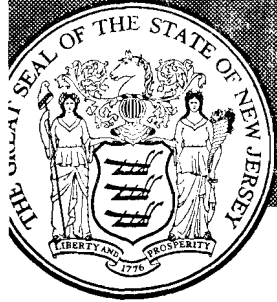


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

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Howard H. Kestin, Director,
Office of Administrative Law
G. Duncan Fletcher, Assistant Director
for Administrative Publications
Norman Olsson, Editor
Richard Dana Krebs, Rules Analyst,
Administrative Filings

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The New Jersey Register supplements the New Jersey Administrative Code. See the Interim Index on Page 419 for the Registers that should be retained as an update to the Administrative Code.

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

LEGISLATURE

Senate Concurrent Resolution No. 3024 On Proposed Amendments to N.J.A.C. 7:25-14 Concerning Crabbing

The following concurrent resolution was adopted by the New Jersey State Legislature on June 15, 1981.

SENATE CONCURRENT RESOLUTION No. 3024

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1981

By Senators ZANE, HIRKALA and DUMONT

Referred to Committee on Natural Resources
and Agriculture

A Concurrent Resolution to disapprove Proposed Rule Number 1981-14 by the Division of Fish, Game and Wildlife in the Department of Environmental Protection, concerning crabbing licenses and fees.

Whereas, Proposed Rule Number 1981-14 by the Division of Fish, Game and Wildlife in the Department of Environmental Protection, concerning crabbing licenses and practices, and amending various sections of N.J.A.C. 7:25-14, was submitted to the Legislature on April 15, 1981 for review pursuant to the provisions of P.L. 1981, c. 27; and

Whereas, On May 4, 1981, the Senate Natural Resources and Agriculture Committee reported its disapproval of the entirety of this proposed rule; now, therefore,

Be it resolved by the Senate of the State of New Jersey (the General Assembly concurring):

1. That pursuant to section 3 of P.L. 1981, c. 27 (C. 52:14B-4.3), PRN 1981-14 is disapproved in its entirety.

STATEMENT

The Senate Natural Resources and Agriculture Committee reported its disapproval of proposed changes to N.J.A.C. 7:25-14 (PRN 1981-14) which would have required the licensing of both recreational and commercial crabbers who take crabs in the Atlantic ocean. There would be a \$5.00 fee for recreational licenses which would permit the taking, but would prohibit the sale, of one bushel of crabs per day in up to two marked "Maryland" style crab pots (pots that do not require constant tending). There would be a \$100.00 fee for a commercial license, which would permit unlimited harvesting of crabs.

The committee disapproved the proposed amended regulation due to its belief that the citizens of this State should not have to pay a fee for recreational crabbing in the Atlantic ocean. In disapproving PRN 1981-14, the committee did not necessarily object to the levying of fees for commercial crabbing licenses.

(b)

BANKING

DIVISION OF CONSUMER COMPLAINTS AND LEGAL AND ECONOMIC RESEARCH

Adopted Amendments: N.J.A.C. 3:1-2.1—2.10,
2.12 and 2.13
Procedure Rules

Effective Date: July 9, 1981

On June 17, 1981, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 3:1-2.1 through 2.10, and 2.12 and 2.13 concerning procedure rules as proposed in the Notice published April 9, 1981 at 13 N.J.R. 182(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on June 18, 1981 as R.1981 d.258.

NEW JERSEY REGISTER

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(a)

BANKING

DIVISION OF CONSUMER COMPLAINTS AND LEGAL AND ECONOMIC RESEARCH

Adopted New Rules: N.J.A.C. 3:2-2.1, 2.2 and 2.3
Consumer Contracts
Plain Language

Effective Date: July 9, 1981

On June 17, 1981, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 56:12-8 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 3:2-2.1, 2.2 and 2.3 concerning plain language in consumer contracts as proposed in the Notice published April 9, 1981 at 13 N.J.R. 184(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on June 18, 1981 as R.1981 d.259.

(b)

BANKING

DIVISION OF BANKING

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

Public Hearing: None

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-246.1 and N.J.S.A. 17:9A-246.2, proposes to adopt a new rule to be cited as N.J.A.C. 3:6-1.1 concerning granting parity to State chartered savings banks with federally chartered mutual savings banks.

Summary

In order to maintain a competitive balance between State chartered savings banks and federally chartered mutual savings banks, the legislature in N.J.S.A. 17:9A-246.1 and 246.2 has given the Commissioner of Banking the authority to adopt a regulation which will afford State savings banks powers now or hereafter authorized for federal mutual savings banks. The proposed regulation will accomplish this goal while maintaining the prerogative of the Commissioner to monitor changes in the powers granted such federal institutions.

Social Impact

Adoption of this regulation will provide State chartered savings banks with the opportunity to provide the public with additional financial services presently not offered by them. The ongoing nature of the regulation will afford these institutions the ability to maintain competitive parity with federal institutions and aid in the preservation of the dual banking system.

Economic Impact

In view of the volatile nature of interest rates in the current period, many thrift institutions have been adversely affected. Adoption of this regulation will provide these institutions with additional alternate outlets for funds. This will provide them with the opportunity to offer additional services which will aid them in serving the public and at the same time provide them with the ability

to generate increased revenues to meet increased cost factors.

Full text of the proposed new rule follows.

SUBCHAPTER 1. SAVINGS BANKS PARITY

3:6-1.1 Savings banks parity with federally chartered savings banks

In addition to other authority granted by law, a savings bank may exercise any power which is now or hereafter authorized for federally chartered savings banks pursuant to federal law or rules or regulations of the Federal Home Loan Bank Board. Any such power shall be exercised upon the same terms and subject to the same conditions as are authorized for federally chartered savings banks. Powers shall be automatically exercisable upon the expiration of 30 days from the date of adoption by the federal regulatory agency, except if the Commissioner of Banking within that 30 day period provides notice that the power shall not be granted to New Jersey savings banks. Such notice shall be provided to each savings bank, and to the trade publications of the Savings Banks' Association of New Jersey, the New Jersey Bankers Association and the New Jersey Savings League for publication. The Commissioner of Banking may permit savings banks to begin exercise of a power prior to the expiration of the 30 day period by providing notice of permission to each savings bank and to the above mentioned trade publications.

Interested persons may submit, in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-125.

(c)

BANKING

DIVISION OF BANKING

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

Public Hearing: None

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-24(a), proposes to adopt a new rule to be cited as N.J.A.C. 3:6-12.1 concerning the granting of parity to State chartered banks with national banks.

Summary

In order to maintain a competitive balance between State chartered banks and national banks, the legislature in N.J.S.A. 17:9A-24(a) has given the Commissioner of Banking the authority to adopt a regulation which will permit State banks to exercise any power, right, benefit or privilege permitted to national banks, provided such power, right, benefit or privilege is not contrary to law.

The proposed regulation will accomplish this goal while maintaining the prerogative of the Commissioner to monitor changes in the powers, rights, benefits or privileges granted such national banks.

Social Impact

Adoption of this regulation will provide State chartered banks with the opportunity to provide the public with additional financial services presently not offered by them. The ongoing nature of the regulation will afford these institutions the ability to maintain competitive parity with federal institutions and aid in the preservation of the dual banking system.

Economic Impact

The current period of time has experienced constant changes in banking procedures and volatile movements in interest rates. Many institutions have been adversely affected. Adoption of this regulation will provide State institutions with additional alternate outlets for funds. It will further provide them with the opportunity to offer additional services which will aid them in serving the public and at the same time provide them with the ability to generate increased revenues to meet increased cost factors.

Full text of the proposed new rule follows.

SUBCHAPTER 12. STATE BANK PARITY

3:6-12.1 State bank parity with national banks

In addition to other authority granted by law, and unless contrary to State law, a bank may exercise any power, right, benefit or privilege which is now or hereafter authorized for national banks pursuant to federal law or rules or regulations of the Comptroller of the Currency, the Federal Reserve Board and the Federal Deposit Insurance Corporation. Any such power shall be exercised upon the same terms and subject to the same conditions as are authorized for national banks. The powers, rights, benefits or privileges shall be automatically exercisable upon the expiration of 30 days from the date of adoption by the federal regulatory agency, except if the Commissioner of Banking within that 30 day period provides notice that the power shall not be granted to State banks. Such notice shall be provided to each bank, and to the trade publications of the Savings Banks' Association of New Jersey, the New Jersey Bankers Association and the New Jersey Savings League for publication. The Commissioner of Banking may permit banks to begin exercise of a power prior to the expiration of the 30 day period by providing notice of permission to each bank and to the above mentioned trade publications.

Interested persons may submit, in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-126.

(a)

BANKING

CONSUMER CREDIT BUREAU

Adopted Repeal: N.J.A.C. 3:17-4.4
Adopted New Rule: N.J.A.C. 3:17-7
Small Loan Licensees

Effective Date: July 9, 1981

On June 17, 1981, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:10-23 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 3:17-4.4 concerning small loan licensees engaged in the secondary mortgage loan business and adopted a new rule to be cited as N.J.A.C. 3:17-7 concerning small loan licensees other business as proposed in the Notice published March 5, 1981 at 13 N.J.R. 115(e), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 18, 1981 as R.1981 d.257.

(b)

BANKING

DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

Adopted New Rule: N.J.A.C. 3:38-1.1
Mortgage Bankers and Brokers
License Fees

Effective Date: July 9, 1981

On June 17, 1981, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11B-5 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 3:38-1.1 concerning the amount of biennial license fees to be charged mortgage bankers and brokers as proposed in the Notice published May 7, 1981, at 13 N.J.R. 256(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 18, 1981 as R.1981 d.260.

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed New Rule: N.J.A.C. 4:1-1.10
Administrative Rules
Petitions from Interested Parties

Public Hearing: None

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:1-7 and N.J.S.A. 11:5-1, proposes to adopt a new rule to be cited as N.J.A.C. 4:1-1.10 concerning petitions from interested parties for promulgating, amending or repealing Civil Service rules and regulations.

Summary

N.J.A.C. 4:1-1.10 is proposed in response to the new administrative requirements imposed by the Legislature through its oversight legislation. N.J.S.A. 52:14B-4(f) re-

quires an agency to provide a procedure by which interested parties may petition the agency to promulgate, amend or repeal any rule.

Social Impact

This new rule will allow greater citizen participation in the rule-making function of the Department of Civil Service.

Economic Impact

This new rule will impact on the Department of Civil Service, Division of Administrative Practices and Labor Relations, in that the new administrative requirements will overburden existing staff and procedure delays in the overall processing of rules and regulations.

Full text of the proposed new rule follows.

4:1-1.10 Petition for promulgating, amending or repealing rules and regulations

(a) Any interested person may petition the Civil Service Commission to promulgate, amend or repeal a rule or regulation. Such petition must state clearly and concisely:

1. The substance or nature of the rule request;
2. The petitioner's interest in the request;
3. The petitioner's reasons for the request; and
4. References to the Commission's authority to take the requested action.

(b) The proposed rule, amendment or repeal must conform to all the requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.). For example, the copy must be type written in a style conforming with the Administrative Code editorial specifications including identification of the appropriate rule number, section hearing and subsection. The Director, Division of Administrative Practices and Labor Relations, may refuse to accept any petition or rule which does not substantially comply with procedural and editorial requirements.

(c) A petition for a new rule must be designated as such, explain the reason or need for the new rule and indicate in what subchapter it properly belongs.

(d) A petition for an amended rule must include the full existing text of the rule. Material to be deleted should be bracketed and material to be added should be underlined.

(e) A petition for repealing a rule must indicate the reason why the rule is no longer useful or needed.

(f) The petition and a copy of the proposed rule or amendment or repeal should be submitted to the Director, Division of Administrative Practices and Labor Relations, who shall:

1. File a notice of the petition with the Office of Administrative Law stating the name of the petitioner and the nature of the request;

2. Send notice of the petition to the President of the Civil Service Commission who, within 30 days, shall either deny the petition stating the reasons for the denial or approve the petition for processing through the established rule-making procedures of the Department of Civil Service;

3. File notice of the action taken on the petition with the Office of Administrative Law.

Interested persons may submit in writing, data, views or arguments relevant to the proposed repeal of this rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-104.

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

**Adopted Amendments: N.J.A.C. 4:1-2.1,
20.2 and 20.3**

**Adopted New Rule: N.J.A.C. 4:1-20.8
Employee Advisory Service**

Effective Date: July 9, 1981

On May 19, 1981, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 4:1-2.1, 20.2 and 20.3, and a new rule to be cited as 4:1-20.8 concerning the Employee Advisory Service as proposed in the Notice published February 5, 1981 at 13 N.J.R. 63(a), but with spelling, punctuation, or other technical changes not in violation of N.J.A.C. 1:30-3.5.

An order adopting the rule was filed with the Office of Administrative Law on June 11, 1981 as R.1981 d.233.

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

**Adopted Repeal: CSPM 8-8.104 (State Service)
Examinations and Applications
Open Competitive Examinations**

Effective Date: July 9, 1981

On May 19, 1981, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:9-2 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed Subpart 8-8.104 in the Civil Service Personnel Manual (State Service) concerning the filing of applications for examinations open to more than one government subdivision as proposed in the Notice published April 9, 1981 at 13 N.J.R. 185(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 10, 1981 as R.1981 d.228.

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

**Adopted Repeal: CSPM 8-8-105 (State Service)
Examinations and Applications
Examinations With Dual Requirements**

Effective Date: July 9, 1981

On May 19, 1981, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:9-2 and in accordance

with the applicable provisions of the Administrative Procedure Act, repealed Subpart 8-8.105 in the Civil Service Personnel Manual (State Service) concerning the filing of applications for examinations having two sets of requirements as proposed in the Notice published April 9, 1981 at 13 N.J.R. 186(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 10, 1981 as R.1981 d.230.

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

**Adopted Repeal: CSPM 8-8.105
(Local Jurisdiction)**

**Examinations and Applications
Open Competitive Examinations**

Effective Date: July 9, 1981

On May 19, 1981, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:27-7 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed Subpart 8-8.105 in the Civil Service Personnel Manual (Local Jurisdiction) concerning the filing of applications for examinations open to more than one governmental subdivision as proposed in the Notice published April 9, 1981 at 13 N.J.R. 185(d), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 10, 1981 as R.1981 d.229.

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

**Adopted Repeal: CSPM 8-8.107
(Local Jurisdiction)**

**Examinations and Applications
Examinations with Dual Requirements**

Effective Date: July 9, 1981

On May 19, 1981, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:9-2 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed Subpart 8-8.107 in the Civil Service Personnel Manual (Local Jurisdiction) concerning the filing of applications for examinations having two sets of requirements as proposed in the Notice published April 9, 1981 at 13 N.J.R. 186(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 10, 1981 as R.1981 d.231.

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

**Adopted Repeal: CSPM Subpart 20-7.101
(State Service)**

**Career Development
Employee Advisory Service**

Effective Date: July 9, 1981

On May 19, 1981, the Civil Service Commission, pursuant

to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed Subpart 20-7.101 in the Civil Service Personnel Manual (State Service) concerning career development and the Employee Advisory Service as proposed in the Notice published February 5, 1981 at 13 N.J.R. 64(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 11, 1981 as R.1981 d.234.

(d)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

**Proposed Amendment: CSPM 20-8.101
(State Service)**

**Employee Advisory Service
Confidentiality**

Public Hearing: January 20, 1981

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend Subpart 20-8.101 in the Civil Service Personnel Manual (State Service) concerning the policy and procedure for the Employee Advisory Service.

Summary

The present subpart provides that all information concerning an employee be kept confidential by the Employee Advisory Service. This amendment provides that all information concerning self-referred employees will be confidential. It defines an area of non-confidential information for employer-referred clients, which information may be released to the employer. This amendment will permit the employer to be informed of the employee's progress in terms of prognosis, appointments and attendance.

Social Impact

This will impact on the State agency employer and the employee referred by that agency. It will enable the employer to continue working with the employee to resolve work related problems and improve performance. It should prevent the situation where an employer imposes disciplinary action when the employee is making significant progress toward resolving his/her problem.

Economic Impact

It is felt that this amendment will result in a savings on the part of the State in that it encourages the retention of employees and obviates the need for replacing them with new employees and incurring the concomitant training costs. Additionally, it could obviate the need for major disciplinary actions in certain circumstances and avoid the economic disruption that accompanies such on the employee and their family.

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

Subpart 20-8:101 Policy and procedure

20-8.101a-e (No change.)

20-8.101f Confidentiality:

1. [All] Information concerning a[n] self-referred employee, whether stated, written, [or] known, in the Employee Advisory Service files, or referral files, shall be confidential unless the employee authorizes release of such material.

(b)

COMMUNITY AFFAIRS DIVISION OF HOUSING

Proposed Amendments: N.J.A.C. 5:10-1.3,
2.2, 25.3

Hotels and Multiple Dwellings
Maintenance

Public Hearing: July 30, 1981

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:13A-6(e), 7 and 7.1, proposes to amend N.J.A.C. 5:10-1.3, 2.2, and 25.3 concerning maintenance of hotels and multiple dwellings.

Summary

1. The amendments to N.J.A.C. 5:10-1.3(b) put into the regulations the terms and conditions subject to which inspection reports are accepted from and payment is made to local agencies under the State-Local Cooperative Housing Inspection Program (S.L.C.H.I.P.).

2. New subsection N.J.A.C. 5:10-1.3(d) authorizes all local construction and fire subcode officials to enforce the provisions of the regulations that deal with smoke detector and smoke alarm requirements as agents of the Bureau of Housing Inspection.

3. The definition of "common area" is changed to make it clear that all areas that may be used by the occupants and which are not part of any dwelling unit are included. The definition of "fire wall" is amended to conform to the BOCA Code definition.

4. The amendment to subchapter 25 (formerly section 5:10-19.11) will allow the Bureau of Housing Inspection to review any smoke detector ordinance in effect prior to the date of the adoption of the smoke detector and smoke alarm provisions of the regulations to determine if a blanket exception or partial exception can safely be given for buildings in compliance with such ordinance prior to such date and to make a general determination that will make individual exceptions for any such buildings unnecessary.

Social Impact

1. The inclusion of the terms and conditions of the standard S.L.C.H.I.P. authorization in the regulations gives all local enforcement agencies already participating in the Program or contemplating participation full notice of what is involved. Public understanding of the workings of the Program is enhanced and this is clearly socially beneficial.

2. Granting authorization to all construction and fire subcode officials to enforce the smoke detector and smoke alarm regulations will lead to greater enforcement outside of the Bureau of Housing Inspection's cyclical inspections and this will provide increased protection to building occupants, firefighters and the public generally.

3. The redefinition of "common area" will make it clear that nonresidential use areas, such as stores, offices and restaurants, which are in buildings that are hotels or multiple dwellings, must conform to applicable regulations, including, notably, those requiring smoke detectors and alarms. The redefinition of "fire wall" eliminates a possible discrepancy with the BOCA Code and thereby promotes clarity.

4. If a smoke detector system installed in compliance with a pre-existing municipal ordinance provides sufficient protection to the occupants of a building so that the amount of adding protection resulting from replacing the

[2. Only the client can authorize the release of information concerning his/her contact with the Employee Advisory Service.]

2. All information, as in 20-8.101f1, concerning an employer-referred employee shall be confidential except the following information will be considered non-confidential and may be released to the employer:

a. Whether or not appointments were kept,

b. The dates and times of future appointments with the Employee Advisory Service or community resource,

c. The prognosis; i.e., forecast in regard to the client's expected progress as determined by the community resource.

3. [In order to release] Confidential information

(a) To release confidential information, a release form must be signed by the client and his/her treatment agency or counselor.

(b) The client may state an expiration date for the release form after which confidentiality is restored. [and reestablished.]

(c) (No change.)

20-8.101g et seq. (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-120.

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Adopted New Rule: CSPM Subpart 20-8.101

(State Service)

Policy and Procedure

Employee Advisory Service

Effective Date: July 9, 1981

On May 19, 1981, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as Subpart 20-8.101 in the Civil Service Personnel Manual (State Service) concerning the Employee Advisory Service as proposed in the Notice published February 5, 1981 at 13 N.J.R. 65(a), but with spelling, punctuation, or other technical changes not in violation of N.J.A.C. 1:30-3.5.

An order adopting the rule was filed with the Office of Administrative Law on June 11, 1981 as R.1981 d.235.

existing system with one fully complying with the regulations is too small to justify the cost of such replacement, the Bureau will be able to make a general determination covering all such buildings in a given municipality in lieu of separate exceptions. As with exceptions generally, there is always the chance of an adverse impact upon residents if a requirement is waived and something happens that the waived requirement would have impeded or prevented.

Economic Impact

1. The mere incorporation into the regulations of the existing terms and conditions of the standard S.L.C.H.I.P. authorization should have no direct economic impact upon the Bureau or the local enforcement agencies.

2. Extending authorization to enforce the provision of the regulations dealing with smoke detectors and smoke alarms will increase the level of compliance with these regulations by owners and will increase the workload of the local officials and of the Bureau of Housing Inspection personnel and Deputy Attorneys General to whom the cases of non-compliance will be referred. Added workload may require added staff, although the cost of this will be offset by penalties recovered.

3. With the removal of any doubt as to the applicability of the smoke detector and alarm requirements to stores, offices, restaurants, etc. that are in hotels and multiple dwellings, there will have to be money spent by building owners or business owners to provide the required equipment.

4. As noted in the social impact section, the provision allowing a general determination as to the acceptability, with or without supplemental measures, of a smoke alarm system installed in compliance with a pre-existing municipal ordinance will allow the Bureau to spare owners the undue cost of removing existing systems providing an acceptable level of protection and replacing them with new systems.

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

5:10-1.3 Administration and enforcement

(a) (No change.)

(b) However, each municipality and county of this State may be authorized by the Commissioner to enforce the provisions of [these regulations] this chapter within the corporate limits thereof, subject to the control and supervision of the Commissioner [as he may prescribe]. Any such authorization shall be in accordance with the following terms and conditions:

1. The municipality or county shall comply with all provisions of the Act and regulations and with all directives of the Bureau issued pursuant thereto.

2. The Bureau shall create a reservation for the purchase of inspection services, from the municipality or county during each period from July 1 to the following December 31 and from January 1 to the following June 30 and shall give notice to the municipality or county of the amount of such reservation for each such period. The municipality or county may make requisitions against this reservation in amounts not to exceed credits earned up to the time of requisition. Said reservation may be decreased by the Bureau, if, in its sole discretion, it determines that the municipality or county cannot reasonably be expected to do enough work satisfactory to the Bureau to earn the full amount of the reservation before the end of the State's fiscal year.

3. The municipality or county shall identify all unregistered buildings within its jurisdiction. A separate informa-

tion form prescribed by the Bureau shall be completed and promptly forwarded to the Bureau for each such building.

4. The municipality or county shall be obligated to keep the local registry accurate by promptly reporting to the Bureau all transfers of ownership, demolitions, alterations, and construction of buildings within its jurisdiction and by reporting all errors that may appear.

5. In the case of multiple dwellings, the municipality or county shall inspect, in each State fiscal year, one-fifth of all the multiple dwellings and units of dwelling space therein. In the case of hotels, the municipality or county shall inspect, in each State fiscal year, one-third of all the hotels and units of dwelling space contained therein.

6. Twenty-five percent of the inspections required to be performed pursuant to (b)5 above shall be completed prior to October 1 of each state fiscal year, 50 percent prior to January 1 of each State fiscal year and 75 percent prior to October 1 of each State fiscal year, 50 percent prior to

7. All buildings are to be inspected in accordance with the most recently promulgated regulations.

8. The municipality or county shall, in addition to whatever local procedures it chooses to adopt, make an inspection report concerning each inspected building upon forms prescribed by the Bureau.

i. All inspection and reinspection reports submitted to the Bureau shall be signed by the local program official(s) designated by the municipality or county and approved by the Bureau.

ii. Such reports shall include the name of the inspector who performed the inspection and shall be submitted to the Bureau not less frequently than once per month.

iii. In the event that an inspection of a building discloses a violation of the regulations constituting an imminent hazard to the health, safety or welfare of its occupants, the municipality or county shall, without delay, transmit its inspection report and findings to the Bureau for appropriate action.

iv. All reports submitted to the Bureau which disclose violations shall be clearly segregated from reports which disclose no violations.

