No change.)

(d) Colleges shall recommend for certification to the Department of Education only those students who have completed the certification program and have:

1. (No change.)

2. Demonstrated continued competence, aptitude, motivation, and potential for outstanding success in teaching as indicated by assessments of student teaching performance by college and school supervisors. Such assessments shall be communicated to the student and shall be a part of the student's file.

(e)-(f) (No change.)

9:2-12.2 Curriculum

(a) Each undergraduate teacher education program shall provide approximately 60 semester credit hours of general education including electives. General education courses shall be distributed among the arts, humanities, mathematics, science, technology, and the social sciences. The inclusion of technology as an aspect of general education is intended to allow for the inclusion of courses and topics (such as computer literacy, the history of technology and the sociological impact of technological advancement) which would contribute to the general technical literacy of students. However, the purpose of general education is to develop the prospective teacher as an educated person rather than to provide professional preparation. Therefore, this component of the program shall exclude courses which are clearly professional or vocational in nature. Introductory courses in other areas of the program may also be applied toward meeting the general education requirement when such courses are consistent with institutional standards for general education.

(b) Each teacher preparation program shall require its students to complete a major in the arts, humanities, social sci-

ence, mathematics, science, or technology disciplines. The inclusion of technology as a potential academic area is intended to provide for those candidates who will be certified to teach one of the technical disciplines such as distributive occupations or industrial technology.

(c) Each undergraduate teacher preparation program shall provide a minimum of 9 semester credit hours in the study of the behavioral and social sciences.

(d) At least 96 semester credit hours of the total program must be distributed among the general education, academic major, and behavioral/social science aspects of the program.

(e) Each undergraduate teacher preparation program shall provide a coherent sequence of professional courses of no more than 30 semester credit hours. This component of the undergraduate program shall provide students, normally beginning in the sophomore year, with practical experience in an elementary or secondary school setting; these opportunities shall increase in intensity and duration as the student advances through the program and culminate with a student teaching experience.

(f) The student teaching experience of each undergraduate program shall be equivalent of a full-time experience of one semester's duration.

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Pharmacy Manual

Pharmaceutical Services and Billing Procedures

Readoption: N.J.A.C. 10:51-1.1, 1.3 through 1.12, 1.14 through 1.20, Appendix A through E, 10:51-2.1 through 2.5, 2.7, 2.8, 2.10, 2.11

Readoption with Amendments: N.J.A.C. 10:51-1.2, 1.13, 1.21, 2.6, 2.9, 2.12

Proposed: September 16, 1985 at 17 N.J.R. 2223(a).

Adopted: October 28, 1985 by Geoffrey S. Perselay, Acting Commissioner, Department of Human Services.

Filed: October 28, 1985 as R.1985 d.594, **without change**.

Authority: N.J.S.A. 30:4D-6b(6), 7, 7a, 7b, 4D-20.

Effective Date: October 28, 1985.

Expiration Date pursuant to Executive Order 66(1978): October 28, 1990.

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

Full text of the readoption without change appears in the New Jersey Administrative Code at N.J.A.C. 10:51-1 and 2.

Full text of the adopted amendments to the readoption follows.

10:51-1.2 Covered pharmaceutical services

(a) No change.)

(b) All covered pharmaceutical services must be provided within the scope of the program policies and procedures, and billed to the Hospital Service Plan of New Jersey (Blue Cross of New Jersey) on the Prescription Claim Form (MC-6), or other approved billing methods.

1. All other medical or pharmaceutical supplies, durable or nondurable, not listed in (a) above shall be reimbursed as medical supplies and equipment through the Prudential Insurance Company of America. The Medical Supplier Manual, furnished to pharmacies by Prudential, provides information concerning the provision of and reimbursement for these supplies. Pharmacies not already approved as medical suppliers may apply by contacting the Prudential Insurance Company, P.O. Box 1900, Millville, New Jersey 08332 or Chief, Provider Enrollment Medical Care Administration, Division of Medical Assistance and Health Services, CN-712, Trenton, New Jersey 08625.

2. For all services provided to long term care Medicaid eligible recipients, providers are required to complete a separate agreement of service with the New Jersey Health Services (Medicaid) Program. Application can be made by writing to the Chief, Pharmaceutical Services, Division of Medical Assistance and Health Services, CN-712, Trenton, New Jersey 08625.

10:51-1.13 Services requiring prior authorization

(a) The therapeutic classes and dosage forms listed below require prior authorization, obtained by the prescriber from the Medicaid District Office. If the prior authorization request is approved, an authorization number will be provided and must appear on the prescriber's original or valid transcribed prescription. The space labeled "Check if Prior Authorized Service" on the Prescription Claim Form (MC-6) must be checked and the "prior authorization" number provided must be entered in the proper space.

1.-6. (No change.)

10:51-1.21 Tape-to-tape incentive program

(a) An incentive payment instituted January 1, 1979, is available to approved pharmacies which submit Medicaid and/or PAAD claims on magnetic tape. Incentive payments will be made when the total volume of paid magnetic tape Medicaid/PAAD claims, submitted by pharmacy providers as a whole, equals or exceeds 20 percent of the total volume of paid Medicaid/PAAD claims.

(b) The reimbursement for incentive payments is based on the following schedule:

Percent of total Medicaid/PAAD Paid Claims	Amount of Incentive Payment
If tape claims comprise:	The incentive payment is:
20-29%	2 cents/tape claim
30-39%	3 cents/tape claim
40-55%	4 cents/tape claim
over 55%	5 cents/tape claim

(c)-(e) (No change.)

(f) In order to be eligible to submit magnetic tape claims for the Medicaid or PAAD programs, a pharmacy provider must complete form FD-103 and receive approval by the Division of Medical Assistance and Health Services.

10:51-2.6 Instructions for completion of form MC-6

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

(c) When completing the claim form enter the following information:

1.-14. (No change.)

15. Check if prior authorized service, medical certification or both and authorization number. Check the box, and enter the authorization number or medical certification as explained under "Services requiring prior authorization" and "certification" in N.J.A.C. 10:51-1.

i. (No change.)

ii. The area headed by "Check Appropriate Box," box on the MC-6 claim form will be used to indicate prior authorization as well as medical certification as follows:

(1)-(3) (No change.)

(4) If prior authorization and medical certification exist, check the box entitled "Both" and indicate the authorization number.

16.-20. (No change.)

(d) Mailing addresses for claims:

1. New Jersey pharmacies—Claim form MC-6.

i. All pharmacy providers in the state of New Jersey must submit Medicaid pharmacy prescription claim forms (MC-6) for processing within 90 days from the dispensing date to:

Hospital Service Plan of New Jersey
P.O. Box 900
Newark, New Jersey 07101

2.-3. (No change.)

AGENCY NOTE: The text of the lists following this section, entitled "LEGEND DRUGS" and "NON-LEGEND DRUGS," is proposed for deletion.

10:51-2.9 Medicaid pharmacy adjustment request (form FD-238)

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

(c) Completion of the Adjustment Request form: Always complete the first three lines of information (shaded areas) in the top portion of the Adjustment Request form. This information should be copied and entered exactly as it appears on the voucher. Do not enter corrections in this area (first three lines of shaded areas). The following areas will always be completed for every adjustment request:

1.-6. (No change.)

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

10:51-2.12 Tape-to-tape claims and computer generated hard copy claims

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

(c) Tape-to-tape incentive payment rules are:

1. An incentive payment will be available to approved pharmacies which submit Medicaid and/or PAAD claims on magnetic tape. Incentive payment will be made when the total volume of paid magnetic tape Medicaid/PAAD claims, submitted by pharmacy providers as a whole, equals or exceeds 20 percent of the total volume of paid Medicaid/PAAD claims.

2. The amount of the incentive payment will be determined according to the following schedule:

Percent of Total Medicaid/PAAD Paid Claims

Amount of Incentive Payment

If tape claims comprise:	The incentive payment is:
29-29 percent	two cents/tape claim
30-39 percent	three cents/tape claim
40-55 percent	four cents/tape claim
Over 55 percent	five cents/tape claim

3.-5. (No change.)

6. In order to be eligible to submit magnetic tape claims for the Medicaid or PAAD programs, a provider must complete form FD-103 and receive approval by the Division.

(a)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual Distribution of Arrearage Payments on Child Support Orders

Adopted New Rule: N.J.A.C. 10:81-11.19

Proposed: May 20, 1985 at 17 N.J.R. 1238(a).

Adopted: October 24, 1985 by Geoffrey S. Perselay,
Acting Commissioner, Department of Human
Services.

Filed: October 25, 1985 as R.1985 d.585, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-6 and 44:10-3; Child Support
Enforcement Amendments of 1984 (P.L. 98-378).

Effective Date: November 18, 1985.

Expiration Date pursuant to Executive Order No.
66(1978): April 16, 1989.

Summary of Public Comments and Agency Responses:

Several comments were received from county welfare agencies, addressing the distribution of arrearages accrued prior to receipt of assistance from Aid to Families with Dependent Children (AFDC) and arrearages that accrued during the receipt of AFDC. Initially, it must be noted that current regulations at N.J.A.C. 10:81-11.4(d), Assignment of Supports Rights state "... assigns to the county welfare agency (CWA) any rights to past due support and future support ..." This regulation dictates what happens when there is an outstanding court order and payments are in arrears at the time of application for AFDC. This must respond to those comments which indicate distribution should be otherwise. Therefore, arrearages owed to the obligee prior to receipt of AFDC become the property of the county welfare agency when assistance is granted. The economic impact here is favorable to the public assistance agency.

There is no question as to the right of the agency to collect support payments, current and arrearages accrued during the time assistance is received. The portion of unpaid support that does not exceed the amount of assistance received is certainly a debt to the agency.

The only unusual issue is the distribution of regular support payments and accrued arrearages after the obligee leaves AFDC. This issue was addressed quite fully by the Federal Office of Child Support Enforcement in a Memorandum, dated March 7, 1985. The intent of that statement was the need for effective support enforcement activities in both AFDC and non-AFDC cases. The issue elaborated therein dealt with the collection of payments amounting to more than the current support order, payments intended to cover arrearages that had accrued prior to termination of the AFDC case and the right of the CWA to those accrued arrearages for a specified period of time.

In accordance with clarification of regulations by the Federal Office of Child Support Enforcement and, in light of the comments received concerning the distribution of arrearages under circumstances described above, language at N.J.A.C. 10:81-11.19(a)3ii has been revised for specificity and clarity.

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

10:81-11.19 Distribution of arrearage payments on child support orders

(a) Arrearage priorities: Payments on arrearages accrued from past due child support shall be used to satisfy claims as follows:

1. If the obligee is receiving AFDC, any payment must first satisfy arrearages owed to the county welfare agency before any payment to the obligee.

2. If the obligee has never received AFDC, all payments shall go to the obligee.

3. If the obligee once received AFDC:

i. Payments from tax intercepts (Federal and State income tax and Homestead Rebate) first shall satisfy any arrearages owed to the county welfare agency;

ii. All other payments (for example, wage executions and unemployment garnishment) shall satisfy arrearages in the following priority order:

*[(1) Arrearages which have accrued to the obligee since leaving AFDC shall go to the obligee;

(2) Arrearages assigned to the county welfare agency up to the amount of assistance granted shall go to the county welfare agency; and

(3) Any remaining arrearage balance owed to the obligee before receiving AFDC shall go to the obligee.]*

***[(1) During the five-month period, following the last month of AFDC eligibility, payments collected in excess of the current support for that period, are first used to reimburse the county welfare agencies for arrearages that accrued while the family was receiving AFDC.**

(2) Subsequent to the five-month period, arrearages which have accrued to the obligee since leaving AFDC shall go to the obligee.

(3) Arrearages assigned to the county welfare agency up to the amount of assistance granted shall go to the county welfare agency.

(4) Any remaining arrearage balance owed to the obligee before receiving AFDC shall go to the obligee.*

(b)

Assistance Standards Handbook Child Care

Adopted Amendment: N.J.A.C. 10:82-5.3

Proposed: August 5, 1985 at 17 N.J.R. 1835(a).

Adopted: October 24, 1985 by Geoffrey S. Perselay,
Acting Commissioner, Department of Human
Services.

Filed: October 25, 1985 as R.1985 d.586, **without change.**

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date: November 18, 1985.
 Expiration Date pursuant to Executive Order No. 66(1978): November 29, 1988.

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

Full text of the adoption follows.

- 10:82-5.3 Child care
- (a) (No change.)
 - (b) Child care may be provided when the county welfare agency determines that such care is essential because of any one or more of the following:
 - 1. The parent, parent-person or parent-minor who normally cares for the child is in training for employment, or is in a program of vocational rehabilitation;
 - 2. (No change.)
 - (c)-(g) (No change.)
 - (h) Homes for unwed mothers: When an eligible child who is an expectant mother is receiving care in an approved maternity home, the maximum rate for such care shall be the applicable rate for the facility as determined by the Division of Youth and Family Services. The CWA may obtain current rate information by communicating with the Division of Public Welfare, Bureau of Local Operations. Such rate shall include all maintenance and care except medical services and shall be made as a vendor payment from the assistance account.
 - 1. (No change.)

(a)

**General Assistance Manual
 Fiscal Reporting Requirements**

Adopted Amendment: N.J.A.C. 10:85-6.4

Proposed: August 5, 1985 at 17 N.J.R. 1837(a).
 Adopted: October 24, 1985 by Geoffrey S. Perselay,
 Acting Commissioner, Department of Human Services.
 Filed: October 25, 1985 as R.1985 d.584, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:8-111(d).

Effective Date: November 18, 1985.
 Expiration Date pursuant to Executive Order No. 66(1978): July 25, 1988.

Summary of Changes Subsequent to Proposal:
 Upon further review by the Division of Public Welfare, N.J.A.C. 10:85-6.4(a)2 is being revised and expanded for clarity and to reflect current reporting procedures by municipal welfare departments.

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

10:85-6.4 Fiscal and statistical reporting requirements

(a) General completion and submittal requirements: Forms described below shall be completed and either submitted to the Division of Public Welfare, as indicated, or retained by each municipality approved to receive State aid in the General Assistance Program. Use of the forms described herein is required.

1. Application Register (Form GA-7): Each application shall be entered on the Application Register (Form GA-7) and shall be maintained by the MWD on an updated basis. The Application Register is subject to review by representatives of the Division of Public Welfare.

2. Report of Assistance Commitments (Form GA-6): Form GA-6, accompanied by Form GA-6A, will be submitted on a monthly basis to the DPW/BBS within 10 days after the end of the assistance month. Cases are to be listed in sequential order according to case number ***and employability status.*** Case numbers for all employable cases are to be identified with an "E" prefix and all unemployable cases are to be identified with a "U" prefix. ***[at the end of each page, totals must be indicated for employables, unemployables, and all cases contained therein. The list will include all cases for which assistance was granted during the calendar month of the report and for which the reporting municipality is financially responsible. It will include cases for which payments were made to medical facilities whether or not serviced by another municipality in accordance with N.J.A.C. 10:85-3.2(f)1 but shall not include any cases being serviced for another municipality. Payment for medical goods and/or services are to be reported on the Form GA-6 for the month in which the payments are actually made, date of authorization or commitment notwithstanding. Column-1C (Social Security number) must be completed in the months of January, April, July and October.]*** ***Cases that are classified as employable are to be listed first, followed by the unemployable cases. At the end of each page, totals must be indicated for the number of cases opened, the number of cases closed, the number of single persons aided, family case persons aided, and the commitments reported for each category (Maintenance, Hospitalization, Nursing Home, etc). On the bottom section of any GA-6 page that lists both "E" prefixed and "U" prefixed cases and on the final page, totals must be segregated for employables and unemployables, and be followed by a combined page total (grand totals on final page).***

i. The list will include all cases for which assistance was granted during the calendar month of the report and for which the reporting municipality is financially responsible. It will include cases for which payments were made to medical facilities whether or not serviced by another municipality in accordance with N.J.A.C. 10:85-3.2(f)1 but shall not include any cases being serviced for another municipality. Payment for medical goods and/or services are to be reported on the Form GA-6 for the month in which the payments are actually made, date of authorization or commitment notwithstanding. Column 1-C (Social Security number) must be completed in the months of January, April, July and October.

3.-4. (No change.)

INSURANCE

(a)

DIVISION OF MARKETPLACE REGULATION AND CONSUMER ASSISTANCE

Insurance Group Advertisement of Life Insurance and Annuities

Adopted New Rule: N.J.A.C. 11:2-23

Proposed: November 5, 1984 at 16 N.J.R. 2626(a).

Adopted: October 28, 1985 by Hazel Frank Gluck,
Commissioner, Department of Insurance.

Filed: October 29, 1985 as R.1985 d.600, with **substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 17:1-8.1; 17:1C-6(e); 17B:30-1 et seq; 17B:30-15.

Effective Date: November 18, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): November 18, 1990.

Summary of Public Comments and Agency Responses:

The Department received several comments on the proposed new rule on advertisement of life insurance and annuities, N.J.A.C. 11:2-23. Most of the comments supported the rule and urged its adoption. The other comments included:

COMMENT: An attorney who specialized in representing insureds questioned why the rule was limited to life insurance and annuities advertising, since he feels other types of insurance advertising could be regulated under the Unfair Trade Practices Act.

RESPONSE: The rule is limited to the advertising of life insurance and annuities because a rule concerning the advertisement of health insurance has already been adopted (N.J.A.C. 11:2-11).

COMMENT: The same commenter feels that the regulation would not help insureds a great deal. He alleges that the Department does not have sufficient statutory authority or human resources to prosecute violations of the Unfair Trade Practices law. The commenter believes that insureds would be best served by being able to sue insurers themselves for unfair trade practices or procedures not presently allowed by law.

RESPONSE: The suggestion by the commenter proposes a legislative change. The Commissioner of Insurance has rulemaking authority, but only the legislature has the power to make changes in the legislation.

COMMENT: An insurance company inquires about the application of the proposed rule to two situations. First, the commenter questions whether the common practice of an "invitation to inquire" is covered by the rule as an advertisement.

RESPONSE: The Department has chosen to adhere strictly to the NAIC model regulation in drafting this rule. The NAIC made a thorough study of this issue, and apparently decided that an "invitation to inquire" should not be excluded from the definition of advertisement.

COMMENT: The above commenter's second question concerns whether personal letters to policyholders or notices in billings offering additional insurance are to be considered advertising under the proposed rule. The commenter recommends that they not be so included.

RESPONSE: The language objected to by the commenter has been approved by the NAIC and is part of the model regulation. The commenter did not offer any reasons as to why personal letters or notices in billings should be excluded, and the Department has decided to include them in the rule since to exclude them would be contrary to the intent of the rule.

COMMENT: One commenter stated that N.J.A.C. 11:2-23.5(q), which requires all advertising of individual deferred annuities to meet the requirements of N.J.A.C. 11:4-9, is illegal and unconstitutional as a violation of free speech, and goes beyond the Commissioner's authority to promulgate regulations.

RESPONSE: This section has been deleted from the rule, since the Department has not adopted N.J.A.C. 11:4-9. It has been included as an exception to "advertisement" at N.J.A.C. 11:2-23.3.

Other technical changes have been made in the rule as a result of Departmental comments. None of these changes substantially change the rule. The most significant change made by the Department is the deletion of N.J.A.C. 11:2-23.5(c). This section was erroneously drafted into the original proposal, and applies to health insurance advertising, not to life insurance advertising. The other notable change made is a language clarification in one of the exceptions to advertisement, found at N.J.A.C. 11:2-23.3.

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

SUBCHAPTER 23. ADVERTISEMENT OF LIFE INSURANCE AND ANNUITIES

11:2-23.1 Purpose

The purpose of this subchapter is to implement N.J.S.A. 17B:30-1 et seq. through guidelines intended to assure a full and truthful disclosure to the public of all material and relevant information in the advertising of life insurance policies and annuity contracts.

11:2-23.2 Applicability

(a) This subchapter shall apply to any life insurance or annuity advertisement distributed in this State.

(b) Every insurer shall establish and at all times maintain a system of control over the content, form and method of dissemination of all advertisements of its policies. All such advertisements, regardless of by whom written, created, designed, or presented, shall be the responsibility of the insurer.

(c) This subchapter shall also apply to agents and brokers to the extent that they are responsible for the advertisements of any policy.

11:2-23.3 Definitions

"Advertisement" means material designed to create public interest in life insurance or annuities or in an insurer, or to induce the public to purchase, increase, modify, reinstate or retain a policy, and for the purpose of this subchapter, includes:

1. Printed and published material, audiovisual material, and descriptive literature of an insurer used in direct mail,

newspapers, magazines, radio and television scripts, billboards and similar displays;

2. Descriptive literature and sales aids of all kinds issued by an insurer or agent, including but not limited to circulars, leaflets, booklets, depictions, illustrations, and form letters;

3. Material used for the recruitment, training and education of an insurer's sales personnel, agents, solicitors, and brokers which is designed to be used or is used to induce the public to purchase, increase, modify, reinstate, or retain a policy; or

4. Prepared sales talks, presentations, and material for use by sales personnel, agents, solicitors, and brokers.

"Advertisement" for the purpose of this subchapter shall not mean:

1. Communications or materials used within an insurer's own organization and not intended for dissemination to the public;

2. Communications with policyholders other than material urging policyholders to purchase, increase, modify, reinstate, or retain a policy;

3. A general announcement from a group or blanket policyholder to eligible individuals *[on an employment or membership list]* ***who are currently employees or members of the group*** that a policy or program has been written or arranged; provided that the announcement clearly indicates that it is preliminary to the issuance of a booklet explaining the proposed coverage; or

4. Any disclosure required under any rules currently in force or subsequently adopted in New Jersey governing specific aspects of the sale or replacement of life insurance including, but not limited to, rules dealing with life insurance cost comparison indices, deceptive practices in the sale of life insurance, *[and]* replacement of life insurance policies*[.]*, and rules concerning annuities and deposit funds.*

"Insurer" shall include any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyd's, fraternal benefit society, and any other legal entity which is defined as an "insurer" in the insurance laws of this State or which issues life insurance or annuities in this State and is engaged in the advertisement of a policy.

"Policy" shall include any policy, plan, certificate, contract, agreement, statement of coverage, rider, or endorsement which provides for life insurance or annuity benefits.

11:2-23.4 Form and content of advertisements in general

(a) Advertisements shall be truthful and not misleading in fact or by implication. Words or phrases the meaning of which is clear only by implication or by familiarity with insurance terminology shall not be used. The form and content of an advertisement of a policy shall be sufficiently complete and clear so as to avoid deception. The advertisement shall not have the capacity or tendency to mislead or deceive.

(b) Whether an advertisement has the capacity or tendency to mislead or deceive shall be determined by the Commissioner of Insurance from the overall impression that the advertisement may be reasonably expected to create upon a person of average education or intelligence within the segment of the public to which it is directed.

(c) No advertisement shall use the terms "investment," "investment plan," "founder's plan," "charter plan," "savings," "savings plan," or other similar terms in connection with a policy when they have the tendency to mislead a purchaser or prospective purchaser into believing that he will receive something other than a policy or some benefit not available to other persons of the same class and equal expectation of life.

(d) The fact that the policy offered is made available to a prospective insured prior to consummation of the sale or that an offer is made to refund the premium if the purchaser is not satisfied does not remedy misleading statements.

11:2-23.5 Disclosure requirements

(a) All information required to be disclosed by this subchapter shall be set out conspicuously and in close conjunction with the statements to which such information relates or under appropriate captions of such prominence that it shall not be minimized, rendered obscure, or presented in an ambiguous fashion, or intermingled with the context of the advertisements so as to be confusing or misleading.

(b) No advertisement shall omit material information or use words, phrases, statements, references, or illustrations if such omission or such use has the capacity, tendency, or effect of misleading or deceiving purchasers or prospective purchasers as to the nature or extent of any policy benefit payable, loss covered, premium payable, or State or Federal tax consequences.