9. When specifically requested by the Bureau, the municipality or county shall conduct, within one week of the request, reinspection of those buildings where violations were discovered at the time of the original inspection.

i. The municipality or county shall make a reinspection report concerning each building upon forms prescribed by the Bureau and forward such reports to the Bureau upon completion thereof.

ii. No reinspection reports will be accepted for credit unless all original reported violations have been reinspected.

iii. The Bureau shall be responsible for notifying the municipality or county when such reinspections are to be conducted.

iv. The municipality or county shall be responsible for any other functions of the enforcement procedure which can be undertaken on a local level.

v. Extensions of time to complete abatement shall be granted only by the Bureau.

10. The municipality or county shall provide the Department with such information as may be necessary to determine the eligibility of the municipality or county for funds that may be requisitioned by it, including, without limitation, copies of past, current and projected operation budgets and tables of organization for the agency undertaking inspection and related duties.

i. The municipality or county shall also supply the Bureau with a list of appropriate totals of those buildings

within its boundaries which are not registered or inspected by the end of each State fiscal year.

11. The municipality or county shall be solely responsible for compliance with local, State, and Federal law pertaining to the dislocation and relocation of individuals, families and businesses, provided, however, that the municipality or county may apply to the Department for relocation assistance as it may deem necessary.

12. The municipality or county shall perform, within its jurisdiction, inspections of those buildings that are the subject of complaints received by the Bureau.

i. Such inspections shall be complete and performed in accordance with (b)7 above and included in the regular cycle of inspections.

ii. However, in the event that the building that is the subject of the complaint has been issued a valid Certificate of Inspection by the Bureau, the first inspection and reinspection shall be limited to the subject matter of the complaint.

13. All inspections performed pursuant hereto shall be performed by inspectors acceptable to the Bureau.

i. The municipality or county shall provide to the Bureau resumes of all inspectors whom the municipality or county intends to assign to the performance of inspections pursuant hereto.

ii. No inspector disapproved by the Bureau shall perform any inspections pursuant hereto.

iii. Upon request of the Bureau, the municipality or county shall provide to the Bureau such further information concerning any inspector whom the municipality or county assigns or intends to assign to perform inspections pursuant hereto as the Bureau may require.

iv. In the event that the Bureau deems the quality of an inspector's work to be unsatisfactory and so advises the municipality or county, then the municipality or county shall immediately cease to assign inspections required to be performed pursuant hereto to the said inspector.

v. All inspectors assigned by the municipality or county to perform inspections pursuant hereto shall attend, and shall be required by the municipality or county to attend, training sessions scheduled by the Bureau when such attendance is required by the Bureau and any such inspector is not specifically excused by the Bureau.

14. The Bureau shall supply the municipality or county with a listing of all buildings within its jurisdiction registered or on file with the Bureau, and such other information regarding inspection and enforcement activities of the municipality or county and the Bureau as may reasonably be required.

15. The Bureau shall furnish to the municipality or county all forms or documents which are or may become necessary to carry out the duties assumed hereunder.

16. The Bureau, upon receipt of each inspection report disclosing a violation or violations, may initiate whatever enforcement or compliance proceedings as it deems fit and appropriate.

17. The Bureau shall credit the municipality or county in accordance with the following formulae:

i. Upon formal registration of each building not now registered, the municipality or county shall be credited with an amount of \$10.00.

ii. In the event of administrative hearings and/or court appearances, the Bureau shall credit the municipality or county with a maximum of \$25.00 per full day for each local witness required to appear. Without prior permission, local attendance at administrative hearings shall be limited to one person per day.

iii. The municipality or county shall be credited with

\$10.00 for each transfer of ownership, or creation of a building when the municipality or county is responsible for such information reaching the Bureau in the first instance.

iv. The Bureau shall annually establish and distribute to authorized municipalities a regular inspection payment schedule which shall set forth the payments to be made by the Bureau to each municipality or county for each unit inspected and reinspected and for inspection and reinspection of common areas. Maximum payments per building or per project may be established. The regular inspection payment schedule established each year shall be uniform for all counties and municipalities and notice of it shall be published annually in the New Jersey Register.

v. The municipality or county shall be credited with an amount of \$10.00 for each first inspection and \$10.00 for each reinspection when the inspection is performed as a result of a complaint received by the Bureau, and when the building that is the subject of the complaint has been issued a valid Certificate of Inspection by the Bureau. In the event that the building complained of has not been issued a Certificate of Inspection, the municipality will be credited in accordance with the regular inspection payment schedule.

vi. No credit shall be allowed for any work that is not satisfactory to the Bureau or for inspections by construction or subcode officials of newly constructed or altered buildings pursuant to (c) below.

18. The municipality or county may from time to time make requisitions against the reservation, as may be approved by the Bureau, up to but not in excess of the amount of credits outstanding in said account as of the date of the requisition. Said requisition shall be expressly limited to reimbursement to the municipality or county for existing or additional expenses incurred in carrying out the duties assumed by it hereunder or to improve its housing inspection program and to supplement the locally approved budget dedicated to local housing inspection program; provided, however, in the event the municipality or county shows to the satisfaction of the Bureau that such funds are not needed for the above, requisitions may request payment to the general surplus or other account designated by the municipality or county.

19. The municipality or county shall submit such data as the Bureau shall from time to time require and shall from time to time make its books available for the as the Bureau shall from time to time require and shall require.

20. The municipality or county shall conscientiously enforce all local ordinances related to housing and shall proceed under such ordinances with respect to all cases referred by the Bureau for enforcement under such ordinances. No payment shall be made by the Bureau for enforcement under local ordinances.

21. The Bureau expressly reserves the right, at its option, to carry out inspection and enforcement activities within the boundaries of the municipality or county as it deems necessary to fulfill the duties imposed upon it by the Act or to assure faithful discharge by the municipality or county of its duties and responsibilities pursuant to (b) of this section.

22. The municipality or county shall not utilize any funds received pursuant to this subsection to employ or otherwise compensate any employee of the Department of Community Affairs who has directly participated in the negotiation or approval of the authorization.

23. The authorization may be terminated at any time by the Bureau for any of the following reasons:

i. Failure for any reason of the municipality or county to fulfill in a timely and proper manner any of the conditions herein set forth;

ii. Submission of reports by the municipality or county to the Bureau that are incorrect or incomplete in any material respect;

iii. Improper use of funds provided pursuant hereto;

iv. Any conduct on the part of a local employee which would constitute a violation of the New Jersey Conflict of Interest Law, N.J.S.A. 52:13D-12 et seq., if that conduct were engaged in by a State employee.

24. In the event of termination, the municipality or county shall deliver to the Bureau all inspection reports and registration information in its possession.

25. Any authorization given by the Bureau shall be effective as of the date stated in the letter of authorization and shall continue in effect until revoked by the Bureau.

26. Any authorization conferred pursuant to this subsection shall be deemed to be extended to the territory of one or more other local units of government upon submission by such other local units of government of proof of compliance with the requirements of the Interlocal Services Act (N.J.S.A. 40:8A-1 et seq.).

27. Any municipality or county acting under an authorization granted by the Bureau pursuant to this subsection shall be solely responsible for, and shall keep, save and hold the Department of Community Affairs, Division of Housing, the Bureau of Housing Inspection and their officers, directors, employees, agents and servants harmless from, all claims, loss, liability, expense, damage and judgments, including all legal expenses incurred, resulting from any and all injury, and damage to agents or employees or anyone connected with performance pursuant to the authorization or to any other persons caused by any and all acts of the municipality or any of its officers, directors, employees, agents, or any person or persons in connection with the performance of this agreement, or from any and all injury and damage to any property caused by any and all acts of the municipality or county or any of its officers, directors, employees, agents and servants or any other person or persons in connection with performance pursuant to this authorization:

i. The liability of the municipality or county pursuant hereto shall continue after the termination of the authorization with respect to any liability, claims, loss, expense, damage or judgments resulting from acts occurring prior to termination.

ii. The municipality or county shall be solely responsible to defend any and all suits that may be brought against the Department, the Division, or the Bureau or any of its officers, directors, employees, agents or servants on account of any and all acts of the municipality or county and shall make good to, and reimburse the Department for any expenditures that the Department may make by reason of such acts.

(c) (No change.)

(d) The Construction Official and Fire Prevention Subcode Official of each municipality are hereby designated as agents of the Bureau for the purpose of inspecting existing buildings in order to enforce the provisions of P.L. 1979, c.419, including any amendments and supplements thereto, and the regulations concerning smoke detectors and smoke alarms promulgated pursuant thereto.

5:10-2.2 Definitions

“Common area” means all areas accessible to, and which may be utilized by, occupants of a building, including but not limited to vestibules, hallways, stairways, landings, [and] common space and occupiable room or

space, as hereinafter defined, which is not part of any dwelling unit.

“Fire wall” means [any construction, vertical, horizontal or otherwise, having the required fire-resistance rating and structural stability under fire conditions to provide a fire barrier between existing buildings or between adjoining building sections within the same building] a fire resistance rated wall, having no unprotected openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof.

5:10-25.3 Smoke detectors and smoke alarms

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

(i) In any municipality which enacted an ordinance requiring the installation of smoke detectors in hotels or multiple dwellings prior to November 12, 1980, a building fully conforming to the requirements of such ordinance prior to November 12, 1980 shall be deemed to be in either full or partial compliance with the requirements of this section if the Bureau determines that the provisions of such ordinance provide reasonable life safety protection to the occupants and that replacement of equipment already installed in conformity with such ordinance would be an undue hardship for property owners.

1. A general determination pursuant to this subsection shall be made by the Bureau upon review of the ordinance and separate exceptions shall not then be required for individual properties covered by such general determination.

2. If a general determination is made that full compliance with the ordinance is an acceptable substitute for partial compliance with the requirements of this section, the Bureau shall specify all respects in which a building fully complying with the ordinance must be made to comply with this section.

A public hearing concerning this rule will be held on July 30, 1981 at 10:00 A.M. at:

Department of Community Affairs
363 West State Street - Room 105
Trenton, N.J. 08625

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-109.

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Proposed Amendments: N.J.A.C. 5:23-2.5,
5.3, and 5.5

Uniform Construction Code

Public Hearing: None

Joseph A. LeFante, Commissioner of Community Affairs,

pursuant to authority of N.J.S.A. 52:27D-124, proposes to amend N.J.A.C. 5:23-2.5, 5.4 and 5.5 concerning the New Jersey Uniform Construction Code.

Summary

1. The amendments to N.J.A.C. 5:23-2.5 make it clear that it is the supervisor and not the entire maintenance staff who must be licensed in a facility doing work under an annual construction permit and that it is not necessary that a new class of records be created in order to satisfy the construction log requirement.

2. In N.J.A.C. 5:23-5.4, two provisions which are now incorrectly numbered are renumbered and a new category of license for facility fire protection supervisors is created.

3. N.J.A.C. is amended to include requirements for the facility fire protection supervisory license which are identical with those for fire protection inspector I.C.S. except that a person qualifying by virtue of having been a journeyman in a skilled trade regulated by the fire protection subcode for three years need not also have had two years of active experience in the fire service.

Social Impact

By clarifying the requirements for licensed staff and a construction log and by creating a category of technical license, usable only in conjunction with an annual construction permit, which does not require fire service experience, the Division of Housing will remove burdens upon industry which the Division considers to be unnecessary. No adverse consequences are expected.

Economic Impact

By making it more likely that businesses will be able to comply with the regulations while using existing staff and records, the Division reduces the economic burden imposed by the regulatory system.

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

5:23-2.5 Construction permits

(a) Rules concerning when permit is required are:

1. - 2. (No change.)

3. (No change.)

i. (No change.)

(1) The facility must employ a full-time maintenance staff under the control and supervision of a person experienced in construction. Proof of experience shall be the possession of a technical license as issued by the Department pursuant to N.J.A.C. 5:23-5. At least one staff member, in each technical license classification, shall be licensed.

(2) (No change.)

(3) The facility shall maintain a construction log of all work performed. The construction log shall contain the date, a brief description and estimated or actual cost of each project. This log shall be subject to a quarterly inspection by the construction official or his authorized representative. Any business record showing when and where work was done and the extent of such work shall be deemed to be a construction log.

(4) - (6) (No change.)

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

5:23-5.3 Types of licenses

(a) (No change.)

(b) Rules concerning code enforcement officials classified are:

1. Technical licenses: Subject to the requirements of [these regulations] this subchapter, persons may apply for and shall be licensed in the following specialties:

i. - iv. (No change.)

v. Implant inspector: Implant inspectors are authorized to carry out field inspections and plan review work for premanufactured components pursuant to [the regulations] this subchapter.

2. [(1)] Administrative licenses: . . .

Renumber (A) - (E) as i. - v.

3. [(2)] Special technical licenses: . . .

Renumber (A) and (B) as i. and ii.

4. Facility fire protection supervisor technical licenses: Subject to the requirements of this subchapter, persons may apply for facility fire protection supervisor technical licenses.

i. Facility fire protection supervisors are authorized to review plans and carry out inspection activity, pursuant to the regulations, in a facility having an annual construction permit.

5:23-5.5 Requirements for a license

(a) (No change.)

(b) Requirements are:

1. - 8. (No change.)

9. Facility fire protection supervisor: A candidate for a technical license as a facility fire protection supervisor shall meet the following requirements:

i. Five years of experience as an officer responsible for fire prevention or fire protection activities; or three years of experience as a journeyman in a skilled trade regulated by the fire protection subcode; or three years of experience as a fire prevention inspector; or one year of experience as a fire protection inspector; and

ii. Successful completion of an approved educational program meeting the requirements established in N.J.A.C. 5:23-5.6 for fire protection inspector I.C.S., or a substitute established in N.J.A.C. 5:23-5.8 or N.J.A.C. 5:23-5.9 prior to application.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.

Administrative Practice Officer

Division of Housing

CN 804

Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-110.

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

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

Uniform Construction Code

Notices of Interpretation

Public Hearing: None

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

Summary

This amendment will remove the present requirement

that notices of interpretation be published in the New Jersey Register. This deletion is appropriate because it is the Office of Administrative Law, and not the Department of Community Affairs, that publishes the New Jersey Register and determines the sort of items that may be published.

Social Impact

Notice of code interpretations will continue to be sent to local construction officials and other persons on the Bureau of Construction Code Enforcement's distribution list. Other readers of the New Jersey Register, however, will no longer have notice of these interpretations. Whether this is in any way detrimental is a matter of opinion.

Economic Impact

The Department discerns no apparent economic impact.

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

5:23-3.3 General provisions

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

(g) Interpretations are:

1. (No change.)

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

(h)-(j) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-111.

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

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

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

Landlord/Tenant Relations

Condominium and Cooperative Conversion

Public Hearing: None

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 2A:18-61.12, proposes to amend N.J.A.C. 5:24-1.4 and 1.5 and to adopt a new rule to be cited as N.J.A.C. 5:10-1.12 concerning condominium and cooperative conversion.

Summary

In addition to making technical changes, the rules establish standards of fair practice. These include a requirement that any discount or price reduction not be changed so as to raise the price to a tenant at any time during the period in which the tenant has an exclusive right to purchase; a prohibition on harassment by owners or their representatives and a prohibition of unreasonable rent increases, defined to include an increase violating any rent control ordinance applicable to a building prior to conver-

sion or an increase reflecting increased costs attributable to conversion.

Social Impact

The rules will increase the ability of tenants in converted buildings to exercise their legal rights by giving them protection against techniques which can be used to induce them to make an overly hasty decision as to whether to purchase or to induce them to vacate the premises before they can legally be required to do so.

Economic Impact

Those owners who would otherwise use the prohibited techniques may sustain some financial loss as a result of inability to sell units as quickly as they might prefer or to get non-purchasing tenants to vacate before the time eviction can be had.

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

5:24-1.4 Contents of notice of intent to convert

(a) The notice of intent to convert shall consist of three items as follows:

1.-2. (No change.)

3. A copy of these regulations or any statements of tenants' rights in relation to conversion subsequently approved for this purpose by the Department of Community Affairs. These may be obtained from: [Bureau of Housing, P.O. Box 2768] Bureau of Landlord/Tenant Relations, CN 804, Trenton, New Jersey 08625.

5:24-1.5 Full plan of conversion

(a) The "full plan of conversion" [must] shall contain the [following] documents and information[.]:

1. The full plan for condominium conversion, as follows; or

2. The full plan for cooperative conversion as in this section.

Both shall include the information] required in (d) below and in either (b) or (c) below, as may be appropriate.

(b) [A] The full plan of condominium conversion shall contain the following documents and information[.]:

1.-14. (No change.)

(c) The full plan of [the] cooperative conversion shall contain the following documents and information[.]:

Note and 1.-19. (No change.)

(d)-(e) (No change.)

5:24-1.12 Standards of fair dealing

(a) Any discount or reduction in sales price offered to a tenant in occupancy in order to induce such tenant to agree to purchase his unit during the exclusive right to purchase period shall be available, without any change that would have the effect of raising the price to such tenant, for the entire exclusive right to purchase period.

(b) No owner of a building or of a unit or of a proprietary lease to a unit, or person acting on behalf of or with the consent of such owner, shall engage in any course of conduct which unreasonably disturbs any tenant in the lawful use and occupancy of any unit. The conduct hereby prohibited shall include, but not be limited to, willful interruption or discontinuance of services or failure to correct violations of applicable housing, health and safety codes and the issuance of false or otherwise illegal notices.

(c) No owner of a building or of a unit or of a proprietary lease to a unit shall impose an unreasonable rent increase on a tenant lawfully occupying any unit. An increase shall be presumed to be unreasonable if it is in excess of the increase that would be allowed under any municipal rent control ordinance applicable to the building

immediately prior to conversion or if it reflects increased costs attributable directly or indirectly to the conversion.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-112.

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

**Proposed Amendments: N.J.A.C. 5:27
Rooming and Boarding Houses**

Public Hearing: None

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

Summary

The proposed changes would accomplish the following:

1. Provide for enforcement of standards contained in the Hotel and Multiple Dwelling regulations in buildings which are within the jurisdiction of the Rooming and Boarding House Act but which contain apartments or transient hotel rooms more appropriately inspected under standards applicable to multiple dwellings and hotels.
2. Specify the types of criminal convictions that would disqualify an applicant for a license.
3. Add definitions and clarify existing ones.
4. Allow a reduction in temperature from 11 P.M. until 6 A.M. to 65 degrees F.
5. Require that an enclosed stairway extend to the ground floor exit door.
6. Limit the applicability of N.J.A.C. 5:27-7.1 (House-keeping) and 7.3 (Living and dining rooms) and 7.4(a) (outdoor chairs) and 7.4(b) (recreational equipment) to boarding houses.
7. Limit the recordkeeping requirements applicable to rooming houses and eliminate a mistaken reference to rooming houses in N.J.A.C. 5:27-9.5 (Laundry services).

Social Impact

The amendments will provide clarification and will allow enforcement of standards which experience shows are most appropriate to each of the types of facilities being regulated. Rooming house owners and operators will not be expected to provide services which the Bureau of Rooming and Boarding House Services has found are neither expected nor needed by the residents. Clarification of the egress requirements will result in more uniform enforcement of standards designed to save lives in event of fire.

Economic Impact

Rooming house owners will derive economic benefit from not having to provide services not required or ex-

pected by their residents. The egress requirements will impose additional costs upon owners of buildings not in compliance. If no legislation is enacted providing assistance to owners seeking to bring their facilities into compliance with the fire safety standards, it is to be expected that many facilities will have to close.

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

5:27-1.2 Purpose

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

(c) In the event that the Bureau determines that any rooming or boarding house, or any part thereof, because of its partial use for other than single room occupancy should more appropriately be evaluated under applicable standards contained in the regulations for the Maintenance of Hotels and Multiple Dwellings (N.J.A.C. 5:10), the Bureau shall have discretion to enforce the standards contained in N.J.A.C. 5:10 in lieu of the standards contained in N.J.A.C. 5:27-4, 5 and 6.

5:27-1.6 Licenses

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

(e) Except as otherwise provided in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.), no license shall be issued to any person who has at any time [after September 1, 1979] been convicted [in this State of a crime or convicted at any time in any jurisdiction of an offense which would; in this State, be deemed a crime as of the date of the license application] of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud, crimes against the person or other like offense or offenses, or to any partnership of which such person is a member, or to any association or corporation of which said person is an officer, director or employee or in which as a stockholder such person has or exercises a controlling interest either directly or indirectly.

(f)-(g) (No change.)

5:27-2.1 Definitions

“Ambulatory” means capable of [moving about, as from room to room, without requiring the assistance of another person] walking up and down stairs without the assistance of another person.

“Exit” means a means of egress from the interior of a building to an open exterior space.

“Means of egress”. See “egress”.

“Resident” means a person [permitted to reside] residing in a rooming or boarding house [in consideration of payment of rent or other occupancy charge, however designated] exclusive of the owner and his family, any bona fide employees and the operator and his family.

“Travel distance” means the maximum length of exit-way access travel, measured from the most remote point to an approved exit along the natural and unobstructed line of travel.

“Unit of egress” means the maximum number of people by whom an egress is designed to be used.

5:27-4.6 Heating

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

(c) Every licensee shall supply heat adequate to maintain a minimum inside temperature in all habitable rooms, bathrooms, and water closet compartments of 68 degrees Fahrenheit from October 1 of each year to the next succeeding May 1. The temperature may be set back to 65 degrees Fahrenheit between the hours of 11 P.M. until 6 A.M.

5:27-5.1 Egress requirements

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

(c) Means of egress:

[(c)] 1. All interior means of egress shall have been built in conformity with the law applicable at the time of construction and shall be readily usable in an emergency situation by all occupants or intended occupants of that floor [No person unable to walk without an assistive device shall occupy a rooming unit on other than the ground floor of any rooming or boarding house.] and shall have a travel distance of no more than 100 feet for a person who is able to walk without an assistive device and a travel distance of no more than 40 feet for a person unable to walk without an assistive device. Any person using a wheelchair shall be permitted to occupy only a rooming unit on the ground floor of any rooming or boarding house, and such rooming unit shall be no further than 30 feet from an exit door which provides access to grade level without requiring the use of stairs.

2. All fire escapes shall be constructed of steel and shall conform to the following minimum standards:

i. Fire escapes shall be directly accessible from the interior by use of a door, having a minimum width of 36 inches and lead to a platform at least 40 inches wide and 36 inches long that is level with the door.

ii. Stairs shall have a minimum width of 22 inches with risers not more than eight inches in height and treads not less than eight inches in width. Stairs shall not have more than 17 risers unless an intermediate platform at least 40 inches wide and 36 inches long is provided. All stairs and platforms shall be properly banistered and safely balustraded.

iii. Counter balance stairs may be permitted from the first platform to ground level provided they meet the minimum standards set forth in (c)2ii above.

iv. Fire escapes shall be constructed to support a live load of 100 pounds per square foot and shall have a unit of egress of 22.

v. Doors and windows located next to the path of the fire escape shall be protected with three-quarter hour fire rated opening protectives.

3. Exterior stairways shall conform to the following minimum standards:

i. Exterior stairways shall be directly accessible from the interior by use of a door, having a minimum width of 36 inches that leads to a platform at least 40 inches wide and 36 inches long that is level with the door.

ii. Stairs shall have a minimum width of 36 inches with risers not more than eight inches in height and treads not less than nine inches in width and shall not have more than 17 risers unless an intermediate platform at least 40 inches wide and 36 inches long is provided. Stringers must be the closed type at least three inches thick. Treads shall be two inches thick and properly supported. All platforms shall be at least three inches thick and supported by upright not less than four inches properly braced and anchored with concrete footings.

iii. All stairs and platforms shall be properly banistered and safely balustraded.

iv. Doors and windows located next to the path of the exterior stairway shall be protected with three-quarter hour fire rated opening protectives.

5:27-5.3 Fire partitions and doors

(a) (No change.)

(b) In boarding houses operating under Class B or Class C license which are occupied or intended to be occupied by six or more residents and are over two stories in height, all stairways shall be enclosed and separated from other common areas by partitions having a fire resistance rating of not less than one hour. Doors leading into and out of such stairways shall be self-closing, when open shall not interfere with the movement of persons in such stairways in adjacent areas, or between such stairway and such adjacent areas. The stairway shall be constructed in such a manner so that a person using it need not leave the enclosed stairway until he reaches the exit door on the ground floor of the building.

(c) (No change.)

5:27-7.1 Housekeeping

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

(c) This section shall apply to boarding houses only.

5:27-7.3 Living and dining rooms

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

(e) This section shall apply to boarding houses only.

5:27-7.4

(a) In every [rooming or] boarding house having a lawn, deck or porch or other outdoor area suitable for use by residents, sufficient chairs shall be available to accommodate as many residents as can comfortably be seated there.