[(c)] When an advertisement refers to any dollar amount, period of time for which any benefit is payable, cost of policy, or specific policy benefit or the loss for which such benefit is payable, it shall also disclose those exceptions, reductions and limitations affecting the basic provisions of the policy without which the advertisement would have the capacity and tendency to mislead or deceive.*

*[(d)]**[(e)]* An advertisement for a policy containing graded or modified benefits shall prominently display any limitation of benefits. If the premium is level and coverage decreases or increases with age or duration, such fact shall be prominently disclosed.

*[(e)]**[(d)]* An advertisement for a policy with non-level premiums shall prominently describe the premium changes.

*[(f)]**[(e)]* Advertisements referring to dividends must comply with the following requirements:

1. An advertisement shall not utilize or describe dividends in a manner which is misleading or has the capacity or tendency to mislead;

2. An advertisement shall not state or imply that the payment or amount of dividends is guaranteed. If dividends are illustrated, they must be based on the insurer's current dividend scale and the illustration must contain a statement to the effect that they are not to be construed as guarantees or estimates of dividends to be paid in the future; and

3. An advertisement shall not state or imply that illustrated dividends under a participating policy and/or pure endowments will be or can be sufficient at any future time to assure, without the further payment of premiums, the receipt of benefits, such as a paid-up policy, unless the advertisement clearly and precisely explains:

i. What benefits or coverage would be provided at such time; and

ii. Under what conditions this would occur.

*[(g)]**[(f)]* An advertisement shall not state a purchaser of a policy will share in or receive a stated percentage or portion of the earnings on the general assets of the company.

*[(h)]**[(g)]* In the event an advertisement uses "Non-Medical," "No-Medical Examination Required," or similar terms where issuance of a policy is not guaranteed, such terms shall be accompanied by further disclosure of equal prominence and in juxtaposition thereto to the effect that issuance of the policy may depend upon the answers to the health questions.

*[(i)]**(h)* An advertisement shall not use as the name or title of a life insurance policy any phrase which does not include the words "life insurance" unless accompanied by other language clearly indicating that it is life insurance.

*[(j)]**(i)* An advertisement shall prominently describe the type of policy advertised, such as group, term, whole life, etc.

*[(k)]**(j)* An advertisement of an insurance policy marketed by direct response techniques, such as direct mail or toll-free telephone, shall not state or imply that because there is no agent or commission involved there will be a cost saving to prospective purchasers unless such is the fact. No such cost savings may be stated or implied without justification satisfactory to the Commissioner of Insurance. Such justification must be available to the Commissioner upon request.

*[(l)]**(k)* Testimonials or endorsements by third parties must comply with the following requirements:

1. Testimonials used in advertisements must be genuine; represent the current opinion of the author; be applicable to the policy advertised, if any; and be accurately reproduced. In using a testimonial the insurer adopts all of the statements contained therein. The statements are deemed to be made by the insurer, and are subject to all the provisions of this subchapter;

2. If the individual making a testimonial or an endorsement has a financial interest in the insurer or a related entity as a stockholder, director, officer, employee, or otherwise, or receives any benefit directly or indirectly other than required union scale wages, such fact shall be disclosed in the advertisement; and

3. An advertisement shall not state or imply that an insurer or a policy has been approved or endorsed by a group of individuals, society, association, or other organization unless such is the fact and unless any proprietary relationship between an organization and the insurer is disclosed. If the entity making the endorsement or testimonial is owned, controlled or managed by the insurer, or receives any payment or other consideration from the insurer for making such endorsement or testimonial, such fact shall be disclosed in the advertisement.

*[(m)]**(l)* An advertisement shall not contain statistical information relating to any insurer or policy unless it accurately reflects recent and relevant facts. The source of any such statistics used in an advertisement shall be identified therein.

*[(n)]**(m)* Advertisements referring to introductory, initial, or special offers and enrollment periods must comply with the following requirements:

1. An advertisement of an individual policy or combination of such policies shall not state or imply that such policy or combination of such policies is an introductory, initial, or special offer, or that applicants will receive substantial advantages not available at a later date, or that the offer is available only to a specified group of individuals, unless such is the fact. An advertisement shall not describe an enrollment period as "special" or "limited" or use similar words or phrases in describing it when the insurer uses successive enrollment periods as its usual method of marketing its policies;

2. An advertisement shall not state or imply that only a specific number of policies will be sold, or that a time is fixed for the discontinuance of the sale of the particular policy advertised because of special advantages available in the policy;

3. An advertisement shall not offer a policy which utilizes a reduced initial premium rate in a manner which over-emphasizes the availability and the amount of the reduced initial premium. When an insurer charges an initial premium

that differs in amount from the amount of the renewal premium payable, all references to the reduced initial premium shall be followed by an asterisk or other appropriate symbol which refers the reader to that specific portion of the advertisement which contains the full rate schedule for the policy being advertised; and

4. An enrollment period during which a particular insurance policy may be purchased on an individual basis shall not be offered in New Jersey unless there has been a lapse of not less than three months between the close of the immediately preceding enrollment period. The advertisement shall specify the date by which the applicant must mail the application, which shall be not less than 10 days and not more than 40 days from the date on which such enrollment period is advertised for the first time.

i. Paragraph 4. above applies to all advertising media, that is, mail, newspapers, radio, television, magazines, and periodicals, by any one insurer. The phrase "any one insurer" includes all the affiliated companies of a group of insurance companies under common management or control.

ii. Paragraph 4. above does not apply to the use of a termination or cutoff date beyond which an individual application for a guaranteed issue policy will not be accepted by an insurer in those instances where the application has been sent to the applicant in response to his or her request.

iii. Paragraph 4. above is also inapplicable to solicitations of employees or members of a particular group or association which otherwise would be eligible under specific provisions of the New Jersey insurance laws for group*[,]* *or* blanket*[,]* or franchise]* insurance.

iv. In cases where an insurance product is marketed on a direct basis to prospective insureds by reason of some common relationship with a sponsoring organization, this rule shall be applied separately to each sponsoring organization.

*[(o)]**(n)* An advertisement of a particular policy shall not state or imply that prospective insureds shall be or become members of a special class, group, or quasi-group and as such enjoy special rates, dividends, or underwriting privileges, unless such is the fact.

*[(p)]**(o)* An advertisement shall not make unfair or incomplete comparisons of policies, benefits, dividends, or rates of other insurers. An advertisement shall not falsely or unfairly describe other insurers, their policies, services, or methods of marketing.

[(q)] Advertisements of individual deferred annuity products or deposit funds must meet the requirements of N.J.A.C. 11:4-9.]*

11:2-23.6 Identification of insurer, plan and number of policies

(a) The name of the insurer shall be clearly identified, and if any specific individual policy is advertised it shall be identified either by form number or other appropriate description. An advertisement shall not use a trade name, an insurance group designation, name of a parent company of the insurer, name of a particular division of the insurer, service mark, slogan, symbol, or other device or reference without disclosing the name of the insurer, if the advertisement would have the capacity or tendency to mislead or deceive as to the true identity of the insurer or create the impression that a company other than the insurer would have any responsibility for the financial obligation under a policy.

(b) No advertisement shall use any combination of words, symbols, or physical materials which by their content, phraseology, shape, color or other characteristics are so simi-

lar to a combination of words, symbols, or physical materials used by a governmental program or agency or otherwise appear to be of such a nature that they tend to mislead prospective insureds into believing that the solicitation is in some manner connected with such governmental program or agency.

(c) When a choice of the amount of benefits is referred to, an advertisement shall disclose that the amount of benefits provided depends upon the plan selected and that the premium will vary with the amount of the benefits.

(d) When an advertisement refers to various benefits which may be contained in two or more policies, other than group master policies, the advertisement shall disclose that such benefits are provided only through a combination of such policies.

11:2-23.7 Jurisdictional licensing and status of insurer; statements about the insurer

(a) An advertisement which is intended to be seen or heard beyond the limits of the jurisdiction in which the insurer is licensed shall not imply licensing beyond such limits.

(b) An advertisement may state that an insurer is licensed in the state where the advertisement appears, provided that it does not exaggerate such fact or suggest or imply that competing insurers may not be so licensed.

(c) Such advertisements by direct mail insurers shall indicate that the insurer is licensed in a specified state or states only, or is not licensed in a specified state or states, by use of some language such as "This Company is licensed only in State A" or "This Company is not licensed in State B."

(d) An advertisement shall not create the impression that the insurer, its financial condition or status, the payment of its claims, or the merits, desirability, or advisability of its policy forms or kinds of plans of insurance are recommended or endorsed by any governmental entity. If a governmental entity has recommended or endorsed a policy form or plan, however, such fact may be stated if the entity authorized its recommendation or endorsement to be used in an advertisement and if the advertisement clearly defines the scope and extent of the recommendation.

(e) An advertisement shall not contain statements, pictures, or illustrations which are false or misleading, in fact or by implication, with respect to the assets, liabilities, insurance in force, corporate structure, financial condition, age or relative position of the insurer in the insurance business. An advertisement shall not contain a recommendation by any commercial rating system unless it clearly defines the scope and extent of the recommendation.

11:2-23.8 Insurers' responsibility and control; advertising file; certificate of compliance

(a) All advertisements, regardless of by whom written, created or designed, shall be the responsibility of the insurer sponsoring the same.

(b) Every insurer shall at all times maintain complete control over the content, form and method of distribution of all advertisements of its contracts.

(c) Each insurer shall maintain at its home or principal office a complete file containing every printed, published or prepared advertisement of blanket, franchise, and group policies hereafter distributed in this state, with a notation attached to each such advertisement which shall indicate the manner and extent of distribution and the form number of any policy advertised.

(d) Such file shall be subject to regular and periodic inspection by the Department of Insurance.

(e) All such advertisements shall be maintained in said file for a period of not less than four years*[*] *after the last use of such advertisement.*

(f) Each insurer required to file an annual statement which is now or which hereafter becomes subject to the provisions of this subchapter must file with the Department of Insurance, together with its annual statement, a certificate executed by an authorized officer of the insurer wherein it is stated that to the best of his knowledge, information and belief the advertisements were disseminated by the insurer during the preceding statement year complied or were made to comply in all respects with the provisions of the insurance laws of this State as implemented and interpreted by this subchapter.

11:2-23.9 Failure to comply

Failure to comply with the provisions of this subchapter shall subject the offender to the penalties set forth under N.J.S.A. 17B:30-17 and any other penalty authorized by law.

11:2-23.10 Severability

If any provision or clause of this subchapter or the application thereof to any person or situation is held invalid, such invalidity shall not affect any other provision or application of the subchapter which can be given effect without the invalid provision or application, and to this end the provisions of this subchapter are declared to be severable.

(a)

DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION

Fingerprinting/Criminal History Checks

Adopted Repeal and New Rule: N.J.A.C. 11:5-1.29

Proposed: September 16, 1985 at 17 N.J.R. 2230(a).

Adopted: October 28, 1985 by Hazel Frank Gluck,

Commissioner, Department of Insurance.

Filed: October 28, 1985 as R.1985 d.601, **without change.**

Authority: N.J.S.A. 45:15-6 and P.L. 1985, c.69.

Effective Date: November 18, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:

Two respondents commented on the proposed repeal and new rule, N.J.A.C. 11:5-1.29.

COMMENT: The Commission should eliminate the need for a certified check, since most banks charge \$10.00. Certified checks take the same number of days to clear and are really no longer a guarantee. Certifying checks no longer accomplishes what it was meant to do.

RESPONSE: The Commission disagrees. Two commercial banks were contacted, one in the City of Trenton and one in Princeton, the municipality in which the respondent maintains a real estate office.

Both banks indicated the charge for a certified check was \$3.00 and the charge for a money order was \$1.50. The Trenton bank indicated money order charges for senior citizens was

seventy-five cents. The Commission concluded these charges were reasonable.

Further, the need for certified checks and money orders was established by the New Jersey State Police (N.J.A.C. 13:59-1.5, Non-Criminal User Fees Acceptable Form) who will process the request for criminal history record information and/or the fingerprint card and be responsible for all monies connected therewith.

COMMENT: The discontinuance of applicant fingerprint record checks in favor of a name search for criminal records is ill-advised. Given the purpose of the record check, to evaluate the suitability of the applicant for licensing, name searches are of questionable value. The applicant would merely have to alter his or her name to avoid detection. In a society where name changes are common place, that is, marriage, etc., the absence of applicant fingerprints would render the applicant assessment process ineffective.

Of all the methods of identification, fingerprinting alone has been proven to be both infallible and feasible. The fingerprinting identification system has withstood the test of time in the courts of the world with the results being readily acceptable because of the unfailing accuracy of the system.

In order to adequately monitor the issuing of licenses, the full resources of the state and federal criminal history files should be utilized through submission of applicant fingerprints.

RESPONSE: The Commission disagrees. N.J.A.C. 11:5-1.29 does not totally eliminate the use of fingerprint cards. Fingerprint cards may still be used in conjunction with name checks to corroborate information already supplied by the applicant.

Furthermore, fingerprinting is not as infallible as suggested by the commenter. For instance, fingerprint cards have been rejected due to illegible print or incomplete information. Also, New Jersey fingerprints will not reveal criminal history if the applicant is from another state.

Finally, criminal history checks are more feasible than fingerprint checks. For instance, name checks will cost applicants only \$8.00 compared to a \$12.00 charge plus additional charges from local police for fingerprinting. Also, name checks are administratively easier to manage than fingerprint checks.

Full text of the adoption follows.

11:5-1.29 Criminal history record check

(a) The applicant, if a natural person, shall submit with his or her application for salesperson's or broker's license a New Jersey State Police Request for Criminal History Record Information and a certified check or money order to pay for its processing.

(b) The applicant, if a corporation or partnership, shall submit with its application for license New Jersey State Police Requests for Criminal History Record Information, and certified checks or money orders to pay for their processing, for each officer, director, partner or controlling person.

(c) Upon request, licensees shall have impressions taken and submit them to the Commission on a New Jersey State Police fingerprint card, with a certified check or money order to pay for their processing, for any natural person licensee or any officer, director, partner or controlling person of any licensed corporation or partnership.

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

(a)

Driver Control Service Point System and Driving During Suspension

Adopted Amendment: N.J.A.C. 13:19-10.1

Proposed: September 16, 1985 at 17 N.J.R. 2231(a).

Adopted: October 22, 1985 by Robert S. Kline, Acting Director, Division of Motor Vehicles.

Filed: October 29, 1985 as R.1985 d.599, **without change.**

Authority: N.J.S.A. 39:5-30, 39:5-30.5 and P.L. 1985, c. 154, §2 (C. 39:5-30.5a).

Effective Date: November 18, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): March 27, 1989.

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

Full text of the adoption follows.

13:19-10.1 Point assessment

Any person who is convicted of any of the following offenses, including offenses committed while operating a motorized bicycle, shall be assessed points for each conviction in accordance with the following schedule:

SECTION NUMBER	OFFENSE	POINTS
1.-33. (No change.)		
34. N.J.S.A. 39:4-97a	Destruction of agricultural or recreational property	2
Renummer existing 34.-52. as 35.-53. (No change in text.)		

(b)

Licensing Service Statutory Language Interpretation

Readoption with Amendments: N.J.A.C. 13:21-2.1 through 13:21-2.4

Proposed: September 3, 1985 at 17 N.J.R. 2090(b).

Adopted: October 8, 1985, Robert S. Kline, Acting Director, Division of Motor Vehicles.

Filed: October 18, 1985 as R.1985 d.576, **without change.**

Authority: N.J.S.A. 39:2-3, 39:3-13 and 39:10-4.

Effective Date: October 18, 1985 for Readoption;
November 18, 1985 for Amendments.

Expiration Date pursuant to Executive Order No. 66(1978): October 18, 1990.

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

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 13:21-2.

Full text of the adopted amendments follows.

13:21-2.1 Basis for interpretation

Pursuant to the authority granted to administrative agencies to interpret statutory language, the phrase "while in the company of and under the control of a driver licensed by this State to operate such designated class of motor vehicles in N.J.S.A. 39:3-13 is interpreted as provided in N.J.A.C. 13:21-2.2 ("Accompanied" in motor vehicles defined) and N.J.A.C. 13:21-2.3 ("Accompanied" in motorcycles defined).

13:21-2.2 "Accompanied" in motor vehicles defined

A person learning to drive a motor vehicle in preparation for a driving test shall be accompanied by a driver licensed by this State to operate such designated class of motor vehicles. The term "accompanied" shall mean that the licensed driver will occupy a seat next to the learner and be in a position to assume control of the vehicle if the need should arise. Operating controls shall be within easy reach of the accompanying driver.

13:21-2.3 "Accompanied" in motorcycles defined

A person learning to operate a motorcycle in preparation for a driving test shall be accompanied by a driver licensed by this State to operate motorcycles and who is qualified to handle the type of vehicle being used by the learner. The term "accompanied" shall mean that the licensed driver shall assume a position where he can visually supervise and render immediate assistance to the learner if the need should arise.

(a)

BOARD OF NURSING

Licensure by Examination and Endorsement; Foreign Nurses; Nursing Procedures

**Adopted Amendments: N.J.A.C. 13:37-2.1, 2.3,
 3.5, 4.1, 4.3, 4.4, 4.6, 5.1**

Adopted Repeal: N.J.A.C. 13:37-4.5

**Adopted Repeal and New Rule: N.J.A.C.
 13:47-5.5**

Proposed: June 17, 1985 at 17 N.J.R. 1529(a).

Adopted: October 9, 1985 by Sylvia Edge, President,
 New Jersey State Board of Nursing.

Filed: October 28, 1985 as R.1985 d.592 **without change.**

Authority: N.J.S.A. 45:11-23; 45:11-24(d) (8) and (19);
 45:11-26 and 45:11-27.

Effective Date: November 18, 1985.

Expiration Date pursuant to Executive Order No.
 66(1978): February 11, 1990.

Summary of Public Comments and Agency Responses:

The Board of Nursing received several letters of comment concerning the proposal. The letters and agency responses are summarized below.

All of the letters received by the Board raised objection to the requirement that graduate nurses submit "a written promise of employment to work as a graduate nurse in a hospital, institution or agency approved by the Board." N.J.A.C. 13:37-3.5. In the letters received from Riverview Medical Center, Mountainside Hospital Nursing School, the Association of Diploma Schools of Professional Nursing and the New Jersey Hospital Association, there was concern raised over the continued ability of graduate nurses to sit for the licensing examination in the absence of a written promise of employment. The Board assures all those concerned that the failure to obtain promise of employment will not prevent a graduate nurse from taking the licensing exam. It will merely prevent her from obtaining a temporary work permit from the Board enabling her to work as a graduate nurse pending the results of the licensing exam, until she can supply the Board with necessary documentation of her employment. In the letters received from Helene Fuld Medical Center School of Nursing, the Veterans Administration Medical Center, the New Jersey Hospital Association and Mountainside Hospital School of Nursing there was concern raised that the requirement of a written promise of employment was not imposed on foreign graduates. The promise of employment is a requirement for all nurse graduates. Foreign nurse graduates who have entered the United States on a H-1 Visa are required by federal law to obtain a promise of employment prior to their arrival in this country.

In the letters received from Helene Fuld Medical Center School of Nursing, and the New Jersey Hospital Association clarification is requested on the meaning of the words "hospitals, institution and agencies approved by the Board for this purpose." The words of the regulation mirror the language of N.J.S.A. 45:11-23. No independent approval mechanism is anticipated and any institution approved by the Department of Health would be acceptable to the Board. In letters received from Helene Fuld Medical Center School of Nursing, Saint Barnabas Medical Center, Riverview Medical Center, the Association of Diploma Schools and the New Jersey Hospital Association, there is concern raised that the "promise of employment" requirement places an unfair burden on hospitals in the State. The requirement is not intended to place a burden on any employing agency. The burden is placed squarely on the graduate nurse to obtain the necessary documentation of employment. There is no intention of the Board to interfere with any limitations or conditions of employment deemed necessary by the employing agency. The rationale for the regulation is to eliminate the growing problem of license applicants who receive and use temporary work permits when they are not eligible or qualified to do so.

The Board received letters from the New Jersey Association of Hospital Recruiters, Jersey Shore Medical Center, St. Elizabeth Hospital and St. Peter's Medical Center after the date on which it was required to accept comment on the proposal. It should be noted, however, that the comments made in these letters raise the very same issues which are addressed herein.

Full text of the adoption follows.

13:37-2.1 Educational requirements
 (a) (No change.)

(b) Applicants who entered schools of nursing on and after June 11, 1947 shall have completed the course of study required at such school meeting the requirements of N.J.A.C. 13:37-1.6. Applicants shall submit their completed student final record as proof of successful completion of an approved course of study.

13:37-2.3 Examinations; temporary work permits

(a) (No change.)

(b) If an individual has submitted an application to take the first licensing examination scheduled by the Board following completion of an approved course of study in nursing such person shall be issued a temporary work permit enabling such person to work as a graduate nurse in hospitals, institutions and agencies approved by the Board for this purpose, pending the results of the first licensing examination. Said application shall include the following items:

1. An official application for a nursing license;
2. A written request for a temporary work permit;
3. Written intention to take the first licensing examination following graduation from an approved course of study;
4. Written verification from the Program Director that the applicant has successfully completed an approved course of study;
5. A written promise of employment to work as a graduate nurse in a hospital, institution or agency approved by the Board for this purpose.

(c) (No change.)

(d) If an individual fails to take or pass the first licensing examination following completion of an approved course of study, such person shall be required to forthwith surrender the temporary work permit to the Board and immediately refrain from further practice as a graduate nurse.

(e)-(f) (No change.)

(g) Every applicant is responsible to show the original temporary work permit to his or her employer prior to beginning employment and upon request.

(h) Every applicant is responsible to return the temporary work permit to the Board immediately upon failing to take or to pass the first licensing examination following completion of an approved course of study. Failing to do so shall prevent said applicant from applying to take any further licensing examination.

13:37-3.5 Examinations; temporary work permits

(a) (No change.)

(b) If an individual has submitted an application to take the first licensing examination scheduled by the Board following completion of an approved course of study in nursing such person shall be issued a temporary work permit to work as a graduate nurse in hospitals, institutions and agencies approved by the Board for this purpose, pending the results of the first licensing examination. Said application shall include the following items:

1. An official application for a nursing license;
2. A written request for a temporary work permit;
3. Written intention to take the first licensing examination following successful completion of the nursing course;
4. Written verification from the Program Director that the applicant has successfully completed the nursing course;
5. A written promise of employment to work as a graduate nurse in a hospital, institution or agency approved by the Board for this purpose.

(c) (No change.)

(d) If an individual fails to take or pass the first licensing examination following successful completion of the nursing course, such person shall be required to forthwith surrender the temporary work permit to the Board and immediately refrain from further practice as a graduate nurse.

(e)-(f) (No change.)

(g) Every applicant is responsible to show the original temporary work permit to his or her employer prior to beginning employment and upon request.

(h) Every applicant is responsible to return the temporary work permit to the Board immediately upon failing to take or to pass the first licensing examination following successful completion of the nursing course. Failing to do so shall prevent said applicant from applying to take any further licensing examination.

13:37-4.1 Initial inquiry

(a) Professional nurse: Upon receipt of an initial inquiry from a foreign nurse applicant, the applicant shall be required to submit an information form. If the applicant appears to satisfy the requirements for licensure, the applicant shall be required to submit:

1.-2. (No change.)

3. Student final record or an equivalent of nursing record, or in the event such record is unavailable, proof that the applicant is a graduate of an approved school of professional nursing or a valid certificate issued by the Commission of Graduates of Foreign Nursing Schools;

4. (No change.)

(b) (No change.)

13:37-4.3 Deficiencies

(a) Professional nurse: Prior to being examined for registration, applicants deficient in medical, surgical, pediatric, obstetric, or psychiatric nursing shall complete an accredited course in an approved school of professional nursing in the areas of deficiency.