(b) Where feasible, in boarding houses, recreational equipment for use by the residents shall be provided.

(c) (No change.)

5:27-8.1 Resident records

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

(d) In a rooming house, a licensee need only maintain the items listed in (a)1 and 7 above for residents under 62 years of age and items listed in (a)1, 2, 5, 6 and 7, and (b)3 above for residents 62 years of age or over.

5:27-9.5 Laundry services

(a) A licensee providing laundry services may have clothes cleaned either on or off the premises of the [rooming or] boarding house.

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

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-113.

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Adopted New Rules: N.J.A.C. 5:29

Administrative Rules

Petitions for Rules

Effective Date: July 9, 1981

On June 9, 1981, James A. Sinclair, Deputy Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:14B-4(f) and 52:27D-3(e) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 5:29 concerning petitions for rules submitted to the Division of Housing as proposed in the Notice published May 7, 1981 at 13 N.J.R. 259(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 16, 1981 as R.1981 d.242.

(b)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Adopted New Rule: N.J.A.C. 5:30-3.4

Annual Budget

Filing of Municipal Budget Amendments

Effective Date: July 9, 1981

On May 18, 1981, the Local Finance Board of the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-10 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 5:30-3.4 concerning the filing of municipal budget amendments as proposed in the Notice published on April 9, 1981 at 13 N.J.R. 188(a), without change.

An order adopting this rule was filed with the Office of Administrative Law on June 3, 1981 as R.1981 d.216.

(c)

COMMUNITY AFFAIRS

DIVISION ON AGING

Proposed Amendment: N.J.A.C. 5:71

County Offices on Aging

Public Hearing: None

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 40:23-6.44, proposes to amend N.J.A.C. 5:71 concerning County Offices on Aging by deleting the current text and substituting new text therefor, to include material concerning County Offices on Aging and State Aid to County Offices on Aging.

Summary

The first subchapter of the proposed rules ensures proper programmatic, and fiscal management of County Offices on Aging to comply with Title III of the Comprehensive Services Amendments of 1978 (P.L. 95-478) to the Older Americans Act of 1965. The second subchapter out-

lines administrative and audit procedures for State Aid to County Offices on Aging. Previously, these two areas were combined in one subchapter and caused confusion. The content of these proposed rules is similar to present provisions of N.J.A.C. 5:71.

Social Impact

The proposed rules are intended to comply with Federal requirements which require effective and efficient delivery of services to elderly citizens. It is anticipated the proposed rules will have a beneficial social impact by ensuring that programs are well administered and coordinated.

Economic Impact

The proposed rules impose no additional costs upon the public or the Division. It is intended that funds provided to County Offices on Aging through Federal and State resources will be more effectively utilized.

Full text of the proposed amendment follows. Full text of the current rules proposed for repeal can be found in the New Jersey Administrative Code.

CHAPTER 71

COUNTY OFFICES ON AGING

SUBCHAPTER 1. GENERAL PROVISIONS

5:71-1.1 Title

The rules and regulations in this subchapter shall be known and may be cited as the "Rules and Regulations for County Offices on Aging".

5:71-1.2 Designation of grantees

(a) Pursuant to the Comprehensive Services Amendments of 1978 (P.L. 95-478) to the Older Americans Act of 1965 as amended or as may be subsequently amended (hereinafter referred to as the Older Americans Act), the State Division on Aging, Department of Community Affairs (hereinafter referred to as the Division on Aging), has designated each county in the State as a planning and service area.

(b) Based on this designation, the Board of Chosen Freeholders (hereinafter referred to as Grantee) of the respective counties may, by resolution, establish a County Office on Aging. Upon such establishment, the Grantee shall:

1. Enter into an agreement with the Division on Aging, which shall provide for a grant from Federal funds allocated to the State of New Jersey under the Older Americans Act.

2. Provide that said grant shall be administered by the County Office on Aging in accordance with the terms of the grant agreement.

3. Ensure that the County Office on Aging will have complete authority and responsibility to plan and develop all policy on programs for older persons under an approved area plan on aging. Such office may be an agency whose single purpose is to administer programs for older persons, or a multi-purpose agency with the authority and capacity to administer human services in the county. A multi-purpose agency must delegate all its authority and responsibility under the Older Americans Act to a single organizational unit within the agency unless a waiver is requested from and approved by the Division on Aging.

5:71-1.3 Functions

(a) The County Office on Aging shall have duties, responsibilities and functions which include but are not limited to:

1. Serve as the area agency on aging in the county as provided by the Older Americans Act to develop and sub-

mit to the Division on Aging an Area Plan on Aging in a format and for a time period specified by the State setting forth actions to be taken during the appropriate fiscal year(s).

2. Administer the area plan on aging including the planning and development of all policy on programs for older persons under the plan.

3. Be a visible focal point for advocacy, coordination, monitoring, and evaluation of programs for older persons in the county including but not limited to community services, economics, employment, income and retirement, health care, mental health, institutional and non-institutional housing, leisure, transportation, homemaker services, long term care, education and nutrition.

4. Comply with all provisions of the Older Americans Act and such other titles and regulations which may be relevant to this subchapter.

5. Act as the legal extension of the Division on Aging, complying with all policies and procedures as may be promulgated by the Division towards achieving at a local level the goals which the Division addresses its statewide efforts.

6. Increase the public's awareness and understanding of the aging process and the effects of this natural process on the individual by circulating current knowledge related to aging to both practitioners in the field and the public at large.

7. Provide information and referral services for the elderly of the county and maintain a central source of information on programs and services for the older population.

5:71-1.4 Executive director

(a) The executive director of the County Office on Aging shall have responsibilities which include but are not limited to the following:

1. Maintain current information on existing public and private programs serving older people and keep abreast of new developments and research in the field of aging.

2. Identify the interests and needs of the county's older population and involve this group in projects related to the entire county.

3. Monitor and evaluate all projects funded in the area plan.

4. Encourage the development of new facilities or personnel to implement needed programs.

5. Ensure compliance with all applicable laws, regulations and policies.

6. Attend all meetings and training sessions as required by the Division on Aging.

(b) The executive director shall be a full-time qualified professional appointed by the respective grantee in compliance with applicable Federal, State and local regulations governing personnel administration and with the consultation of the Division on Aging.

(c) The Division on Aging must receive written notice prior to any adverse personnel action taken against the executive director and shall have the authority to investigate such actions.

5:71-1.5 Advisory councils

(a) The grantee shall appoint, with the advice of the executive director, an advisory council to assure broad representation with all segments of the general populace and to gain advice and assistance on program objectives, development and support.

(b) The advisory council shall be representative of the total community. A majority of the advisory council must be age 60 or older and shall be consumers or potential consumers of planning and service area services. Those

in greatest social and economic need must be represented on the council.

(c) The advisory council shall establish and make public its own rules and methods of operation, but it must meet at least six times a year, maintain minutes and distribute copies of these to the board of chosen freeholders and the Division on Aging.

(d) The executive director shall use the council to promote interest and understanding of the aging process and problems.

5:71-1.6 State administration

(a) The Division on Aging shall promulgate policies and procedures to further amplify and interpret this subchapter.

(b) In compliance with the Older Americans Act, the Division on Aging will monitor, evaluate and assess county offices on aging through formally developed criteria as well as other systems.

SUBCHAPTER 2. STATE AID TO COUNTY OFFICES ON AGING

5:71-2.1 Title and source

The rules and regulations in this subchapter shall be known and may be cited as the "Rules and Regulations for State Aid to County Offices on Aging". This subchapter is issued and promulgated by the Director of the Division on Aging pursuant to Chapter 248, P.L. 1970.

5:71-2.2 Cost sharing requirements

(a) The Division on Aging shall participate and pay to each County Office on Aging one-half of the amount of the annual allowable costs of the Office, provided the State appropriates such funds. In no case, however, may the Division on Aging's grant to an office for a calendar year exceed \$20,000.

(b) In calculating the annual allowable costs, the County Office on Aging may use both cash or in-kind resources.

5:71-2.3 Audit procedures

(a) All financial activities of the project are subject to a Division on Aging audit. Any exception which might result from a State audit shall be deducted and credited against the State aid that a grantee is to receive under this act.

(b) The County Office on Aging, through the board of chosen freeholders, is required to provide the Division on Aging with a certified audit of all grantees for all funds received under Title III of the Older Americans Act no later than April 15 following completion of the contract year.

5:71-2.4 State administration

The Division on Aging shall promulgate policies and procedures to further amplify and interpret this subchapter.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Kenneth J. Horton
Executive Assistant
Division on Aging
CN 807
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-81.

(a)

COMMUNITY AFFAIRS

HOUSING FINANCE AGENCY

Adopted Amendment: N.J.A.C. 5:80-4.1
NJHFA Contracting
Debarment and Suspension

Effective Date: July 9, 1981

On June 17, 1981, Bruce G. Coe, Secretary and Executive Director of the New Jersey Housing Finance Agency, pursuant to authority of N.J.S.A. 14J-34(f) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 5:80-4.1 concerning debarment and suspension from NJHFA contracting as proposed in the Notice published July 10, 1980 at 12 N.J.R. 385(a), but with spelling, punctuation and other technical changes not in violation of N.J.A.C. 1:30-3.5, and with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on June 18, 1981 as R.1981 d.255.

(b)

EDUCATION

STATE BOARD OF EDUCATION

Adopted Amendment: N.J.A.C. 6:24-1.3
Controversies and Disputes
Format of Petition

Effective Date: July 9, 1981

On June 3, 1981, the New Jersey State Board of Education, pursuant to authority of N.J.S.A. 18A:6-9 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:24-1.3 concerning the format of petition in the rules on controversies and disputes as proposed in the Notice published April 9, 1981, at 13 N.J.R. 190(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

Full text of the changed portion of the rule follows (additions to proposal indicated in boldface thus).

6:24-1.3 Format of petition

(a) Any party to a controversy or dispute before the Commissioner of Education, who is a party to another action before any other administrative agency or court involving the same or similar issue, shall indicate the existence of such action or complaint within the petition of appeal or the answer to the commissioner, as may be appropriate. Failure to so certify may be deemed to be sufficient cause for dismissal of the petition of appeal, when in the judgment of the commissioner and/or the administrative law judge such failure results in the duplication of administrative procedures for the resolution of a controversy or dispute.

An order adopting the rule was filed with the Office of Administrative Law on June 19, 1981 as R.1981 d.265.

(c)

EDUCATION

STATE RECORDS COMMITTEE

Adopted Amendments: N.J.A.C. 6:66
Archives and History Records Management

Effective Date: July 9, 1981

On May 13, 1981, William C. Wright, Secretary, State Records Committee in the Department of Education, pursuant to authority of N.J.S.A. 47:3-20 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:66 concerning archives and history records management as proposed in the Notice published April 9, 1981 at 13 N.J.R. 190(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 20, 1981 as R.1981 d.202.

(d)

ENVIRONMENTAL PROTECTION

DROUGHT COORDINATION OFFICE

DROUGHT COORDINATOR

Adopted Amendments: N.J.A.C. 7:1G-1.4, 3.1,
3.3, 3.4-3.7, 4.1-4.3, 5.3-5.7

Adopted New Rule: N.J.A.C. 7:1G-3.8
Water Rationing Plan

Effective Date: May 20, 1981

Paul H. Arbesman, Drought Coordinator for the State of New Jersey, pursuant to authority of N.J.S.A. App. A:9-45 adopted amendments to various sections of N.J.A.C. 7:1G, the emergency rules concerning Executive Order No. 104 regarding the criteria and procedures for application for hardship exemptions in accordance with the terms and conditions of Executive Order No. 104, the non-essential use of fresh water pursuant to Executive Order No. 104, and orders issued by the Drought Coordinator pursuant to Executive Order No. 104, and adopted a new rule concerning this subject to be cited as N.J.A.C. 7:1G-3.8.

These rules are being adopted in response to the existing water supply reserves and conditions in the State at this time.

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

7:1G-1.4 Definitions

"Fresh water" means non-saline water from ground or surface water sources, including wells, in the area specified in the Executive Order, or as may be amended. Fresh water does not include collected rain water, used water such as dishwater, shower or bath water or used water from any commercial/industrial process.

"Non-essential use ban" means the prohibition of the uses of fresh water for non-essential uses as defined below.

"Non-essential water uses" means:

[1. The watering of all plant growth except commercially grown crops.

2. The washing of vehicles, except by businesses engaged exclusively in car washing.]

[3.] 1. The washing of streets, driveways, sidewalks or paved areas.

[4.] 2. The serving of water in restaurants, clubs or eating places unless specifically requested by the individual.

3. The watering of lawns, plants, shrubs and gardens by any means other than by bucket, can or hand-held hoses equipped with a nozzle that will shut-off automatically when dropped.

4. The non-commercial washing of vehicles by any means other than by bucket, pail or hand-held hoses equipped with a nozzle that will shut-off automatically when dropped.

5. The use of water for flushing sewers by municipalities or any public or private entity except as deemed necessary and approved in the interest of public health or safety by municipal health officials.

6. The use of fire hydrants by fire companies for testing fire apparatus and for fire department drills except as deemed necessary in the interest of public safety and specifically approved by the municipal governing body.

7. The use of fire hydrants by municipal road departments, contractors and all others, except as necessary for fire fighting or protection purposes.

8. All outdoor recreational purposes.]

[9.] 5. Any other uses of fresh water as may be designated by the Drought Coordinator as non-essential. Such designations shall be made by rule or order and shall be effective immediately upon adoption by the Drought Coordinator and shall be published in the New Jersey Register as soon thereafter as possible.

7:1G-3.1 [Watering of non-commercial crops] (Reserved)

[The watering of non-commercial crops with fresh water is prohibited.]

7:1G-3.3 Car washing

(a) [Non-commercial car washing with fresh water is provided in this chapter.] The non-commercial washing hand-held hoses equipped with a nozzle that will shut off automatically when dropped, is prohibited.

(b) The following requirements shall be met at all commercial car washing facilities:

1. - 5. (No change.)

[6. These actions are in addition to the minimum 25 percent reduction required for each facility under the Water Rationing Plan in Executive Order No. 104.]

[(c) The provisions of (b) above are in accordance with Order No. 2 signed by the Drought Coordinator on February 27, 1981, and set forth in N.J.A.C. 7:1G-5.3.

(d) Although collected rain water or waste water is preferred for vehicle maintenance, to avoid costly repairs, buckets of fresh water and scrubbing brushes may be used to clean the car body, undercarriage, brake systems, windshields, lights and mirrors of vehicles. The use of a hose is strictly prohibited.

(e) Car/truck dealerships and transporters may wash vehicles only with collected rain water or waste water or at commercial car/truck washes. The use of a hose is strictly prohibited.

(f) Although collected rain water is preferred for automobile repair/repainting, the absolute minimum amount of fresh water may be used to wash those parts of the cars to be worked on prior to their repair and/or repainting at the place of business is permitted as necessary to perform the service. The total amount of water used, pursuant to the Water Rationing Plan where applicable, shall be reduced to 75 percent of that used during the base period.]

(c) The provisions of this subsection are in accordance with Order No. 2 signed by the Drought Coordinator on February 27, 1981, and set forth in N.J.A.C. 7:1G-5.3.

7:1G-3.4 Washing of streets, driveways or sidewalks

(a) The use of fresh water for street, driveway or sidewalk washing is prohibited.

(b) In [commercial] asphalt street or driveway re-coating and sealing, the use of fresh water for pre-washing [of driveways is prohibited] is permitted.

7:1G-3.5 [Testing fire apparatus and for fire department drills] (Reserved)

[(a) The use of fire hydrants by fire companies for testing fire apparatus is prohibited without the express approval of the municipal governing body which must determine if the proposed action is necessary in the interest of public safety.

1. The minimum amount of water from non-hydrant sources may be used as necessary to perform fire fighting apparatus tests and for recruiting and training exercises.

2. Non-potable well water may be used to replenish water levels in lakes which have been drained for fire protection.]

7:1G-3.6 [Non-fire fighting uses of fire hydrants] (Reserved)

[The use of fire hydrants by municipal road departments, contractors and all others is prohibited except as necessary for fire fighting or protection purposes. Because of the safety and health hazard proposed by building demolition, watering down of demolition and debris is permitted as necessary but shall be limited to short periods the total of which shall not exceed one hour per day for building.]

7:1G-3.7 Outdoor recreation

[(a) The uses of fresh water for outdoor recreation are prohibited, except as set forth below:

1. Watering of golf course greens for not more than one hour per day, between the hours of 3:00 A.M. and 5:00 A.M.;

2. Watering of outdoor tennis courts for not more than 10 minutes per court per day, between the hours of 3:00 A.M. and 5:00 A.M.

(b) In addition to recreation and employment implications, Emergency Response Plans under development recognize the potential of swimming pools as a water source for fire fighting and other emergencies. Therefore, the following procedures shall apply to swimming pools:

1. Do not drain a partially filled pool for maintenance.

2. Swimming pool covers should be removed during rains.

3. Roof drain pipes should be altered to divert drainage into the pool.

4. Collected rain water should be used to fill pool.

5. Water trucked in from outside the banned area may be used for pool filling if approved by the Task Force.

6. Fresh water may be used to fill swimming pools. When water from a purveyor is used, the customer shall notify the water purveyor to have the meter read no less than 48 hours before beginning to fill the pool and a second meter reading no later than 24 hours after completion of the filling so that an accurate excess use surcharge may be levied pursuant to the Water Rationing Plan, where applicable.

7. Shower facilities at non-residential pools shall not be used.]

(a) In addition to the provisions of N.J.A.C. 7:1G-3.8, the watering of golf courses with automatic watering equipment is only permitted between the hours of 9:00 P.M. and 11:00 P.M.

(b) The watering of outdoor tennis courts is only permitted with hand-held hoses equipped with a nozzle that will shut off automatically when dropped, or for a maxi-

imum of 10 minutes per court per day, when automatic watering equipment is used.

7:1G-3.8 Watering of lawns, plants, shrubs and gardens

The watering of lawns, plants, shrubs and gardens is prohibited by any means other than by bucket, can or hand-held hoses equipped with a nozzle that will shut off automatically when dropped.

**SUBCHAPTER 4. [POLICIES AND PROCEDURES ON THE WATER RATIONING PLAN]
(Reserved)**

[7:1G-4.1 Horticultural industry; nurseries, flower shops, garden centers, landscapers and lawn and tree services, sod farms

(a) Daily watering above-ground and in-ground stock and greenhouses shall be reduced to 75 percent of the applicable base period consumption.

(b) Newly planted stock at the premises of customers (landscaping contracts) may be watered up to 90 days from the date of planting. The use of fresh water from the customer's supply shall be debited against the household allotment under the Water Rationing Plan.

(c) Fresh water may be used to commercially apply insecticides and fertilizers. The amount of water to be used shall be debited against the user's allotment.

7:1G-4.2 Painting contractors

Collected rain water may be used to wash off mildew and prepare the outside surface for painting. Fresh water in buckets may be used but only in minimal amounts. This shall be debited against the household allotment under the Water Rationing Plan. The use of a hose is strictly prohibited.

7:1G-4.3 Mobile cleaning units

Fresh water used from the customer's supply shall be debited against the customer's allotment under the Water Rationing Plan, or, if the mobile cleaning unit carries its own water, usage shall be reduced to 75 percent of the applicable base period consumption.]

7:1G-5.3 Order No. Two, effective February 27, 1981, as amended

See N.J.A.C. 7:1G-3.36

7:1G-5.4. [Home vegetable gardens] (Reserved)

[(a) The use of fresh water for home vegetable gardens is permitted under the following restrictions:

1. The use of a hose, soak hose or automatic sprinklers is prohibited.

2. The use of rainwater and/or wastewater is encouraged.

3. The water used will be debited against the user's allotment. Therefore, the minimum amount of fresh water should be applied.]

7:1G-5.5 [Washing of refuse/garbage vehicles] (Reserved)

[(a) The use of fresh water with a hose to wash refuse garbage trucks is permitted under the following conditions:

1. The use of a hose is restricted to the interior, difficult to reach, portions of the vehicles.

2. The amount of fresh water used should not exceed 75 percent of the user's allotment, if in an area subject to the rationing program.

3. The washing of the exterior vehicle body be restricted to collected rainwater and/or wastewater or at a commercial truck washing facility.

4. The minimum amount of fresh water be used to accomplish the desired purpose.]

7:1G-5.6 [Non-commercial application of pesticides] (Reserved)

[(a) The use of fresh water is permitted in the application of pesticides under the following provisions:

1. All measures be taken to use nonpotable water for this purpose, whenever possible.

2. Application procedures be limited to areas subject to infestations. Indiscriminate application is prohibited.

3. The absolute minimum amount of water be used to accomplish the desired application. The use of hoses is prohibited unless prior approval for the specific application is received from the purveyor.

4. The fresh water used shall be debited against the user's allotment.]

7:1G-5.7 [Street sweeping] (Reserved)

[(a) The use of fresh water for street sweeping is permitted with the following restrictions:

1. The minimum amount of water is used to perform the sweeping process.

2. Water be obtained from nonpotable sources such as streams, rivers, impoundments, lakes and other sources that are not used for drinking water supplies. The use of fresh potable water is prohibited.

3. A sign, which can be easily read, shall be attached to each street sweeper indicating the water is from nonpotable sources.

4. Each municipality must notify the Governor's Water Emergency Task Force in writing of the source and specific location of the nonpotable water that will be used for this purpose.]

Pursuant to N.J.S.A. App. A:9-33 et seq. and N.J.S.A. 52:14B-2(a), these rules, which were filed with the Office of Administrative Law on May 20, 1981 as R.1981 d.203, are exempt from the notice, comment, and other ordinary rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(a)

ENVIRONMENTAL PROTECTION

**DROUGHT COORDINATION OFFICE
DROUGHT COORDINATOR**

**Adopted Amendments: N.J.A.C. 7:1G-3.7, 3.8
Water Rationing Plan
Non-essential Water Use**

Effective Date: June 8, 1981

Paul H. Arbesman, Drought Coordinator for the State of New Jersey, pursuant to authority of Executive Order No. 104 and N.J.S.A. App. A:9-45, adopted amendments to N.J.A.C. 7:1G-3.7 and 3.8 concerning non-essential use of fresh water pursuant to Executive Order No. 104. These amendments are being adopted in response to recommendations of the Water Emergency Task Force and the Governor's Water Advisory Committee.

Section 11 of Executive Order No. 104 delegates to the Drought Coordinator, Paul Arbesman, for procedural purposes, the Governor's power to adopt orders, rules and regulations pursuant to the Civilian Defense and Disaster Control Act, N.J.S.A. App. A:9-33 et seq.

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

7:1G-3.7 Outdoor recreation

(a) In addition to the provisions of N.J.A.C. 7:1G-3.8, the watering of golf courses with automatic watering equipment [is only permitted between the hours of 9:00 P.M. and 11:00 P.M.] shall be allowed:

1. Between the hours of 9:00 P.M. and 12:00 A.M. and the hours of 4:00 P.M. and 6:00 A.M. when water supply is not from a public source.

2. Between the hours of 9:00 P.M. and 11:00 P.M. when water supply is from public sources.

3. To syringe greens on all golf courses during stress periods.

(b) (No change—see other notice in this Register.)

(c) Athletic fields are permitted to water by means of automatic watering equipment between the hours of 9:00 P.M. and 11:00 P.M.

7:1G-3.8 Watering of lawns, plants, shrubs and gardens

(a) The watering of lawns, plants, shrubs and gardens prohibited by any means other than by bucket, can or hand held hoses equipped with a nozzle that will shut off automatically when dropped.

(b) The watering of newly installed sod with automatic watering equipment is permitted only between the hours of 7:00 P.M. and 9:00 P.M.

(c) The use of automatic watering equipment for the installation and establishment of temporary and/or permanent vegetative coverings of critical areas as designated in any soil erosion plan pursuant to the provisions of Chapter 251, P.L. 1976.

Pursuant to N.J.S.A. App. A:9-45 and N.J.S.A. 52:14B-2(a) these rules, which were filed with the Office of Administrative Law on June 8, 1981 as R.1981 d.222, are exempt from the notice, comment, and other rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(a)

ENVIRONMENTAL PROTECTION

DROUGHT COORDINATION OFFICE DROUGHT COORDINATOR

Adopted Amendment: N.J.A.C. 7:1G-3.8

Water Rationing Plan

Watering of Lawns, Plants, Shrubs and Gardens

Effective Date: June 19, 1981

On June 19, 1981, Paul H. Arbesman, Drought Coordinator for the State of New Jersey, pursuant to authority of Executive Order No. 104 and N.J.S.A. App. A:9-45, adopted an amendment to N.J.A.C. 7:1G-3.8 concerning the use of fresh water for watering of lawns, plants, shrubs, and gardens. The amended policies have been reviewed and approved by the Governor's Water Emergency Task Force and the Governor's Citizens Task Force.

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

7:1G-3.8 Watering of lawns, plants, shrubs, and gardens

The watering of lawns, plants, shrubs and gardens is prohibited by any means other than by bucket, can or hand held hoses equipped with a nozzle that will shut off automatically when dropped.] allowed by means of automatic

sprinkling devices between the hours of 7:00 P.M. and 9:00 P.M.

Pursuant to N.J.S.A. App. A:9-45 et seq. and N.J.S.A. 52:14B-2(a), this rule, which was filed with the Office of Administrative Law on June 19, 1981 as R.1981 d.266, is exempt from notice, comment, and other ordinary rule-making provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(b)

ENVIRONMENTAL PROTECTION

DROUGHT COORDINATION OFFICE

DROUGHT COORDINATOR

Adopted New Rule: N.J.A.C. 7:1G-5.8

(Order No. 5)

Water Rationing Plan

Landlord/Tenant: Excess Use Charges

Effective Date: June 3, 1981

On May 1, 1981, Paul H. Arbesman, Drought Coordinator for the State of New Jersey, pursuant to authority of N.J.S.A. App. A:9-45 and Executive Order No. 104, adopted a new rule to be cited as N.J.A.C. 7:1G-5.8 concerning the policy and procedure for the assessment and payment of excess use charges imposed upon landlords entitled to "pass through" such excess use charges to residents of the landlords' dwelling units, pursuant to the Water Rationing Plan. This action is known as Order No. 5.

Full text of the adopted new rule follows.

7:1G-5.8 Landlord/tenant: Excess use charges

(a) The following procedures shall be followed by landlords with an approval from the Water Emergency Task Force to pass through excess use charges to residents of the landlords dwelling units pursuant to the Water Rationing Plan:

1. Surcharges levied pursuant to Executive Order No. 104 shall become due and payable 30 days after presentation, or as otherwise permitted by the Water Emergency Task Force.

2. Surcharges levied pursuant to Executive Order No. 98 shall not become due and payable immediately, provided such surcharges are passed through to the residents of the dwelling units, but shall be amortized over the six month rental period following approval of the pass through by the Water Emergency Task Force. The landlord shall be permitted to remit one-sixth of the applicable surcharge each month during the amortization period. Extensions of time for the payment of the surcharge may be granted by the Water Emergency Task Force for just cause.

Pursuant to N.J.S.A. App. A:9-45 and N.J.S.A. 52:14B-2 (a), these rules, which were filed with the Office of Administrative Law on June 3, 1981 as R.1981 d.217, are exempt from the notice, comment, and other rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(a)

ENVIRONMENTAL PROTECTION

DROUGHT COORDINATION OFFICE DROUGHT COORDINATOR

Emergency Amendment: Executive Order No. 104 Water Rationing Plan

Effective Date: May 20, 1981

Paul H. Arbesman, Drought Coordinator for the State of New Jersey, pursuant to authority of Executive Order No. 104 and N.J.S.A. App. A:9-45, adopted an emergency order modifying the Water Rationing Plan contained in Executive Order No. 104 which removes certain purveyors from the requirements of the Water Rationing Plan, as set forth below, and places said purveyors on "standby rationing".

Section 11 of Executive Order No. 104 delegates to the Drought Coordinator, Paul Arbesman, for procedural purposes, the Governor's power to adopt orders, rules and regulations pursuant to the Civilian Defense and Disaster Control Act, N.J.S.A. App. A:9-33 et seq.

Water supply reserves have been improved to a point where the reservoirs in the affected region exceed 80 percent average capacity, which capacity, in concert with the continuation of certain non-essential uses, permits the removal of the remaining purveyors from the Water Rationing Plan.

The placement of the purveyors listed below on "Standby Rationing", at this time, does not mean that drought conditions no longer exist in New Jersey. Nor does it mean that conservation of water supplies is no longer necessary. This action is being taken at this time in consideration of existing water supply conditions and the ability of the affected purveyors to reinstitute the Water Rationing Plan program expeditiously, should water rationing be reimposed. Reimposition of the Water Rationing Plan will take place should water supply reserve conditions deteriorate to a point that rationing is required to preserve dwindling water supplies.

The conditions under which the purveyors set forth below are removed from the Water Rationing Plan are as follows:

1. That the purveyors continue to obtain data on the occupancy of customers' structures, customer base demand and other information required to reimpose rationing on immediate notice.
2. That planning for the reimposition of rationing and the implementation of all emergency measures called for under Executive Order No. 104 be continued.
3. That the customer base demand to be utilized in any reimposition of rationing be that originally calculated as a result of Executive Order No. 104.
4. That the non-essential use ban continue in effect in the municipalities served by the purveyors affected by the removal from rationing.

This action is being taken after consultation with, and the approval of the Governor's Water Emergency Task Force, Governor's Citizens' Advisory Committee and Governor Brendan Byrne.

Now therefore, I hereby Order that the purveyors, as set forth be removed from the Water Rationing Plan imposed pursuant to Executive Order No. 104 and placed on "Standby Rationing" under the conditions set forth above.

COUNTY: Bergen

PURVEYOR

Elmwood Park Water Department
 Fairlawn Water Department
 Garfield Water Department
 Hackensack Water Company
 Lodi Water Department
 Lyndhurst Water Department
 North Arlington Water Department
 Saddle Brook Water Department
 Wallington Water Department

COUNTY: Essex

PURVEYOR

Belleville Water Department
 Bloomfield Water Department
 Cedar Grove
 Glen Ridge Water Department
 Jersey City Water Department
 Montclair Water Bureau
 Newark Water Department
 Nutley Water Department
 Verona Municipal Utilities Authority
 West Caldwell Water Department

COUNTY: Hudson

PURVEYOR

Bayonne Water Department
 E. Newark Water Department
 Hackensack Water Company
 Harrison Water Department
 Hoboken Water Department
 Jersey City Water Department
 Kearny Water Department

COUNTY: Morris

PURVEYOR

Lincoln Park Water Department
 Pequannock Water Department

COUNTY: Passaic

PURVEYOR

Commonwealth Water Co (Little Falls Div.)
 Haledon Water Department
 Passaic Valley Water Commission
 Totowa Water Department
 Wayne Twp., Division of Water
 West Paterson Water Department

COUNTY: Union

PURVEYOR

City of Elizabeth Water Department

Pursuant to N.J.S.A. App. A:9-33 et seq. and N.J.S.A. 54:14B-2(a), this order, which was filed with the Office of Administrative Law on May 20, 1981 as R.1981 d.204 is exempt from the notice, comment, and other ordinary rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF COASTAL RESOURCES

Adopted Amendments: N.J.A.C. 7:7D-2.3, 2.5
and 2.8

CAFRA

Procedural Rules

Effective Date: July 9, 1981

On June 19, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:19-17 and 13:1D-9 and in accordance with

the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:7D-2.3, 2.5 and 2.8 concerning CAFRA procedural rules as proposed in the Notice published February 5, 1981 at 13 N.J.R. 75(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on June 19, 1981 as R.1981 d.267.

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

**Adopted Amendments: N.J.A.C. 7:9-13.3,
13.5, 13.6**

**Water Pollution Control
Sewer Extension Ban**

Effective Date: July 9, 1981

On June 3, 1981, Paul H. Arbesman, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-3 and 58:10A-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:9-13.3, 13.5, and 13.6 concerning the sewer extension ban as proposed in the Notice published November 6, 1980 at 12 N.J.R. 639(b), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on June 8, 1981 as R.1981 d.224.

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

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

Flood Hazard Area Delineations

Delaware River and Portions of

**Tributaries known as Doctors Creek, Indian Run,
Crosswicks Creek, Blacks Creek, Mill Creek,
Bustleton Creek and Stonyford Brook**

Public Hearing: July 23, 1981

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:16A-52, and 13:1D-1 et seq., proposes to amend N.J.A.C. 7:13-1.11 concerning flood hazard area delineations along the Delaware River and portions of tributaries known as Doctors Creek, Indian Run, Crosswicks Creek, Blacks Creeks, Mill Creek, Bustleton Creek and Stonyford Brook. This proposal is known within the Department as DEP Docket No. 030-81-06.

Summary

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

Social Impact

This proposed delineation applies added flood protection to the following areas within the Delaware River Basin: Allentown Borough, Monmouth County; Bordentown City, Fieldsboro Borough, and the Townships of Bordentown, Burlington, Florence, Mansfield and Westampton, all within Burlington County; Plumsted Township, Ocean County; and Washington Township, Mercer County.

Economic Impact

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

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

7:13-1.11 Delineated [F]floodways

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

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

1.-26. (No change.)

27. The Delaware River from the downstream Burlington Township boundary upstream to its confluence with Crosswicks Creek within the Townships of Burlington, Florence, Mansfield and Bordentown and the Borough of Fieldsboro, including the back channel around Newbold Island, but excluding the reach within the City of Burlington, all in Burlington County; Doctors Creek within the Borough of Allentown and its tributary Indian Run from 1260 feet downstream from Church Street to the upstream Allentown Borough boundary between Allentown Borough, Monmouth County and Washington Township, Mercer County; Blacks Creek from its confluence with the Delaware River upstream to Route 206 within Bordentown City and Township, within the County of Burlington; Crosswicks Creek from its confluence with the Delaware River upstream 4300 feet within the City of Bordentown, Burlington County and from Route 537 to the upstream Plumsted Township boundary, within Plumsted Township, Ocean County; Mill Creek from the downstream Burlington Township boundary upstream to Route I-295 within Burlington Township and Westampton Township, Burlington County; Crafts Creek from its mouth upstream to Route 130 within Florence and Mansfield Township, Burlington County; Bustleton Creek from the downstream Florence Township boundary upstream to Route 130 in Florence Township, Burlington County; and Stonyford Brook from its confluence with Crosswicks Creek upstream to Moorehouse Road, within the Township of Plumsted, Ocean County.

A public hearing concerning this rule will be held on July 23, 1981 at 8:00 P.M. at:

Burlington Township Municipal Building
851 Old York Road
Burlington, New Jersey

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clark Gilman
Bureau of Flood Plain Management
Division of Water Resources
CN 029
1474 Prospect Street
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-102.

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Adopted New Rule: N.J.A.C. 7:14A-13.4
(proposed as N.J.A.C. 7:14-3.4)

Toxic Waste

Conditions for Users of a DTW

Effective Date: July 9, 1981

On May 14, 1981, Paul H. Arbesman in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3 and 58:10A-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 7:14-3.4 (recodified as N.J.A.C. 7:14A-13.4) concerning exemptions from NJPDES permits as proposed in the Notice published February 5, 1981 at 13 N.J.R. 89(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5). This action is known within the Department of Environmental Protection as Docket No. DEP 065-80-11.

According to the Department, unauthorized discharges are already prohibited under the existing NJPDES regulations (N.J.A.C. 7:14A). This rule is therefore intended only to reemphasize and reinforce the language of the existing regulations, and imposes no new requirements.

This rule was originally proposed as an amendment to N.J.A.C. 7:14-3.4(a)i and ii concerning exemptions from NJPDES permits. However, the NJPDES rules were repealed and recodified as N.J.A.C. 7:14A. As part of this recodification, exemptions from NJPDES permit requirements were eliminated. This new rule, concerning additional requirements for users of Domestic Treatment Works (DTW's), will be cited as N.J.A.C. 7:14A-13.4.

Full text of the rule as adopted follows.

7:14A-13.4 Conditions applicable to all users of a DTW

(a) No person or user of a DTW shall discharge into the DTW without the written authorization of the DTW, and unless in accordance with and as authorized by applicable federal, state and local laws, regulations, ordinances, including regulations, contracts or ordinances of the DTW. This applies to all discharges including those from mobile sources as indicated in N.J.A.C. 7:14A-1.10, which defines a "user" as including a mobile source.

(b) Any such person or user shall have available for inspection a copy of said written authorization at the point of discharge at the time the discharge is taking place.

An order adopting the rule was filed with the Office of Administrative Law on June 3, 1981 as R.1981 d.214.

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Adopted Amendments: N.J.A.C. 7:23-2.2, 2.5,
2.10—2.12, 2.14, 2.16—2.19, 2.23,
2.25—2.33, 2.35

Flood Control Bond Grants

Effective Date: July 9, 1981

On June 3, 1981, Paul H. Arbesman, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and the Emergency Flood Control Bond Act of 1978, P.L. 78 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:2.2, 2.5, 2.10-2.12, 2.14, 2.16-2.19, 2.23, 2.25-2.33, 2.35 concerning Flood Control Bond Grants as proposed in the Notice published April 9, 1981 at 13 N.J.R. 192(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 8, 1981 as R.1981 d.223.

(c)

ENVIRONMENTAL PROTECTION

FISH AND GAME COUNCIL

Adopted Amendment: N.J.A.C. 7:25-5
Game Code

Effective Date: July 9, 1981

Operative Date: August 1, 1981

On June 16, 1981, the Fish and Game Council in the Division of Fish, Game and Wildlife of the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq. and 23:1-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:25-5 concerning the Game Code for the 1981-82 hunting trapping seasons as proposed in the Notice published May 7, 1981, at 13 N.J.R. 262(a), but with spelling, punctuation, and other technical changes not in violation of N.J.A.C. 1:30-3.5, and with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on June 18, 1981 as R.1981 d.253.

(d)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

Adopted New Rule: N.J.A.C. 7:25-7.10
Fish, Game and Shellfisheries
Taking of Oysters

Effective Date: July 9, 1981

On May 14, 1981, Paul H. Arbesman, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 and in

accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 7:25-7.10 concerning the taking of oysters as proposed in the Notice published March 5, 1981 at 13 N.J.R. 125(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

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

7:25-7.10 Taking of oysters

(a) (No change from proposal.)

[(b) No vessel shall be used or employed to take or catch or to attempt to take or catch any oysters in the waters of this State by means of dredges unless such vessel has on board a valid license for that purpose issued by the Bureau of Shellfisheries of the Division of Fish, Game and Wildlife as provided by this section or as elsewhere provided by statute or regulation.

1. The fee for such a license shall be \$5.00 per gross vessel ton, with a minimum fee of \$15.00 and it shall expire at the end of the calendar year in which it was issued.]

An order adopting the rule was filed with the Office of Administrative Law on May 18, 1981 as R.1981 d.199.

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

Adopted Amendment: N.J.A.C. 7:25-7.13
Crab Dredging

Effective Date: July 9, 1981

On May 14, 1981, Paul Arbesman, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2B-6 and 23:5-35.2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 7:25-7.13 concerning crab dredging as proposed in the Notice published March 5, 1981 at 13 N.J.R. 125(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 18, 1981 as R.1981 d.200.

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

Proposed Amendment: N.J.A.C. 7:25-9.2
Resolutions of Shellfisheries Council
Hard Clam Harvest Penalties

Public Hearing: None

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 and with the approval of the Marine Fisheries Council and the Atlantic Coast Shellfish Council, proposes to amend N.J.A.C. 7:25-9.2 concerning hard clam harvest penalties. This proposal is known within the Department as DEP Docket No. 028-81-06.

Summary

The proposed amendment to N.J.A.C. 7:25-9.2 revises the

penalties for violation of N.J.A.C. 7:25-9.1(a) and (b). The penalties are proposed for revision for the first and subsequent offenses and provide for a three percent tolerance in determining the penalties for the harvesting of undersized clams to allow for human error.

Social Impact

This amendment will provide a greater deterrent to the catching or taking of undersized clams, and greater protection to the hard clam resource than exists under the present rule.

Economic Impact

Adoption of this rule will increase the penalty for the harvest of undersized clams, N.J.A.C. 7:25-9.1(a) and (b), allowing a tolerance of three percent of the catch to be below the minimum size to allow for human error.

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

7:25-9.2 Penalties

(a) Any person violating the provisions of N.J.A.C. 7:25-9.1[(b)](a) and N.J.A.C. 7:25-9.1[(c)](b) shall be liable to a penalty of [\$10.00] \$2.00 per clam over three percent tolerance, minimum \$25.00 for the first offense [and not for each clam] and [\$20.00] \$5.00 per clam over three percent tolerance, minimum \$50.00 for each subsequent offense [and not for each clam].

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Russell A. Cookingham, Director
Division of Fish, Game and Wildlife
CN 400

Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-122.

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

Adopted Amendment: N.J.A.C. 7:25-9.4
Shellfisheries Council
Bay Scallops

Effective Date: July 9, 1981

On May 14, 1981, Paul H. Arbesman, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2B-6 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 7:25-9.4 concerning bay scallops as proposed in the Notice published March 5, 1981 at 13 N.J.R. 126(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

The adopted changes are summarized as follows:

1. In N.J.A.C. 7:25-9.4(f), the word "dredging" was substituted for "catching or taking" to exempt the treading or netting of scallops from the seasonal limits. The words

“dredge or dredges” were substituted for “bay scallops” to facilitate enforcement.

2. In N.J.A.C. 7:25-9.4(g), the word “harvest” was substituted for “dredge” for clarity.

An order adopting the rule was filed with the Office of Administrative Law on June 18, 1981 as R.1981 d.256.

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

Adopted New Rules: N.J.A.C. 7:25-21

Fish, Game and Shellfisheries

Terrapin

Effective Date: July 9, 1981

On May 14, 1981, Paul H. Arbesman, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2B-6 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 7:25-21 concerning terrapin as proposed in the Notice published March 5, 1981 at 13 N.J.R. 126(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 18, 1981 as R.1981 d.198.

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

Adopted New Rules: N.J.A.C. 7:25A-2.1—2.7

Oyster Management in Delaware Bay

Effective Date: July 9, 1981

On May 14, 1981, Paul H. Arbesman, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5, 50:1-23, and 50:1-27 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 7:25A-2.1 through 2.7 concerning oyster management in Delaware Bay as proposed in the Notice published April 9, 1981 at 13 N.J.R. 192(c), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

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

SUBCHAPTER 2. OYSTER MANAGEMENT IN DELAWARE BAY

7:25A-2.1 Division of Section E

The Division of Fish, Game and Wildlife will divide Section E, as defined in R.S. 50:1-23 and consisting of approximately 7877.7 acres, into [10] 12 acre lots and designate each either an “A” or “B” lot, an “A” lot

being in the judgment of the division more suitable for the planting and cultivation of oysters. The coordinates of [E]each corner [or] of each lot shall be [marked] determined by the division. All the remaining parcels will be “B” lots.

7:25A-2.2 Leasing of “A” lots

The [any] owner of [a] an operable vessel which was licensed to dredge oysters pursuant to N.J.S.A. 50:3-1 in 1978, 1979, or 1980 may lease one “A” lot in Section E at a fee [of \$30 per year] to be determined by the Shellfish Council with the approval of the Commissioner. The leaseholder of all “A” lots will be determined by a lottery conducted by the division and the Shellfish Council. Each “A” lot leaseholder will record his lot number and license number of the vessel or vessels to work that lot with the division. The division shall reserve three “A” lots to be used for scientific purposes. [A licensed vessel may only work one “A” lot, and no vessel may work an “A” lot except one with a license number corresponding to the number recorded for that lot with the division.]

7:25A-2.3 Leasing of “B” lots

The [any] owner of [a] an operable vessel which was licensed to dredge oysters pursuant to R.S. 50:3-1 in either 1978, 1979, or 1980 may lease one “B” lot of his choice for each vessel licensed [year the section E lease plan continues]. However, no owner may lease more than two “B” lots per vessel. The [lease] initial fee for each “B” lot will be [\$300 per year] \$1,000 and thereafter shall be the regular lease fee per acre. [Each leaseholder shall register his lot number with the division.]

7:25A-2.4 Expiration and renewal of “A” and “B” lot leases

Each “A” or “B” lot lease will expire at the end of the calendar year in which it is issued. Leaseholders or their heirs and assigns will have the option to renew each year [until 1985] provided the leased lot to be renewed has been, in the judgment of the Council and the division, actively worked by the recorded leaseholder, and an accurate report of the use to which the lot was put is filed with the division on a form provided by the division. Any lot, the lease of which is not renewed will be classified as a “B” lot.

7:25A-2.5 Non-transferability of Section E leases; exceptions

No lease in Section E may be sold, rented, assigned or in any manner conveyed or transferred, unless the vessel to which the lot was originally allocated in N.J.A.C. 7:25A-2.2 or 2.3 is dealt with in the same manner thereby becoming part of the same transaction. No lot in Section E may be subleased.

7:25A-2.6 Power to lease

Nothing in this chapter shall be construed to affect the exclusive power of the Shellfish Council to lease shellfish ground as defined in N.J.S.A. 50:1-18.

7:25A-2.7 Review

The Division of Fish, Game and Wildlife and the Delaware Bay Shellfish Council will review the Section E lease program annually at a regularly scheduled meeting of the Council.

An order adopting the rule was filed with the Office of Administrative Law on May 18, 1981 as R.1981 d.197.

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Public Notice of State Certifications of Draft NPDES Permits

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

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

(b)

HEALTH

THE COMMISSIONER

Proposed Amendments: N.J.A.C. 8:31-27 (to be recodified as 8:33I)

Standards and Criteria for the Planning and Certification of Need of Megavoltage Radiation Oncology Units in Health Care Facilities

Public Hearing: None

Dr. Joanne E. Finley, Commissioner of Health, with the approval of the Health Care Administration Board in the Department of Health, pursuant to authority of N.J.S.A. 26:2H-5 and 8, proposes to amend N.J.A.C. 8:31-27 concerning standards and general criteria for the planning and certification of need of megavoltage radiation oncology units in health care facilities, and to recodify same as N.J.A.C. 8:33I.

Summary

The current rules require periodic updating based upon the review and recommendations of the commissioner's advisory committee on radiation therapy. Proposed changes in these rules are based on the recommendations of the ad hoc technical advisory committee.

The ad hoc technical advisory committee has recommended the retention of Department of Health policy, standards, and criteria, as reflected in the existing rules, with the following proposed changes:

1. Deletion of the reference in N.J.A.C. 8:31-27.3(a)(3) to the need for the hospital applicant to document that its therapeutic cost center, as computed in accordance with Standard Hospital Accounting and Rate Evaluation (SHARE), Section G-8, is not more than 20 percent above the median for that hospital's peer group. Since hospital reimbursement in New Jersey is being converted to a patient case-mix basis, the reference is no longer appropriate.

2. Identification of the committee to review the regula-

tion and make recommendations to the commissioner, referenced in N.J.A.C. 8:31-27.3(a)(11), as the ad hoc technical advisory committee.

3. Deletion of N.J.A.C. 8:31-27.3(a)(10) and replacement with a new standardized data form.

In addition, the proposed amendments update the introduction offered in the existing rules and delete outdated appendices.

Social Impact

N.J.S.A. 26:2H-1 (as amended) recognizes as "public policy of the State that hospitals and related health care services of the highest quality, of demonstrated need, efficiently provided and properly utilized at a reasonable cost are of vital concern to the public health. In order to provide for the protection and promotion of the health of inhabitants of the State, promote the financial solvency of hospitals and similar health care facilities and contain the rising cost of health care services, the State Department of Health . . . shall have the central, comprehensive responsibility for the development and administration of the State's policy with respect to health planning, hospital and health care services, and health facility cost containment programs. . . ."

The New Jersey State Health Plan recognizes the underutilization of inpatient beds, specialty services, and expensive equipment as an important factor contributing to the rapidly escalating costs of health care. Regionalization of specialty services and equipment is viewed as an important mechanism for promoting health by improving the capabilities of services and quality of care offered, by improving the solvency of hospitals offering these expensive services, and by containing the rising costs of health care services.

An analysis of existing megavoltage programs operating throughout the State suggests that a large number of these programs are currently underutilized. On a statewide basis, these programs are operating at approximately 70 percent of their treatment capacity according to an analysis conducted by the Department of Health in 1980.

Since the proposed amendments do not change Department of Health policy, as reflected in the existing rules, the changes are not expected to have any negative impact on services currently operating within the State.

The rules, however, are important. In their absence, the unrestricted addition of megavoltage programs would likely drive utilization levels down still further, adding enormously and unnecessarily to the costs of providing these services in a manner which may threaten the solvency of some facilities and services.