(b) Practical nurse: Prior to being examined for registration, applicants deficient in medical, surgical, pediatric, obstetric, or psychiatric nursing shall complete an accredited course in approved school of practical nursing in areas of deficiency.

13:37-4.4 Examinations; temporary work permits

(a) (No change.)

(b) If an individual has submitted an application to take the first licensing examination scheduled by the Board following completion of an approved course of study in nursing and arrival in this country shall be issued a temporary work permit if eligible enabling such person to work as a graduate nurse in hospitals, institutions and agencies approved by the Board for this purpose, pending the results of the first licensing examination. Said application shall include the following items:

1. An official application for a nursing license;
2. A written request for a temporary work permit;
3. Written intention to take the first licensing examination following graduation from an approved course of study and arrival in this country;
4. A copy of the nursing license of the country where nursing education was obtained;
5. A copy of H-1 Visa, alien registration number, visa classification number or a work authorized letter from the U.S. Immigration Service permitting employment.
6. Written promise of employment with an approved facility unless a H-1 Visa is shown.

(c) (No change.)

(d) If an individual fails to take or pass the first licensing examination following completion of an approved course of study and arrival in this country such person shall be required to forthwith surrender the temporary work permit to the Board and immediately refrain from further practice as a graduate nurse.

(e)-(f) (No change.)

(g) Every applicant is responsible to show the original temporary work permit to his or her employer prior to beginning employment and upon request.

(h) Every applicant is responsible to return the temporary work permit to the Board immediately upon failing to take or pass the first licensing examination following completion of an approved course of study. Failing to do so shall prevent said applicant from applying to take any further licensing examination.

13:37-4.5 (Reserved)

13:37-4.6 Language comprehensive requirement

(a) Professional nurse: All foreign nurse candidates prior to taking the examination shall submit to the Board a certificate from the Commission on Graduates of Foreign Nursing Schools.

(b) Practical nurse: All foreign nurse candidates from non-English speaking countries or countries wherein the primary language is other than English, prior to taking the examination shall submit to the Board a TOEFL (Test of English) certificate with a minimum score acceptable to the Board and determined annually.

13:37-5.1 Initial inquiry

(a) (No change.)

(b) Practical nurse: Upon receipt of an initial inquiry from an applicant who has been licensed by examination or original waiver in another state, the applicant shall be required to submit:

1.-3. (No change.)

4. Foreign nurse graduates shall submit proof of completion of the equivalent of two years of high school and the school of nursing.

13:37-5.5 Employment prior to licensure

(a) If an individual has submitted an application for licensure by endorsement such person shall be issued a temporary work permit to work as a nurse pending the Board's evaluation of his or her completed application or for a period not to exceed one year from the date the temporary work permit was issued, whichever is first. Said application shall include the following items:

1. An official application for a nursing license by endorsement;

2. Written verification from the original state of licensure indicating licensure in good standing.

(b) Every applicant is responsible to show the original temporary work permit to his or her employer prior to beginning employment and upon request.

(c) Every applicant is responsible to return the temporary work permit to the Board immediately upon failing to submit a completed application within one year of the date the temporary work permit was issued. Failing to do so shall prevent said applicant from applying to take any further licensing examination.

TRANSPORTATION

(a)

PUBLIC TRANSPORTATION

Auto Buses

Public Liability Insurance

Adopted Amendment: N.J.A.C. 16:53-9.1

Proposed: September 3, 1985 at 17 N.J.R. 2149(a).

Adopted: October 9, 1985 by James A. Crawford,

Assistant Commissioner for Transportation Services & Planning.

Filed: October 17, 1985 as R.1985 d.574, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 52:14B-4(c).

Effective Date: November 18, 1985.

Expiration Date pursuant to Executive Order No.

66(1978): March 19, 1989.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

16:53-9.1 Certificate of insurance or evidence of self-insurance

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

(d) Termination by replacement: Certificates of insurance which have been accepted by the Commissioner of Transportation under this section may be replaced by other certificates of insurance. The liability of the retiring insurer under such certificates of insurance shall be considered as having been terminated as of the effective date of the replacement certificate of insurance, provided the certificate meets all of the following conditions:

1.-3. (No change.)

4. Notwithstanding the requirements of (e) through (i) below, a replacement certificate may be in the form of a standard insurance binder. An insurance binder shall be valid as a replacement certificate for a period of 60 days from the date of the letter of authorization. The letter of authorization shall refer specifically to the use of the binder as a replacement certificate and shall warrant that the Department shall be notified immediately upon the insured's receipt of actual or constructive notice of cancellation.

(e)-(m) (No change.)

(n) The Department shall not issue any certificate of compliance for any vehicle owned by a motor carrier that avails itself of (e)4 above, if title to such vehicle was acquired by the motor carrier after the effective date of the replacement certificate. The Department may issue a certificate of compliance for vehicles owned by such a motor carrier when a replacement certificate is filed in accordance with the conditions of (d)1 through 3 above.

TREASURY-GENERAL

(a)

DIVISION OF PENSIONS

Public Employees' Retirement System Election of Member-Trustee

Adopted Amendment: N.J.A.C. 17:2-1.4

Proposed: September 16, 1985, at 17 N.J.R. 2238(a).
 Adopted: October 24, 1985 by the Board of Trustees,
 Public Employees' Retirement System; Janice Nelson,
 Secretary.
 Filed: October 28, 1985 as R.1985 d.590, **without change**.
 Authority: N.J.S.A. 43:15A-17.

Effective: November 18, 1985.
 Expiration Date pursuant to Executive Order No.
 66(1978): December 17, 1989.

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

Full text of the adoption follows.

- 17:2-1.4 Election of member-trustee
- (a) The election of the Board of Trustee members will include the use of nominating petitions.
 - 1.-3. (No change.)
 - 4. The second will be ballot, containing the names of the candidates who have been properly nominated as well as the rules governing the balloting. If only one candidate is nominated, the second form will be a notice containing the name of the candidate and an indication that the candidate is deemed elected to the position without balloting because there was only one nominee.
 - 5. (No change.)
 - (b) Rules concerning election notice and petition are as follows:
 - 1.-8. (No change.)
 - 9. If only one candidate is nominated for a position, the candidate is deemed elected to the position without balloting.
 - (c)-(g) (No change.)

(b)

STATE HEALTH BENEFITS COMMISSION

State Health Benefits Program Voluntary Termination of Employer

Adopted Amendments: N.J.A.C. 17:9-1.5

Proposed: June 3, 1985 at 17 N.J.R. 1399(a).
 Adopted: October 24, 1985 by the State Health Benefits
 Commission, Gaius Mount, Acting Secretary.
 Filed: October 25, 1985 as R.1985 d.587, **without change**.

Authority: N.J.S.A. 52:14-17.27.

Effective Date: November 18, 1985.
 Expiration Date pursuant to Executive Order No.
 66(1978): June 6, 1988.

Summary of Public Comments and Agency Responses:

One comment was received which argued that the proposed five-year debarment period was too long and that a shorter period, such as three years, could still achieve the Commission's goal of maintaining costs.

The Commission reviewed the comment and decided to adopt the five-year period because it was considered a reasonable and fair time period within which to assess the claim experience of the employer seeking reentry into the program. This would provide the Commission a sufficient time period to evaluate any projected increased costs.

Full text of the adoption follows.

- 17:9-1.5 Voluntary termination of employer; notice
- (a) (No change.)
 - (b) For purposes of local coverage, where a participating employer voluntarily terminates coverage, the coverage for his active and retired employees shall terminate as of the first of the month following a 60-day period beginning with the receipt of the resolution by the Health Benefits Commission. The employer shall be barred as a participating employer from future reentry into the program for a period of five years. Reentry into the program will be permitted only once.
 - (c)-(d) (No change.)

(c)

STATE INVESTMENT COUNCIL

Common and Preferred Stocks Limitations

Adopted Amendment: N.J.A.C. 17:16-17.3

Proposed: September 16, 1985 at 17 N.J.R. 2239(b).
 Adopted: October 21, 1985 by Roland M. Machold,
 Director, Division of Investment.
 Filed: October 23, 1985 as R.1985 d.582, **without change**.
 Authority: N.J.S.A. 52:18A-91.

Effective Date: November 18, 1985.
 Expiration Date pursuant to Executive Order No.
 66(1978): April 18, 1988.

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

Full text of the adoption follows.

- 17:16-17.3 Limitations
- (a) The book value of the total investment in common and preferred stock for any one fund shall not exceed 40 percent of the book value of such fund.
 - (b) Not more than two percent of the book value of any fund shall be invested in the common and preferred stock of any one corporation, except that this limitation for the Trustees for the Support of Public Schools shall be 10 percent.

(c) The total amount of stock purchased or acquired of any one corporation shall not exceed five percent of the common stock, or of any other class of stock which entitles the holder thereof to vote at all elections of directors, of such corporation.

(a)

OFFICE OF THE TREASURER

Charitable Fund-Raising Among Employees of Local Units of Government

Readopted New Rule: N.J.A.C. 17:29

Proposed: September 16, 1985 at 17 N.J.R. 2294(a).

Adopted: October 18, 1985 by Michael M. Horn, State Treasurer.

Filed: October 18, 1985 as R.1985 d.577, with substantive changes not requiring additional public notice and comment. (see N.J.A.C. 1:30-3.5).

Effective Date: October 18, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): October 18, 1990.

Summary of Public Comments and Agency Responses:

No comments to the readopted rule were received. However, one substantive change had to be made. Originally, the rule provided for a very brief planning period for local campaigns. The change reflected in the readopted rule extends the period which local units of government will have for campaign planning to approximately three months. For example, the planning period for the 1986-87 Campaign will begin around mid-summer 1986. This change also required minor changes in dates throughout the Chapter so that all dates will conform to the extended application and planning period.

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

CHAPTER 29

CHARITABLE FUND-RAISING AMONG EMPLOYEES OF LOCAL UNITS OF GOVERNMENT

SUBCHAPTER 1. GENERAL PROVISIONS

17:29-1.1 Purpose

(a) The purpose of the regulations in this chapter is to:

1. Provide a convenient channel through which employees of local units of government may support the efforts of charitable fund-raising organizations and charitable agencies by minimizing disruption to the workplace and cost to the taxpayers that fund-raising may entail;
2. Establish a system for the planning and conduct of charitable fund-raising campaigns among employees of local units of government in order to ensure that the funds will be collected and distributed in a reasonable manner; and
3. Provide eligible charitable organizations and charitable agencies access to the public workplace for soliciting and collecting such contributions.

17:29-1.2 Scope

No deduction shall be made for compensation payable by disbursing officers of local units of government or their agents,

or from the compensation payable to employees of any local unit of government, for the payment of contributions to any charitable fund-raising organization or charitable agency pursuant to N.J.S.A. 52:14-15.9c1, unless such organization or agency complies with the requirements of this chapter.

17:29-1.3 Definitions

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

"Affiliated charitable agency" means a charitable agency which is affiliated with a charitable fund-raising organization participating in the Campaign for the purpose of directly sharing in funds raised by the organization.

"Appropriate disbursing officer" means that individual or individuals, in the case of a local unit of government, who is responsible for employee payroll of that local unit of government.

"Campaign manager" means a charitable fund-raising organization which manages a charitable fund-raising campaign.

"Campaign volunteer" means a public employee who volunteers to assist the local Campaign Manager in the administration of the local Campaign.

"Charitable agency" means a volunteer, not-for-profit organization which provides health, welfare, or human care services to individuals.

"Charitable fund-raising campaign" (Campaign) means an annual payroll deduction campaign among employees of a local unit of government, organized pursuant to this Act, to receive and distribute the voluntary charitable contributions of employees.

"Charitable fund-raising organization" means a volunteer, not-for-profit organization which receives and distributes voluntary charitable contributions.

"Compensation" means compensation payable by the appropriate disbursing officer to an employee of a local unit of government.

"Day" means a working day.

"Local unit of government" means any county, municipality, board of education or instrumentality thereof.

"Payroll deduction" means a contribution deducted from a State employee's compensation pursuant N.J.S.A. 52:14-15.9c1.

"Unaffiliated charitable agency" means a charitable agency which provides health, welfare, or human care services within New Jersey and which is not affiliated with a charitable fund-raising organization.

"Undesignated contributions" means funds contributed to a charitable fund-raising campaign with no designation by the contributor as to the recipient charitable fund-raising organization or charitable agency.

17:29-1.4 Forms

In order to carry out its functions, the Chief Executive Officer of a local unit of government shall use such forms that he or she shall deem appropriate. Such forms may be amended, supplemented and/or replaced at the discretion of the Chief Executive Officer of the local unit of government.

SUBCHAPTER 2. CHARITABLE FUND-RAISING CAMPAIGN STEERING COMMITTEE

17:29-2.1 General provisions

(a) Each local Campaign Steering Committee shall act as the operational unit of its local unit of government Campaign.

Its actions on behalf of the members of the participating charitable fund-raising organizations shall be binding; it may assign functions, organize subgroups, and enlist others in its activities as it deems necessary in order to carry out its responsibilities.

(b) The underlying philosophy that shall govern the actions of each local Campaign Steering Committee and the relationship among participating charitable fund-raising organizations is that no one organization shall function in a manner that will be detrimental to other participating organizations or to agencies participating in the Campaign.

(c) Each local Campaign Steering Committee shall convene annually at the call of the Chief Executive Officer of the local unit of government.

(d) Each member shall have one vote.

17:29-2.2 Membership

Each local Campaign Steering Committee shall consist of one representative to be appointed by each charitable fund-raising organization eligible to participate in the local unit of government Campaign, pursuant to N.J.S.A. 52:14-15.9c7a-e, g, and one representative of the local unit of government to be appointed by the Chief Executive Officer of the unit. Each local Committee may also include two representatives of the employees or the management of the local unit of government as may be designated by the governing body of the unit.

17:29-2.3 Duties of Campaign Steering Committee

(a) Each local Campaign Steering Committee shall:

1. Elect a chairman to conduct the meetings of the local Campaign Steering Committee and who shall be eligible for re-election;
2. Elect and oversee a Campaign Manager;
3. Establish policies and procedures in the operation and administration of the local unit of government Campaign.

17:29-2.4 Eligibility of fund-raising organizations

(a) The requirements for eligibility are set forth in N.J.S.A. 52:14-15.9c7.

(b) Charitable fund-raising organizations found eligible to participate on the State Campaign Steering Committee shall automatically be eligible to participate on a local Campaign Steering Committee ***upon application to the local unit of government***. The letter of the State Treasurer so stating eligibility shall be proof of such eligibility. See N.J.A.C. 17:28-2.6.

(c) The burden of demonstrating eligibility shall rest with the applicant.

17:29-2.5 Membership procedure

(a) ***[Forty-five]* *At least seventy five*** days prior to the local unit of government Campaign, the Chief Executive Officer of the local unit of government shall publish in one local newspaper (if one exists) and one statewide newspaper notice of application for charitable fund-raising organizations wishing to participate in the local Campaign Steering Committee. The Chief Executive Officer shall indicate a reasonable application deadline in the notice. ***The Chief Executive Officer shall also notify the State Campaign Steering Committee, through the State Treasurer, at least 20 days prior to the application deadline, that the local unit of government is taking applications.***

(b) No later than ten days after the close of the application due date, the Chief Executive Officer of the local unit of government shall notify each applicant of its eligibility or

ineligibility for the local Campaign Steering Committee. In cases of ineligibility the notice shall set forth reasons for such ineligibility.

17:29-2.6 Appeal procedure

(a) Any charitable fund-raising organization receiving notice of ineligibility shall have five days from receipt of such notice to submit to the Chief Executive Officer of the local unit of government any additional information addressing any deficiencies in the application.

(b) Within five days of receipt of any additional information, the Chief Executive Officer shall convene a special appeal panel consisting of the representatives of the employees or management and the representative of the Chief Executive Officer to review the charitable fund-raising organization's application and any additional documentation or information submitted by the charitable fund-raising organization to address any deficiency in the application as determined by the Chief Executive Officer.

(c) The special appeal panel shall conduct its review within five days and in that time notify the Chief Executive Officer of its decision. The decision of the special appeal panel shall be final.

17:29-2.7 Application form/organization

(a) The Chief Executive Officer of a local unit of government may request any general background information of the applicant charitable fund-raising organization which may aid the Chief Executive Officer in his or her determination of an organization's eligibility.

(b) In addition to such background information, the applicant must submit:

1. With respect to the requirements set forth in N.J.S.A. 52:14:15.9c7a, b, and c, from the Internal Revenue Service Letter of Determination or other proof from the Internal Revenue Service that the applicant:

- i. Is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code;

- ii. Qualifies for tax deductible contributions under Section 170(b)(1)(A)(vi) or (viii) of the Internal Revenue Code;

- iii. Is not a private foundation as defined in Section 509(a) of the Internal Revenue Code; and

2. With respect to the requirements set forth in N.J.S.A. 52:14-15.9c7e, annual financial reports which demonstrate that the organization raised, in each of the two fiscal years preceding its application to participate in the local Campaign, at least \$15,000 from individual citizens of New Jersey; and

3. With respect to N.J.S.A. 52:14-15.9c7g, annual financial reports which demonstrate that the organization raised at least \$25,000 and distributed that sum among a minimum of five charitable agencies (not necessarily located with the State) in each of its two fiscal years preceding its application to participate in a State Campaign.

(c) In order to meet its application requirement, each charitable fund-raising organization found eligible to participate on the State Campaign Steering Committee need only submit along with its request to participate in the Campaign the letter of the State Treasurer so stating eligibility to participate in the State Campaign.

SUBCHAPTER 3. LOCAL UNIT OF GOVERNMENT CHARITABLE FUND-RAISING CAMPAIGN

17:29-3.1 Eligibility

(a) A charitable fund-raising organization eligible for membership on a local Campaign Steering Committee shall be

eligible to participate in the charitable fund-raising Campaign for that local unit of government campaign.

(b) A charitable agency shall be eligible to participate in a local unit of government Campaign if it is affiliated with a charitable fund-raising organization which is participating in the local unit of government campaign or if the agency meets the requirements of N.J.S.A. 52:14-15.9c7a-e.

1. The burden of demonstrating eligibility shall rest with the applicant.

17:29-3.2 Application Procedure

(a) See N.J.A.C. 17:29-2.5 for the application procedure of charitable fund-raising organizations.

(b) The application procedure for charitable agencies is as follows:

1. ***At least seventy five days* *[*P]* *p*rior to the local unit of government Campaign, the Chief Executive Officer of the local unit of government shall publish in one local newspaper (if one exists) and one statewide newspaper notice of application for charitable agencies wishing to participate in the local unit of government Campaign. The Chief Executive Officer shall indicate a reasonable application deadline in the notice. *The Chief Executive Officer shall also notify the Campaign Steering Committee, through the State Treasurer, at least 20 days prior to the application deadline, that the local unit of government is taking applications.***

2. No later than ten days after the close of the application due date, the Chief Executive Officer of the local unit of government, with the advice of the local Campaign Steering Committee, shall review applications of unaffiliated charitable agencies wishing to participate in the local Campaign and shall notify each applicant of its eligibility or ineligibility to participate in the local Campaign. In cases of ineligibility, the notice shall set forth reasons for such ineligibility.

3. Any charitable agency receiving notice of ineligibility shall have five days from receipt of such notice to submit to the Chief Executive Officer of the local unit of government any additional information addressing any deficiency in the application.

4. No later than five days after receipt of any additional information, the Chief Executive Officer shall convene a special appeal panel consisting of the representatives of the employees or management and the representative of the Chief Executive Officer to review the charitable agencies application and any additional documentation or information submitted by the charitable agency to address any deficiency in the application as determined by the Chief Executive Officer.

5. The special appeal panel shall conduct its review within five days and in that time notify the Chief Executive Officer of its decision. The decision of the special appeal panel shall be final.

17:29-3.3 Application form/affiliated charitable agency

Affiliated charitable agencies wishing to participate in a local unit of government Campaign shall be certified as affiliated by their charitable fund-raising organization.

17:29-3.4 Application form/unaffiliated charitable agency

(a) The Chief Executive Officer of a local unit of government may request any general background information of the applicant charitable agency which may aid the Chief Executive Officer in his or her determination of an agency's eligibility.

(b) In addition to such background information, the applicant must submit:

1. With respect to the requirements set forth in N.J.S.A. 52:14-15.9c7a, b, and c, a Letter of Determination from the

Internal Revenue Service or other proof from the Internal Revenue Service that the applicant:

i. Is exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code;

ii. Qualifies for tax deductible contributions under Section 170(b)(1)(A)(vi) or (viii) of the Internal Revenue Code; and

iii. Is not a private foundation as defined in Section 509(a) of the Internal Revenue Code; and

2. With respect to the requirements set forth in N.J.S.A. 52:14-15.9c7e, annual financial reports which demonstrate that the agency raised, in each of its fiscal years preceding its application to participate in a local unit of government Campaign, at least \$15,000 from individual citizens of New Jersey.

SUBCHAPTER 4. CAMPAIGN ADMINISTRATION

17:29-4.1 General provisions

The provisions of this subchapter shall apply to employees of local units of government.

17:29-4.2 Campaign period

(a) Each local Campaign Steering Committee shall schedule the Campaign solicitation period for its local unit of government.

(b) Participating charitable fund-raising organizations and charitable agencies may not engage in educational activities among employees of local units of government at the work site of the employees during the local Campaign period.

(c) Participating charitable fund-raising organizations and charitable agencies may not engage in solicitation activities among employees of the local unit of government at the work site of the employees during the non-campaign period.

17:29-4.3 Payroll deduction

The appropriate disbursing officer for each local unit of government shall establish a payroll deduction system for the collection and distribution of voluntary charitable contributions by employees of the local unit of government in accordance with the Act.

17:29-4.4 Campaign literature

(a) Each local Campaign Steering Committee shall be responsible for the design, printing and distribution of Campaign pledge/designation cards and other Campaign literature.

17:29-4.5 Distribution of campaign literature

During working hours, campaign volunteers shall distribute at the request of the local Campaign Manager, only Campaign information or literature approved by the Chief Executive Officer for distribution in the local unit of government Campaign.

17:29-4.6 Designated contributions

Employees may designate, on the Campaign pledge/designation card, their contribution to a specific charitable fund-raising organization and/or charitable agency, and/or may select the undesignated option. For contributions through the payroll deduction there shall be a minimum of \$.50 per week (\$26.00 per year) per organization or agency designated. The minimum contribution requirement shall be met for each additional organization or agency designated.

17:29-4.7 Distribution of contributions

(a) Designated contributions shall be distributed in a manner established by the local Campaign Steering Committee and in accordance with the wishes of the designating employees of local units of government.

(b) Undesignated contributions shall be distributed to participating campaign organizations in the same proportion that these organizations received designated funds.

SUBCHAPTER 5. CAMPAIGN ACCOUNTING

17:29-5.1 General provisions

The Chief Executive Officer of each local unit of government shall establish a system to ensure that the total amount of contribution as requested by the employees of the local unit of government is deducted from employees compensation and that amount is remitted to the local Campaign Steering Committee.

17:29-5.2 Campaign accounting

At the end of the Campaign solicitation period the Chief Executive Officer of the local unit of government shall provide to the Campaign Manager information containing the total amount contributed by the employees of the local unit of government to charitable fund-raising organizations and charitable agencies participating in the local Campaign.

17:29-5.3 Costs

(a) The operation of the payroll deduction system for each local unit of government campaign will be provided by the local unit of government as a service to its employees in the same manner that other authorized deductions are provided.

(b) Other costs attributed to the local unit of government Campaign including, but not limited to the design, printing, preparation, and distribution of the Campaign materials, Campaign accounting and administration to be conducted by the local Campaign Manager shall be approved by the local Campaign Steering Committee and payable by the Committee from contributions. These costs shall not exceed ten percent of the total amount contributed in the local unit of government Campaign.