Economic Impact

Currently there are 29 hospital based megavoltage programs operating 35 units throughout the State. Costs associated with the purchase of these units have amounted to approximately \$21,000,000. Recurring operational costs amount to approximately \$14,000,000 each year (at current prices). Six of these programs have been approved to add units and two others will replace existing equipment. Capital and operating costs associated with these new and replacement units are not reflected in the estimates referenced above. Also not included are costs associated with the 15 units which are located in 14 private offices throughout the State.

The proposed rules will have no effect on existing programs—that is, they will continue to be approved for replacement or addition of units where they comply with current rules identified therein. The proposed rules do not reflect changes in adopted standards and criteria identified in current rules.

The rules, however, are important. A study conducted by the Department of Health in 1980 concluded that the

statewide megavoltage therapy equipment inventory was operating at approximately 70 percent of its treatment capacity.

In the absence of these rules, the department estimates (based upon hospital plans submitted to it) that six new programs would be added to this underutilized existing State inventory. These new programs would be expected to generate a minimum of \$6,000,000 in capital costs (excluding renovations) and add approximately \$3,600,000 (at current prices) in annual operating costs.

The unrestricted addition of these new programs would aggravate an already underutilized statewide inventory adding unnecessary costs to the State's health care bill in a manner which may threaten the solvency of some existing facilities and services.

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

CHAPTER 33I

[SUBCHAPTER 27.] STANDARDS AND CRITERIA FOR THE PLANNING AND CERTIFICATION OF NEED OF MEGAVOLTAGE RADIATION ONCOLOGY UNITS IN HEALTH CARE FACILITIES

FOREWORD

Radiation oncology is a medical discipline devoted to education and research in the use of ionizing radiation for treatment of neoplastic disease. The basis for such an approach is the apparent difference in responsiveness to radiation by cancerous and non-cancerous cells. (Cancer cells are more susceptible, for the most part, to the damaging effects of such radiation.) With the successes achieved by this new radiation discipline, there arose increased interest leading to a better understanding of the biological and physical bases of radiation oncology. Wider application and rapid improvement in results came about through more precise and scientific use of radiation.

With the use of current information and techniques, it is likely that significant improvement in a number of clinical situations will be achieved. Moderate doses of radiation are being found effective in destroying localized foci of disease, such as in the radiation of cervical nodal metastases from head and neck tumors. With increasingly more accurate localization of the radiation, however, more extensive disease is becoming amenable to successful treatment (as in the irradiation of paraaortic nodal metastases in gynecologic and testicular tumors). Successful treatment is also being achieved with tumors not previously considered amenable to radiation therapy (i.e. carcinoma of the prostate and soft tissue sarcomata).

The proper application of this radiation can be directed at either curative or palliative intent. Curative therapy is aimed at the destruction of cancer cells in an effort to cure the patient. Palliative therapy, on the other hand, seeks to eradicate or reduce the suffering of the patient for whom cure is unlikely. Radiation oncology has outstanding palliative capabilities. Pain can be alleviated, skeletal integrity preserved and organ function reestablished with little, if any, morbidity in a variety of clinical circumstances.

Not all forms of cancer, however, are effectively treated by radiation. In many cases, surgery or chemotherapy are deemed more appropriate. Each of these three cancer treatments can be employed either individually or collectively depending on the type and extent of the disease and the intent of the treatment. Encouraging results are cur-

rently being achieved as a consequence of the appropriate combination of radiation therapy with surgery and chemotherapy. This is particularly true of results in head, neck, breast and rectal tumors as well as in certain lymphomas.

Such an important and effective technique for the management of cancer obviously must be made available to all patients in an optimal setting. This optimal setting must insure multi-disciplinary involvement in case finding; in diagnosis; in the primary management decision; in the choice of treatment modality; in continued management and in follow-up and rehabilitation. There must be active participation by the following related disciplines: surgery, gynecology, medical oncology, radiation oncology, pathology, psychiatry, radiation physics, diagnostic radiology and nuclear imaging. In addition, an active approved tumor registry is essential in evaluating therapy results. It is also incumbent upon radiotherapy facilities to provide programs that will insure the continuing availability of well-trained personnel on both the technical and medical levels.

In effect, only a small portion of the general population requires radiotherapy treatment at any one time. This, combined with the fact that radiotherapy treatment departments require multi-disciplinary involvement and elaborate equipment, space, technical personnel and specialized support facilities in order to provide optimal care, make radiotherapy an appropriate subject for regionalization. All of these facilities must be carefully planned on a regional basis to insure that all patients receive the maximum opportunity for cure or palliation of their cancer. Such planning is not only proper but necessary if we are to provide quality care without unnecessary duplication of costly installations.

The radiation beams most commonly utilized for therapeutic purposes are photon beams. These beams consist of either X-rays or Gamma rays. X-ray beams are generated electrically. Gamma rays are emitted by sources undergoing radioactive decay (i.e. cobalt-60). In addition to external beams, radioactive sources may be temporarily or permanently implanted within the body to irradiate malignant tissues at close proximity.

Another form of radiation beam being utilized with increasing frequency is the electron beam. These beams are produced primarily by linear accelerators and betatrons.

A newer radiation beam that holds great promise for the immediate future is the neutron beam, produced by high energy bombardment of special target material. These particles have some inherent radiobiologic advantages over photons and are currently undergoing clinical trials at several centers in the United States.

Other particles for radiation therapy currently being developed include negative pi mesons (two clinical sites in the United States) and high energy heavy nuclei (one site).

Radiotherapy equipment in clinical use can be divided into four main categories.

1. Superficial therapy equipment which generate X-rays up to 150 KVP. This equipment is appropriate for the treatment of skin lesions and, occasionally, for treatment of very superficial metastases from deep-seated tumors.

2. Orthovoltage-therapy equipment which generate X-rays up to 1000 KVP. This equipment is of limited value in the treatment of malignancies since maximum dosage occurs at the skin surface, limiting the patient's tolerance and precluding meaningful doses to tumors.

3. Megavoltage equipment which emit or generate rays over 1000 kilovolts (one MV or megavolt). These higher energy rays effect better penetration of human tissue and are skin-sparing in nature, allowing for better tumor-to-skin dose ratios. Production of these rays are achieved

through a variety of means, including radioactive sources such as cobalt and particle accelerators, such as the Van de Graaf electrostatic generator and the linear accelerator. In certain machines, useful electron beams can also be achieved.

4. Treatment planning facilities including simulators, CT scans, ultrasound equipment and conventional nuclear scanners. Because modern radiation therapy requires precise treatment planning to assure that the dose to the tumor is maximized while the dose to the normal tissues is kept to a minimum, simulation of the treatment plan becomes important. In addition to simulation, the next major importance is the accurate plotting of the relationships of the abnormal tissue to the normal tissue. Once this is accomplished, dosimetry calculations are performed, usually with the aid of a computer, to more rapidly and more accurately determine the dose distribution within tissue.

Simulation is accomplished through the use of precision therapy simulators which are X-ray machines that reproduce the geometry of external beam techniques. However, all the limitations of conventional X-rays are inherent in this system.

A further refinement of simulation, which entails localization and accurate plotting of relationships between normal and abnormal tissue, involves CAT scans. In addition, ultrasound equipment can also be used to develop a cross sectional plot of the patient and the anatomy relating tumor and normal tissue.

With the above information, a cross sectional two or three dimensional picture of the patient and his tumor are prepared. This information is then fed into the computers which calculate the actual dose distribution throughout the entire body. These computers can either be part of a general time-sharing system, or can be dedicated computers devoted solely to treatment planning within the individual department. The latter has an advantage in that treatment plans can be readily developed, changed and three or four or even ten computer plans can be scrutinized to develop the best single plan for the treatment of the patient in a relatively short time.

A regional use of simulators, CT scanners and other related equipment allows for increased utilization of the radiation therapy equipment for the actual treatment, since most of the time-consuming preliminary work is done in the treatment planning facilities.

All of this sophisticated equipment is extremely costly. Since both quality and economic factors are effected by unneeded resources, it is essential that future investments in additional radiation therapy programs be scrutinized with great care to insure substantial utilization and reasonable accessibility. To this end, a planned approach to the utilization and operation of radiation therapy units and properly trained personnel, both professional and paraprofessional, is necessary in order to provide both optimal care and efficiency.

The difficulty in attempting to deal with the regionalization of megavoltage therapy services rests with the fact that there are numerous megavoltage units in operation throughout the State. The existing statewide inventory includes 29 programs which are hospital-based and an additional 14 located in private offices. The 29 hospital-based programs are distributed throughout the State and service each of the health service areas.

While the trend in recent years has been towards an increase in the number of patients being treated with radiation therapy in the State, underutilization of megavoltage therapy equipment continues to exist. A statewide analysis of existing radiation services, conducted by the

New Jersey State Department of Health in 1980, indicated that megavoltage therapy equipment was operating at approximately 70 percent of treatment capacity. (See Table I.)

Given the more than ample supply of existing programs and given the fact that many of the existing programs are not meeting the minimum requirements for efficient operation outlined herein, it is the position of the Statewide Health Coordinating Council that there is no need for any additional programs in the State and that future certificates of need for new megavoltage programs shall be recommended for denial. Any further proliferation of new programs will aggravate the capacity of existing programs to operate efficiently and will result in raising the cost of delivering the service to the health consuming public. However, upon the recommendation of a health systems agency a new program will receive consideration assuming the presence of unique circumstances.

In addition, the replacement of existing megavoltage equipment, particularly the older cobalt-60 units that are slowly being supplanted by the more recently developed linear accelerator, must be carefully examined by local health systems agencies not only in terms of the standards and criteria for efficient, quality operation defined herein, but in terms of the impact of the introduction of replacement equipment on the capacity of neighboring programs to deliver their services efficiently. Both in examining certificate of need for replacement equipment and for additional equipment within a program, the health systems agency should consider the possibilities for increasing the utilization of existing, underutilized neighboring programs prior to approving these applications.

In the future, only those applicants that are operating at acceptable utilization levels and are meeting each of the other standards and criteria delineated within this regulation should be granted certificate of need approval for additional or replacement megavoltage equipment.

[8:31-27.1] 8:33I-1.1 Utilization standards
(No change in text.)

[8:31-27.2] 8:33I-1.2 [Personal] Personnel standards
(No change in text.)

[8:31-27.3] 8:33I-1.3 General criteria
(a) As part of the application for a megavoltage radiation therapy unit, each application must meet the following minimum general criteria.

1.-2. (No change.)

[3. Where the applicant is a hospital, it must provide documentation that the applicant's therapeutic radiology cost center, as computed in accordance with Standard Hospital Accounting and Rate Evaluation (SHARE), section G-8, is no more than 20 percent above the median for that hospital's peer group.]

Renumber 4.-9. as 3.-8.

[10. Each applicant must maintain and provide basic statistical data on the operation of the unit to the department on a yearly basis. A standardized data form has been prepared by the department.]

9. Each applicant must maintain and provide basic statistical data on the operation of the unit and report that data to the New Jersey State Department of Health on a quarterly basis and on a standardized form prepared by the department. Copies of the full text of the required quarterly reporting forms may be obtained upon written request to the New Jersey State Department of Health, Health Data Services, Room 502, P.O. Box 1540, Trenton, New Jersey 08625.

(Text continued on Page 410)

TABLE 1
HOSPITAL MEGAVOLTAGE FACILITIES
PATIENT VISITS PER YEAR

	Equipment	Utilization 1979	Projected Utilization 1980	% Utilization visits/capacity+	
				1979	Projected 1980
HSA I					
Bergen Pines	Cobalt	275	306	03.7	04.1
Englewood*	Cobalt	7,441	6,554	99.2	87.4
Hackensack*	Cobalt	5,754	6,616	76.7	88.2
Valley	4MV Linear Accelerator	6,077	6,204	67.5	68.9
Beth Israel	6 MV Linear Accelerator	9,503	7,968	105.6	88.5
St. Joseph's*	Cobalt	4,452	2,974	59.4	39.7
HSA I TOTAL		33,502	30,622	69.8	63.8
HSA II					
Clara Maas	10MV Linear Accelerator	NA	6,864	NA	76.3
Hosp. Ctr. at Orange	Cobalt	3,439	2,536	45.9	33.8
Mountainside	4MV Linear Accelerator	8,343	7,796	92.7	86.6
Newark Beth Israel*	Cobalt	3,853	4,210	51.4	56.1
St. Barnabas	18MV Linear Accelerator	16,554	16,338	100.3	99.0
United Hospitals	4MV Linear Accelerator	7,410	8,130	44.9	49.3
Dover	Cobalt	5,209	5,342	69.5	71.2
Morristown Memorial*	Cobalt	8,194	9,248	109.3	123.3
Muhlenberg	Cobalt	3,112	4,276	41.5	57.0
Overlook*	4MV Linear Accelerator	8,802	9,152	53.3	55.5
St. Elizabeth*	Van De Graaf				
	Cobalt	2,742	5,892	36.6	78.6
Veterans Admin. Hosp.	Cobalt	6,898	7,138	92.0	95.2
HSA II TOTAL		74,556	86,922	67.2	72.4
HSA III					
Christ	Cobalt	6,933	6,460	92.4	86.1
HSA III TOTAL		6,933	6,460	92.4	86.1
HSA IV					
Mercer Medical Center	Cobalt	5,150	4,866	68.7	64.9
Princeton	Cobalt	3,569	4,500	47.6	60.0
JFK Medical Center	4MV Linear Accelerator	5,157	5,928	57.3	65.9
St. Peter's	18MV Linear Accelerator	8,967	8,641	54.3	49.4
Monmouth	Cobalt				
	6MV Linear Accelerator	8,595	6,316	52.1	36.1
	Van De Graaf				
Riverview	4MV Linear Accelerator	9,676	11,974	58.6	68.4
HSA IV TOTAL		41,114	42,225	55.9	57.4
HSA V					
Atlantic City*	Cobalt	10,050	9,944	134.0	132.6
Cooper*	(2)4MV Linear Accelerators	18,276	21,778	100.0	121.0
Burlington	4MV Linear Accelerators	9,235	5,904	103.0	65.6
Millville	4MV Linear Accelerators	3,488	9,046	38.8	100.5
HSA V TOTAL		41,049	46,672	94.4	107.3

+ Percent utilization was computed by dividing the number of megavoltage patient visits by the commonly accepted capacities of the appropriate equipment. (7,500 patient visits for a Cobalt-60 unit and 9,000 patient visits

for a linear accelerator.)

* Approved for replacement or additional unit. (Additional units not included in calculations above.)

[11.] 10. [The Scientific Advisory Committee of the Cancer Institute of New Jersey, supplemented by representatives of the health systems agencies, State Health Planning and Coordinating Council, Radiological Society of New Jersey, administration of provider institutions, and the State Department of Health.] An ad hoc technical advisory committee shall review and comment on this regulation on a regular basis and shall provide advice, upon request, on certificate of need applications and other related issues which come before the [State Health Planning and Coordinating Council] Statewide Health Coordinating Council and the State Department of Health.

Editor's Note: The Department is also proposing to delete all appendices adopted as part of N.J.A.C. 8:31-27. The deleted appendices include: Appendix A, Statistical Data Form; Appendix B, Commissioner's Ad Hoc Committee for the Review of Radiation Oncology Planning Criteria; Appendix C, Cancer Institute Scientific Advisory Committee; Appendix D, Statewide Hospital Megavoltage Programs; Appendix E, Statewide Private Megavoltage Programs. These appendices, as well as an introduction to the subchapter, are referenced but not reproduced in the New Jersey Administrative Code. The previously-filed introduction has been replaced in its entirety by the proposed foreword (herein).

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

John Scioli, Coordinator
New Jersey Department of Health
Health Planning Services, Room 802
P.O. Box 1540
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-119.

(a)

HEALTH

THE COMMISSIONER

Proposed Amendments: N.J.A.C. 8:31B-2.2 and 2.4

Uniform Bill-Patient Summary (Inpatient) Implementation and Guidelines

Public Hearing: None

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority, of N.J.S.A. 26:2H-5, N.J.A.C. 5:23-3.3(i)2., and N.J.A.C. 5:23-4.8(d), and with the approval of the Health Care Administration Board (HCAB), proposes to amend N.J.A.C. 8:31B-2.2 concerning implementation of the Uniform Bill-Patient Summary (UBPS) and to amend N.J.A.C. 8:31B-2.4 concerning guidelines for the completion of the UB-PS form.

Summary

The proposed new rule N.J.A.C. 8:31B-2.2 outlines the information that a hospital under the Diagnosis Related Group (DRG) Hospital Reimbursement System must give

to an incoming patient. The amendment to N.J.A.C. 8:31B-2.4 will reduce patient confusion with the reimbursement system by revising the inpatient bill to reflect actual DRG liability without listing controlled charges.

Social Impact

The social impact of these changes will be to provide the hospital patient with more complete and timely information on his hospital bill and his actual financial liability.

Economic Impact

The economic impact of these changes will be limited to minor programming modification to hospital billing systems and payor reimbursement systems. These changes would be relatively minor modifications.

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

8:31B-2.2 Implementation

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

(g) Upon admission to the hospital, each patient shall be given written DRG information to include at least the following:

1. The patient's right to appeal a DRG assignment and/or inequitable bill to the hospital Utilization Review Committee and the State Certified Utilization Review Organization;

2. The patient's right to a prompt-payment discount with the currently approved discount schedule; and

3. The primary contact person in the hospital for DRG related problems.

8:31B-2.4 Guidelines for completion of UB-PS Form Item 41—Total

Note: For hospitals being paid by DRG, [these "charges" are only used to prorate the appropriate payment per case (except for outlier patients).] "allocation units" shall be entered for this item. "Allocation Units" are equal to "Charges" divided by 10 with the dollar sign deleted, i.e., \$25.00 = 2.500. For

outliers, allocation units will be summed and multiplied by 10 and entered in items 47-51. For those cases billed at the case rate, allocation units will be used for DRG proration.

Items 42, 43 and 44—Primary, Secondary and Tertiary Payors

Editor's Note: N.J.A.C. 8:31B-2.4 is referenced but not reproduced in the New Jersey Administrative Code.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

James R. Hub, Director
Health Economics Services, DRG Project
Department of Health
John Fitch Plaza, Room 601
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-118.

(a)

HEALTH

DIVISION OF HEALTH FACILITIES EVALUATION

Adopted New Rules: N.J.A.C. 8:42A
Manual of Standards for Licensure of
Alcoholism Treatment Facilities

Effective Date: July 9, 1981

On June 4, 1981, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., and with the approval of the Health Care Administration Board, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 8:42A concerning a manual of standards for licensure of alcoholism treatment facilities as proposed in the Notice published April 9, 1981, at 13 N.J.R. 217(b), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on June 12, 1981 as R.1981 d.236.

(b)

HEALTH

THE COMMISSIONER

Adopted Amendment: N.J.A.C. 8:65-8.7
Controlled Dangerous Substances
Distribution Upon Discontinuance or
Transfer of Business

Effective Date: July 9, 1981

On June 11, 1981, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-9, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 8:65-8.7 concerning controlled dangerous substances and their distribution upon discontinuance or transfer of business, as proposed in the Notice published March 5, 1981 at 13 N.J.R. 131(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

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

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

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

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

1. (No change from proposal.)
2. Name, address, State CDS and Federal DEA registration number or proof of application for same of registrant to whom the controlled dangerous substances are to be transferred;
3. Name, address, State CDS and Federal number 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.-5. (No change from proposal.)

(d) (No change from proposal.)

An order adopting the rule was filed with the Office of Administrative Law on June 12, 1981 as R.1981 d.238.

(c)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Amendment: N.J.A.C. 9:1-4.6
Standards for Graduate Programs
Post-Master's Level Programs

Public Hearing: None

The Board of Higher Education in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:3-14(n), proposes to amend N.J.A.C. 9:1-4.6 concerning post-master's level programs offered by colleges and universities operating in New Jersey.

Summary

The proposed amendment restricts Ed.S. certificate programs to the fields of educational administration and educational services. The amendment further establishes minimum admissions criteria for applicants to Ed.S. certificate programs and requires that Ed.S. certificate programs contain course work beyond a Master's degree. The amendment prospectively prohibits Ed.S. degree programs in all fields.

Social Impact

The proposed regulation will prevent the proliferation of Ed.S. degree programs at all colleges and universities required by law to obtain the approval of the Board of Higher Education for degree programs. It will permit Ed.S. certificate programs in specified educational fields.

Economic Impact

The proposed amendment will not increase college and university operating costs. It will, however, increase the value of the educational programs to students.

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

9:1-4.6 Sixth year programs

(a) [Some] Institutions may organize programs of graduate work at the post-master's level which are not intended to lead to a doctorate but to a specialist's (degree or to a comparable) certificate in the fields of educational administration and educational services when a definitive need can be demonstrated. Approval of these certificates by the State Board of Higher Education will be required. No new Ed.S. degrees will be approved.

(b) (No change.)

[(c) It should perform a definable function and not be merely a continuation of courses beyond the Master's degree.]

(c) A student admitted to a specialist's certificate program must have a Master's degree in the same field in which the certificate is being offered. Students who possess a Master's degree in an unrelated field will be required to complete preliminary course work or demonstrate equivalent knowledge acquired through work experience.

[(d) The design of each program should be demonstra-

bly determined by the purposes of the program and the needs of the students.]

(d) A specialist's certificate program must be composed of course work which is more advanced than that required for a Master's degree.

(e) A qualifying examination should be required for the [degree or the] certificate.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-79.

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Adopted Amendment: N.J.A.C. 9:4-3.57

County Community Colleges
Work Load Data

Effective Date: July 9, 1981

On May 29, 1981, the Board of Higher Education in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:64A-7(b) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:4-3.57 concerning rules for county college work load data as proposed in the Notice published April 9, 1981 at 13 N.J.R. 218(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 3, 1981 as R.1981 d.215.

(b)

HIGHER EDUCATION

STUDENT ASSISTANCE BOARD

Adopted Amendments: N.J.A.C. 9:7-2.4, 2.6,
2.7, 2.8, 2.11

Tuition Aid Grant and Garden State Scholarship
Programs

Application Dates and Eligibility

Effective Date: July 9, 1981

On June 10, 1981, the Student Assistance Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-48 and 18A:71-26.4 and in accordance

with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:7-2.4, 2.6, 2.7, 2.8, and 2.11 concerning application dates and student eligibility for the Tuition Aid Grant and Garden State Scholarship Programs as proposed in the Notice published April 9, 1981 at 13 N.J.R. 218(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 11, 1981 as R.1981 d.232.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted New Rules: N.J.A.C. 10:38
Interim Assistance Procedures Manual

Effective Date: July 9, 1981

On May 28, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4-107 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 10:38 concerning an interim assistance procedures manual as proposed in the Notice published April 9, 1981 at 13 N.J.R. 220(d), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 8, 1981 as R.1981 d.225.

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted Amendments: N.J.A.C. 10:49-1.13
and 1.14

Administration

Providers Using Service Bureaus and/or
Management Agencies

Effective Date: July 9, 1981

On June 15, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6c and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:49-1.13 and 1.14 concerning providers using service bureaus and/or management agencies when billing Medicaid, as proposed in the Notice published May 7, 1981 at 13 N.J.R. 272(b), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

According to the Department, the changes were two address corrections and the inclusion of an additional phrase to indicate the provider/agent must assume the entire cost of printing duplicate forms at all times.

An order adopting this rule was filed with the Office of Administrative Law on June 17, 1981 as R.1981 d.246.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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

Proposed Amendment: N.J.A.C. 10:50-2.9,

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

10:60-2.3, 10:62-3.7, 3.10, 10:65-2.6, 10:66-2.4

Patient Certification

Public Hearing: None

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7, proposes to adopt a new rule to be cited as N.J.A.C. 10:49-1.26, and to amend the various sections listed above concerning patient certification. These amendments affect the following manuals:

- Transportation Services
- Hospital Services
- Prosthetic and Orthotic Services
- Dental Services
- Medical Supplier Manual
- Home Health Services Manual
- Vision Care Manual
- Medical Day Care
- Independent Clinic Services

Summary

This proposed rule will delete the reference to patient certification contained in the body of each individual provider manual listed above, and replace it with one reference in the Administration Section of the Manual which is issued to all providers. This will centralize the reference to patient certification. This centralization will permit a singular revision, when necessary, to meet the needs of the Medicaid program, without requiring multiple amendments to several program manuals.

Social Impact

There is no social impact associated with this proposal. Under ordinary circumstances Medicaid recipients have been required to sign claim forms for those Medicaid services listed above. Providers rendering these services have been required to obtain the recipient's signature, under ordinary circumstances. This requirement remains in effect.