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION

Fees

Distribution of Surplus; Fees for Services Provided to Other Governmental Bodies

Adopted Amendments: N.J.A.C. 19:41-9.1, 9.4 and 9.19

Adopted New Rule: N.J.A.C. 19:41-9.20

Proposed: September 16, 1985 at 17 N.J.R. 2242(a).

Adopted: October 24, 1985 by New Jersey Casino

Control Commission, Walter N. Read, Chairman.

Filed: October 24, 1985 as R.1985 d.583, **without change**.

Authority: N.J.S.A. 5:12-63, -69, -70(e) and -170.

Effective Date: November 18, 1985.

Expiration Date pursuant to Executive Order No.

66(1978): May 17, 1988.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

19:41-9.1 General description of fees and policy

(a) Under the Act, the Commission and Division are required to be financed exclusively from fees charged each fiscal year to applicants, licensees and registrants. Generally, the Act divides fees into two broad categories: those pertaining to casino licenses and those pertaining to all other forms of licensure or approval. Section 139 of the Act requires the Commission to establish, by regulation, fees for the issuance and renewal of casino licenses. The statutory basis for the casino license issuance fee is the cost of investigation and consideration of the application. The statutory basis for the casino license renewal fee is the cost of maintaining the control and regulatory activities of the Commission and the Division. In contrast, Sections 141 and 142 of the Act require the Commission to establish, by regulation, issuance and renewal fees for all non-casino licenses and work permits, but indicate no cost basis for establishing such fees.

(b) The differing treatment of these categories reflects a legislative recognition and judgment that casino applicants and licensees benefit directly or indirectly from all aspects of the regulatory process and are best suited to bear the largest share of the costs incurred by the agencies in implementing that process. Moreover, the experience of the Commission and the Division reveals that the actual cost of investigating and considering applications for individual employee licenses and casino service industry licenses frequently exceeds the amount which those applicants and licensees may fairly be required to pay as fees. The fee structure established by these regulations is designed to respond to these policies and problems.

(c) To the extent fairly possible, each applicant or licensee should pay the investigatory or regulatory costs attributable to that applicant or license. However, since individual employees and casino service industry enterprises cannot always be expected to cover the full amount expended and since a portion of the costs incurred by the agencies pertain to the industry generally, there will be an amount of the annual combined budgets of the agencies which will not be recoverable through specified fees for particular services. This amount cannot be predicted with precision because of the necessarily variable allocation of Commission and Division efforts.

(d) Given the mandate of the Act to recover the cost of maintaining control and regulatory activities from casino license renewal fees and given the fact that all such activities are undertaken for the direct or indirect benefit or protection of casino operations, the obligation to supply additional funds necessary to recover the otherwise uncollected expenditures of the agencies should be spread among the licensed casino facilities. By their nature the agency activities generating the otherwise uncollected expenditures are not attributable to any specific casino operation and they produce benefits for all such operations, for example, creating a pool of licensed individuals to employ and enlarging the class of licensed casino service industries to contract with for goods and services. Thus, it is reasonable to apportion the assessment for the otherwise uncollected costs equally among the licensed casino facilities subject to an appropriate adjustment where a particular facility is not authorized to conduct operations for an entire fiscal year or where a change of ownership or control of casino operations occurs during the fiscal year.

(e) In the event that the Casino Control Fund has a surplus as of the close of a fiscal year, other than a surplus due to estimated payments against an expected deficiency, the surplus

should be credited to the extent possible to the individual licensees who made the surplus payments. Since, as noted in (c) above, fees charged to persons other than casino licensees are no more than and frequently less than the actual cost of the investigatory and regulatory services actually attributable to them and since the casino licensees, through various hourly and other charges, contribute the overwhelming majority of all fees generated by the agencies, any surplus in the Casino Control Fund may be attributable to payments made by the casino licensees. Further, since it is not feasible to ascertain precisely the source of the surplus due to the variety of charges levied against the casino licensees and the numerous variables affecting the revenues and expenditures of the agencies, it is reasonable and equitable to distribute the surplus by granting credit to the casino licensees against future fee obligations and to allocate the credit among the licensees in proportion to the relative amount of total fees incurred or paid by each casino licensee with respect to the fiscal year.

19:41-9.4 Casino license fees

(a) For the purposes of this section, the following words and terms shall have the meanings herein ascribed to them unless a different meaning clearly appears from the context:

1. "Casino license" means a plenary casino license issued under Section 87 of the Act;

2.-3. (No change.)

4. "Initial license fee" or "Issuance fee" means the total fee which is required by the Act and these regulations to be paid prior to consideration or issuance of a plenary casino license to an unlicensed applicant and which is based upon the cost of investigating and considering the application;

5. "License renewal fee" means the total fee which is required by the Act and these regulations to be paid prior to the renewal of a plenary casino license under Section 88 of the Act and which is based upon the cost of investigating and considering the application and of maintaining control and regulatory activities of the Commission and the Division.

(b) No application for the issuance or renewal of a casino license shall be accepted for filing by the Chairman unless a nonrefundable deposit of \$100,000 shall first have been paid in full. Such deposit shall be applied to the initial license fee or renewal fee if the application is approved.

(c)-(e) (No change.)

(f) A licensed casino facility shall be required to pay, as a component of the renewal fee for any casino license necessary to casino operations therein and as a condition of any such casino license, a share of the amount of any liability of the Casino Control Fund existing as of the close of business on June 30 of each fiscal year. The share for each licensed casino facility shall be the amount which is in the same proportion to the total liability as the proportion of the number of months in the fiscal year when casino operations are conducted or authorized in the facility to the total number of such months for all licensed casino facilities. For purposes of this calculation any part of a calendar month shall be considered a full month. Any months during which a necessary casino license or operation certificate for a licensed casino facility has been suspended shall also be counted in determining the share of such facility. Further, the operation of the facility by a conservator or a trustee shall be deemed continued operation by the casino operator for these purposes. The primary obligation to pay the assessed share of a licensed casino facility shall be upon the casino operator; provided that where a change of casino operators occurs during the fiscal year each such operator shall be liable for an amount of the share apportioned

according to the time during which each operator functioned. Any share calculated in accordance with this section shall be paid in full by December 31 of the year following the fiscal year. The Commission, through its Division of Financial Evaluations and Control, shall have the authority to estimate from time to time during the fiscal year the share for each licensed casino facility incurred to that time and to demand payment of such estimated share.

19:41-9.19 Obligation to pay fees; nonrefundable nature of fees; credits

(a) Any fee obligation arising in accordance with the Act and this subchapter shall be due and payable notwithstanding the withdrawal or abandonment of any application or the termination in any manner of an existing license. In accordance with N.J.S.A. 5:12-82c(9), each party to an agreement to lease the casino hotel or the land thereunder, to jointly own a casino hotel or the land thereunder, or to manage a casino, shall also be liable for any amounts chargeable to the casino operator.

(b) Except as otherwise provided in (e) below, amounts actually paid by an applicant or licensee in accordance with the Act and this subchapter shall not be refundable.

(c) Payments made by a casino licensee for its estimated share under N.J.A.C. 19:41-9.4(f) which exceed its actual share as finally determined by the Commission for the fiscal year shall be credited toward the payment of additional fees by that casino licensee.

(d) Any surplus which exists in the Casino Control Fund as of the close of a fiscal year which is not due to excess payments of estimated shares collected pursuant to N.J.A.C. 19:41-9.4(f) shall be credited toward the payment of additional fees by casino licensees. The share for each casino licensee shall be the amount which is in the same proportion to the total surplus subject to this subsection as the proportion of the total amount of fees incurred or paid by the casino licensee with respect to the fiscal year is to the total amount of all fees incurred or paid by all casino licensees with respect to the fiscal year.

(e) Any former casino licensee which would be entitled to a credit toward the payment of additional fees pursuant to (c) or (d) above and which ceases to hold any license and which does not owe and will not accrue additional fee or other obligations to the State under the Act may claim a refund of any amount to which it is found to be entitled to a credit.

19:41-9.20 Fees for services provided to other governmental bodies

(a) Whenever the Commission or Division is authorized by law to provide services to any State, county or municipal department, board, bureau, commission, authority or agency, and to receive compensation for the performance of such services, the Commission shall assess fees for the cost and expense of providing these services as follows:

1. Payment for the efforts of professional agents and employees of the Commission and Division at the rate of \$40.00 per hour; and

2. Payment for any unusual or out-of-pocket expenses incurred by agents or employees of the Commission and Division on matters directly related to the performance of the services which are being provided.

19:41-9.21 Powers and duties of Commission and Division (No change in text.)

(a)

**PORT AUTHORITY OF NEW YORK AND
NEW JERSEY**

**Schedule of Charges
Employee Parking Lot 7,
Kennedy International Airport**

Adopted: October 1, 1985 by The Port Authority of
New York and New Jersey, Doris E. Landre,
Secretary.

Filed: October 17, 1985 as R.1985 d.575 (**Exempt**, from
Administrative Procedure Act as "Exempt Agency,"
see N.J.S.A. 52:14B-2(a)).

Effective Date: October 1, 1985.

Full text of the adoption follows.

**Kennedy International Airport—Revision to Schedule of
Charges—Employee Parking Lot 7**

RESOLVED, that the Schedule of Charges for Use of Public Vehicular Parking Areas at Kennedy International Airport for parking automotive vehicles in Employee Parking Lot 7 adopted by the Committee on Operations by resolution of August 31, 1977 be amended effective October 1, 1985 to increase the fee from \$15 to \$20 per vehicle each month; and it is further

RESOLVED, that the Acting Executive Director amend from time to time the Schedule of Charges for Use of Public Vehicular Parking Areas at Kennedy International Airport, as hereby amended, to revise the fee for parking automotive vehicles in Employee Parking Lot 7 to maintain cost recovery of the operation of the lot.

EMERGENCY ADOPTION

HUMAN SERVICES

(a)

DIVISION OF PUBLIC WELFARE

Home Energy Assistance

Ineligibility of Strikers, Illegal Aliens, and Residents of Drug and/or Alcohol Abuse Centers; Increases in Income Eligibility Limits, Benefits Issued to Renters, Cooling and Emergency Assistance; and Emergency Rehousing Assistance Reimbursement

Adopted Emergency Amendment and Concurrent Proposal: N.J.A.C. 10:89-2.2, 2.3, 3.2, 3.3, 3.4, 3.6, 4.1, and 5.1

Emergency Amendment Adopted: October 16, 1985 by Geoffrey S. Perselay, Acting Commissioner, Department of Human Services.

Gubernatorial Approval (N.J.S.A. 52:14B-4(c)): October 25, 1985.

Emergency Amendment Filed: October 28, 1985 as R.1985 d.593.

Authority: N.J.S.A. 30:4B-2.

Emergency Amendment Effective Date: October 28, 1985.

Emergency Amendment Operative Date: November 1, 1985.

Emergency Amendment Expiration Date: December 27, 1985.

Concurrent Proposal Number: PRN 1985-649.

Submit comments by December 18, 1985 to:
Audrey Harris, Director
Division of Public Welfare
CN 716
Trenton, New Jersey 08625

This amendment was adopted on an emergency basis and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-4.4). Concurrently, the provisions of this emergency amendment are being proposed for re-adoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

The agency emergency adoption and concurrent proposal follows:

Summary

The purpose of the Home Energy Assistance (HEA) program is to offset increasing costs of home heating fuels by providing assistance to low-income clients. In an effort to

expand the HEA client population and in light of New Jersey's increased allocation of Federal funds authorized through Title VI of the Human Services Reauthorization Act of 1984, revisions included here provide for increases in income eligibility limits, and increases in benefits for cooling and emergency assistance and benefits issued to renters.

N.J.A.C. 10:89-2.3(g) revises income eligibility limit guidelines, which have been increased to 150 percent of the Federal poverty level. N.J.A.C. 10:89-3.6(d) increases benefits to renters who are eligible for the Home Energy Assistance program. N.J.A.C. 10:89-2.2(a)3 excludes strikers from eligibility for Home Energy Assistance benefits, consistent with current food stamps and AFDC policy. N.J.A.C. 10:89-2.3(b)4 adds residents of drug and/or alcohol abuse centers to the list of households which are ineligible for program benefits regardless of income eligibility. N.J.A.C. 10:89-3.3(a) increases the cooling assistance benefit to \$125.00. N.J.A.C. 10:89-3.4(a)3 increases the maximum emergency energy assistance benefit to \$200.00 for all fuel types. The balance of program changes proposed herewith are nominal in nature and will neither affect the number of clients served nor the amounts of benefit payments issued.

Social Impact

Approximately 190,000 households were assisted during the Fiscal Year (FY) 1985 Home Energy Assistance program and it is projected that 224,000 households will be served in FY 1986. The low income population will receive the most direct benefit since they are the households which will receive a supplement to assist them in meeting their heating costs. These revised regulations ensure that the low income population will receive assistance promptly and efficiently.

Economic Impact

There will be no direct impact upon New Jersey taxpayers since the entire cost of assistance and administration is federally funded. There will be an indirect benefit to the public as a whole since there will be an influx of Federal dollars into the State's economy. The program's allocation for Federal Fiscal Year 1985 was \$82.8 million and we anticipate funding of \$88.3 million in FY 1986.

The direct beneficiaries of the program will be the approximately 224,000 households anticipated to receive assistance in FY 1986. To ensure that the program benefits are used for the intended purpose, which is to offset the increasing cost of home heating fuels, applicant households which are directly responsible to a participating fuel supplier for payment of heating costs will receive their benefit in the form of a two-party check payable to the applicant and the fuel supplier.

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

10:89-2.2 Eligibility requirements

(a) The household members shall be residents of New Jersey.

1.-2. (No change.)

3. Strikers and households that include striking members are ineligible for Home Energy Assistance benefits, in accordance with N.J.A.C. 10:81-3.47(a) and N.J.A.C. 10:87-3.19(a)7.

[3.]4. Illegal aliens are ineligible for Home Energy Assistance benefits. **In cases where an illegal alien resides within an applicant household, the alien must be excluded from the HEA household size. If the illegal alien has monthly income in excess of \$225.00, the amount in excess of \$225.00 shall be counted as income to the household, and must be added to all other household income in determining the household's gross monthly income.**

(b) (No change.)

(c) For all households including those receiving automatic payments (N.J.A.C. 10:89-3.1) the household's income must be less than or equal to the allowable gross monthly income eligibility limits for the applicable household size (N.J.A.C. 10:89-2.3(g)). Those denied [can] may apply for special assistance again if their income is reduced.

(d) (No change.)

10:89-2.3 Income eligibility

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

(g) Gross Income Eligibility Limits for Home Energy Assistance:

Household Size	Monthly Gross Income Limit
1	\$[519] 656
2	[700] 881
3	[881] 1106
4	[1062] 1331
5	[1243] 1556
6	[1424] 1781
7	[1605] 2006
8	[1786] 2231
9	[1967] 2456
10	[2148] 2681
Each Additional Member	+ [181] 225

10:89-3.2 Special energy assistance

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

(d) No special assistance shall be authorized for households residing in any licensed medical facility (hospital, skilled nursing facility or intermediate care facility), [or] publicly operated community residence or center for the treatment of drug and/or alcohol abuse.

(e)-(f) (No change.)

10:89-3.3 Cooling assistance

(a) Eligible households for which there is medical evidence that the health of at least one household member will be seriously endangered unless the household's living quarters are cooled, shall receive a one-time benefit in the amount of [\$100.00] **\$125.00** subject to the following provisions. This benefit is available in addition to any other benefits made under this program and will be paid directly to the household.

1.-2. (No change.)

3. The following households are not eligible for cooling assistance payments:

i.-ii. (No change.)

iii. Residents of any licensed medical facility (hospital, skilled nursing facility or intermediate care facility) or publicly operated community residence **and residents of centers for treatment of drug and/or alcohol abuse;**

iv. (No change.)

10:89-3.4 Emergency energy assistance

(a) Emergency energy assistance is available to income eligible households and is subject to the following conditions:

1.-2. (No change.)

3. The amount of any emergency assistance shall be the lowest amount charged for the service performed by the household's energy supplier or for the purchase of fuel, but shall not exceed \$200.00 for the purchase of fuel oil, [\$150.00 for the purchase of electricity or natural gas, \$100.00 for the purchase of bottled gas, kerosene, wood or coal, or \$50.00 for the restoration of utility service.] **electricity, natural gas, bottled gas, kerosene, wood or coal. The fee for restoration of utility service shall be counted toward the \$200.00 maximum amount for purchase of electricity or natural gas.**

4.-6. (No change.)

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

(d) Emergency energy assistance for specific services:

1. Emergency energy assistance is authorized through the CWA when a household is without heat or is in danger of being without heat. Payments shall not be authorized for households unless the household owns and resides in the residence requiring the service, and may be made only for the following services:

- i. Furnace restart not to exceed [\$50.00] **\$100.00;**
- ii. Minor furnace repairs up to [\$50.00] **\$100.00;** or
- iii. Correction for infiltration of cold air [(not to exceed \$50.00);] **(not to exceed \$100.00).**

(e) Emergency temporary rehousing[;]:

1.-3. (No change.)

4. The CWA is responsible for evaluation of the situation and determination of appropriateness of the reimbursement from program funds. The Director of the Division of Public Welfare, upon consideration of the CWA's recommendation, may authorize the reimbursement for a **specified temporary period not to exceed the calendar month following the month in which the rehousing became necessary.**

5. **Requests for Emergency Rehousing Assistance reimbursement must contain, in writing, the following information:**

- i. **Description of the client(s) heating related emergency which required the temporary rehousing;**
- ii. **Description of the CWA's response to the heating related emergency situation;**
- iii. **Duration of the heating related emergency;**
- iv. **Identification of rehousing expenses incurred. This must include the name of payee(s), check number/date and whether these expenses were originally reported as Emergency Assistance payments; and**
- v. **Identification of household(s) assisted including name(s) and Social Security number(s) of all Emergency Rehousing Assistance recipients;**

6. **If the request for Emergency Rehousing Assistance reimbursement is approved, the HEA check, when received, must be credited against the account from which the payment was initially made;**

7. **If in an energy related emergency the CWA finds it necessary to reestablish an HEA eligible household in a new permanent living arrangement, the CWA may request reimbursement from Home Energy Assistance funds for payments made for security and/or utility deposits.**

(f) (No change.)

10:89-3.6 Payment schedule

(a) Schedule A: Fuel Oil, Kerosene, Electricity:

HOUSEHOLD SIZE Region Designation Monthly Income	1 or 2		3 to 5		6 or more	
	Blue	Red	Blue	Red	Blue	Red
\$0-\$ 417.00	492	428	658	572	788	686
\$[417.01] 418.00-\$ 667.00	410	358	548	476	658	572
\$[667.01] 668.00-\$ 917.00	330	286	438	382	526	458

\$[917.00]	918.00-\$1167.00	328	286	394	342
\$[1167.01]	1168.00-\$1583.00	220	190	262	228
Over \$1583.00				132	114

"Blue" means Sussex and Warren counties.
 "Red" means all other counties.

(b) Schedule B: Natural Gas:

HOUSEHOLD SIZE	1 or 2		3 to 5		6 or more		
Region Designation	Blue	Red	Blue	Red	Blue	Red	
Monthly Income							
\$0-\$ 417.00	408	356	546	474	654	570	
\$[417.01]	418.00-\$ 667.00	340	298	454	396	546	474
\$[667.01]	667.01-\$ 917.00	274	238	364	318	436	380
\$[917.01]	918.00-\$1167.00			272	238	328	284
\$[1167.01]	1168.00-\$1583.00			182	158	218	190
Over \$1583.00					110	94	

"Blue" means Sussex and Warren counties.
 "Red" means all other counties.

(c) Schedule C: All other fuel:

HOUSEHOLD SIZE	1 or 2		3 to 5		6 or more		
Region Designation	Blue	Red	Blue	Red	Blue	Red	
Monthly Income							
\$0-\$ 417.00	322	280	430	372	516	448	
\$[417.01]	418.00- 667.00	268	234	358	312	430	374
\$[667.01]	668.00-\$ 917.00	216	188	286	250	344	298
\$[917.01]	918.00-\$1167.00			214	186	258	224
\$[1167.01]	1168.00-\$1583.00			144	124	172	150
Over \$1583.00					86	74	

"Blue" means Sussex and Warren counties.
 "Red" means all other counties.

(d) Schedule D: Renters:

HOUSEHOLD SIZE	1 or 2		3 to 5		6 or more		
Region Designation	Blue	Red	Blue	Red	Blue	Red	
Monthly Income							
\$0-\$ 417.00	[266]302	[232]264	[354]402	[308]350	[426]484	[370]420	
\$[417.01]	418.00-\$ 667.00	[220]250	[194]220	[296]336	[258]294	[354]402	[308]350
\$[667.01]	668.00-\$ 917.00	[178]202	[154]176	[236]268	[206]234	[284]324	[246]280
\$[917.01]	918.01-\$1167.00			[176]200	[154]176	[214]244	[184]210
\$[1167.01]	1168.00-\$1583.00			[118]134	[102]116	[142]162	[124]142
Over \$1583.00					[72] 82	[62] 70	

"Blue" means Sussex and Warren counties.
 "Red" means all other counties.

10:89-4.1 Opportunity and decision to apply

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

(d) At the time of application, the CWA shall advise the household of all program eligibility requirements and the method by which assistance will be provided. Additionally, the

CWA shall assist the household in completing the application and explain what elements of eligibility must be verified. The CWA must advise the household what verification is required and explain that the case will be denied if verification is not provided.

1. Verification requirements: The CWA shall assist the household in obtaining the required verification.

i. Required documentation: The following must be verified, documented and retained in the case record by the CWA prior to transmitting the application to DPW:

(1) (No change.)

(2) Social Security number of the applicant. **If an applicant has not previously obtained a Social Security number, the CWA shall ensure that the applicant applies for a Social Security number by submitting Form SS-5.** (Social Security numbers for all other adult household members shall be recorded);

(3)-(10) (No change.)

ii. (No change.)

(e)-(f) (No change.)

(g) CWA responsibility for eligibility determinations: Generally, applications will be processed through the DPW computer system to a decision. However, the CWA will be responsible for screening each HEA application to determine the following:

1.-3. (No change.)

[4. The household's request for emergency assistance has been denied by DPW; or]

[5]4. (No change in text.)

(h)-(j) (No change.)

10:89-5.1 Establishment of Home Energy Assistance Units

(a) County welfare agencies (CWAs) shall establish separate Home Energy Assistance units to handle applications and all related program activity. CWAs shall utilize existing staff or additional personnel as required to ensure that all applications are promptly taken, complete with all required information, coded according to Division of Public Welfare (DPW) instructions, [forwarded] **transmitted** to DPW within the time limits established in N.J.A.C. 10:89-4.1(e), and that all required verification is documented in the case record.

(b) (No change.)

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WASTE MANAGEMENT

Short Term Permits

Notice of Correction: N.J.A.C. 7:26-12.9

Take notice that errors appear in the New Jersey Administrative Code at N.J.A.C. 7:26-12.9 concerning Short term permits. N.J.A.C. 7:26-12.9 should appear as follows:

7:26-12.9 Short term permits

(a) (No change in text.)

(b) For the purpose of determining feasibility of compliance with the incinerator performance standard of N.J.A.C. [7:27-10.7(d)] **7:26-10.7(d)** and of determining adequate incinerator operating conditions under N.J.A.C. 7:26-10.7(f) the Department may issue a trial burn permit to a facility to allow short term operation of a hazardous waste incinerator subject to (b)1 through 5 [above] **below**.

1.-8. (No change in text.)

(b)

OFFICE OF SCIENCE AND RESEARCH

Worker and Community Right to Know Act: N.J.A.C. 7:1G

Take notice that the United States Court of Appeals for the Third Circuit has ruled that the Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq., ("Right to Know Act") is not preempted by federal law "... insofar as it requires identification and reporting of environmental hazards." (Slip opinion p. 26). Pursuant to the Right to Know Act and N.J.A.C. 7:1G, employers in the manufacturing sector (Standard Industrial Classification ("SIC") Codes 20-39) are required to complete and submit to the Department of Environmental Protection ("Department") the Environmental Survey and the Emergency Services Information Survey within 90 days after receipt of the survey forms. The Department will be sending survey forms to employers having SIC codes 20-39 who have not already submitted completed forms to the Department. The forms will be identical to those mailed to employers during the past year. Employers having SIC codes 20-39 who have already received surveys from the Department are advised not to wait for a second set of surveys, but to complete and submit them to the Department as soon as possible.

Non-manufacturing sector employers covered by the Right to Know Act, who received the Environmental Survey and

Emergency Services Information Survey from the Department were required to submit completed surveys by October 30, 1985, or within 90 days of the employer's receipt of the survey, whichever is later. (See N.J.S.A. 34:5A-3(h) for a list of covered employer categories.) If you are a covered non-manufacturing employer who received the surveys and you have not submitted completed surveys to the Department, you should do so in accordance with this requirement.

Background

The State of New Jersey, the Public Advocate and several labor and environmental associations appealed a January 3, 1985 federal district court ruling that the Right to Know Act is preempted by the Federal Occupational Safety and Health Act of 1970 ("OSH Act"), 29 U.S.C. 651 et seq., to the extent that the Right to Know Act affects employers having SIC codes 20-39. (See 17 N.J.R. 1139, May 6, 1985.) On October 10, 1985, the court of appeals affirmed in part and reversed in part (Nos. 85-5087, 85-5088 and 85-5095).

The court of appeals affirmed the district court injunction against the enforcement in the manufacturing sector of N.J.S.A. 34:5A-7(a) (requires employers to complete and submit to the Department of Health a workplace survey) as well as other sections related to it. The court of appeals further affirmed that provisions of the Right to Know Act "... requiring disclosure of some trade secret information ..." N.J.S.A. 34:5A-5(b), and "... providing limited protection to other trade secret information ..." N.J.S.A. 34:5A-15, are "neither preempted nor a taking without due process." (Slip opinion, p. 25) The court of appeals reversed the district court in part and held that the Right to Know Act is not preempted "... insofar as it regulated employers outside the manufacturing sector, or insofar as it requires identification and reporting of environmental hazards (by any employer covered by the Right to Know Act)." (Slip opinion, p. 26, material in parentheses added.)

The court of appeals remanded the issue of environmental hazard labeling requirements of N.J.S.A. 34:5A-14, as they pertain to the manufacturing sector, to the district court for proceedings consistent with its opinion. The labeling requirements as they pertain to non-manufacturing employers covered by the Right to Know Act remain in effect.

Any inquiries concerning N.J.A.C. 7:1G should be addressed to:

Right to Know Project
New Jersey Department of Environmental
Protection
Office of Science and Research
436 East State Street
CN 405
Trenton, New Jersey 08625
(609) 292-6714

LAW AND PUBLIC SAFETY**(a)****DIVISION OF MOTOR VEHICLES****Bulk Commodities Application****Public Notice**

Take notice that Acting Director, Robert S. Kline, Division of Motor Vehicles pursuant to the authority of N.J.S.A. 39:5E.11, hereby lists the name and address of an applicant who has filed for an application for a common carrier's Certificate of Public Convenience permit to engage in the business of transporting bulk commodities in intrastate commerce.

COMMON CARRIER (NON-GRANDFATHER)
William T. Clayton
1-18A Pinehurst Drive
Lakewood, New Jersey 08701

Protests in writing and verified under oath may be presented by interested parties to the Director of Motor Vehicles within 20 days following the publication date of an application.

TRANSPORTATION**(b)****THE COMMISSIONER****Office of Regulatory Affairs****Zone of Rate Freedom: N.J.A.C. 16:53D****Public Hearing**

Take notice that a public hearing will be held on December 12, 1985, at 1:30 P.M. in the Hearing Room, Office of Administrative Law, 185 Washington Street, Newark, New Jersey 07102, concerning N.J.A.C. 16:53D "Zone of Rate Freedom" as proposed May 7, 1984 in The New Jersey Register at 16 N.J.R. 1039(a), which became effective upon publication in the July 16, 1984 New Jersey Register at 16 N.J.R. 2009(a), further amended December 3, 1984 in the New Jersey Register at 16 N.J.R. 3298(a) and became effective upon publication in the February 19, 1985 New Jersey Register at N.J.R. 17 N.J.R. 475(a).

The public hearing will be conducted in a quasi-legislative rather than quasi-judicial manner and is open to interested individuals, representatives of government bodies and companies and associations. This is the annual hearing as prescribed by law. See N.J.S.A. 48:4-2.20 through 2.25.

Interested persons are invited to participate through written comments or oral presentations. Comments will be restricted to the rules as proposed. Persons wishing to make oral presentations or submit written comments are requested to do so on or before December 18, 1985 by notifying:

Sybil Moses
Administrative Law Judge
Office of Administrative Law
185 Washington Street
Newark, New Jersey 07102

TREASURY-GENERAL**(c)****THE TREASURER****Charitable Agency Application for Public Employee Charitable Fund-Raising Campaign****Public Notice**

Take notice that Michael M. Horn, Treasurer, State of New Jersey, pursuant to the Public Employees Charitable Fund-Raising Act, P.L.1985, c.140, announces that the Department of the Treasury will be accepting applications until January 2, 1986 from charitable fund-raising agencies wishing to participate in the State Employees' Charitable Fund-Raising Campaign for 1986-87.

Although the regulations promulgated under the Act (N.J.A.C. 17:28-3.2(b)1) require that applications for charitable agencies wishing to participate in the 1986-87 Campaign be submitted to the State Treasurer no later than December 1, 1985, **due to the lateness of publication of this notice, the application deadline is extended through January 2, 1986.**

For the purposes of this notice, "charitable fund-raising agency" shall mean a voluntary not-for-profit organization that provides health, welfare, or human care services to individuals. A charitable fund-raising agency shall be eligible to participate in the 1986-87 Campaign if it meets the following requirements:

- a. if it is an affiliated charitable agency (For this purpose affiliated charitable agency shall mean a charitable agency which is affiliated with a charitable fundraising organization for the purpose of directly sharing in funds raised by the organization.).

OR

- b. the agency is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code;
- c. the agency qualifies for tax deductible contributions under Section 170(b)(1)(A)(vi) or (viii) of the Internal Revenue Code;
- d. the agency is not a private foundation as described in Section 509(a) of the Internal Revenue Code.
- e. the agency is incorporated under or subject to the provisions of Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes and the "Charitable Fund-Raising Act of 1971," P.L.1971, c.469 (C.45: 17A-1 et seq.).

- f. the agency demonstrates to the satisfaction of the State Treasurer that a significant portion of funds raised in each of its two fiscal years preceding its application to participate in a campaign consist of individual contributions from citizens of the State.

Copies of the attached applications may be received from the Department of the Treasury, or the information requested therein may be submitted along with a cover letter. Completed applications or requests for application forms should be addressed to:

Michael M. Horn
 State Treasurer
 Department of the Treasury
 State House, CN 002
 Trenton, New Jersey 08625

Applications can also be requested by calling (609) 292-8950.

The application form for **affiliated** charitable fund-raising agencies follows:

APPLICATION—AFFILIATED AGENCIES

1. Name of agency and name under which it intends to conduct charitable fund-raising campaigns among public employees.
2. Name and address of the charitable fund-raising organization with which agency is affiliated.

The application form for non-affiliated charitable fund-raising agencies follows:

APPLICATION—NON-AFFILIATED†

1. Name of agency and name under which it intends to conduct charitable fund-raising campaigns among public employees.
2. Address of agency and addresses of any agency offices within state.
3. Names and addresses of officers, directors, trustees and executive personnel of agency.
4. Place and date agency was formed.
5. Has agency received tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code? Yes____ No____
 Please attach a copy of your IRS letter of determination.
6. Is agency a private foundation as defined in Section 509(a) of the Internal Revenue Code? Yes____ No____
7. Date on which fiscal year of agency ends.
8. Has agency registered as a charitable fund-raising organization pursuant to N.J.S.A. 45:17A-1 et seq.? Yes____ No____ If no, is agency exempt from registration requirement? Yes____ No____
 Explanation:
9. Does the agency qualify for tax deductible contributions pursuant to Section 170(b)(1)(A)(vi) or (viii) of the Internal Revenue Code? Yes____ No____ Section qualified under

Please attach a copy of your IRS letter of determination.

10. Please attach a copy of the agency charter and all amendments thereto.
11. Please submit and certify the following financial data for each of the two fiscal years preceding this application:
 - a. amount of funds raised;
 - b. what percentage of those funds consisted of individual contributions from citizens of New Jersey.

†Please note: Unaffiliated charitable agencies, which were found eligible by the State Treasurer to participate in the 1985-1986 Campaign, shall be required only to submit to the State Treasurer their most recent financial information as specified in question 11 above. N.J.A.C. 17:28-3.4e.

(a)

DIVISION OF BUILDING AND CONSTRUCTION

**Architect-Engineer Selection
 Notice of Assignments: October 15, 1985**

Solicitations of design services for major projects are made by notices published in construction trade publications and newspapers and by direct notification of professional associations/societies and listed, prequalified New Jersey consulting firms. For information on DBC's prequalification and assignment procedures, call (609) 984-6979.

Last list dated September 13, 1985.

The following assignments have been made:

DBC NO.	PROJECT	A/E	CCE
M602	Foundation Drainage & Sump Pump DYFS Group Home East Windsor, NJ	Matthew L. Rue, AIA	\$ 20,000.00
E155	Replacement of High Pressure Boiler Katzenbach School for the Deaf West Trenton, NJ	J. M. DiGiacinto & Associates	\$ 125,000.00
T179	Dome Type Storage Building DOT Maintenance Facility Riverdale, NJ	Thomas E. Torricelli, AIA	\$ 80,000.00
M648	Replacement of PCB Transformers Glen Gardner Center for Geriatrics Glen Gardner, NJ	H. V. Weeks, Inc.	\$ 75,000.00
P473	New Administrative Facility Swartswood State Park	L. J. Mineo, Jr., AIA	\$ 150,000.00
P474	Structural Study Lighthouse & Bulkhead Barnegat Lighthouse State Park	Lippincott Engineers	\$ 1,500.00 Services
H812	Door & Lock Replacement Montclair State College Upper Montclair, NJ	Paulsen Associates	\$ 60,000.00

SPECIAL PROJECTS

C271-01	Addition to Riverfront State Prison	Tarquini Organization	\$ 18,000.00
C279-01	Close Custody Unit Youth Correctional Institution-Bordentown Reception Facility-Youth Reception & Correction Center-Yardville	CUH2A	\$17,400,000.00
C279-50	Close Custody Units Administration Building Rahway State Prison Rahway, NJ	CUH2A	\$14,500,000.00

REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

The **Register Index of Rule Proposals and Adoptions** is a complete listing of all active rule proposals (with the exception of rule changes proposed in this Register) and all new rules and amendments promulgated since the most recent update to the Administrative Code. Rule proposals in this issue will be entered in the Index of the next issue of the Register. **Adoptions promulgated in this Register have already been noted in the Index by the addition of the Document Number and Adoption Notice N.J.R. Citation next to the appropriate proposal listing.**

Generally, the key to locating a particular rule change is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research. To be sure that you have found all of the changes, either proposed or adopted, to a given rule, scan the citations above and below that rule to find any related entries.

At the bottom of the index listing for each Administrative Code Title is the date of the latest looseleaf update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the July 1, 1985 issue.

If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers. A proposal may be adopted up to one year after its initial publication in the Register. Failure to timely adopt a proposed rule requires the proposing agency to resubmit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), as implemented by the Rules for Agency Rulemaking (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index. See: N.J.A.C. 1:30-4.2(d).

Terms and abbreviations used in this Index:

N.J.A.C. Citation. The New Jersey Administrative Code numerical designation for each proposed or adopted rule entry.

Proposal Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of a proposed amendment or new rule.

Document Number. The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of adoption of the rule and its chronological ranking in the Registry. As an example, R.1985 d.300 means the three hundredth rule adopted in 1985.

Adoption Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of an adopted amendment or new rule.

Transmittal. A number and date verifying the currency of rules found in each Title of the New Jersey Administrative Code: Rule adoptions published in the Register after the Transmittal date indicated do not yet appear in the loose-leaf volumes of the Code.

N.J.R. Citation Locator. An issue-by-issue listing of first and last pages of the previous 12 months of Registers. Use the locator to find the issue of publication of a rule proposal or adoption.

N.J.R. CITATION LOCATOR

If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register	If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register
16 N.J.R. 2865 and 3066	November 5, 1984	17 N.J.R. 1159 and 1358	May 20, 1985
16 N.J.R. 3067 and 3240	November 19, 1984	17 N.J.R. 1359 and 1460	June 3, 1985
16 N.J.R. 3241 and 3336	December 3, 1984	17 N.J.R. 1461 and 1608	June 17, 1985
16 N.J.R. 3337 and 3518	December 17, 1984	17 N.J.R. 1609 and 1700	July 1, 1985
17 N.J.R. 1 and 140	January 7, 1985	17 N.J.R. 1701 and 1818	July 15, 1985
17 N.J.R. 141 and 236	January 21, 1985	17 N.J.R. 1819 and 1954	August 5, 1985
17 N.J.R. 237 and 338	February 4, 1985	17 N.J.R. 1955 and 2070	August 19, 1985
17 N.J.R. 339 and 502	February 19, 1985	17 N.J.R. 2071 and 2170	September 3, 1985
17 N.J.R. 503 and 634	March 4, 1985	17 N.J.R. 2171 and 2318	September 16, 1985
17 N.J.R. 635 and 762	March 18, 1985	17 N.J.R. 2319 and 2484	October 7, 1985
17 N.J.R. 763 and 858	April 1, 1985	17 N.J.R. 2485 and 2584	October 21, 1985
17 N.J.R. 859 and 1006	April 15, 1985	17 N.J.R. 2585 and 2710	November 4, 1985
17 N.J.R. 1007 and 1158	May 6, 1985	17 N.J.R. 2711 and 2814	November 18, 1985

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
ADMINISTRATIVE LAW—TITLE 1				
1:1-3.7	Appearances by out-of-state attorneys	17 N.J.R. 1820(a)	R.1985 d.508	17 N.J.R. 2457(b)
1:1-11.2, 11.3	Discovery and countervailing factors	17 N.J.R. 1008(a)	R.1985 d.368	17 N.J.R. 1754(a)
1:1-13.4, 15.7	Correction to Administrative Code			17 N.J.R. 1795(a)
1:2-2.1	Civil Service cases: pre-proposal concerning conference hearings	17 N.J.R. 2072(a)		
1:6A-3.1	Correction to Administrative Code			17 N.J.R. 1795(b)
1:6A-3.2	Adjournment and Department of Education settlement conferences	17 N.J.R. 2073(a)	R.1985 d.539	17 N.J.R. 2606(a)
1:6A-5.4	Special education hearings: placement of child pending an appeal	17 N.J.R. 2586(a)		
1:7	Emergency Water Supply Allocation Plan cases	17 N.J.R. 1674(a)	R.1985 d.446	17 N.J.R. 2099 (a)
1:10A	Inmate discipline cases	17 N.J.R. 1610(a)	R.1985 d.489	17 N.J.R. 2288(b)
1:21	Trade secret claims	17 N.J.R. 1009(a)	R.1985 d.367	17 N.J.R. 1754(b)

(TRANSMITTAL 12, dated June 17, 1985)

AGRICULTURE—TITLE 2				
2:1-2.3, 3.1, 3.2, 3.4, 3.7, 3.8	Department organization	17 N.J.R. 1614(a)	R.1985 d.447	17 N.J.R. 2100(a)
2:6-1	Control of veterinary biologicals	17 N.J.R. 1617(a)	R.1985 d.448	17 N.J.R. 2102(a)
2:24-1.6	Honeybee tracheal mite quarantine	17 N.J.R. 1589(a)	R.1985 d.437	17 N.J.R. 2019(a)
2:32-2.7	Sire Stakes Program	17 N.J.R. 1956(a)	R.1985 d.521	17 N.J.R. 2535(a)
2:32-2.36, 3	Sire Stakes Program: appeals	17 N.J.R. 2320(a)		
2:48-5	Use of coupons in milk promotions	17 N.J.R. 2486(a)		
2:52-2, 3, 4.1, 7	Readopt rules concerning milk processors, dealers and subdealers	17 N.J.R. 1011(a)	R.1985 d.336	17 N.J.R. 1645(a)
2:52-2.1, 3.1	Sale of yogurt	17 N.J.R. 1012(a)	R.1985 d.335	17 N.J.R. 1645(b)
2:53-4	Milk processors, dealers and subdealers	17 N.J.R. 1011(a)	R.1985 d.336	17 N.J.R. 1645(a)
2:53-4.1	Sale of yogurt	17 N.J.R. 1012(a)	R.1985 d.335	17 N.J.R. 1645(b)
2:90-1	State Soil Conservation Committee: readopt General Provisions	17 N.J.R. 1160(a)	R.1985 d.370	17 N.J.R. 1756(a)
2:90-1.5, 1.14	Soil conservation plan certifications: minor subdivisions	17 N.J.R. 2172(a)		
2:90-1.13	Soil conservation: extraction activity	17 N.J.R. 1957(a)		

(TRANSMITTAL 31, dated June 17, 1985)

BANKING—TITLE 3				
3:1-2.24	Modification of Commissioner's Order restricting stock transfers	17 N.J.R. 2487(a)		
3:1-11.1	Savings banks and loans to affiliated persons	17 N.J.R. 2073(b)	R.1985 d.556	17 N.J.R. 2606(b)
3:1-12	Multiple-party deposit accounts	17 N.J.R. 2488(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
3:6-15	Savings banks and loans to affiliated persons	17 N.J.R. 2073(b)	R.1985 d.556	17 N.J.R. 2606(b)
3:7-3.3, 3.6, 3.7	Confirmation of loans and deposits	17 N.J.R. 1702(a)	R.1985 d.485	17 N.J.R. 2247(a)
3:17-7.1, 7.3	Small loan licensees: mortgage bankers and brokers business	17 N.J.R. 1703(a)	R.1985 d.486	17 N.J.R. 2247(b)
3:27-4.5, 4.6	Savings and loan associations: asset limitation; service corporations	17 N.J.R. 1619(a)	R.1985 d.484	17 N.J.R. 2248(a)
3:38-5.2	Return of borrower's commitment fee	17 N.J.R. 2488(b)		
3:41	Readoption of Cemetery Board rules	17 N.J.R. 1704(a)	R.1985 d.573	17 N.J.R. 2749(a)

(TRANSMITTAL 27, dated April 15, 1985)

CIVIL SERVICE—TITLE 4

4:1-5.1, 8.26, 8.27	Appeals concerning removal from eligible list for medical reasons	17 N.J.R. 1957(b)		
4:1-6.8	Nondiscriminatory titles	17 N.J.R. 1012(b)	R.1985 d.416	17 N.J.R. 2019(b)
4:1-12.12	Restorations to promotional lists	17 N.J.R. 645(a)		
4:1-16.7	Suspension, fine and demotion for disciplinary purposes	17 N.J.R. 1360(a)	R.1985 d.456	17 N.J.R. 2103(a)
4:1-21.3	Prohibition against political activity	17 N.J.R. 1013(a)	R.1985 d.417	17 N.J.R. 2019(c)
4:1-23	Grievances and minor discipline	17 N.J.R. 2587(a)		
4:2-6.1, 6.2	Nondiscriminatory titles	17 N.J.R. 1012(b)	R.1985 d.416	17 N.J.R. 2019(b)
4:2-7.13	Ninth step salary maximum	17 N.J.R. 1014(a)	R.1985 d.345	17 N.J.R. 1645(c)
4:2-12.1, 12.2	Appeals concerning removal from eligible list for medical reasons	17 N.J.R. 1957(b)		
4:2-23	Grievances and minor discipline	17 N.J.R. 2587(a)		
4:3-6.2, 6.3	Nondiscriminatory titles	17 N.J.R. 1012(b)	R.1985 d.416	17 N.J.R. 2019(b)
4:3-12.1, 12.2	Appeals concerning removal from eligible list for medical reasons	17 N.J.R. 1957(b)		
4:3-14.1	Seasonal positions	17 N.J.R. 1015(a)	R.1985 d.418	17 N.J.R. 2020(a)
4:3-23	Grievances and minor discipline	17 N.J.R. 2587(a)		

(TRANSMITTAL 25, dated May 20, 1985)

COMMUNITY AFFAIRS—TITLE 5

5:11-6.1	Prior filing of Workable Relocation Assistance Plans	17 N.J.R. 2321(a)		
5:14	Neighborhood Preservation Balanced Housing Program	17 N.J.R. 2489(a)		
5:18-1.1, 1.3, 1.4, 1.5, 2.4, 2.5, 2.7, 2.8, 2.12, 3.1, 3.2	Uniform Fire Code	17 N.J.R. 1015(b)		
5:18-1.1, 1.4, 1.5, 1.6, 2.3, 4	Uniform Fire Code, Fire Safety Code	17 N.J.R. 1161(a)		
5:18A-2.1—2.4, 2.6, 3.2, 3.3, 4.1, 4.3, 4.4	Fire Code Enforcement	17 N.J.R. 1015(b)		
5:18B-3.2	High Level Alarms	17 N.J.R. 1015(b)		
5:23-1.4, 2.14, 4.18, 4.20	Uniform Construction Code: annual permits	17 N.J.R. 1029(a)	R.1985 d.351	17 N.J.R. 1756(b)
5:23-2.14, 4.18, 4.20	UCC: annual construction permits	17 N.J.R. 2490(a)		
5:23-2.15	Uniform Construction Code: contractor seals	17 N.J.R. 1462(a)	R.1985 d.479	17 N.J.R. 2248(b)
5:23-2.15, 2.21	UCC: engineers and architects	17 N.J.R. 1033(a)		
5:23-2.15, 5.7	UCC: applying for construction permit; renewal of enforcement license	17 N.J.R. 1031(a)	R.1985 d.352	17 N.J.R. 1758(a)
5:23-3.11, 4.22, 4.24, 4.25	Uniform Construction Code: premanufactured construction	17 N.J.R. 1169(a)		
5:23-3.14, 3.21	One and two-family dwelling construction subcode	17 N.J.R. 861(c)	R.1985 d.324	17 N.J.R. 1646(a)
5:23-4.21, 5.4	UCC: private enforcing agency fees; trainees	17 N.J.R. 1032(a)	R.1985 d.353	17 N.J.R. 1758(b)
5:23-5.4, 5.5	UCC inspectors: experience requirements	17 N.J.R. 1821(a)		
5:23-5.7, 5.11	UCC: license suspensions and revocations	17 N.J.R. 1705(a)	R.1985 d.528	17 N.J.R. 2535(b)
5:23-8	Asbestos Hazard Abatement Subcode	17 N.J.R. 1782(a)	R.1985 d.472	17 N.J.R. 2249(a)
5:24	Condominium and cooperative conversion: readopt rules	17 N.J.R. 1706(a)	R.1985 d.529	17 N.J.R. 2536(a)
5:27	Readopt rules on Rooming and Boarding Homes	17 N.J.R. 341(b)	R.1985 d.350	17 N.J.R. 1759(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
5:28	Readopt State Housing Code	17 N.J.R. 1174(a)		
5:31-2.1—2.5, 4.1, 4.2, 7.1—7.7	Local authorities: accounting principles, auditing and budgeting	17 N.J.R. 1823(a)	R.1985 d.511	17 N.J.R. 2537(a)
5:37	Municipal, County and Authority Employees Deferred Compensation Programs	17 N.J.R. 1960(a)	R.1985 d.598	17 N.J.R. 2749(b)
5:51-1.4, 1.5	Local provision of recreational services for handicapped persons	17 N.J.R. 1463(a)	R.1985 d.444	17 N.J.R. 2105(a)
5:80-4	Housing and Mortgage Finance	17 N.J.R. 1174(b)		
5:80-8	Housing and Mortgage Finance Agency: housing project occupancy requirements	17 N.J.R. 1620(a)		
5:80-17, 18	Housing and Mortgage Finance: prevailing wages; debarment from contracting	17 N.J.R. 1174(b)	R.1985 d.559	17 N.J.R. 2607(a)
5:80-20	HMFA housing projects: applicant and tenant income certification	17 N.J.R. 2321(b)		