Economic Impact

There should be no economic impact on Medicaid recipients, Medicaid providers, and the Medicaid program because there is no change in the requirements pertaining to patient certification.

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

10:49-1.26 [(Reserved)] Patient certification

(a) A patient certification, authorization to release information and payment request, must, under ordinary circumstances, be signed before a claim for payment from a provider is processed for payment. The patient is certifying that:

1. The service(s) covered by a claim have been received;
2. Requesting payment for those services made on his/her behalf; and
3. Authorizing any holder of medical or other informa-

tion to release to the Division of Medical Assistance and Health Services or its authorized agents any information needed for this or a related claim.

(b) A provider who is submitting a hard-copy Medicaid claim form must, under ordinary circumstances, obtain the patient certification on the Medicaid hard-copy claim form (appropriate to the provider) unless given prior authorization by the Division of Medical Assistance and Health Services to use a standard Medicaid Patient Certification Form.

(c) A provider who is submitting claims via an approved automated data exchange system may obtain the patient certification on a standard Medicaid Patient Certification Form which is kept on file for each service rendered and available upon request to representatives of the New Jersey Medicaid Program.

1. If a signed Medicaid Patient Certification Form is not on file for each service, Medicaid reimbursement for the service is subject to recoupment.

(d) A Medicaid hard-copy claim form or a Medicaid Patient Certification Form must be fully completed by a provider before it is presented to the patient for signature. A Medicaid patient may not sign a blank Medicaid hard-copy claim form or a Medicaid Patient Certification Form prior to receiving services or as a condition for receiving services.

(e) When the patient's signature is unobtainable the following procedures may be used:

1. An illiterate patient may sign mark (x), and the signature must be witnessed by another person who signs his/her name and address on the Medicaid Patient Certification Form.

2. If a patient is physically or mentally incapable of signing, or is now deceased, the forms may be signed on his behalf by:

- i. A parent, or;
- ii. A legal guardian, or;
- iii. A relation, or;
- iv. A friend, or;
- v. An individual provider, or;
- vi. A representative of an institution providing care or support, or;
- vii. A representative of a governmental agency providing assistance.

3. A brief explanation of the reason the patient was not personally able to sign and the relationship of the signee to the patient must be noted directly on the Medicaid hard-copy claim form or the Medicaid Patient Certification Form.

10:50-2.9 Patient certification

Replace current text of (a) - (e) with new text as follows: Patient certification, see N.J.A.C. 10:49-1.26.

10:51-5.25 Instructions for completion of form MC-6

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

(c) When completing the claim form for PAA patients, enter the following information:

1. - 5. (No change.)

Replace current text of 6 with new text as follows:

6. Patient certification, see N.J.A.C. 10:49-1.26.

10:55-2.3 Prior authorization

(a) (No change.)

(b) When submitting claims for payment, make certain the Prosthetic and Orthotic claim form has been properly signed in the following sections:

1. (No change.)
2. [Patient certification;] Patient certification, see N.J.A.C. 10:49-1.26;
3. (No change.)

10:56-2.2 Dental services form (MC-10)

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

(e) Instructions for completing the dental form (MC-10) are:

1. - 21. (No change.)

Replace current text of 22 with new text as follows:

22. Patient certification, see N.J.A.C. 10:49-1.26.

10:59-2.11 Medical Supplies and Equipment Claim (MC-11-C4)

(a) The form MC-11-C4 is to be used for the purpose of billing for medical supplies and equipment. For services requiring prior authorization, item 15 must be signed and dated by a Medicaid Medical Consultant, before the claim may be considered for payment. Instructions for completion of form MC-11-C4 (Exhibit II) follow:

1. - 19. (No change.)

20. Item 18: Patient certification, see N.J.A.C. 10:49-1.26.

Delete i. - vi.

10:60-2.3 Completing the home health claim form (MC-3A)

1. - 16. (No change.)

Replace current text of 17 with new text as follows:

17. Patient certification, see N.J.A.C. 10:49-1.26.

10:62-3.7 Instructions for completing form MC-9

(a) Instructions for completing Form MC-9 are as follows:

1. - 9. (No change.)

Replace current text of 10 with new text as follows:

10. Patient certification, see N.J.A.C. 10:49-1.26.

10:62-3.10 Instructions for completing form MC-8

(a) Instructions for completing form MC-8 are:

1. - 9. (No change.)

Replace current text of 10 with new text as follows:

10. Patient certification, see N.J.A.C. 10:49-1.26.

10:65-2.6 Instructions; form MC-14

(a) Instructions for completion of the MC-14C2-Independent Outpatient Health Facility Claim Form (see Exhibit 1):

1. - 9. (No change.)

Replace current text of 10 with new text as follows:

10. Patient certification, see N.J.A.C. 10:49-1.26.

10:66-2.4 Independent Outpatient Health Facility claim form (MC-14)

(a) (No change.)

(b) Instructions for completion of the MC-14 (Exhibit 1) follows:

1. - 13. (No change.)

Replace current text of 14 with new text as follows:

14. Patient certification, see N.J.A.C. 10:49-1.26.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712

Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-73.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendment: N.J.A.C. 10:49-1.27
Administration Manual
Audits

Public Hearing: None

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-17(f), proposes to amend N.J.A.C. 10:49-1.27 concerning audits.

Summary

This proposed rule will define "field audit" as required by N.J.S.A. 30:4D-17(f). The regulation strikes a balance between the providers desire for a speedy completion of a field audit and early notification of the results of said audit, coupled with the State's need to complete its audits in a thorough manner, and to have them reviewed by the Office of Program Integrity Administration and, if necessary, by the Division of Criminal Justice. The definition of "final audit" has already been adopted as R.1981 d.114 (see 13 N.J.R. 273(a)).

Social Impact

The primary impact of this regulation will be on long term care providers, who must be audited as required by New Jersey's Title XIX State Plan. This regulation will not apply to an individual Medicaid recipient, as specified in the statute.

Economic Impact

Providers who obtain overpayments shall be liable to a civil penalty of payment of interest at the maximum legal rate on the date the benefit or payment was made. This definition of field audit, when coupled with the statutory time frames, will establish when interest will accrue. If the Division does not provide timely notification, they will forfeit their right to collect interest, commencing with the 180th day following the field audit, and ending on the date preliminary notice is given to the provider.

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

10:49-1.27 [Final audit] Audits

[For purposes of N.J.S.A. 30:4D-7m only, a "final audit" means that point in the audit process when the division issues to the provider an audit report specifically designated as the "final audit" for a specified period audited.]

(a) Definitions:

1. "Final audit", for purposes of N.J.S.A. 30:4D-7m only, means that point in the audit process when the division issues to the provider an audit report specifically designated as the "final audit" for a specified period audited.

2. "Completion of the field audit", for purposes of N.J.S.A. 30:4D-17(f), means the date of final screening of the case file by the Assistant Director in charge of Program Integrity. If the matter is referred to the Legal Action Committee or the Division of Criminal Justice, however, the field audit shall be considered completed on the date the Bureau of Administrative Control receives authorization to take administrative action.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before

August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-75.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted Amendments: N.J.A.C. 10:51-2
Pharmacy Manual
Billing Procedures

Effective Date: July 9, 1981

Operative Date: August 1, 1981

On June 15, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6c and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:51-2 concerning Pharmacy Billing Procedures as proposed in the Notice published May 7, 1981, at 13 N.J.R. 274(b), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

According to the Department, the changes imposed no new requirements on providers. They were made to insure clarity. The type of changes included numbering items on the claim form, mailing instructions, claim form number, etc.

An order adopting the rule was filed with the Office of Administrative Law on June 17, 1981 as R.1981 d.247.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments: N.J.A.C. 10:51-3.1,
3.2 and 3.3

Proposed New Rules: N.J.A.C. 10:51-3.4—3.21
Pharmacy Manual
Pharmaceutical Services Provided to Medicaid
Recipients in Long Term Care Facilities

Public Hearing: None

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6b(6), and N.J.S.A. 30:4D-7b, proposes to amend N.J.A.C. 10:51-3.1 through 3.3, and to adopt new rules to be cited as N.J.A.C. 10:51-3.4 through 3.21 concerning pharmaceutical services provided to Medicaid recipients in long term care (LTC) facilities.

Summary

This proposal will implement generic substitution requirements, clarify general policies for program participation, define covered services and telephone order prescriptions and limit reimbursement to FDA approved drugs, where such approval is required.

Social Impact

There should be minimal social impact on providers and recipients, as the Division will still be making reimbursement for prescribed drugs.

Economic Impact

The Division anticipates a cost saving through the enhanced use of generic drugs. However, exact figures are not available, because it is not known how frequently generic substitution will be utilized. Most LTC facilities will not be affected by this proposal, because they do not provide pharmaceutical services. Those pharmacies who have contracted with LTC facilities (to provide prescription drugs) should be affected minimally as they have already adjusted their inventories to account for generic requirements.

Copies of the full text of the proposed rules may be obtained from the person indicated below.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-106.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted Amendments: N.J.A.C. 10:51-5.28—5.33
Pharmacy Manual
Pharmaceutical Assistance to the Aged

Effective Date: July 9, 1981

Operative Date: August 1, 1981

On June 15, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-24 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:51-5.28 through 5.33 concerning Pharmacy Billing for Pharmaceutical Assistance for the Aged as proposed in the Notice published May 7, 1981, at 13 N.J.R. 289(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on June 17, 1981 as R.1981 d.248.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments: N.J.A.C. 10:52-1.2, 1.3,
1.4, 1.7, 1.8, 1.9; 10:53-1.1, 1.2, 1.3, 1.6, 1.7
Hospital and Special Hospital Manuals

Public Hearing: None

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7b, proposes to amend the several sections listed above concerning the amount and scope of services to be covered and duration of medical assistance to be furnished.

Summary

These proposed rules will correct the reference to psychiatric care provided in private psychiatric hospitals; correct information concerning hospital based transportation; provide conformity between hospital and special hospital manuals regarding covered outpatient services; change the placement of regulations concerning social necessity; and make other technical changes.

Social and Economic Impact

There is no social or economic impact associated with this proposal because there is no change in the services being offered under Title XIX.

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

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-96.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Correction: N.J.A.C. 10:52-1.17
Hospital Services Manual
Reimbursement for Out-of-State Inpatient
Hospital Services

Take notice that the following statement was omitted from the notice of adoption concerning reimbursement for out-of-state inpatient hospital services, which appeared in the June 4, 1981 New Jersey Register at 13 N.J.R. 358(b): "The New Jersey Medicaid program will implement this regulation for payment purposes commencing with services rendered on and after March 17, 1981, which was the date of approval issued by Region II, Department of Health and Human Services."

This notice is published as a matter of public information.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendment: N.J.A.C. 10:52-3.6
Proposed New Rule: N.J.A.C. 10:52-2.8A
Hospital Services Manual
Outpatient Dental Services

Public Hearing: None

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6b(4) and 30:4D-7, proposes to amend N.J.A.C. 10:52-3.6 and to adopt new rules to be cited as N.J.A.C. 10:52-2.8A concerning outpatient dental services.

Summary

The proposed rules will reimburse dental providers in hospital outpatient departments on a fee for service basis, thereby insuring uniformity of reimbursement to all segments of the dental provider community. In addition, all claims for dental services will be submitted to, and processed by, Prudential Insurance Company.

Social Impact

The social impact on recipients should be minimal, as there is no reduction in dental services associated with this proposal. There might be a positive social impact on recipients if the number of visits to the dentist could be reduced.

Economic Impact

At the present time information is not available to make a true estimate of the future economic impact, but is anticipated there will be cost saving to the Division.

Initially hospital outpatient departments may experience some loss of income as they are currently reimbursed on a fee-per-visit basis. However, the economic impact will vary, depending on the individual provider's current method of operation, and the number of Medicaid recipients being treated.

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

10:52-2.8A Billing procedures for outpatient services: dental

(a) Reimbursement for dental services in an outpatient department is based upon fee for service as determined by the Commissioner of the Department of Human Services and is based on the same fees, conditions and definitions for corresponding services, utilized for the reimbursement of individual Medicaid dental participating practitioners and providers in "private" practice. In no event shall the charge to the New Jersey Medicaid Program exceed the charge by the provider for identical services to other groups or individuals in the community.

(b) If a dental procedure code is assigned both a specialist and non-specialist "Medicaid Dollar Value", the amount of the reimbursement will be based upon the status (specialist or non-specialist) of the individual practitioner who actually provided the billed service.

1. To identify this practitioner enter the Individual Medicaid Practitioner (IMP) Number in the Provider Certification Section (Item 23) of the Dental Claim Form (MC-10).

i. If the dentist providing the services is not a Medicaid participating dentist enter nine "8's".

ii. If the dentist providing the services is a resident, intern or house staff member, enter the IMP Number and name of the supervising physician.

2. In a clinic with both specialist and non-specialist members, specialist services must be billed separately from non-specialist services. Therefore, for services provided to the same patient, a specialist and a non-specialist may not bill on the same claim form.

(c) Outpatient dental clinics are subject to the same New Jersey Medicaid Program policies and procedures, as outlined in the current Dental Services Manual that apply to the dentist in "private" practice.

(d) Prior authorization:

1. Items or services requiring prior authorization should not be provided until the authorization is received.

2. Requests for prior authorization must be submitted to the appropriate dental field office serving the county wherein the service was performed (see Dental Services Manual, Exhibit B).

(e) All claims involving dental emergencies billed on a fee per visit basis (example Hospital Emergency Room) must be forwarded by the hospital to the appropriate dental field office for review by the Regional Dental Consultant prior to submission to their current contractor for reimbursement. Such claims will not be reimbursable when the dental clinic of that hospital is open or when the hospital has dental staff (residents etc.) available to diagnose and treat the dental condition.

(f) All hospital dental outpatient departments must register with the Prudential Insurance Company, Medicaid Claims Divisions, P.O. Box 1900, Millville, New Jersey 08332. This Insurance Company will provide them with a unique provider number. This applies to all hospitals who are now receiving reimbursement from their respective contractors (Prudential and Blue Cross).

10:52-3.6 Outpatient claims which cannot be submitted via teleprocessing

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

(d) Claims for dental services, clinic code 06, can not be billed via teleprocessing. The hospital should submit claims for dental services on [hard copy form MC-4 and attach a properly completed MC-10 Dental form] a properly completed hard copy Dental form (MC-10).

(e) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-105.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted Amendments: 10:54-1.2, 1.5, 1.7, 1.21, 1.22, 2.4, 2.5; 10:57-1.5, 1.20, 2.5—2.7; 10:59-2.6—2.8; 10:61-2.3; 10:62-1.5, 3.2, 3.5, 3.9, 3.10, 3.13; 10:63-1.11; 10:67-1.2, 2.5, 2.8; 10:68-2.5, 2.7

HCFA-1500 Claim Form

Effective Date: July 9, 1981

On June 15, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6c, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:54-1.2, 1.5, 1.7, 1.21, 1.22, 2.4, 2.5; 10:57-1.5, 1.20, 2.5—2.7; 10:59-2.6—2.8; 10:61-2.3; 10:62-1.5, 3.2, 3.5, 3.9, 3.10, 3.13; 10:63-1.11; 10:67-1.2, 2.5, 2.8; 10:68-2.5, 2.7 concerning use of the HCFA-1500 claim form for billing Medicaid as proposed in the Notice published May 7, 1981, at 13 N.J.R. 293(a), but with spelling, punctuation and

other technical changes not in violation of N.J.A.C. 1:30-3.5. According to the Department, the technical change was the renumbering of the prior authorization item (see N.J.A.C. 10:59-2.8(b)) from 13 to 34.

An order adopting the rule was filed with the Office of Administrative Law on June 17, 1981 as R.1981 d.249.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted Amendment: N.J.A.C. 10:54-1.6
Physicians' Service Manual
Reimbursement for Anesthesia Time

Effective Date: July 9, 1981

On May 27, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 10:54-1.6 concerning reimbursement for anesthesia time as proposed in the Notice published July 10, 1980 at 12 N.J.R. 413(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 8, 1981 as R.1981 d.220.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted Amendment: N.J.A.C. 10:54-2.1
 Adopted New Rules: N.J.A.C. 10:50-2.7,
 10:52-2.13, 10:53-2.18, 10:54-2.6, 10:57-2.8,
 10:60-2.6, 10:61-2.6, 10:66-2.10, 10:68-2.8

Provider Claim Submissions
 Automated Data Exchange Billing System

Effective Date: July 9, 1981

On June 15, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 10:54-2.1 and new rules to be cited as N.J.A.C. 10:50-2.7, 10:52-2.13, 10:53-2.18, 10:54-2.6, 10:57-2.8, 10:60-2.6, 10:61-2.6, 10:66-2.10, and 10:68-2.8 concerning providers using an automated data exchange method of billing the New Jersey Medicaid Program, as proposed in the Notice published May 7, 1981 at 13 N.J.R. 296(a), but with spelling, punctuation, or other technical changes not in violation of N.J.A.C. 1:30-3.5.

A technical change was made to specifically indicate this billing method pertains to the New Jersey Medicaid program only.

An order adopting the rule was filed with the Office of Administrative Law on June 17, 1981 as R.1981 d.250.

economic impact on providers will vary, depending on how many Medicaid recipients are being treated by a given provider. If the test is being performed infrequently, then the economic impact on providers will be minimal also.

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

Medicine

Miscellaneous Procedure Code	Description	Medicaid Dollar Value	
		S	NS
9352	Nerve conduction, velocity and/or latency study, sensory nerve, each nerve, includes "H" reflex.	\$ 16.	NA

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
 Division of Medical Assistance
 and Health Services
 CN 712
 Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-97.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendment: N.J.A.C. 10:54-3
 Manual for Physician's Services
 Procedure Code for Laboratory Nerve Study Test

Public Hearing: None

Timothy L. Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7, proposes to amend N.J.A.C. 10:54-3 concerning a procedure code for a laboratory nerve study test. The Procedure Code Manual is referenced but not reproduced in the New Jersey Administrative Code.

Summary

The Division is developing this new procedure code to authorize payment for nerve study test for muscular-neurological conditions. This procedure code and description will be the same as the one currently used by Medicare (Title 18).

Social Impact

There should be a positive social impact on Medicaid recipients, who will be able to receive the test, and on Medicaid providers, who will be reimbursed for conducting the test.

Economic Impact

There should be little economic impact on the Division, if the tests continue at the current rate of approximately two per month. Precise figures will not be available until the code becomes operative for a period of time. The

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted Amendments: N.J.A.C. 10:54-3
 Physicians' Services Manual
 Procedure Codes for Radiology and Ultrasonic
 Diagnostic Procedures

Effective Date: July 9, 1981

On May 14, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:54-3 concerning procedure codes for radiology and ultrasonic diagnostic procedures as proposed in the notice published April 9, 1981 at 13 N.J.R. 223(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

The only change to the multitude of procedure codes listed was an addition to procedure code 9374, an ultrasonic diagnostic procedure. The addition will allow the provider to claim additional reimbursement (50 percent of the Medicaid dollar value of the original procedure) if a multi-dimensional, real time echocardiography is performed.

An order adopting the rule was filed with the Office of Administrative Law on May 27, 1981 as R.1981 d.211.

(Notices continued on Page 430)

INDEX OF RULES SUPPLEMENTING THE NEW JERSEY ADMINISTRATIVE CODE

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

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

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

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

Administrative Publications
CN 301
Trenton, New Jersey 08625

In order to be sure that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with May 10, 1979.

N.J.A.C.
CITATION

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

ADMINISTRATIVE LAW — TITLE 1

1:1-1.1	Applicability of OAL rules	R.1981 d.118	13 N.J.R. 254(a)
1:1-1.5	Nature of a contested case	R.1981 d.116	13 N.J.R. 254(b)
1:1-9.7, 11.2, 11.3.	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 144(a)
1:1-12.3	Standards for intervention in administrative hearings	R.1981 d.119	13 N.J.R. 255(a)
1:1-12.4	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 144(a)
1:1-14.1	Motions to consolidate	R.1981 d.120	13 N.J.R. 255(b)
1:1-14.1, 14.2	Motions to consolidate	R.1981 d.117	13 N.J.R. 255(c)
1:1-14.3, 15.2	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 144(a)
1:30	Rules of agency rulemaking	R.1981 d.83	13 N.J.R. 171(a)

(Title 1, Transmittal 1 dated July 17, 1980)

AGRICULTURE — TITLE 2

2:2-2.2	Official calthood brucella vaccination	R.1981 d.173	13 N.J.R. 318(a)
2:2-2.4	Amend conformity of brucellosis tests with Federal standards	R.1980 d.422	12 N.J.R. 627(b)
2:2-2.16	Slaughtering of market cattle and goats	R.1981 d.40	13 N.J.R. 115(b)
2:3-2.3, 2.4	Brucellosis and tuberculosis tests for cattle	R.1981 d.39	13 N.J.R. 115(a)
2:3-4.1	Amend movement of livestock	R.1981 d.41	13 N.J.R. 115(c)
2:5-1	Repeal hog cholera quarantines	R.1981 d.42	13 N.J.R. 115(d)
2:48-5	Restrictions on coupons in milk promotion	R.1980 d.519	13 N.J.R. 6(a)
2:48-5.1	Use of coupons in milk promotion	R.1981 d.166	13 N.J.R. 318(b)
2:53-1, 3.1	Repeal minimum prices on fluid whole milk and amend sales below cost	R.1980 d.472	12 N.J.R. 686(b)
2:53-4.1	Amend notice of intent to change source of supply	R.1980 d.473	12 N.J.R. 686(c)
2:69-1.11	Commercial values of primary plant nutrients	R.1981 d.172	13 N.J.R. 318(c)

(Title 2, Transmittal 17 dated July 17, 1980)

BANKING — TITLE 3

3:1-2	Procedural rules	R.1981 d.258	13 N.J.R. 382(b)
3:1-12	Multiple-party deposit accounts	R.1980 d.480	12 N.J.R. 686(d)
3:2-2.1-2.3	Plain language in consumer contracts	R.1981 d.259	13 N.J.R. 383(a)
3:6-1	Repeal reporting of ten year dormant accounts	R.1980 d.435	12 N.J.R. 627(c)
3:6-10	Sale of unsecured days funds by savings banks	R.1980 d.559	13 N.J.R. 62(c)
3:6-11	Asset valuation of common trust fund	R.1980 d.560	13 N.J.R. 62(d)
3:8-3.1	Amend required reserve	R.1980 d.481	12 N.J.R. 688(a)
3:8-5	Repeal savings banks reserves	R.1980 d.482	12 N.J.R. 688(b)
3:11-10.1, 10.2	Savings banks participation in credit card operations	R.1981 d.91	13 N.J.R. 185(b)
3:17-4.4,-7	Small loan licensees	R.1981 d.257	13 N.J.R. 384(a)
3:19-1.6	Amend required use of home repair contractor's license number	R.1980 d.556	13 N.J.R. 62(b)
3:19-2	Energy rules on home repair financing	R.1981 d.29	13 N.J.R. 116(a)
3:21-1.8	Emergency amend loan interest rates	R.1981 d.12	13 N.J.R. 62(e)

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

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

3:30-2.1	Reserve requirements	R.1981 d.90	13 N.J.R. 185(a)
3:38-1.1	Mortgage bankers and brokers license fees	R.1981 d.260	13 N.J.R. 384(b)
3:41	Cemetery rules	R.1980 d.449	12 N.J.R. 628(a)

(Title 5, Transmittal 15 dated September 18, 1980)

CIVIL SERVICE — TITLE 4

4:1-2.1	Employee Advisory Service	R.1981 d.233	13 N.J.R. 387(a)
4:1-8.6	Amend qualifications for promotional examinations	R.1981 d.92	13 N.J.R. 186(c)
4:1-9.1	Amend review of scoring key	R.1980 d.236	12 N.J.R. 383(c)
4:1-11.7	Amend employment lists	R.1980 d.406	12 N.J.R. 628(b)
4:1-12.15	Extension of certification list	R.1981 d.127	13 N.J.R. 257(a)
4:1-16.7	Suspension, fines and demotions for disciplinary purposes	R.1981 d.107	13 N.J.R. 257(b)
4:1-17.9	Amend disability leave and sick leave injury	R.1980 d.231	12 N.J.R. 383(b)
4:1-17.24	Unused sick leave payments	R.1980 d.398	12 N.J.R. 566(c)
4:1-20.2, 20.3, 20.8	Employee Advisory Service	R.1981 d.233	13 N.J.R. 387(a)

(Title 4, Transmittal 14 dated May 17, 1980)