(TRANSMITTAL 31, dated June 17, 1985)

DEFENSE—TITLE 5A

(TRANSMITTAL 1, dated May 20, 1985)

EDUCATION—TITLE 6

6:3-1.2	Board of school estimate: correction			17 N.J.R. 2753(a)
6:3-1.10	Standards for determining seniority	17 N.J.R. 1033(b)	R.1985 d.397	17 N.J.R. 1874(a)
6:3-1.17, 1.23	School facility planning services	17 N.J.R. 650(a)	R.1985 d.527	17 N.J.R. 2540(a)
6:11-3	Teacher education: Basic Certification Requirements	17 N.J.R. 2181(a)		
6:11-7	Standards for State approval of teacher preparation	17 N.J.R. 1708(a)		
6:20-2	Readopt Local Bookkeeping and Accounting rules	17 N.J.R. 1361(a)	R.1985 d.452	17 N.J.R. 2105(b)
6:20-5.5	Asbestos removal and encapsulation reimbursement	17 N.J.R. 863(a)	R.1985 d.340	17 N.J.R. 1648(a)
6:21-1	Readopt Pupil Transportation Standards	17 N.J.R. 1365(a)	R.1985 d.451	17 N.J.R. 2107(a)
6:21-5	Standards for school buses	17 N.J.R. 1035(a)	R.1985 d.396	17 N.J.R. 1875(a)
6:22	School facility planning services	17 N.J.R. 650(a)		
6:27-3	Correction to Administrative Code: Approved Secondary School Summer Sessions			17 N.J.R. 2463(a)
6:28-3.5	Invalidation of "pre-school handicapped" definition and termination of special services rule			17 N.J.R. 2463(b)
6:30-1.4	Fees for GED test	17 N.J.R. 1367(a)	R.1985 d.450	17 N.J.R. 2108(a)

(TRANSMITTAL 32, dated June 17, 1985)

ENVIRONMENTAL PROTECTION—TITLE 7

7:1-4	Fee schedule for Environmental Cleanup Responsibility Act	17 N.J.R. 1622(a)	R.1985 d.487	17 N.J.R. 2260(a)
7:1-7	Hazardous substance discharges: reports and notices	17 N.J.R. 1826(a)		
7:1E	Readopt rules on Discharges of Petroleum and Other Hazardous Substances	17 N.J.R. 865(a)	R.1985 d.377	17 N.J.R. 1759(b)
7:1E-3.2	Information filing address for Division of Waste Management			17 N.J.R. 2463(c)
7:1F	Industrial Survey Project rules: waiver of Executive Order No. 66	17 N.J.R. 866(a)		
7:1G	Worker and Community Right to Know Act: U.S. Court of Appeals decision			17 N.J.R. 2794(b)
7:1H	Readopt County Environmental Health administrative rules	17 N.J.R. 1463(b)	R.1985 d.420	17 N.J.R. 2020(b)
7:2-2.14, 3.4, 3.5	Use of State Park lands	17 N.J.R. 778(a)	R.1985 d.421	17 N.J.R. 2020(c)
7:2-12	Open lands management	17 N.J.R. 866(b)		
7:4-2	Register of Historic Places: continuation of selection criteria			17 N.J.R. 1795(d)
7:6-1.37	Waiver of maximum tow line length for parasailing exhibitions			17 N.J.R. 1801(a)
7:7-2.2	Wetlands maps in Ocean County	17 N.J.R. 1710(a)		
7:7E	Readopt Coastal Resource and Development Policies	17 N.J.R. 1465(a)	R.1985 d.422	17 N.J.R. 2021(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
7:7E	Revisions to Coastal Resources and Development rules	17 N.J.R. 1466(a)		
7:7E	Coastal Resource and Development revisions: extension of comment period	17 N.J.R. 1797(b)		
7:7E	Coastal Resource and Development Policies: correction to Code and proposed revisions	17 N.J.R. 1797(c)		
7:9-4, Index D	Surface water classifications: Hackensack and Hudson rivers	17 N.J.R. 1625(a)	R.1985 d.466	17 N.J.R. 2109(a)
7:9-5.4	Correction: Policy concerning disinfection of wastewater	16 N.J.R. 3080(a)	R.1985 d.249	17 N.J.R. 1759(c)
7:9-15	Restoration of publicly-owned freshwater lakes	17 N.J.R. 2182(a)		
7:11-2.3, 2.5, 2.8—2.12	Delaware and Raritan Canal water supply system	17 N.J.R. 11(a)	R.1985 d.402	17 N.J.R. 1879(a)
7:12-2.7	Hard clam relay program	17 N.J.R. 2185(a)		
7:13-7.1	Flood hazard area along Long Brook and Manasquan River	17 N.J.R. 2324(a)		
7:13-7.1(c)29	Floodway delineations within Maurice River Basin	17 N.J.R. 2186(a)		
7:13-7.1	Paulins Kill floodway delineation: public hearing	16 N.J.R. 2885(a)		
7:13-7.1(d)14	Flood hazard along Lamington River in Morris County	17 N.J.R. 2324(a)		
7:13-7.1(d)47	Redelineation of Pine Brook in Bergen County	17 N.J.R. 2074(a)		
7:13-7.1(d)49	Floodway delineations in Union County	17 N.J.R. 1965(a)		
7:13-7.1(d)51	Floodways along North Branch Raritan (Project U)	16 N.J.R. 1307(a)	R.1985 d.329	17 N.J.R. 1648(b)
7:13-7.1(d)53	Floodway delineations in Raritan Basin (Project H)	17 N.J.R. 2492(a)		
7:13-7.1(h)	Floodway delineations in Hackensack Basin	17 N.J.R. 1175(a)		
7:13-7.1(i)	Floodway delineations in Central Passaic Basin Projects G and R	17 N.J.R. 1176(a)		
7:14A-1.8	Correction: NJPDES fee schedule	17 N.J.R. 13(a)	R.1985 d.315	17 N.J.R. 1882(a)
7:19-6.10	Water supply management in critical areas	17 N.J.R. 1966(a)	R.1985 d.596	17 N.J.R. 2753(b)
7:19A-1.4	Emergency water supply: residential and nonresidential users defined	17 N.J.R. 1967(a)	R.1985 d.595	17 N.J.R. 2754(a)
7:19B-1.3	Emergency water supply: residential and nonresidential users defined	17 N.J.R. 1967(a)	R.1985 d.595	17 N.J.R. 2754(a)
7:25-2.20	Higbee Beach Wildlife Management Area	Emergency	R.1985 d.514	17 N.J.R. 2459(a)
7:25-4.6	Nongame and exotic wildlife: possession permit fees	17 N.J.R. 2589(a)		
7:25-5	1985-86 Game Code	17 N.J.R. 1177(a)	R.1985 d.419	17 N.J.R. 2021(b)
7:25-6	1986-87 Fish Code	17 N.J.R. 2187(a)		
7:25-7.10, 7.11	Taking of oysters and mussels	16 N.J.R. 3385(a)	R.1985 d.401	17 N.J.R. 1883(a)
7:25-14	Readopt rules on Crab Pots	17 N.J.R. 1830(a)	R.1985 d.560	17 N.J.R. 2608(a)
7:25-15.1	Hard clam relay program	17 N.J.R. 2191(a)		
7:25-16.1	Defining freshwater fishing lines	17 N.J.R. 2193(a)	R.1985 d.597	17 N.J.R. 2755(a)
7:25-18	Readopt Marine Fisheries rules	17 N.J.R. 1188(a)	R.1985 d.386	17 N.J.R. 1883(b)
7:25-19	Atlantic Coast harvest season	17 N.J.R. 2494(a)		
7:25A-1.9	Closure of certain Delaware Bay oyster beds			17 N.J.R. 1795(c)
7:26-1.4, 1.6, 9.1, 12.1	Tolling agreements and reclamation of hazardous waste	17 N.J.R. 1968(a)		
7:26-1.4, 9.3	Above-ground tank storage of hazardous waste	17 N.J.R. 1501(a)		
7:26-1.7	Waste management: on-site disposal of construction debris	17 N.J.R. 1040(a)		
7:26-1.7	Solid waste disposal: exemption from registration	17 N.J.R. 1368(a)		
7:26-3	Waste management: readopt Collection and Haulage rules	17 N.J.R. 1041(a)	R.1985 d.558	17 N.J.R. 2609(a)
7:26-6.5	Solid waste flow: Hunterdon County	17 N.J.R. 517(a)	R.1985 d.503	17 N.J.R. 2388(a)
7:26-6.5	Solid waste flow: Ocean County	17 N.J.R. 2590(a)		
7:26-6.5	Solid waste flow: Camden County	17 N.J.R. 2591(a)		
7:26-7.4, 8.3, 8.15, 9.2, 10.6, 10.	Restriction of land disposal of hazardous waste	17 N.J.R. 779(a)		
7:26-8.15	Hazardous waste management: warfarin and zinc phosphide	17 N.J.R. 356(a)	R.1985 d.375	17 N.J.R. 1760(a)
7:26-12.9	Correction to Administrative Code: Short-term permit for hazardous waste treatment			17 N.J.R. 2794(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
7:26-14	Resource Recovery grants and loans	16 N.J.R. 3385(b)		
7:26-14	Resource Recovery grants and loans: extension of comment period	17 N.J.R. 242(a)		
7:26-16.4	Solid and hazardous waste: transporters and facilities	17 N.J.R. 518(a)		
7:27-14.3	Diesel-powered motor vehicles: idle standard	16 N.J.R. 2887		
7:27-15.4	Air pollution and gas-fueled motor vehicles	17 N.J.R. 781(a)	R.1985 d.331	17 N.J.R. 1649(a)
7:27-15.6	Gas-fueled motor vehicle: idle standard	16 N.J.R. 2889		
7:27-16	Air pollution by volatile organic substances	17 N.J.R. 1969(a)		
7:27B-3	Determination of volatile organic substances from source operations	17 N.J.R. 2194(a)		
7:27B-4.6	Lead test paper procedure	17 N.J.R. 781(a)		
7:27B-4.6, 4.7	Air pollution and gas-fueled motor vehicles	17 N.J.R. 781(a)	R.1985 d.331	17 N.J.R. 1649(a)
7:28-1.4, 17	Industrial and nonmedical radiology	17 N.J.R. 1626(a)	R.1985 d.502	17 N.J.R. 2389(a)
7:28-12	Transportation of radioactive material	17 N.J.R. 1369(a)	R.1985 d.387	17 N.J.R. 1884(a)
7:28-19.2, 19.3, 19.4, 19.6, 19.9, 19.10	Podiatric x-ray technology	17 N.J.R. 1632(a)	R.1985 d.501	17 N.J.R. 2393(a)
7:30	Pesticide Control Code	17 N.J.R. 242(b)	R.1985 d.557	17 N.J.R. 2609(b)
7:36	Green Acres Program	16 N.J.R. 2405(b)	R.1985 d.400	17 N.J.R. 1885(a)
7:38	Wild and scenic rivers system	17 N.J.R. 1986(a)	R.1985 d.510	17 N.J.R. 2553(a)
7:45	Delaware Raritan Canal State Park: Review Zone rules	17 N.J.R. 1711(a)		
7:50-2.11, 4.12-4.92	Pinelands comprehensive management	17 N.J.R. 1918(a)	R.1985 d.494	17 N.J.R. 2394(a)

(TRANSMITTAL 32, dated June 17, 1985)

HEALTH—TITLE 8

8:7-1	Licensure of persons for public health positions	17 N.J.R. 1926(a)	R.1985 d.476	17 N.J.R. 2265(a)
8:9-1.11	State Sanitary Code: disposal of unclaimed cremains	17 N.J.R. 2325(a)		
8:13-2.1, 2.4, 2.6—2.11, 2.13, 2.14	Depuration of soft shell clams	17 N.J.R. 1370(a)		
8:19	Readopt Newborn Hearing Screening rules	17 N.J.R. 869(a)	R.1985 d.380	17 N.J.R. 1892(a)
8:21-7	Frozen dessert products	17 N.J.R. 1986(b)	R.1985 d.591	17 N.J.R. 2755(b)
8:31-26.3, 26.4	Health care facilities: employee physicals; child abuse	16 N.J.R. 3249(a)	R.1985 d.440	17 N.J.R. 2100(a)
8:31-26.5	Health care facilities: licensure fees	17 N.J.R. 664(a)	R.1985 d.372	17 N.J.R. 1760(b)
8:31-26.5	Health care facilities licensure fee	17 N.J.R. 664(a)	R.1985 d.414	17 N.J.R. 2032(a)
8:31-26.5	Family planning facilities: licensure fee	17 N.J.R. 1999(a)	R.1985 d.581	17 N.J.R. 2768(a)
8:31A-9.1, 9.2	SHARE economic factor	17 N.J.R. 2495(a)		
8:31B-3	Hospital reimbursement: procedure and methodology	17 N.J.R. 2000(a)	R.1985 d.551	17 N.J.R. 2633(a)
8:31B-3.19	RIM methodology for nursing cost allocation: implementation date	17 N.J.R. 2464(a)		
8:31B-3.72	Hospital reimbursement: periodic rate adjustments	17 N.J.R. 872(a)	R.1985 d.349	17 N.J.R. 1652(a)
8:31B-3.79	Hospital reimbursement: post-acute care patients	17 N.J.R. 873(a)	R.1985 d.359	17 N.J.R. 1761(a)
8:31B-4	Hospital reimbursement: financial elements and reporting	17 N.J.R. 2004(a)	R.1985 d.550	17 N.J.R. 2637(a)
8:33	Certificate of Need application and review process	17 N.J.R. 1190(a)	R.1985 d.498	17 N.J.R. 2403(a)
8:33A-1.1	New and expanded surgical services: deferral of need applications	16 N.J.R. 2734(a)	Expired	
8:33A-2.6	Surgical facilities: criteria for review and approval	17 N.J.R. 2497(a)		
8:33B	Extracorporeal Shock Wave Lithotripsy (ESWL)	17 N.J.R. 1728(a)	R.1985 d.497	17 N.J.R. 2431(a)
8:33F-1.4	Renal disease services: acute hemodialysis standards	17 N.J.R. 874(a)	R.1985 d.360	17 N.J.R. 1762(a)
8:33G-1	Computerized tomography services	17 N.J.R. 1214(a)	R.1985 d.411	17 N.J.R. 2033(a)
8:33H	Long-Term Care Facilities and Services: readopt Certificate of Need rules	17 N.J.R. 1216(a)	R.1985 d.413	17 N.J.R. 2034(a)
8:34-1.31	Licensing of nursing home administrators	17 N.J.R. 2212(a)		
8:43-1	Residential health care facilities	17 N.J.R. 2498(a)		
8:43-3.22	Fire safety in residential health care facilities	17 N.J.R. 1731(a)	R.1985 d.513	17 N.J.R. 2553(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
8:43-4	Residential Health Care Facilities: readopt Administration rules	17 N.J.R. 1231(a)	R.1985 d.412	17 N.J.R. 2042(a)
8:43-4.13	Residential health care: personal needs allowance	17 N.J.R. 1731(b)	R.1985 d.512	17 N.J.R. 2554(a)
8:43A	Licensure of ambulatory care facilities	16 N.J.R. 3254(a)	R.1985 d.438	17 N.J.R. 2110(b)
8:43B-1.14	Hospital facilities: psychiatric patient rights	17 N.J.R. 665(a)		
8:43B-5	Licensure of hospital facilities: personnel	17 N.J.R. 2501(b)		
8:43B-5, 15, 16	Standards for licensure of Hospital Facilities: waiver of sunset provision	17 N.J.R. 2501(a)		
8:43B-8.16	Obstetric and newborn services: use of oxytocic agents	17 N.J.R. 2213(a)		
8:43B-8.33—8.44	Newborn care services: physical plant standards	17 N.J.R. 519(a)		
8:43B-15	Hospital facilities: renal dialysis services	17 N.J.R. 2503(a)		
8:43B-16	Hospital facilities: nurse-midwifery services	17 N.J.R. 2512(a)		
8:43E-1	Hospital Policy Manual: Certificate of Need rules	17 N.J.R. 1220(a)		
8:44-2.10	Reportable occupational and environmental diseases and poisons	17 N.J.R. 1831(a)		
8:51-1-6	Local boards: recognized public health activities and minimum standards	17 N.J.R. 1633(a)	R.1985 d.477	17 N.J.R. 2270(a)
8:57-1	Readopt Reportable Disease rules	17 N.J.R. 784(a)	R.1985 d.363	17 N.J.R. 1764(a)
8:57-1.13	Reportable occupational and environmental diseases and poisons	17 N.J.R. 1831(a)	R.1985 d.518	17 N.J.R. 2554(b)
8:60	Asbestos licenses and permits	17 N.J.R. 1676(a)	R.1985 d.468	17 N.J.R. 2275(a)
8:65-1	Controlled Dangerous Substances: readopt Registration rules	17 N.J.R. 1508(a)	R.1985 d.459	17 N.J.R. 2132(a)
8:65-5	Controlled dangerous substances: records and reports of registrants	17 N.J.R. 524(a)		
8:65-6	Controlled dangerous substances: Federally-required order forms	17 N.J.R. 528(a)	R.1985 d.457	17 N.J.R. 2135(a)
8:65-7.3	Controlled dangerous substances: issuing of prescriptions	17 N.J.R. 876(a)	R.1985 d.461	17 N.J.R. 2138(a)
8:65-10.1	Add 3-Methylfentanyl to Schedule I	17 N.J.R. 1511(a)	R.1985 d.458	17 N.J.R. 2138(b)
8:65-10.1	Controlled dangerous substances: 3, 4-methylenedioxymethamphetamine	17 N.J.R. 2214(a)		
8:65-10.5	Reschedule Buphenorphine to Schedule V	17 N.J.R. 1234(a)	R.1985 d.460	17 N.J.R. 2138(c)
8:65-11.2	Narcotic treatment programs: registration fee	17 N.J.R. 359(a)		
8:71	Generic drug list additions (see 16 N.J.R. 2672(b), 17 N.J.R. 200(b), 957(b), 1296(a))	16 N.J.R. 1436(a)	R.1985 d.295	17 N.J.R. 1561(a)
8:71	Generic drug list additions (see 17 N.J.R. 201(a), 957(c), 1296(b))	16 N.J.R. 2483	R.1985 d.297	17 N.J.R. 1562(b)
8:71	Additions to generic drug list (see 17 N.J.R. 1295(a), 1562(a), 2043(a))	17 N.J.R. 158(a)	R.1985 d.516	17 N.J.R. 2556(a)
8:71	Generic drug list additions (see 17 N.J.R. 2042(b), 2556(b))	17 N.J.R. 1043(a)	R.1985 d.580	17 N.J.R. 2769(a)
8:71	Generic drug list additions (see 17 N.J.R. 2557(a))	17 N.J.R. 1733(a)	R.1985 d.579	17 N.J.R. 2769(b)

(TRANSMITTAL 29, dated June 17, 1985)

HIGHER EDUCATION—TITLE 9

9:2-1	Minority Faculty Advancement Loan Program	17 N.J.R. 1512(a)	R.1985 d.567	17 N.J.R. 2640(a)
9:2-4.1	Eligibility for Alternate Benefit Program	17 N.J.R. 1635(a)	R.1985 d.588	17 N.J.R. 2770(a)
9:2-12.1, 12.2	Teacher education: degree standards	17 N.J.R. 1515(a)	R.1985 d.589	17 N.J.R. 2771(a)
9:2-12.2	Teacher education: curriculum	17 N.J.R. 22(b)		
9:5-1, 2	Tuition policies at public institutions	17 N.J.R. 2326(a)		
9:7-2.4, 2.9	Student assistance programs: eligibility; award combinations	17 N.J.R. 787(a)	R.1985 d.338	17 N.J.R. 1653(a)
9:7-3.1	Tuition Aid Grants: 1985-86 Award Table	17 N.J.R. 2050(a)	R.1985 d.572	17 N.J.R. 2643(a)
9:7-3.3, 5.9, 6.8	Student assistance program revisions	17 N.J.R. 1734(a)	R.1985 d.571	17 N.J.R. 2644(a)
9:7-4.1	Garden State Scholars: eligibility	17 N.J.R. 2007(a)	R.1985 d.570	17 N.J.R. 2644(b)
9:7-4.1, 4.7, 4.8	Distinguished Scholars Program	17 N.J.R. 787(b)	R.1985 d.339	17 N.J.R. 1654(a)
9:7-8	Vietnam Veterans Tuition Aid Program	17 N.J.R. 1735(a)	R.1985 d.569	17 N.J.R. 2645(a)
9:8	Jobs, Science and Technology Bond Act: policies and procedures	17 N.J.R. 1516(a)	R.1985 d.566	17 N.J.R. 2646(a)
9:9-1.2	Guaranteed Student Loan Program: second borrowing	17 N.J.R. 1518(a)	R.1985 d.568	17 N.J.R. 2648(a)
9:11, 12	Educational Opportunity Fund Program rules	17 N.J.R. 2214(b)		

(TRANSMITTAL 27, dated June 17, 1985)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
HUMAN SERVICES—TITLE 10				
10:30	Organization of Division of Mental Health and Hospitals	Organizational	R.1985 d.515	17 N.J.R. 2558(a)
10:36-1	Patient supervision at State psychiatric hospitals	17 N.J.R. 2593(a)		
10:37	Community Mental Health Services	17 N.J.R. 2222(a)		
10:42	Developmental Disabilities: Emergency Mechanical Restraint	17 N.J.R. 1832(a)		
10:47	Private Licensed Facilities for Developmentally Disabled	16 N.J.R. 2902(a)	R.1985 d.540	17 N.J.R. 2648(b)
10:48	Division of Mental Retardation: appeal procedures	17 N.J.R. 876(b)		
10:49-1.4	Narcotic and drug abuse treatment centers	17 N.J.R. 1235(a)		
10:49-7	Reinstatement of Medicaid provider	17 N.J.R. 1519(a)	R.1985 d.463	17 N.J.R. 2139(a)
10:50	Transportation Services: HCFA Common Procedure Coding System	17 N.J.R. 1519(b)		
10:50-1.2, 1.5, 1.6	Invalid coach services: oxygen equipment; carrier charges	17 N.J.R. 1373(a)	R.1985 d.427	17 N.J.R. 2044(a)
10:50-1.5, 1.6	Reimbursement for ambulance and invalid coach services	17 N.J.R. 1637(a)	R.1985 d.473	17 N.J.R. 2271(a)
10:51-1, 2	Pharmacy Manual: pharmaceutical services and billing procedures	17 N.J.R. 2223(a)	R.1985 d.594	17 N.J.R. 2772(a)
10:51-1.13, 1.14, 3.12, App. A	Pharmaceutical services: "vaccine" reimbursement	17 N.J.R. 1237(a)	R.1985 d.533	17 N.J.R. 2559(a)
10:51-1.17, 3.15	Pharmaceutical services: dispensing fee and capitation rates	17 N.J.R. 1044(a)	R.1985 d.369	17 N.J.R. 1766(a)
10:51-5.1, 5.16	PAAD: diabetic testing material	17 N.J.R. 1521(a)	R.1985 d.462	17 N.J.R. 2139(b)
10:52-1.1, 1.20	Ambulatory surgical centers	16 N.J.R. 3153(a)		
10:52-1.16	Termination of pregnancy in licensed health care facilities	17 N.J.R. 1375(a)		
10:52-1.17	Out-of-state inpatient hospital services	17 N.J.R. 2225(a)		
10:52-1.21	Narcotic and drug abuse treatment centers	17 N.J.R. 1235(a)		
10:53-1.1, 1.16	Ambulatory surgical centers	16 N.J.R. 3153(a)		
10:53-1.14	Termination of pregnancy	17 N.J.R. 1375(a)		
10:54	Physician Services: Common Procedure Coding System	17 N.J.R. 1519(b)		
10:54-1.23	Termination of pregnancy	17 N.J.R. 1375(a)		
10:54-3	Procedure Code Manual: fees for laboratory services	17 N.J.R. 1376(a)	R.1985 d.531	17 N.J.R. 2560(a)
10:55	Prosthetic-Orthotic Services: Common Procedure Coding System	17 N.J.R. 1519(b)		
10:55-3.1	Fee increases for shoe appliances	17 N.J.R. 1522(a)	R.1985 d.429	17 N.J.R. 2045(a)
10:57	Podiatry Services: Common Procedure Coding System	17 N.J.R. 1519(b)		
10:58	Nurse Midwifery Services: Common Procedure Coding System	17 N.J.R. 1519(b)		
10:59	Medical Supplier Manual: Common Procedure Coding System	17 N.J.R. 1519(b)		
10:59-1.2, 1.4, 1.9, 1.12	Medical Supplier Manual: recycling of durable medical equipment	16 N.J.R. 2048(a)	R.1985 d.376	17 N.J.R. 1894(a)
10:59-1.7, 1.13, 1.14, 3.2	Fee increases for shoe appliances	17 N.J.R. 1522 (a)	R.1985 d.429	17 N.J.R. 2045(a)
10:59-1.11	Medical Supplier Manual: repair of durable medical equipment	17 N.J.R. 2516(a)		
10:59-1.12	Medical Supplier Manual: correction	_____	_____	17 N.J.R. 2691(c)
10:59-2.1—2.11	Medical Supplier Manual: billing procedures	17 N.J.R. 2326(b)		
10:60	Readopt Home Care Services Manual	17 N.J.R. 28(a)	R.1985 d.488	17 N.J.R. 2433(a)
10:60-1.1, 1.2, 2.2, 2.3, 3.1	Personal care assistant services: hours per week and rate of reimbursement	17 N.J.R. 2327(a)		
10:60-2.2, 3.1	Personal care assistant services: procedure codes	17 N.J.R. 2330(a)		
10:61	Independent Laboratory Services: Common Procedure Coding System	17 N.J.R. 1519(b)		
10:62	Vision Care: Common Procedure Coding System	17 N.J.R. 1519(b)		
10:63-1.5, 1.6, 1.8, 1.13, 2.5, 2.7	Long term care facilities: certification and plan of care	17 N.J.R. 2075(a)		
10:63-1.6	Changes in level of long-term care	16 N.J.R. 2049(a)	R.1985 d.384	17 N.J.R. 1895(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
10:63-3.2, 3.5, 3.10, 3.19	Reimbursement to long-term care facilities	17 N.J.R. 2331(a)		
10:63-3.17	Long Term Care Services: adjustments to base period data	17 N.J.R. 1736 (a)		
10:64	Hearing Aid Services: Common Procedure Coding System	17 N.J.R. 1519(b)		
10:66	Independent Clinic Services: Common Procedure Coding System	17 N.J.R. 1519(b)		
10:66-1.1, 1.2, 1.3, 1.6, 1.7, 1.9	Ambulatory surgical centers	16 N.J.R. 3153(a)		
10:66-1.2, 1.6, 3.3	Narcotic and drug abuse treatment centers	17 N.J.R. 1235(a)		
10:66-1.5	Independent Clinic Manual: mental health services	17 N.J.R. 1377(a)	R.1985 d.428	17 N.J.R. 2046(a)
10:66-1.6	Termination of pregnancy	17 N.J.R. 1375(a)		
10:66-1.6, 3.3	Personal care assistant services: hours per week and rate of reimbursement	17 N.J.R. 2327(a)		
10:66-3.3	Personal care assistant services: procedure codes	17 N.J.R. 2330(a)		
10:67	Psychological Services: Common Procedure Coding System	17 N.J.R. 1519(b)		
10:69A-1.1, 1.2, 2.1, 4.1, 4.4, 5.3, 6.2, 6.4, 6.10	PAAD: eligibility standards	17 N.J.R. 2332(a)		
10:81-2.7, 3.18	PAM: continued absence; WIN registration	17 N.J.R. 2333(a)		
10:81-2.16, 3.18	PAM: photo IDs; ex-WIN children	17 N.J.R. 2335(a)		
10:81-3.27	PAM: transmission of data to receiving county	17 N.J.R. 878(a)	R.1985 d.344	17 N.J.R. 1655(a)
10:81-10.7	PAM: eligibility for refugee and entrant programs	17 N.J.R. 2227(a)		
10:81-11.3, 11.9	PAM: Social Security numbers; restriction of information	17 N.J.R. 2516(b)		
10:81-11.9	PAM: reimbursement by counties to State	17 N.J.R. 369(a)		
10:81-11.9	Public Hearing: County reimbursement to State for Tax Setoff Program for child support enforcement	17 N.J.R. 1526(a)		
10:81-11.18	PAM: weekly second family adjustment	17 N.J.R. 879(a)	R.1985 d.343	17 N.J.R. 1655(b)
10:81-11.19	PAM: distribution of arrearage payments for child support	17 N.J.R. 1238(a)	R.1985 d.585	17 N.J.R. 2774(a)
10:82-1.2	AFDC payment levels: comments	17 N.J.R. 880(a)	R.1985 d.341	17 N.J.R. 2272(a)
10:82-1.2, 2.13, 3.11, 5.11	ASH: AFDC payment standards	17 N.J.R. 880(a)	R.1985 d.341	17 N.J.R. 1656(a)
10:82-1.10, 1.11	ASH: retrospective budgeting and monthly reporting	17 N.J.R. 2518(a)		
10:82-3.2	ASH: exempt resources	17 N.J.R. 2518(b)		
10:82-3.11	ASH: correction to Administrative Code			17 N.J.R. 2691(b)
10:82-3.13	ASH: eligibility of sponsored alien and sponsor's income	17 N.J.R. 1523(a)	R.1985 d.491	17 N.J.R. 2440(a)
10:82-4.11, 4.12	ASH: income from apartments, rooms, or housekeeping units	17 N.J.R. 1045(a)	R.1985 d.385	17 N.J.R. 1895(b)
10:82-5.3	ASH: correction to Administrative Code			17 N.J.R. 1801(c)
10:82-5.3	ASH: child care	17 N.J.R. 1835(a)	R.1985 d.586	17 N.J.R. 2774(b)
10:82-5.10	ASH: emergency assistance	17 N.J.R. 2336(a)		
10:82-5.10	ASH: emergency assistance	17 N.J.R. 2337(a)		
10:82-5.10	Correction to Administrative Code: Assistance Standards Handbook			17 N.J.R. 2464(b)
10:85-3.2	GAM: determination of unemployability	17 N.J.R. 547(a)		
10:85-3.2	GAM: nursing home patients from out-of-state	17 N.J.R. 2338(a)		
10:85-3.2, 10.6	GAM: willingness to work and penalty period	16 N.J.R. 2741(a)	Expired	
10:85-3.3	GAM: monthly assistance payment for residential health care	16 N.J.R. 2742(a)	Expired	
10:85-3.3, 5.2	GAM: hospital notices and billings	17 N.J.R. 2519(a)		
10:85-3.4	GAM: disposal of resources	17 N.J.R. 2339(a)		
10:85-3.4	GAM: eligibility in other programs	17 N.J.R. 2520(a)		
10:85-4.1	General Assistance payment levels: comments	17 N.J.R. 882(a)	R.1985 d.342	17 N.J.R. 2272(a)
10:85-4.1, 9.4	General Assistance payment levels	17 N.J.R. 882(a)	R.1985 d.342	17 N.J.R. 1658(a)
10:85-4.6	GAM: correction to Administrative Code			17 N.J.R. 1802(a)
10:85-5.2, 11.2	GAM: inpatient hospital care	17 N.J.R. 2521(a)		
10:85-5.3	GAM: outpatient mental health care	17 N.J.R. 1836(a)	R.1985 d.565	17 N.J.R. 2665(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
10:85-5.3	GAM: correction to Administrative Code			17 N.J.R. 2051(b)
10:85-6.4	GAM: final reporting requirements	17 N.J.R. 1837(a)	R.1985 d.584	17 N.J.R. 2775(a)
10:85-10.8	GAM: work registration violations and Food Stamp recipients	17 N.J.R. 1838(a)		
10:86	Repeal obsolete AFDC Work Incentive Program rules	17 N.J.R. 1838(b)		
10:87-1.14	Food Stamp Program: disclosure of information	17 N.J.R. 1377(b)	R.1985 d.475	17 N.J.R. 2273(a)
10:87-2.21, 2.24, 2.28, 2.31, 2.35, 9.7, 11.29	Food Stamp Program revisions	17 N.J.R. 883(a)	R.1985 d.346	17 N.J.R. 1659(a)
10:87-2.38, 5.9	Food Stamp Program: elderly or disabled defined; JTPA income exclusion	17 N.J.R. 2521(b)		
10:87-12.1	Food Stamp Program: income deductions, maximum coupon allotments	Emergency	R.1985 d.526	17 N.J.R. 2564(a)
10:87-12.3, 12.4, 12.7	Food Stamp Program: maximum allowable income	17 N.J.R. 1793(a)	R.1985 d.480	17 N.J.R. 2273(b)
10:89	Home Energy Assistance Handbook	17 N.J.R. 1737(a)	R.1985 d.492	17 N.J.R. 2441(a)
10:89-2.2, 2.3, 3.2, 3.3, 3.4, 3.6, 4.1, 5.1	Home energy assistance	Emergency	R.1985 d.593	17 N.J.R. 2791(a)
10:90-2.2, 2.3, 2.4, 2.6, 3.3, 4.1—4.10, 5.1, 5.2, 5.6, 6.1, 6.2, 6.3	Monthly Reporting Policy Handbook	17 N.J.R. 1839(a)		
10:94-1.6, 3.14	Medicaid Only: ineligible individuals	17 N.J.R. 2522(a)		
10:94-3.6	Medicaid Only: change of county of residence	17 N.J.R. 2523(a)		
10:94-4.1	Medicaid Only: resource eligibility	17 N.J.R. 2524(a)		
10:94-4.5, 4.6, 4.7	Medicaid Only: resource eligibility and limits	17 N.J.R. 1525(a)	R.1985 d.474	17 N.J.R. 2274(a)
10:94-7, 8, 9	Medicaid Only program for aged, blind and disabled	17 N.J.R. 2340(a)		
10:123-3	Residential health care and boarding homes: readopt Personal Needs Allowance rules	17 N.J.R. 1526(b)	R.1985 d.426	17 N.J.R. 2046(b)
10:129-2	Confidentiality of child abuse records	17 N.J.R. 885(a)	R.1985 d.373	17 N.J.R. 1766(b)

(TRANSMITTAL 30, dated June 17, 1985)

CORRECTIONS—TITLE 10A

10A:31-3.7, 3.12	Adult county facilities: new inmate processing	17 N.J.R. 2229(a)		
10A:31-3.12, 3.15	Adult county facilities: medical screening of new inmates	17 N.J.R. 2343(a)		
10A:34	County correctional facilities	17 N.J.R. 2525(a)		

(TRANSMITTAL 11, dated May 20, 1985)

INSURANCE—TITLE 11

11:1-2.5-2.8	Property-liability: rate counsel participation	16 N.J.R. 2918(a)		
11:1-5	Administrative Orders and Declarations: correction of sunset date	16 N.J.R. 2677(a)	R.1984 d.426	17 N.J.R. 2566(a)
11:1-5.2	Fire and casualty coverage: cancellation notice requirement			17 N.J.R. 1939(a)
11:1-16	Request for rate decrease	16 N.J.R. 3169(a)		
11:1-18	Approval of business names	17 N.J.R. 41(a)		
11:1-19	Uniform registration of branch offices	17 N.J.R. 42(a)		
11:1-20	Property and casualty/liability coverage: cancellations, nonrenewals and mid-term premium increases	Emergency	R.1985 d.507	17 N.J.R. 2460(a)
11:1-21	Property/casualty insurers: preparation of annual loss reserve opinions	17 N.J.R. 2596(a)		
11:2-19	Approval of insurance schools and company training programs	16 N.J.R. 2920(b)		
11:2-20	License renewal: continuing education requirement	16 N.J.R. 2922(a)		
11:2-21	Property and casualty coverage: underwriting guidelines	16 N.J.R. 2924(a)		
11:2-23	Advertisement of life insurance and annuities	16 N.J.R. 2926(a)	R.1985 d.600	17 N.J.R. 2776(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
11:3-7	Automobile Reparation Reform Act rules: 90-day waiver of expiration	16 N.J.R. 2414(a)		
11:3-7	Automobile Reparation Reform Act rules	16 N.J.R. 3417(a)		
11:3-8	Nonrenewal of auto insurance policies	16 N.J.R. 2930(a)		
11:3-10	Auto physical damage claims	16 N.J.R. 3170(a)		
11:3-16	Private passenger automobile rate filings	16 N.J.R. 2934(a)		
11:3-17	Automobile rate filings	16 N.J.R. 2936(a)		
11:3-18	Filing review procedures	16 N.J.R. 2937(a)		
11:3-20	Reporting excess profits	17 N.J.R. 370(a)		
11:3-20	Automobile insurers: financial disclosure and excess profit reporting	17 N.J.R. 2597(a)		
11:3-21	Reduced PIP premium charges	16 N.J.R. 3286(a)		
11:4-2	Replacement of life insurance and annuities	17 N.J.R. 887(a)		
11:4-2	Replacement of life insurance and annuities	17 N.J.R. 2344(a)		
11:4-9	Annuity and deposit fund disclosure	16 N.J.R. 2939(a)		
11:4-21	Readopt Limited Death Benefit Forms	17 N.J.R. 891(a)	R.1985 d.325	17 N.J.R. 1660(a)
11:4-24	Smoker and nonsmoker mortality tables	17 N.J.R. 2348(a)		
11:4-25	Social security disability offset	16 N.J.R. 3287(a)		
11:4-26	Annuity mortality tables	17 N.J.R. 2349(a)		
11:5-1.3	Licensing of real estate brokers and salespeople	17 N.J.R. 2350(a)		
11:5-1.15	Real estate advertising	17 N.J.R. 2351(a)		
11:5-1.15, 1.25	Advertising of real estate; sale of interstate property	17 N.J.R. 666(a)		
11:5-1.20	Payment of fees prescribed by Real Estate License Act	17 N.J.R. 2353(a)		
11:5-1.28	Approved real estate schools: requirements	17 N.J.R. 376(a)		
11:5-1.29	Real estate license applicants: record checks	17 N.J.R. 2230(a)	R.1985 d.601	17 N.J.R. 2779(a)
11:10-1	Dental plan organizations	16 N.J.R. 2230(a)	R.1985 d.374	17 N.J.R. 1768(a)
11:16	Provider verification of services	17 N.J.R. 47(a)		
11:17-1	Surplus lines insurance guaranty fund surcharge	17 N.J.R. 1045(b)		

(TRANSMITTAL 29, dated May 20, 1985)

LABOR—TITLE 12

12:15-1.1, 1.2	Unemployment and Temporary Disability Benefits programs: purpose and scope	17 N.J.R. 1378(a)	R.1985 d.423	17 N.J.R. 2046(c)
12:15-1.3	Maximum weekly benefit rates for Unemployment Compensation and State Plan Disability	17 N.J.R. 2079(a)	R.1985 d.545	17 N.J.R. 2666(a)
12:15-1.4	Taxable wage base subject to Unemployment Compensation contributions	17 N.J.R. 2079(b)	R.1985 d.546	17 N.J.R. 2667(a)
12:15-1.5	Unemployment Compensation contribution rate for government units	17 N.J.R. 2079(c)	R.1985 d.543	17 N.J.R. 2667(b)
12:15-1.6	Base week for unemployment compensation and temporary disability	17 N.J.R. 2007(b)	R.1985 d.525	17 N.J.R. 2461(a)
12:15-1.6	Base week for Unemployment Compensation and State Plan Disability claims	17 N.J.R. 2080(a)	R.1985 d.544	17 N.J.R. 2667(c)
12:15-1.7	Alternate earnings test for benefits eligibility	17 N.J.R. 2080(b)	R.1985 d.542	17 N.J.R. 2668(a)
12:17-10	Refund for unemployment benefits	17 N.J.R. 2525(b)		
12:35	Workfare rules	17 N.J.R. 1048(a)	R.1985 d.404	17 N.J.R. 1896(a)
12:56	Readopt Wage and Hour rules	17 N.J.R. 2008(a)	R.1985 d.524	17 N.J.R. 2461(b)
12:57	Readopt Wage Orders for Minors	17 N.J.R. 2009(a)	R.1985 d.523	16 N.J.R. 2461(c)
12:58	Readopt Child Labor rules	17 N.J.R. 2009(b)	R.1985 d.522	17 N.J.R. 2461(d)
12:70	Field sanitation for seasonal farm workers	17 N.J.R. 1860(a)		
12:105	Board of Mediation: arbitration	17 N.J.R. 2526(a)		
12:120	Asbestos licenses and permits	17 N.J.R. 1676(a)	R.1985 d.468	17 N.J.R. 2275(a)
12:200	Liquefield Petroleum Gas rules	17 N.J.R. 1379(a)	R.1985 d.403	17 N.J.R. 1899(a)
12:235	Practice and procedure before Division of Workers' Compensation	17 N.J.R. 2081(a)		
12:235-1.5	Maximum weekly benefit rate for Workers' Compensation	17 N.J.R. 2090(a)	R.1985 d.541	17 N.J.R. 2668(b)

(TRANSMITTAL 22, dated June 17, 1985)

COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A

12A	Departmental rules; small business set-aside contracts	16 N.J.R. 1955(a)	R.1985 d.421	17 N.J.R. 2683(a)
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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
LAW AND PUBLIC SAFETY—TITLE 13				
13:1-5.1, 6.1, 8.1	Police officer training and certification	17 N.J.R. 1239(a)	R.1985 d.405	17 N.J.R. 1899(b)
13:2-4	ABC: readopt rules on Issuance or Transfer of Municipal Retail Licenses	17 N.J.R. 1052(a)	R.1985 d.332	17 N.J.R. 1661(a)
13:2-20	ABC: readopt rules on Transportation by Licensees; Transit Insignia	17 N.J.R. 1054(a)	R.1985 d.333	17 N.J.R. 1662(a)
13:2-23.16, -24, -35	ABC preproposal: industry marketing and sales practices	16 N.J.R. 3292(a)		
13:2-40	ABC: readopt rules on Issuances of IDs by County Clerks	17 N.J.R. 1380(a)	R.1985 d.395	17 N.J.R. 1900(a)
13:3-3.5, 3.6, 7.9	Amusement games control	17 N.J.R. 1058(a)	R.1985 d.334	17 N.J.R. 1664(a)
13:4	Division on Civil Rights: practice and procedure	17 N.J.R. 2682(a)		
13:13-1.3, 2.2, 2.3	Correction: Discrimination against handicapped persons	17 N.J.R. 671(a)	R.1985 d.305	17 N.J.R. 1773(a)
13:19-10.1	Motor vehicle driver violations: point assessment	17 N.J.R. 2231(a)	R.1985 d.599	17 N.J.R. 2780(a)
13:19-13.1, 13.2, 13.3	Motor vehicle insurance surcharges	17 N.J.R. 893(a)	R.1985 d.482	17 N.J.R. 2281(a)
13:20-28	Readopt rules on Inspection of New Motor Vehicles	17 N.J.R. 1059(a)	R.1985 d.379	17 N.J.R. 1901(a)
13:20-32.16	Motor vehicle reinspection centers	17 N.J.R. 676(a)		
13:20-33.6	Glazing inspection standards for motor vehicles	17 N.J.R. 894(a)		
13:20-36.1, 36.2	Special National Guard Plates	17 N.J.R. 2602(a)		
13:21-2	Motor Vehicle Licensing Service: Statutory Language Interpretation	17 N.J.R. 2090(b)	R.1985 d.576	17 N.J.R. 2780(a)
13:21-11.13	Temporary initial registration of motor vehicles	17 N.J.R. 1863(a)	R.1985 d.520	17 N.J.R. 2562(a)
13:21-15.6	Auto dealers: acceptance of altered title documents	17 N.J.R. 169(a)		
13:21-20	Motor home title certificates	17 N.J.R. 2353(b)		
13:27-8.11	Certified landscape architects: title block contents	17 N.J.R. 1864(a)	R.1985 d.538	17 N.J.R. 2668(c)
13:28-4.1	Board of Beauty Culture Control fee schedule	17 N.J.R. 1638(a)	R.1985 d.464	17 N.J.R. 2139(c)
13:29-1.4	Change of address by licensed accountants	17 N.J.R. 1639(a)		
13:29-1.11	Fee for CPA certificate	17 N.J.R. 2092(a)		
13:29-2.1	Applicants for registered municipal accountant's test	17 N.J.R. 2092(b)		
13:30-8.1	Board of Dentistry: fee schedule	17 N.J.R. 378(a)		
13:30-8.3, 8.14	Board of Dentistry licensee requirements	17 N.J.R. 1864(b)	R.1985 d.548	17 N.J.R. 2669(a)
13:30-8.4, 8.6	Correction: Specialties in dentistry	17 N.J.R. 378(a)	R.1985 d.253	17 N.J.R. 1665(a)
13:34-1.1	Marriage counseling: annual license fees and charges	17 N.J.R. 1527(a)	R.1985 d.549	17 N.J.R. 2669(b)
13:35-1A.4	Clinical clerkships for foreign medical graduates	17 N.J.R. 2010(a)	R.1985 d.564	17 N.J.R. 2670(a)
13:35-2.4	Approval of colleges of chiropractic	17 N.J.R. 2231(b)		
13:35-2.15	Physician-nurse anesthetist standards	17 N.J.R. 796(a)		
13:35-4.2	Termination of pregnancy	17 N.J.R. 1865(a)	R.1985 d.530	17 N.J.R. 2562(b)
13:35-6.4	Pre-proposal: professional conduct of Medical Board licensees	17 N.J.R. 894(b)		
13:35-6.6	Directly dispensed medication by physicians and podiatrists	17 N.J.R. 1866(a)	R.1985 d.505	17 N.J.R. 2442(a)
13:37-1.2, 1.21, 1.23-1.25	Programs in nursing education	17 N.J.R. 1528(a)	R.1985 d.483	17 N.J.R. 2282(a)
13:37-1.4	Nursing licensees: reporting unlawful conduct	17 N.J.R. 2232(a)		
13:37-2.1, 2.3, 3.5, 4.1, 4.3-4.6, 5.1, 5.5	Licensing of nurses	17 N.J.R. 1529(a)	R.1985 d.592	17 N.J.R. 2781(a)
13:37-6.2	Delegation of nursing tasks by RPNs	17 N.J.R. 2354(a)		
13:38-3.2	Board of Optometrists: reexamination	17 N.J.R. 677(a)		
13:38-3.2	Reexamination for optometry licensure	17 N.J.R. 1639(b)	R.1985 d.504	17 N.J.R. 2443(a)
13:39-3.10	Practice of pharmacy: qualifying examinations	17 N.J.R. 2528(a)		
13:39A-1	Board of Physical Therapy: organization and administration	17 N.J.R. 2355(a)		
13:39A-2	Authorized practice by physical therapists	17 N.J.R. 2356(a)		
13:39A-3	Unlawful practices by physical therapists	17 N.J.R. 2358(a)		
13:39A-3.2	Pre-proposal: fee splitting and kickbacks by physical therapists	17 N.J.R. 2360(a)		
13:39A-4	Unlicensed practice of physical therapy	17 N.J.R. 2361(a)		
13:39A-5	Physical therapy applicants: required credentials	17 N.J.R. 2362(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
13:40-1, 2	Title block contents on drawings, site plans and land surveys	17 N.J.R. 2602(b)		
13:40-3.2, 4.1, 5.1	Professional engineers and land surveyors: Board rules	17 N.J.R. 799(a)	R.1985 d.465	17 N.J.R. 2140(a)
13:41-1	Board of Professional Planners: readopt Seal rules	17 N.J.R. 1060(a)	R.1985 d.424	17 N.J.R. 2047(a)
13:41-3.2	Board of Professional Planners: fee schedule	17 N.J.R. 1061(a)	R.1985 d.443	17 N.J.R. 2141(a)
13:41-4	Board of Professional Planners: readopt preparation of site plan rules	17 N.J.R. 1240(a)		
13:42-1.5	Psychological Board licensees: notification of current address	17 N.J.R. 896(a)		
13:44-1.2, 1.3, 1.4, 2.4, 2.9, 2.14, 2.15, 6	Veterinarian licensure	17 N.J.R. 1739(a)		
13:44-4.1	Veterinary medicine: training certificate fee	17 N.J.R. 383(a)	R.1985 d.364	17 N.J.R. 1773(b)
13:44C-1.1	Audiology and Speech Language Pathology Advisory Committee: fees and charges	17 N.J.R. 1062(a)		
13:44D	Public moving and warehousing	17 N.J.R. 1382(a)		
13:45A-14	Unit pricing in retail establishments	17 N.J.R. 2232(b)		
13:45A-22	Kosher meat and poultry dealers: inspections and recordkeeping	17 N.J.R. 1241(a)	R.1985 d.407	17 N.J.R. 1901(b)
13:47B-1.20	Weights and measures: National Bureau of Standards Handbook 44	17 N.J.R. 2233(a)		
13:47B-1.24	Weights and measures: central registry for security sealing devices	17 N.J.R. 2234(a)		
13:47C-3.6	Standard for treated lumber	17 N.J.R. 2234(b)		
13:48	Charitable fund raising	17 N.J.R. 1244(a)		
13:51-3.5, 3.6	Chemical breath testing: approved instruments	17 N.J.R. 1531(a)	R.1985 d.441	17 N.J.R. 2141(b)
13:59	Background checks for licensing and employment purposes: user fees	17 N.J.R. 1743(a)	R.1985 d.481	17 N.J.R. 2282(b)
13:70-4.1, 4.17, 4.19, 4.20, 4.21	Thoroughbred racing: fingerprint checks and licensing	17 N.J.R. 2362(a)		
13:70-4.15	Thoroughbred racing: farms and training centers	17 N.J.R. 1393(a)		
13:70-6.57	Thoroughbred rules: workout program	17 N.J.R. 2529(a)		
13:70-14A.11	Thoroughbred racing: urine testing of track personnel	17 N.J.R. 1640(a)		
13:70-14A.11	Thoroughbred racing: urine testing and confidentiality of information	17 N.J.R. 2363(a)		
13:71-7.1	Harness racing: fingerprint checks and licensing	17 N.J.R. 2364(a)		
13:71-7.26	Harness racing: farms and training centers	17 N.J.R. 1393(b)		
13:71-18.2	Harness racing: urine testing of track personnel	17 N.J.R. 1641(a)		
13:71-18.2	Harness racing: urine testing and confidentiality of information	17 N.J.R. 2364(b)		
13:75-1.5	Violent crimes compensation: filing of claims	17 N.J.R. 2010(b)		
13:76-1.2, 1.3, 3.2, 4.1	Arson investigators	17 N.J.R. 2011(a)		