COMMUNITY AFFAIRS — TITLE 5

5:10	Amend maintenance of hotels and multiple dwellings	R.1981 d.95	13 N.J.R. 189(d)
5:10-19.11	Amend maintenance of hotels and multiple dwellings	R.1980 d.500	13 N.J.R. 7(c)
5:10-19.11	Emerg. amend fire protection	R.1980 d.536	13 N.J.R. 7(f)
5:11-7.1-7.5	Amend eviction and relocation	R.1981 d.69	13 N.J.R. 189(b)
5:11-9.2	Relocation assistance hearings	R.1981 d.183	13 N.J.R. 332(a)
5:12	Repeal State aid for urban renewal projects	R.1981 d.180	13 N.J.R. 333(a)
5:23	Amend Uniform Construction Code	R.1980 d.508	13 N.J.R. 7(d)
5:23-1.4, -2	Uniform Construction Code	R.1981 d.134	13 N.J.R. 258(b)
5:23-2.5	Uniform Construction Code	R.1981 d.133	13 N.J.R. 258(c)
5:23-2.6	Uniform Construction Code inspections	R.1981 d.182	13 N.J.R. 333(b)
5:23-2.7	Amend UCC: Certificate of occupancy	R.1981 d.45	13 N.J.R. 123(a)
5:23-3	Uniform Construction Code	R.1981 d.132	13 N.J.R. 258(d)
5:23-3.2	Uniform Construction Code	R.1981 d.133	13 N.J.R. 258(c)
5:23-3.3	Emerg. amend Uniform Construction Code	R.1980 d.537	13 N.J.R. 8(a)
5:23-4.8	Uniform Construction Code	R.1981 d.133	13 N.J.R. 258(c)
5:23-5.2, 5.11	Uniform Construction Code	R.1981 d.134	13 N.J.R. 258(b)
5:24-1.3	Condominium and cooperative conversion	R.1981 d.131	13 N.J.R. 258(e)
5:25	Readopt New Home Warranty and Builders' Registration	R.1980 d.522	13 N.J.R. 7(e)
5:25-5.5	New home warranties and builders' registration	R.1981 d.181	13 N.J.R. 333(d)
5:26	Readopt planned real estate development full disclosure	R.1981 d.70	13 N.J.R. 189(c)
5:26	Planned Real Estate Development Full Disclosure Act	R.1981 d.130	13 N.J.R. 259(a)
5:27-5.2, 5.8	Emerg. amend rooming and boarding houses	R.1980 d.546	13 N.J.R. 71(a)
5:28	State Housing Code (1980)	R.1981 d.68	13 N.J.R. 189(a)
5:29	Petitions for rules	R.1981 d.242	13 N.J.R. 395(a)
5:30-3.4	Filing of municipal budget amendments	R.1981 d.216	13 N.J.R. 395(b)
5:30-4.4	Amend capital budgets and improvement programs	R.1981 d.3	13 N.J.R. 73(b)
5:30-9.1	Financial administration	R.1981 d.2	13 N.J.R. 73(a)
5:30-9.2	Form of tax collection record	R.1981 d.122	13 N.J.R. 260(a)
5:30-9.3	Tax collector examination	R.1981 d.121	13 N.J.R. 260(b)
5:37	Emerg. rules on Deferred Compensation Program for county and municipal employees	R.1980 d.456	12 N.J.R. 633(b)
5:37	Emergency amend deferred compensation	R.1980 d.557	13 N.J.R. 71(b)
5:80-4.1	NJHFA: Debarment and suspension	R.1981 d.255	13 N.J.R. 397(a)

(Title 5, Transmittal 15 dated September 18, 1980)

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6:11-3.18	Amend teacher education and academic credentials	R.1981 d.22	13 N.J.R. 123(b)
6:20-2.6(d)4	Bookkeeping and accounting in local school districts	R.1980 d.381	12 N.J.R. 569(d)
6:20-2.12	Bookkeeping and accounting in local districts	R.1980 d.427	12 N.J.R. 639(a)
6:20-5.1	Repeal special State aid for children resident in institutions	R.1980 d.426	12 N.J.R. 638(b)
6:20-5.3	Repeal rules on emergency State building aid	R.1980 d.425	12 N.J.R. 638(a)
6:21-1.4	Pupil transportation: retirement of school buses	R.1980 d.382	12 N.J.R. 569(e)
6:24-1.3	Format of petition for controversies and disputes	R.1981 d.265	13 N.J.R. 397(b)

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

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

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6:39-1.3, 1.4 Amend Statewide assessment
6:66 Archives and history records management
(Title 6, Transmittal 16 dated May 17, 1980)

R.1980 d.353 12 N.J.R. 505(c)
R.1980 d.352 12 N.J.R. 505(b)
R.1981 d.202 13 N.J.R. 397(c)

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7:1-4 Repeal of various rules
7:1A Repeal of various rules
7:1C-1.5 Fees for 90-day construction permits
7:1C-1.13 90-day construction permits
7:1D Repeal of various rules
7:1G Pinelands Comprehensive Management Plan
7:1G Emergency rules concerning drought crisis
7:1G Water rationing plan
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7:1G-3.3 Emergency amendments on drought emergency
7:1G-3.7, 3.8 Rules of Drought Coordinator
7:1G-3.8 Water rationing plan
7:1G-4.1 Emergency adoption: Use of fresh water for horticulture
7:1G-5.4-5.7 Drought crisis
7:1H County environmental health services
7:2-11.22 Amend Swimming River Natural Area map
7:7 Repeal of various rules
7:7-2 Waterfront and coastal resource development
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7:7E Waterfront and coastal resource development
7:7E Coastal resource and development policies
7:8 Repeal of various rules
7:9-3 Repeal of various rules
7:9-4, -5, -6 Water quality standards
7:9-13.3, 13.5, 13.6 Sewer extension ban
7:9-15 Grants for restoring publicly owned freshwater lakes
7:12-1.1, 1.3, -2 Condemnation of certain shellfish beds
7:13-1.11 Amend flood plain delineation along Mullica River
7:13-1.11 Amend flood plain delineation along Cedar Creek
7:13-1.11 Amend flood plain delineation of Great Egg Harbor River
7:13-1.11 Amend flood plain delineation of Mullica River and tributaries
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7:13-1.11 Flood hazard area delineations
7:14 Amend pollutant discharge and waste management
7:14-1.4 New definition of "treatment works"
7:14A Pollutant discharge and waste management
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7:15 Repeal of various rules
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7:25-1.7 Penalties for shellfish law violations
7:25-4.8 Amend potentially dangerous species
7:25-5 Game Code
7:25-6 1981 Fish Code
7:25-7.2 Oyster seed beds recodification
7:25-7.3 Repeal of various rules
7:25-7.4 Repeal rules prohibiting oyster dredging
7:25-7.10 Taking of oysters
7:25-7.13 Crab dredging
7:25-7.13 Crab dredging
7:25-9.2 Penalties for shellfish law violations
7:25-9.4 Repeal of various rules
7:25-9.4 Bay scallops
7:25-10 Repeal of various rules
7:25-12.1 Amend preservation of clam resource
7:25-14.9 Penalties for shellfish law violations

R.1980 d.433 12 N.J.R. 643(a)
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R.1981 d.48 13 N.J.R. 128(b)
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R.1981 d.147 13 N.J.R. 334(c)
R.1981 d.105 13 N.J.R. 204(a)
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**N.J.A.C.
CITATION**

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

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7:25-21	Terrapin	R.1981 d.198	13 N.J.R. 405(a)
7:25A-1.1	Emergency rule on oyster dredging license moratorium	R.1981 d.94	13 N.J.R. 195(a)
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7:25A-3.1	Oyster seed beds recodification	R.1981 d.189	13 N.J.R. 340(b)
7:26-1.1	Amend pollutant discharge and waste management	R.1981 d.84	13 N.J.R. 194(c)
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7:26-5.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
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7:27-2	Control and prohibition of open burning	R.1981 d.135	13 N.J.R. 264(a)
7:27-10	Sulfur in coal	R.1981 d.185	13 N.J.R. 341(a)
7:27A-1.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
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7:38	Wild and scenic rivers	R.1980 d.401	12 N.J.R. 577(b)
7:50	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:50	Pinelands Comprehensive Management Plan	R.1981 d.13	13 N.J.R. 91(e)

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

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8:21-10	Amend designated fluid milk products	R.1980 d.539	13 N.J.R. 13(f)
8:22-1	State Sanitary Code—Campgrounds	R.1981 d.161	13 N.J.R. 342(a)
8:22-2	Repeal mobile home park rules	R.1980 d.499	13 N.J.R. 13(c)
8:31-26.4	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:31-28.1, 28.3	Amend certification of need and designation of regional services	R.1980 d.528	13 N.J.R. 13(d)
8:31B-3	Amend hospital procedural and methodological regulations	R.1980 d.455	12 N.J.R. 645(c)
8:31B-4	Amend hospital financial elements and reporting regulations	R.1980 d.453	12 N.J.R. 645(a)
8:31B-4.62	Amend excluded health care services	R.1981 d.10	13 N.J.R. 92(a)
8:42-1.8	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:42A	Alcoholism treatment facilities	R.1981 d.236	13 N.J.R. 411(a)
8:43-2.13	Amend Manual for Licensure of Residential Health Care Facilities	R.1980 d.529	13 N.J.R. 13(e)
8:43-6.9	Amend Manual for Licensure of Residential Health Care Facilities	R.1980 d.529	13 N.J.R. 13(e)
8:43A-3.1	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:43B-1.13	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:57-1.1—1.18	Amend reportable disease rules	R.1980 d.498	13 N.J.R. 13(b)
8:65-8.7	Controlled dangerous substances	R.1981 d.238	13 N.J.R. 411(b)
8:65-10.1, 10.2	Emergency amend controlled dangerous substances	R.1981 d.50	13 N.J.R. 132(b)
8:65-10.4, 10.8	Emergency amend controlled dangerous substances	R.1981 d.50	13 N.J.R. 132(b)
8:71	Amend interchangeable drug products	R.1980 d.454	12 N.J.R. 645(b)
8:71	Amend interchangeable drug products	R.1981 d.25	13 N.J.R. 131(b)
8:71	Amend interchangeable drug products	R.1981 d.26	13 N.J.R. 131(c)
8:71	Emergency amend interchangeable drug products	R.1981 d.27	13 N.J.R. 132(a)
8:71	Amend list of interchangeable drug products	R.1981 d.81	13 N.J.R. 217(d)

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

HIGHER EDUCATION — TITLE 9

9:1-1.1	Amend definition of "college"	R.1980 d.524	13 N.J.R. 14(a)
9:2-1.1, 1.2	Amend admission and baccalaureate degree standards for State Colleges	R.1981 d.19	13 N.J.R. 133(a)
9:2-2.8	Amend "visiting specialist" title at State colleges	R.1980 d.525	13 N.J.R. 14(b)
9:2-3	State College reduction in force policies	R.1981 d.38	13 N.J.R. 133(b)
9:2-8.1-8.10	Amend admission and degree standards for State Colleges	R.1981 d.19	13 N.J.R. 133(a)
9:4-3.57	County college work load data	R.1981 d.215	13 N.J.R. 412(a)
9:5-1.1, 1.2, 1.3, 1.4	Resident/non-resident tuition charges at public colleges and universities	R.1980 d.428	12 N.J.R. 661(a)
9:7-2	Student assistance	R.1981 d.232	13 N.J.R. 412(b)
9:7-2.12	Amend Tuition Aid Grant and Garden State Scholarship Programs	R.1980 d.461	12 N.J.R. 661(b)
9:7-4.4, -6	Graduate fellowships	R.1980 d.462	12 N.J.R. 694(d)
9:7-4.6	Amend academic eligibility for undergraduate grants	R.1981 d.99	13 N.J.R. 220(b)
9:11-1.8, 1.9	EOF guidelines and program support regulations	R.1981 d.100	13 N.J.R. 220(c)
9:11-1.13, 1.22	Amend student refunds and repayment	R.1980 d.523	13 N.J.R. 13(g)
9:12-1	EOF guidelines and program support regulations	R.1981 d.100	13 N.J.R. 220(c)
9:16-1.3—1.5	Physician-dentist loan redemption program	R.1981 d.60	13 N.J.R. 220(a)

(Title 9, Transmittal 15 dated September 18, 1980)

**N.J.A.C.
CITATION****DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)****HUMAN SERVICES — TITLE 10**

10:37	Amend community mental health services	R.1980 d.479	12 N.J.R. 704(g)
10:38	Interim Assistance Procedures Manual	R.1981 d.225	13 N.J.R. 412(c)
10:49-1.2	Amend recipient controls	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Amend recipient controls	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.7	Utilization of insurance benefits	R.1981 d.123	13 N.J.R. 272(a)
10:49-1.12	Amend medical assistance claims	R.1980 d.278	12 N.J.R. 481(a)
10:49-1.13, 1.14	Providers using service bureaus of management agencies	R.1981 d.246	13 N.J.R. 412(d)
10:49-1.17	Amend suspension of provider from Medicaid program	R.1980 d.501	13 N.J.R. 17(a)
10:49-1.18, 1.23	Amend nondiscrimination of handicapped recipients	R.1980 d.247	12 N.J.R. 418(d)
10:49-1.27	Final audits	R.1981 d.114	13 N.J.R. 273(a)
10:49-5.3, 5.4	Amend recipient fair hearings	R.1980 d.512	13 N.J.R. 17(f)
10:49-5.6	Amend recipient fair hearings	R.1980 d.512	13 N.J.R. 17(f)
10:49-6.8	Compromising claims	R.1980 d.502	13 N.J.R. 17(b)
10:49-7.1	Provider reinstatement	R.1980 d.378	12 N.J.R. 599(a)
10:50-2.7	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:51	Amend Pharmaceutical Services Manual	R.1980 d.469	12 N.J.R. 704(b)
10:51	Amend Pharmaceutical Assistance to Aged	R.1980 d.470	12 N.J.R. 704(c)
10:51-App.B,D	Amend Pharmaceutical Services Manual	R.1980 d.471	12 N.J.R. 704(d)
10:51-App. B, D	Pharmaceutical Services Manual	R.1981 d.124	13 N.J.R. 274(a)
10:51-2	Pharmacy Manual billing procedures	R.1981 d.247	13 N.J.R. 415(a)
10:51-4.5	Repeal payments for pharmaceutical consultants	R.1981 d.101	13 N.J.R. 228(c)
10:51-5.28—5.33	Pharmaceutical Assistance to the Aged	R.1981 d.248	13 N.J.R. 415(c)
10:52-1.1	Amend Hospital and Special Services Manual: Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.3	Non-covered hospital services	R.1981 d.126	13 N.J.R. 291(a)
10:52-1.4	Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.6	Amend outpatient hospital services	R.1980 d.313	12 N.J.R. 463(c)
10:52-1.6(c)	Reimbursement for outpatient hospital services	R.1980 d.337	12 N.J.R. 536(a)
10:52-1.16	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:52-1.17	Reimbursement for out-of-State inpatient hospital services	R.1981 d.162	13 N.J.R. 358(b)
10:52-2.13	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:53-1.1, 1.4	Amend Hospital and Special Services Manual: Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:53-1.6	Special Hospital Services Manual	R.1980 d.392	12 N.J.R. 600(c)
10:53-1.14	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:53-2.18	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-1	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:54-1.1	Definition of specialist, Physician's Services Manual	R.1980 d.463	12 N.J.R. 703(d)
10:54-1.2	Routine chest X rays	R.1981 d.125	13 N.J.R. 292(b)
10:54-1.6	Physicians Manual: Reimbursement for anesthesia time	R.1981 d.220	13 N.J.R. 417(b)
10:54-1.19	Definition of specialist, Physician's Services Manual	R.1980 d.463	12 N.J.R. 703(d)
10:54-1.22	Routine chest X rays	R.1981 d.125	13 N.J.R. 292(b)
10:54-1.23	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:54-2.1	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-2.4, 2.5	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:54-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-3	Amend Procedure Code Manual	R.1980 d.511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	R.1981 d.111	13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	R.1981 d.211	13 N.J.R. 418(c)
10:54-3	Procedure codes for mercury-zinc battery-powered pacemakers	R.1981 d.251	13 N.J.R. 430(a)
10:56-1.8, 1.12	Dental Services Manual	R.1981 d.219	13 N.J.R. 430(b)
10:56-3.15	Orthodontics	R.1981 d.113	13 N.J.R. 299(b)
10:57-1.5, 1.20, 2.5—2.7	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:58	Repeal of Independent Clinic Services Manual	R.1980 d.351	12 N.J.R. 536(d)
10:59-1.7, 1.8, 1.10, 1.11, 2.11	Repair of durable medical equipment	R.1980 d.510	13 N.J.R. 17(d)
10:59-2.6—2.8	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:60-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:61-1.4	Record retention requirements	R.1981 d.110	13 N.J.R. 299(c)
10:61-2.3	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:61-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:62-1.5, -3	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:63-1.4	Amend consultations in Long Term Care Manual	R.1980 d.340	12 N.J.R. 536(c)

**N.J.A.C.
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10:63-1.4	Amend LTCM: Prior authorization for occupational therapy services	R.1980 d.477	12 N.J.R. 704(e)
10:63-1.4, 1.8	Long Term Care Manual	R.1981 d.219	13 N.J.R. 430(b)
10:63-1.8	Amend clinical records in long-term care facilities	R.1981 d.33	13 N.J.R. 146(c)
10:63-1.11	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:63-1.14	Nurses' notes in long term care facilities	R.1980 d.393	12 N.J.R. 600(d)
10:63-1.19	Amend LTCSM: Termination of Medicaid eligibility	R.1981 d.62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	R.1981 d.23	13 N.J.R. 146(a)
10:63-3.1	Amend reimbursement to Long Term Care Facilities	R.1981 d.87	13 N.J.R. 227(a)
10:63-3.18, 3.19	Long term care rate review guidelines	R.1980 d.377	12 N.J.R. 586(d)
10:63-3.21	Long-term care per diem rates	R.1980 d.341	12 N.J.R. 536(b)
10:63-3.21	Temporary enjoinder of implementation	R.1980 d.341	13 N.J.R. 361(a)
10:66	Amend Independent Clinic Manual	R.1980 d.249	12 N.J.R. 418(f)
10:66-1.2	Amend Independent Clinic Manual: Specialist payments	R.1980 d.478	12 N.J.R. 704(f)
10:66-1.15	Amend changes of reimbursement for independent clinics	R.1980 d.248	12 N.J.R. 418(e)
10:66-2.10	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:66-3.3	Procedure codes for Medicaid	R.1981 d.112	13 N.J.R. 299(e)
10:66-3.3	Independent Clinic Services Manual	R.1981 d.212	13 N.J.R. 431(b)
10:67-1.2, 2.5, 2.8	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:68-2.5, 2.7	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:81-2.7	Amend PAM: Deprivation of parental support in AFDC-C	R.1981 d.28	13 N.J.R. 146(b)
10:81-3.27	Amend documentation in AFDC transfers	R.1980 d.330	12 N.J.R. 483(f)
10:81-3.37, 3.38	Amend PAM: Identification of resources	R.1980 d.450	12 N.J.R. 664(b)
10:81-7.1	AFDC: New or changed income	R.1981 d.262	13 N.J.R. 432(b)
10:81-7.22, 7.26	Amend payment of burial and funeral costs	R.1980 d.244	12 N.J.R. 518(a)
10:81-7.32	Amend subpoena notification	R.1980 d.329	12 N.J.R. 483(e)
10:82-1.2	Amend ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
10:82-2.3	Amend grant effective date	R.1980 d.331	12 N.J.R. 484(a)
10:82-2.13	Amend ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
10:82-2.14	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-2.14	Amend ASH: Established monthly earnings	R.1981 d.47	13 N.J.R. 147(b)
10:82-2.14	AFDC: New or changed income	R.1981 d.262	13 N.J.R. 432(b)
10:82-2.20	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-3.1	Repeal ASH: Rules on resources	R.1980 d.451	12 N.J.R. 664(c)
10:82-3.2	Inclusion of burial plots as exempt resource	R.1980 d.383	12 N.J.R. 599(b)
10:82-3.2	Amend ASH: Savings	R.1980 d.442	12 N.J.R. 663(d)
10:82-3.2	Amend ASH: HUD community development block grants	R.1981 d.96	13 N.J.R. 227(b)
10:82-4.6	Disregard of certain allowances and payments in AFDC	R.1980 d.384	12 N.J.R. 599(c)
10:82-4.9	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-4.13	Contributions of support by legally responsible relative	R.1980 d.389	12 N.J.R. 600(a)
10:82-5.3	ASH: Day care rates	R.1981 d.243	13 N.J.R. 432(c)
10:82-5.10	Amend ASH: Emergency assistance	R.1980 d.552	13 N.J.R. 101(a)
10:85-2.2	Amend GAM: Temporary and acting directors of municipal welfare	R.1980 d.505	13 N.J.R. 17(e)
10:85-2.2	Amend GAM: Local assistance board	R.1981 d.98	13 N.J.R. 228(b)
10:85-3.1, 3.2	GAM: Referral and appeal procedures for prospective SSI recipients	R.1981 d.160	13 N.J.R. 363(b)
10:85-3.2	Amend out-of-State individuals entering New Jersey medical facilities	R.1980 d.245	12 N.J.R. 418(b)
10:85-3.2	Amend GAM	R.1980 d.252	12 N.J.R. 419(a)
10:85-3.2	Amend General Assistance application process	R.1980 d.514	13 N.J.R. 18(a)
10:85-3.3	Allowance schedule	R.1980 d.310	12 N.J.R. 483(a)
10:85-3.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-3.3	Treatment of funds in trust or joint accounts in GA eligibility	R.1980 d.388	12 N.J.R. 599(f)
10:85-3.3	Amend GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-3.3	Amend GAM: "Immediate need"	R.1980 d.486	12 N.J.R. 724(a)
10:85-3.3	Amend GAM: Rate increases for recipients in residential health care facilities	R.1980 d.547	13 N.J.R. 100(a)
10:85-3.3	Amend GAM: Financial eligibility	R.1981 d.46	13 N.J.R. 147(a)
10:85-3.3	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
10:85-3.4	Treatment of funds in trust or joint accounts in GA eligibility	R.1980 d.388	12 N.J.R. 599(f)
10:85-3.4	Amend GAM: Savings	R.1980 d.452	12 N.J.R. 664(d)
10:85-3.5	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-3.6	GAM: Overpayments and underpayments	R.1980 d.391	12 N.J.R. 600(b)
10:85-4.6	Amend GAM: Emergency grants	R.1980 d.538	13 N.J.R. 18(d)
10:85-4.8	Amend payment of burial and funeral costs	R.1980 d.436	12 N.J.R. 663(c)
10:85-5.2	Amend GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-5.2	Amend GAM: Diagnostic-Related Group payments	R.1980 d.515	13 N.J.R. 18(b)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
10:85-5.2, 5.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-5.3	Amend submission of Form GA-18	R.1980 d.531	13 N.J.R. 18(c)
10:85-5.3	Amend GAM: Rate increases for recipients in residential health care facilities	R.1980 d.547	13 N.J.R. 100(a)
10:85-5.3	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
10:85-5.3, 5.4	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-5.8, 5.9	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-6.5	Amend GAM: Repayment by SSI recipients	R.1980 d.551	13 N.J.R. 100(d)
10:85-6.6	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
10:85-6.8	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-7.2	Amend GAM: Receipt of assistance	R.1981 d.53	13 N.J.R. 147(d)
10:85-8.2	Amend GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-8.2	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
10:85-8.3	GAM: Referral and appeal procedures for prospective SSI recipients	R.1981 d.160	13 N.J.R. 363(b)
10:85-App. C	Amend GAM: Income and allowance standards	R.1980 d.295	12 N.J.R. 482(a)
10:87	Emergency amend Food Stamp Manual	R.1981 d.64	13 N.J.R. 226(b)
10:87	Amend student participation in Food Stamps	R.1981 d.97	13 N.J.R. 228(a)
10:87-5.10	FSM: Shelter cost deductions	R.1980 d.387	12 N.J.R. 599(e)
10:87-6.9, 6.11 6.13, 6.15	Amend Food Stamp Manual	R.1980 d.459	12 N.J.R. 40(c)
10:87-12	Amend Food Stamp allotment and income	R.1980 d.296	12 N.J.R. 482(b)
10:87-12.1	Emergency amend FSM: Standard utility allowance	R.1980 d.418	12 N.J.R. 663(b)
10:87-12.1, 12.2, 12.4	Emergency amend Food Stamp Manual	R.1980 d.558	13 N.J.R. 100(e)
10:89	Emerg. Home Energy Assistance	R.1980 d.497	12 N.J.R. 724(b)
10:89-3.6	Emergency rule on Home Energy Assistance	R.1980 d.548	13 N.J.R. 100(b)
10:94-4, -5, -8	Medicaid Only: Income and resource eligibility	R.1981 d.177	13 N.J.R. 364(b)
10:100-3.5, 3.6, 3.7	Amend payment of burial and funeral costs	R.1980 d.246	12 N.J.R. 418(c)
10:109-App.I, II	Salary increases for county welfare agencies' employees	R.1980 d.386	12 N.J.R. 599(d)
10:120- Foreword	Amend DYFS administrative foreword	R.1980 d.308	12 N.J.R. 482(c)
10:121-5.1	Medical information form	R.1981 d.63	13 N.J.R. 226(a)
10:122	Amend child care standards	R.1980 d.314	12 N.J.R. 483(d)
10:122A	Recodify AFDC Foster Care	R.1980 d.314	12 N.J.R. 483(d)
10:122B	Recodify Family Day Care	R.1980 d.314	12 N.J.R. 483(d)
10:123-2	Boarding homes	R.1980 d.371	12 N.J.R. 586(c)
10:123-3	Adopt personal needs allowance	R.1980 d.358	12 N.J.R. 536(e)
10:130	Dependent/neglected children's shelters	R.1980 d.446	12 N.J.R. 664(a)