(TRANSMITTAL 32, dated June 17, 1985)

PUBLIC UTILITIES—TITLE 14

14:1-1, 6	BPU: general provisions; petitions	17 N.J.R. 2235(a)		
14:1-5.2, 5.3	Filings with Board of Public Utilities	17 N.J.R. 802(a)	R.1985 d.439	17 N.J.R. 2142(a)
14:3-4.7	Adjustment of utility bills	17 N.J.R. 2236(a)		
14:3-10.9	Petitions by solid waste collectors	16 N.J.R. 3292(b)		
14:5-3	Electric meters	17 N.J.R. 2237(a)		
14:10-5	Inter LATA telecommunications carriers	17 N.J.R. 2012		
14:17-6.8, 6.14, 6.17	CATV: system and stock transfers; rate increase filing procedures; public hearing requirement	17 N.J.R. 1062(b)	R.1985 d.449	17 N.J.R. 2142(b)
14:18-2.9	CATV pole attachment rate methodology	17 N.J.R. 1589(b)	R.1985 d.425	17 N.J.R. 2047(b)
14:18-3.10	CATV installation: compensation for taking	17 N.J.R. 563(a)	R.1985 d.337	17 N.J.R. 1666(a)
14:18-11	Pre-proposal: Renewal of CATV municipal consents and certificates of approval	17 N.J.R. 1394(a)		

(TRANSMITTAL 23, dated June 17, 1985)

ENERGY—TITLE 14A

14A:3-4.4	Energy Subcode: thermal efficiency standards	16 N.J.R. 2748(a)	R.1985 d.478	17 N.J.R. 2283(a)
14A:3-11	Used oil recycling	17 N.J.R. 1866(b)	R.1985 d.506	17 N.J.R. 2443(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
14A:7	Submission and handling of confidential information	17 N.J.R. 1745(a)	R.1985 d.470	17 N.J.R. 2284(a)
14A:13-1.2, 1.8-1.11, 1.13, 1.14	Energy conservation in State buildings	17 N.J.R. 1747(a)	R.1985 d.471	17 N.J.R. 2286(a)
14A:20-1	Energy conservation planning and evaluation	16 N.J.R. 3293(a)		
14A:21	Home Energy Savings Program	17 N.J.R. 2365(a)		

(TRANSMITTAL 14, dated October 15, 1984)

STATE—TITLE 15

15:2-1.1, 1.3, 1.4	Commercial recording: expedited service	17 N.J.R. 897(a)	R.1985 d.327	17 N.J.R. 1670(a)
15:2-1.5	Commercial recording: fee payment for expedited service	17 N.J.R. 898(a)	R.1985 d.326	17 N.J.R. 1671(a)
15:10	Election rules	17 N.J.R. 2381(a)		

(TRANSMITTAL 14, dated January 3, 1984)

PUBLIC ADVOCATE—TITLE 15A

(TRANSMITTAL 1, dated March 20, 1978)

TRANSPORTATION—TITLE 16

16:1	Records management	17 N.J.R. 564(a)	R.1985 d.409	17 N.J.R. 1903(a)
16:6	Relocation assistance	17 N.J.R. 565(a)	R.1985 d.435	17 N.J.R. 2143(a)
16:21	State aid to counties and municipalities; readopt rules	17 N.J.R. 566(a)	R.1985 d.434	17 N.J.R. 2143(b)
16:22	Urban revitalization, special demonstration and emergency project rules	17 N.J.R. 2385(a)		
16:28A-1.4, 1.31, 1.33	Bus stops on Route 4 in Hackensack and Routes 45 and 47 in Deptford	17 N.J.R. 1396(a)	R.1985 d.393	17 N.J.R. 1903(b)
16:28A-1.7	Parking on U.S. 9 in Berkeley Township	17 N.J.R. 1063(a)	R.1985 d.355	17 N.J.R. 1774(b)
16:28A-1.7, 1.19, 1.21, 1.31, 1.32	Parking on Routes U.S. 9, 28, U.S. 30, 45, U.S. 46	17 N.J.R. 898(b)	R.1985 d.328	17 N.J.R. 1671(b)
16:28A-1.7, 1.24	Bus stops on U.S. 9 and 34 in Old Bridge	17 N.J.R. 1064(a)	R.1985 d.354	17 N.J.R. 1774(a)
16:28A-1.7, 1.38, 1.51, 1.71	Parking on U.S. 9 in Marlboro, Routes 71 in Asbury Park, 168 in Camden, and 67 in Fort Lee	17 N.J.R. 2013(a)	R.1985 d.536	17 N.J.R. 2670(b)
16:28A-1.7, 1.45	Parking on U.S. 9 in Ocean County and Route 94 in Sussex County	17 N.J.R. 1250(a)	R.1985 d.390	17 N.J.R. 1904(a)
16:28A-1.13, 1.27, 1.30	Bus stops on U.S. 22 in Kenilworth, Routes 38 in Cherry Hill and 44 in Paulsboro	17 N.J.R. 1397(a)	R.1985 d.394	17 N.J.R. 1905(a)
16:28A-1.18	Parking on Route 27 in Metuchen	17 N.J.R. 1642(a)	R.1985 d.467	17 N.J.R. 2288(a)
16:28A-1.18	Parking on Route 27 in Union County	17 N.J.R. 1251(a)	R.1985 d.391	17 N.J.R. 1906(a)
16:28A-1.18, 1.21, 1.37, 1.40, 1.55, 1.56, 1.57, 1.69	Parking on Routes 27 in Middlesex County, U.S. 30 in Hammonton, 70 in Cherry Hill, 73 in Mt. Laurel, U.S. 202, 202-206 and 206 in Bedminster, and 124 in Springfield	17 N.J.R. 2014(a)	R.1985 d.534	17 N.J.R. 2671(a)
16:28A-1.20, 1.25, 1.29, 1.64, 1.65	Parking and bus stops on Routes 29, 35, 42, 41 and 15	17 N.J.R. 1398(a)	R.1985 d.392	17 N.J.R. 1906(b)
16:28A-1.21, 1.26, 1.31, 1.38, 1.61, 1.71	Parking and bus stops on U.S. 9W, U.S. 30, Routes 36, 45, 67 and 71	17 N.J.R. 1064(b)	R.1985 d.356	17 N.J.R. 1774(c)
16:28A-1.31, 1.46	Parking on Route 45 in Mantua, U.S. 130 in Penns Grove and Carneys Point	17 N.J.R. 2016(a)	R.1985 d.535	17 N.J.R. 2673(a)
16:28A-1.35	Route 52 in Cape May County	17 N.J.R. 898(b)	R.1985 d.365	17 N.J.R. 1776(a)
16:30-6.4	Weight limit on Route 45 in Gloucester County	17 N.J.R. 1337(a)	R.1985 d.389	17 N.J.R. 1907(a)
16:30-12	Truck weigh stations on Interstate Highway System I-78, I-80, I-287 and I-295	17 N.J.R. 987(a)	R.1985 d.357	17 N.J.R. 1778(a)
16:31-1.1	No left turn on US 206 in Hillsborough	17 N.J.R. 1250(a)	R.1985 d.390	17 N.J.R. 1904(a)
16:31-1.4	No left turn on Route 35 in Old Bridge, Aberdeen and Keyport	Emergency	R.1985 d.578	17 N.J.R. 2681(a)
16:32-2.3	Temporary exemptions from Federal bridge formula	17 N.J.R. 1868(a)		
16:33	Construction control	17 N.J.R. 567(a)	R.1985 d.433	17 N.J.R. 2143(c)
16:43	Junkyards adjacent to public highways: readopt rules	17 N.J.R. 567(b)	R.1985 d.432	17 N.J.R. 2144(a)
16:44-5.1	Receipt of bids: requirements	16 N.J.R. 3191(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
16:53-9.1	Autobuses: public liability insurance	17 N.J.R. 2149(a)	R.1985 d.574	17 N.J.R. 2783(a)
16:56-4.1	Airport safety improvement aid	17 N.J.R. 1067(a)	R.1985 d.366	17 N.J.R. 1779(a)
16:56-7.1	Airport safety improvement aid	17 N.J.R. 2017(a)		
16:62-5.1, 8, 9, 10	Air safety and hazardous zoning	17 N.J.R. 1869(a)	R.1985 d.537	17 N.J.R. 2673(b)
16:78	Senior Citizen and Disabled Resident Transportation Assistance Act Program	17 N.J.R. 1532(a)	R.1985 d.490	17 N.J.R. 2445(a)

(TRANSMITTAL 31, dated June 17, 1985)

TREASURY-GENERAL—TITLE 17

17:1-1.8	State pension checks and signature cards	17 N.J.R. 1068(a)	R.1985 d.348	17 N.J.R. 1673(a)
17:1-1.10	Minimum adjustments to pension accounts	17 N.J.R. 1642(b)	R.1985 d.442	17 N.J.R. 2144(b)
17:1-2.3	Alternate Benefit Program: salary reduction and deduction	17 N.J.R. 2350(b)		
17:1-2.18	Alternate Benefit Program: contributions	17 N.J.R. 2603(a)		
17:1-4.11	PERS: purchase of credit for temporary service	17 N.J.R. 2529(b)		
17:2-1.4	PERS: election of member-trustee	17 N.J.R. 2238(a)	R.1985 d.590	17 N.J.R. 2784(a)
17:3-2.1	Teachers' Pension and Annuity Fund: eligibility for enrollment	17 N.J.R. 2238(b)		
17:3-2.3	Teachers' pension and annuity: full-time employment	17 N.J.R. 60(a)		
17:3-3.2	Teachers' Pension and Annuity: contributory insurance benefits	17 N.J.R. 1252(a)	R.1985 d.431	17 N.J.R. 2144(c)
17:3-6.21	Teachers' Pension and Annuity: special veterans' retirement	17 N.J.R. 2239(a)	R.1985 d.547	17 N.J.R. 2674(a)
17:4	Readopt Police and Firemen's Retirement System rules	17 N.J.R. 805(a)	R.1985 d.330	17 N.J.R. 1673(b)
17:5	State Police Retirement System rules	17 N.J.R. 2018(a)		
17:5-5.5	State Police Retirement: outstanding loans	16 N.J.R. 2997(a)		
17:8	Supplemental Annuity Collective Trust: readopt rules	17 N.J.R. 682(a)	R.1985 d.378	17 N.J.R. 1907(b)
17:9-1.5	State Health Benefits Program: voluntary termination by employer	17 N.J.R. 1399(a)	R.1985 d.587	17 N.J.R. 2784(b)
17:9-6.1, 6.3	State Health Benefits Program: retired employees' coverage	17 N.J.R. 2386(a)		
17:9-6.2	State Health Benefits Program: retirement coverage	17 N.J.R. 2604(a)		
17:16-6.1	Permissible purchases for funds under control of Director of Investment	17 N.J.R. 2093(a)	R.1985 d.552	17 N.J.R. 2674(b)
17:16-7.1, 7.2, 7.3, 7.4, 8	Debt issue ceiling on long-term corporate issues	17 N.J.R. 2093(b)	R.1985 d.553	17 N.J.R. 2675(a)
17:16-17.3	State Investment Council: common and preferred stock limitations	17 N.J.R. 2239(b)	R.1985 d.582	17 N.J.R. 2784(c)
17:16-27	Investment Council: certificates of deposit	17 N.J.R. 60(b)	R.1985 d.201	17 N.J.R. 1907(c)
17:16-31.3-31.11	Cash Management Fund: method of accounting	17 N.J.R. 2095(a)	R.1985 d.554	17 N.J.R. 2676(a)
17:16-32, 38	Common Pension Funds A and C	17 N.J.R. 2386(b)		
17:16-39.1, 39.3	Capital requirements for bankers acceptance eligibility	17 N.J.R. 2095(b)	R.1985 d.555	17 N.J.R. 2676(b)
17:19-2.10	Classification of bidders: settlement conferences	16 N.J.R. 2751(a)	R.1985 d.436	17 N.J.R. 2048(a)
17:28	Charitable fund raising and public employees: payroll deduction campaigns	17 N.J.R. 1931(a)	R.1985 d.496	17 N.J.R. 2449(a)
17:29	Charitable fund raising and local government	17 N.J.R. 2294(a)	R.1985 d.577	17 N.J.R. 2785(a)

(TRANSMITTAL 30, dated June 17, 1985)

TREASURY-TAXATION—TITLE 18

18:7-1.15, 4.5, 4.11, 11.7	Corporation Business Tax: investment company, subsidiary, indebtedness, timely filing	17 N.J.R. 1537(a)	R.1985 d.561	17 N.J.R. 2677(a)
18:7-1.17, 11.15	Consolidated casino business tax returns	17 N.J.R. 901(a)	R.1985 d.453	17 N.J.R. 2145(a)
18:7-5.1, 5.2, 5.4	Corporation Business Tax: entire net income base	17 N.J.R. 1538(a)	R.1985 d.562	17 N.J.R. 2678(a)
18:7-5.12-5.16	Corporation Business Tax: net operating loss carryover	17 N.J.R. 2096(a)		
18:7-14.12, 14.17—14.20	Corporation Business Tax: prior issuance of tax clearance certificate	17 N.J.R. 1252(b)	R.1985 d.383	17 N.J.R. 1909(a)
18:17-4.1	Local property tax: assessor duties	17 N.J.R. 1870(a)	R.1985 d.563	17 N.J.R. 2679(a)
18:23A	Tax maps	17 N.J.R. 1068(b)	R.1985 d.381	17 N.J.R. 1910(a)
18:24-2.3	Sales and use tax: ADP record retention	17 N.J.R. 2240(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
18:24-24.2	Sales tax and gas station equipment	17 N.J.R. 2387(a)		
18:25	Luxury Tax rules	17 N.J.R. 2241(a)		
18:26-11.1	Transfer Inheritance Tax: spousal waiver	17 N.J.R. 2241(b)		
18:35-1.18	Extension of time to file Gross Income Tax Return	17 N.J.R. 1643(a)	R.1985 d.454	17 N.J.R. 2146(a)
18:37	Spill Compensation and Control Tax rules	17 N.J.R. 1074(a)	R.1985 d.382	17 N.J.R. 1915(a)
18:37-2.2	Transfer of hazardous substances other than petroleum or its products	17 N.J.R. 1540(a)	R.1985 d.455	17 N.J.R. 2147(a)

(TRANSMITTAL 29, dated June 17, 1985)

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

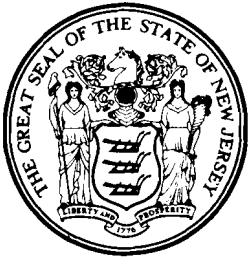
19:4-4.33, 4.35, 4.36, 4.37, 4.39, 4.40, 4.42, 6.28	Hackensack Meadowlands waterfront recreation zone	16 N.J.R. 3423(b)	R.1985 d.408	17 N.J.R. 1916(a)
19:4-4.142	Meadowlands: granting zoning variances	17 N.J.R. 1871(a)		
19:4-4.146—4.156, 6.28	Commercial park zone	17 N.J.R. 2530(a)		
19:4-6.28	Change in zoning designation	17 N.J.R. 385(b)		
19:4-6.28	Meadowlands: official zoning map change	17 N.J.R. 1872(a)		
19:25-1.7	“Political committee” defined	17 N.J.R. 2531(a)		
19:25-2.6	Facsimile signatures	17 N.J.R. 1399(b)	R.1985 d.238	17 N.J.R. 1917(b)
19:30-4.4	Targeting of EDA assistance	17 N.J.R. 1872(b)	R.1985 d.499	17 N.J.R. 2454(a)
19:30-7	Economic Development Authority: private activity bonds	17 N.J.R. 1750(a)	R.1985 d.500	17 N.J.R. 2454(b)

(TRANSMITTAL 26, dated May 20, 1985)

TITLE 19 SUBTITLE K—CASINO CONTROL COMMISSION

19:41-2.8	Fire safety unit	16 N.J.R. 3195(a)		
19:41-7.2A	Disposition of Atlantic City real property	17 N.J.R. 2532(a)		
19:41-9.1, 9.4, 9.19, 9.20	Crediting of Casino Control Fund surplus; fees for services to other agencies	17 N.J.R. 2242(a)	R.1985 d.583	17 N.J.R. 2788(a)
19:41-9.5	Fee for casino work permit	17 N.J.R. 2604(b)		
19:43, 45	Pre-proposal: Rules governing casino industry bus operations	17 N.J.R. 1401(a)		
19:45-1.1, 1.25	Acceptance by casinos of checks issued by other casinos	17 N.J.R. 2245(a)		
19:45-1.25	Patron credit and identity verification: revised operative date	_____	_____	17 N.J.R. 1917(b)
19:45-1.27	Correction: Granting of patron credit	17 N.J.R. 181(a)	R.1985 d.229	17 N.J.R. 1673(c)
19:45-1.27	Patron credit	17 N.J.R. 1254(a)	R.1985 d.493	17 N.J.R. 2456(a)
19:45-1.33	Counting and recording contents of drop boxes	17 N.J.R. 1752(a)	R.1985 d.495	17 N.J.R. 2457(a)
19:45-1.37	Issuance and use of tokens for slot machines	17 N.J.R. 184(a)		
19:46-1.26, 1.27, 1.33	Issuance and use of tokens for slot machines	17 N.J.R. 184(a)		
19:46-1.27	Aisle space and slot machines	17 N.J.R. 2533(a)		
19:52-1.4	Correction: Prohibited entertainment activities	_____	_____	17 N.J.R. 1684(a)

(TRANSMITTAL 15, dated May 20, 1985)



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CONTENTS
(Continued from Front Cover)

RULE ADOPTIONS

BANKING
Cemetery Board rules 2749(a)

COMMUNITY AFFAIRS
Municipal, County and Authority Employees
Deferred Compensation Programs 2749(b)

EDUCATION
Board of school estimate: correction 2753(a)

ENVIRONMENTAL PROTECTION
Water supply management in critical areas 2753(b)
Emergency water supply: residential and
nonresidential users defined 2754(a)
Defining freshwater fishing lines 2755(a)

HEALTH
Frozen dessert products 2755(b)
Family planning facilities: licensure fee 2768(a)
Generic drug list revisions 2769(a)
Generic drug list revisions 2769(b)

HIGHER EDUCATION
Eligibility for Alternate Benefit Program 2770(a)
Teacher education: degree standards 2771(a)

HUMAN SERVICES
Pharmaceutical services and billing
procedures 2772(a)
PAM: distribution of arrearage payments for
child support 2774(a)
ASH: child care 2774(b)
GAM: final reporting requirements 2775(a)

INSURANCE
Advertisement of life insurance and annuities .. 2776(a)
Real estate license applicants: record checks 2779(a)

LAW AND PUBLIC SAFETY
Motor vehicle driver violations:
point assessment 2780(a)
Motor Vehicle Licensing Service: statutory
language interpretation 2780(b)
Licensing of nurses 2781(a)

TRANSPORTATION
Autobuses: public liability insurance 2783(a)

TREASURY-GENERAL
PERS: election of member-trustee 2784(a)
State Health Benefits Program: voluntary
termination by employer 2784(b)

State Investment Council: common and
preferred stock limitations 2784(c)
Charitable fund raising and local government 2785(a)

OTHER AGENCIES
CASINO CONTROL COMMISSION
Crediting of Casino Control Fund surplus; fees
for services to other agencies 2788(a)

**PORT AUTHORITY OF NEW YORK
AND NEW JERSEY**
Automobile parking fees at Kennedy
International 2790(a)

EMERGENCY ADOPTION

HUMAN SERVICES
Home energy assistance 2791(a)

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION
Correction to Administrative Code: Short-term
permit for hazardous waste treatment 2794(a)
Worker and Community Right to Know Act:
U.S. Court of Appeals decision 2794(b)

LAW AND PUBLIC SAFETY
Common carrier applicant 2795(a)

TRANSPORTATION
Zone of Rate Freedom: Annual Hearing 2795(b)

TREASURY-GENERAL
Charitable agency application for 1986-87
public employee fund-raising campaign 2795(c)
Architect-engineer selection for major
projects 2796(a)

**INDEX OF PROPOSED AND
ADOPTED RULES 2797**

Filing Deadlines

December 16 issue:
Proposals **November 18**
Adoptions **November 25**

January 6, 1986 issue:
Proposals **December 6**
Adoptions **December 13**

January 21 issue:
Proposals **December 20**
Adoptions **December 27**