(Title 10, Transmittal 14 dated May 17, 1980)

CORRECTIONS — TITLE 10A

10A:31-4	County jails emergency rule	R.1981 d.270	13 N.J.R. 467(a)
10A:33	Repeal parole regulations	R.1980 d.367	12 N.J.R. 600(e)
10A:35	Repeal parole regulations	R.1980 d.367	12 N.J.R. 600(e)
10A:70-1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-1.11	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-8.1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71-3	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)
10A:71-3.3	Amend Parole Board rules	R.1980 d.554	13 N.J.R. 101(c)
10A:71-3.19	Parole Board rules	R.1981 d.179	13 N.J.R. 364(c)
10A:71-3.20—3.28	Amend State Parole Board rules	R.1980 d.488	12 N.J.R. 724(c)
10A:71-7.7	Notice for preliminary hearings	R.1981 d.106	13 N.J.R. 302(a)
10A:71-7.15	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)
10A:71-7.18	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)

(Title 10A, Transmittal 5 dated May 17, 1980)

INSURANCE — TITLE 11

11:4-16.8(b)	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-17.6, 17.7	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:5-1.2, 1.3	Real Estate Commission rules	R.1981 d.261	13 N.J.R. 440(c)
11:5-1.16	Amend listing agreements and contracts of sale	R.1980 d.408	12 N.J.R. 665(c)
11:5-1.16	Emergency amend contracts of sale and listing agreements	R.1980 d.409	12 N.J.R. 665(d)
11:5-1.28	Amend approved schools requirements	R.1980 d.441	12 N.J.R. 665(e)

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

**DOCUMENT ADOPTION NOTICE
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11:5-1.32 Amend rental location operations
 11:5-1.33-1.35 Real Estate Commission rules
 11:5-1.36 Real Estate Guaranty Fund
 (Title 11, Transmittal 15 dated July 17, 1980)

R.1980 d.447 12 N.J.R. 666(a)
 R.1981 d.261 13 N.J.R. 440(c)
 R.1981 d.252 13 N.J.R. 441(a)

LABOR AND INDUSTRY — TITLE 12

12:15-1.5 Contribution rates of governmental entities
 12:15-1.3 Maximum weekly benefit rates
 12:15-1.4 Taxable wage base under Unemployment Compensation
 12:17-10 Refund of unemployment benefits
 12:17-11 Emergency rules on offset of unemployment benefits by pension income
 12:56 Amend Wage and Hour Law
 12:56-7.1 Emergency amend definition of "executive"
 12:57 Wage orders for minors
 12:57 Amend wage orders for minors
 12:58 Amend child labor rules
 12:60 Emergency amend prevailing wage rate determination
 12:105 Arbitration
 12:235-1.5 Amend benefit rates
 (Title 12, Transmittal 13 dated July 17, 1980)

R.1980 d.354 12 N.J.R. 543(a)
 R.1980 d.355 12 N.J.R. 543(b)
 R.1980 d.356 12 N.J.R. 543(c)
 R.1980 d.468 12 N.J.R. 724(e)
 R.1980 d.561 13 N.J.R. 102(a)
 R.1980 d.430 12 N.J.R. 666(c)
 R.1980 d.506 13 N.J.R. 37(a)
 R.1981 d.226 13 N.J.R. 441(c)
 R.1980 d.431 12 N.J.R. 666(d)
 R.1980 d.432 12 N.J.R. 666(e)
 R.1980 d.410 12 N.J.R. 666(b)
 R.1980 d.397 12 N.J.R. 605(a)
 R.1980 d.357 12 N.J.R. 543(d)

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13:2-23.31 Amend employment of police officers; combination sales
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 13:2-38.1, 39.3 Amend various regulations
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 13:19-5.1 Amend rules on convulsive seizures
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 13:21-20 Motor home title certificates
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 13:24-4.1 Amend emergency vehicle equipment
 13:26-1.2, 3.11 Amend transportation of bulk commodities
 13:28-1.3 Toilet facilities in beauty shops
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 13:30-2.5, 2.10—
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 13:30-8.1 Amend fee schedules
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 13:30-8.4 Announcements of practice in special area of dentistry
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 13:35-1.4 Amend approval of colleges of chiropractic
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 13:35-6.6 Amend prescriptions for controlled dangerous substances
 13:35-6.16 Uses of amphetamines and sympathomimetic amines
 13:35-6.16(a) Uses of amphetamines and sympathomimetic amines

R.1980 d.526 13 N.J.R. 41(c)
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 R.1981 d.16 13 N.J.R. 149(e)
 R.1981 d.17 13 N.J.R. 150(a)
 R.1981 d.31 13 N.J.R. 150(e)
 R.1980 d.495 12 N.J.R. 727(b)
 R.1981 d.14 13 N.J.R. 149(c)
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 R.1981 d.67 13 N.J.R. 238(a)
 R.1980 d.429 12 N.J.R. 672(c)
 R.1981 d.264 13 N.J.R. 442(a)
 R.1980 d.527 13 N.J.R. 41(d)
 R.1980 d.423 12 N.J.R. 672(b)
 R.1980 d.368 12 N.J.R. 609(a)
 R.1980 d.540 13 N.J.R. 103(a)
 R.1980 d.457 12 N.J.R. 672(f)
 R.1980 d.503 13 N.J.R. 40(a)
 R.1980 d.509 13 N.J.R. 41(a)
 R.1980 d.541 13 N.J.R. 103(b)
 R.1981 d.175 13 N.J.R. 366(a)
 R.1981 d.148 13 N.J.R. 366(b)
 R.1980 d.492 12 N.J.R. 726(d)
 R.1981 d.149 13 N.J.R. 367(b)
 R.1981 d.5 13 N.J.R. 104(c)
 R.1980 d.380 12 N.J.R. 609(c)
 R.1980 d.379 12 N.J.R. 609(b)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
13:35-6.18	Provision of radiological services	R.1980 d.344	12 N.J.R. 551(b)
13:35-6.19, 6.20	Excessive fees for professional services	R.1981 d.237	13 N.J.R. 443(a)
13:35-9	Certified nurse/midwife	R.1980 d.535	13 N.J.R. 41(e)
13:35-9.3	Emergency amend certified nurse/midwife	R.1981 d.21	13 N.J.R. 150(c)
13:35-9.3(c)	Emergency amend operative date on certified nurse/midwife standards	R.1981 d.24	13 N.J.R. 150(d)
13:35-10	Recodified from 13:35-1.4	R.1980 d.492	12 N.J.R. 726(d)
13:36-3.5	Amend examinations	R.1980 d.543	13 N.J.R. 104(b)
13:36-3.6	Amend examination review procedure	R.1980 d.542	13 N.J.R. 104(a)
13:37-1.26	Board of Nursing rule	R.1981 d.174	13 N.J.R. 370(a)
13:37-3.6, 4.1	Amend rules on foreign nurses and licensure by endorsement	R.1980 d.416	12 N.J.R. 671(a)
13:40-6.1	Repeal engineers' and surveyors' fee for transmittal of grades or certification	R.1980 d.417	12 N.J.R. 671(b)
13:41-1.2, 1.3	Amend rules governing use of seals	R.1980 d.445	12 N.J.R. 672(e)
13:45A-14.4, 14.5	Amend unit pricing of consumer commodities in retail establishments	R.1980 d.444	12 N.J.R. 672(d)
13:47C-1.1, 3.1	Amend firewood and cordwood rules	R.1980 d.421	12 N.J.R. 672(a)
13:47C-5	Precious metals sales	R.1980 d.420	12 N.J.R. 671(c)
13:47F	Repeal live poultry rules	R.1980 d.520	13 N.J.R. 41(b)
13:70-29.48	Emergency amend daily double pool	R.1981 d.32	13 N.J.R. 150(f)
	(Title 13, Transmittal 16 dated July 17, 1980)		
PUBLIC UTILITIES — TITLE 14			
14:3-7.12, 7.13	Notice of discontinuance and bill disputes	R.1980 d.555	13 N.J.R. 105(b)
	(Title 14, Transmittal 14 dated July 17, 1980)		
ENERGY — TITLE 14A			
14A:3-11	Amend used oil rules	R.1980 d.513	13 N.J.R. 43(c)
14A:21	Residential Energy Conservation Service (RCS) Program	R.1980 d.516	13 N.J.R. 44(a)
14A:21-14.3	Home Energy Savings Program	R.1981 d.254	13 N.J.R. 450(a)
	(Title 14A, Transmittal 6 dated July 17, 1980)		
STATE — TITLE 15			
	(Title 15, Transmittal 12 dated July 17, 1980)		
PUBLIC ADVOCATE — TITLE 15A			
	(Title 15A, Transmittal 1 dated March 20, 1978)		
TRANSPORTATION — TITLE 16			
16:19	Repeal Traffic Operations Program to Increase Capacity and Safety	R.1980 d.415	12 N.J.R. 675(c)
16:26-1.1	Traffic signal information	R.1981 d.164	13 N.J.R. 372(a)
16:27-1.4	Repeal control of traffic and parking on NJDOT property	R.1981 d.165	13 N.J.R. 372(b)
16:28-1.2	Speed limit on Route I-80	R.1981 d.150	13 N.J.R. 372(c)
16:28-1.3	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28-1.15	Speed limits along Route 13	R.1981 d.152	13 N.J.R. 372(d)
16:28-1.17	Speed limits on Route 147	R.1981 d.196	13 N.J.R. 451(a)
16:28-1.18	Amend speed zones along Routes 34 and U.S. 202	R.1981 d.74	13 N.J.R. 243(c)
16:28-1.23	Emergency amend speed limit on Route 18	R.1981 d.34	13 N.J.R. 158(b)
16:28-1.49	Emergency amend speed zone along Route 35	R.1981 d.59	13 N.J.R. 243(a)
16:28-1.67	Amend speed zones along Routes 34 and U.S. 202	R.1981 d.74	13 N.J.R. 243(c)
16:28A-1.2	Amend restricted parking on U.S. Routes 1 and 9	R.1980 d.413	12 N.J.R. 675(a)
16:28A-1.2	Parking on Routes 1 and 9	R.1981 d.195	13 N.J.R. 452(b)
16:28A-1.4	Emergency amend restricted parking along Route 4	R.1981 d.35	13 N.J.R. 159(a)
16:28A-1.7	Restricted parking along Route U.S. 9	R.1981 d.76	13 N.J.R. 243(f)
16:28A-1.7	Restricted parking along Route U.S. 9	R.1981 d.77	13 N.J.R. 244(a)
16:28A-1.7	Route US 9 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.7	Route US 9 parking	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.7	Parking on U.S. 9	R.1981 d.195	13 N.J.R. 453(a)
16:28A-1.7	Parking on U.S. 9	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.13, 1.15	Route US 22 and Route 23 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.15	Parking on Route 23	R.1981 d.192	13 N.J.R. 454(b)
16:28A-1.19	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)

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

(Title 16, Transmittal 14 dated September 18, 1980)

TREASURY-GENERAL — TITLE 17

17:1-1.3	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-1.15	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-2.2	Alternate Benefit Program	R.1981 d.239	13 N.J.R. 458(a)
17:1-2.6	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-2.18	Alternate Benefit Program	R.1981 d.240	13 N.J.R. 458(b)
17:1-2.34	Alternate Benefit Program	R.1981 d.213	13 N.J.R. 458(c)
17:1-2.35	Alternate Benefit Program	R.1981 d.241	13 N.J.R. 458(d)
17:1-4.2	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-4.22	Amend availability of medical records	R.1981 d.86	13 N.J.R. 247(d)
17:1-4.32	Administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-8.1	Repeal responsibility of director for Social Security	R.1981 d.1	13 N.J.R. 111(c)
17:1-8.3	Emergency rule on Social Security referendum	R.1980 d.467	12 N.J.R. 728(b)
17:1-8.13, 8.14	Administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-11.9	Repeal dental insurance coverage for covered dependents	R.1980 d.487	12 N.J.R. 729(a)
17:2-2.1, 2.3	Amend Public Employees' Retirement System: Enrollment	R.1981 d.58	13 N.J.R. 247(b)
17:3-4.1	Amend creditable salary	R.1981 d.30	13 N.J.R. 162(a)
17:3-6.6	Teachers' Pension and Annuity Fund: Retirement credit	R.1981 d.140	13 N.J.R. 376(a)
17:4-2.6	Amend enrollment dates	R.1981 d.57	13 N.J.R. 247(a)
17:6-3.2, 3.6	Police-Firemen's Pension Fund	R.1981 d.201	13 N.J.R. 462(a)
17:8-1.6	Amend variable benefit account and withdrawals	R.1980 d.530	13 N.J.R. 47(b)
17:8-2.10, 2.11	Repeal Supplemental Annuity reports and remittances	R.1980 d.419	12 N.J.R. 678(b)

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

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

17:8-3.3	Amend variable benefit account and withdrawals	R.1980 d.530	13 N.J.R. 47(b)
17:9-2.16	Policy provisions adoption for State Health Benefits Program	R.1981 d.138	13 N.J.R. 376(b)
17:9-5.8	Medicare refunds	R.1981 d.139	13 N.J.R. 376(c)
17:10-5.3	Judicial Retirement System	R.1981 d.244	13 N.J.R. 462(b)
17:16-41	Amend Cash Management Fund	R.1980 d.443	12 N.J.R. 679(a)
17:20-5.10	Emergency amend agent's compensation	R.1980 d.460	12 N.J.R. 681(a)
17:21-8.1	Emergency amend unclaimed prize money	R.1980 d.459	12 N.J.R. 680(b)
17:21-11	Emergency rules on 10th Anniversary instant lottery	R.1981 d.11	13 N.J.R. 112(a)
17:21-11	Emergency adoption: Baseball instant lottery	R.1981 d.136	13 N.J.R. 312(a)
17:21-11	Emergency adoption: Super Bingo	R.1981 d.171	13 N.J.R. 376(d)
17:21-12.1, 13.1	Emergency amend Pick-It and Pick-4 Lotteries	R.1980 d.458	12 N.J.R. 680(a)
17:21-15	Emergency amend Pick-6 (Lotto) lottery	R.1980 d.496	12 N.J.R. 730(a)
17:21-16	Emergency rules on Jersey Jackpot Lottery	R.1980 d.507	13 N.J.R. 45(a)

(Title 17, Transmittal 15 dated September 18, 1980)

TREASURY-TAXATION — TITLE 18

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

(Title 18, Transmittal 15 dated July 17, 1980)

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

19:8-2.11	Garden State Arts Center	R.1981 d.169	13 N.J.R. 378(a)
19:8-2.12	Emergency service	R.1981 d.115	13 N.J.R. 315(a)
19:8-3.1	Tolls on Garden State Parkway	R.1981 d.170	13 N.J.R. 378(b)
19:8-8	Special permits for oversize vehicles	R.1980 d.476	12 N.J.R. 732(c)
19:9-3.1	Amend towing rates	R.1981 d.37	13 N.J.R. 165(c)
19:25	Election activity	R.1980 d.348	12 N.J.R. 557(a)
19:25	Lobbying	R.1980 d.350	12 N.J.R. 558(a)
19:25-9	Rules on lobbying disclosure	R.1980 d.349	12 N.J.R. 557(b)
19:25-15	Amend public financing of General Election for Governor	R.1981 d.54	13 N.J.R. 248(b)
19:25-16	Amend public financing of primary election for Governor	R.1980 d.491	12 N.J.R. 732(b)
19:25-19.1-19.6	Interim public financing of gubernatorial primary elections	R.1980 d.411	12 N.J.R. 681(b)
19:30-2.1—2.3	Economic Development Authority fees	R.1981 d.245	13 N.J.R. 465(e)
19:30-4.4	EDA: Targeting of Authority assistance	R.1981 d.168	13 N.J.R. 378(c)
19:30-5	Debarment of applicants and contractors	R.1981 d.167	13 N.J.R. 378(d)

(Title 19, Transmittal 15 dated July 17, 1980)

TITLE 19 SUBTITLE K — CASINO CONTROL COMMISSION

19:41-9	Amend license fees	R.1980 d.483	12 N.J.R. 732(a)
19:45	Amend casino accounting and internal controls	R.1980 d.504	13 N.J.R. 48(a)

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

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Adopted Amendment: N.J.A.C. 10:54-3
Physician's Services Manual
Procedure Codes for Mercury-Zinc
Battery-Powered Pacemakers**

Effective Date: July 9, 1981

On June 15, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:54-3 concerning procedure codes for mercury-zinc battery-powered pacemakers as proposed in the Notice published May 7, 1981, at 13 N.J.R. 297(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 17, 1981 as R.1981 d.251.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Adopted Amendments: N.J.A.C. 10:56-1.8, 1.12;
10:63-1.4, 1.8**

**Long Term Care Services Manual
Dental Services Manual
Maintaining Records**

Effective Date: July 9, 1981

Operative Date: August 1, 1981

On May 28, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6b(4) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:56-1.8 and 1.12, and N.J.A.C. 10:63-1.4 and 1.8 concerning maintaining records for dental services in Long Term Care Facilities as proposed in the Notice published December 4, 1980 at 12 N.J.R. 700(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 8, 1981 as R.1981 d.219.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Proposed Amendment: N.J.A.C. 10:59-1.9
Medical Supplier Manual
Purchase Policy**

Public Hearing: None

Timothy L. Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7 and 7b, proposes to amend N.J.A.C. 10:59-1.9 concerning the purchase policy for vaporizers and cool mist humidifiers.

Summary

This regulation will limit vaporizers or cool mist humidifiers to one per family. The maximum Medicaid payment for these items will be \$30.00.

Social Impact

The social impact on Medicaid recipients should be minimal, as they will still be able to obtain these medical supplies when there is a medical need.

Economic Impact

There will be no economic impact on Medicaid recipients, as they are not required to pay for these items. The providers affected will be pharmacies and medical supply and equipment dealers. The economic impact on these providers will vary depending on the volume of Medicaid business in a given store. The Division anticipates a savings of approximately \$10,000 annually by imposing these limitations.

Full text of the proposed amendment follows (additions indicated in boldface thus):

10:59-1.9 Purchase policy

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

(c) When purchase of a vaporizer or cool mist humidifier is authorized:

1. Only one vaporizer or cool mist humidifier per household will be eligible for reimbursement.

2. Reimbursement shall be based on one of the following standards, whichever is less:

i. Wholesale cost plus 50 percent of cost. A copy of the invoice must be submitted with the claim; or

ii. The provider's usual and customary charge to the general public.

3. The maximum charge allowed by the N.J. Medicaid Program for a vaporizer or a cool mist humidifier is \$30.00.

Renumber (c) as (d).

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-98.

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Proposed Amendment: N.J.A.C. 10:61-1.4
Independent Laboratory Services
Scope of Services**

Public Hearing: None

Timothy L. Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7b, proposes to amend N.J.A.C. 10:61-1.4 concerning physician orders for laboratory services.

Summary

The purpose of this proposed amendment is to insure that only those laboratory services specifically ordered

by the attending physician will be performed. The regulation already requires a definitive order from the attending physician; the amendment will require said order to list the specific tests requested.

Social Impact

Since Medicaid recipients will undergo only those tests and services specifically ordered, the social impact will be minimal, or possibly beneficial. There is no reduction in the scope of services currently available under Title XIX.

Economic Impact

While exact figures are not currently available, the Division anticipates a possible cost saving as only tests specifically requested will be paid. It is difficult to assess the economic impact on the providers. Independent laboratories will still be reimbursed in accordance with Medicaid policies, procedures, and fee schedules provided they conduct only those tests specifically ordered.

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

10:61-1.4 Scope of services

- (a) (No change.)
- (b) All requests for laboratory services shall require a definitive order personally signed by the attending physician requesting services. This written order must contain the specific tests requested and shall be on file with the billing laboratory and available for review by Medicaid representatives along with the results of the tests billed.
- (c) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-99.

(a)

HUMAN SERVICES

**DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

Proposed Amendment: N.J.A.C. 10:63-1.14

**Long Term Care Services Manual
Retention of Records**

Public Hearing: None

Timothy L. Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-12, proposes to amend N.J.A.C. 10:63-1.14 concerning retention of records by long term care facilities.

Summary

This proposed rule will require long term care facilities to maintain certain records for seven years. Said records include personal needs allowance accounts, cost studies, and billing records. The purpose of this rule is to enable the Division to carry out its increased review and audit responsibilities.

Social Impact

There is little social impact associated with this proposal, because it will not affect Medicaid services to the recipients.

Economic Impact

There will be no direct economic impact on providers, for they are required to maintain these records. This regulation only specifies how long the records must be kept. There might be some costs associated with filing and storing of records, etc. There should be little economic impact on the Division, as review and auditing of long term care facility financial records is a continual responsibility.

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

10:63-1.14 Records

- (a) - (e) (No change.)
- (f) Billing records rules are:
 1. (No change.)
 2. The facility must establish and maintain appropriate and accurate records and accounts of all receipts and disbursements of resident funds, which shall be subject to review and fiscal audit by the State of New Jersey as may be required.
 - i. Any and all records relating to patients' personal needs allowance accounts, cost studies, and billings to the Medicaid Program must be retained for at least seven years. All other records must be retained for at least five years in accordance with accepted professional standards and practices (see N.J.A.C. 10:63-1.8(b)).
 3. (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-100.

(b)

HUMAN SERVICES

**DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

Adopted Amendment: N.J.A.C. 10:66-3.3

**Independent Clinic Services Manual
Procedure Codes**

Effective Date: July 9, 1981

On May 18, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 10:66-3.3 concerning procedure codes as proposed in the notice published April 9, 1981 at 13 N.J.R. 224(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 27, 1981 as R.1981 d.212.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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

Public Hearing: None

Timothy L. Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-24, proposes to amend N.J.A.C. 10:69A-5.6 concerning eligibility requirements for Pharmaceutical Assistance to the Aged (PAA).

Summary

The current rule requires that a surviving spouse's eligibility for PAA be reevaluated after the death of a spouse. This proposed rule will remove this requirement. Eligibility will still be reevaluated at the next scheduled renewal period.

Social Impact

There should be a positive social impact on PAA beneficiaries, who will only have to complete eligibility forms, etc., at regular intervals.

Economic Impact

There is virtually no economic impact associated with this proposal, because there is no increase in eligibility standards. There might be some administrative costs saved by the Division if reevaluations can be done periodically.

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

10:69A-5.6 Responsibilities in the application process

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

(d) The beneficiary has the responsibility to:

1. Notify the Bureau of Pharmaceutical Assistance to the Aged whenever any one of the following occurs:

[i. He/she moves out of the State of New Jersey.

ii. He/she becomes eligible for Medicaid or any other plan of assistance or insurance that wholly covers pharmaceutical services.

iii. His/her or their annual income increases to an amount which exceeds the legal limit.]

[iv.] i. His/her marital status changes.

[v.] ii. He/she moves anywhere within the State of New Jersey.

[Note: The beneficiary must return his/her PAA eligibility card under any condition covered in paragraph 1 above except subparagraph iv in which case the beneficiary must submit a new application and v in which case the beneficiary must submit written notice of change of address.]

2. Return eligibility card to the Bureau of Pharmaceutical Assistance to the Aged whenever becoming ineligible due to one of the following:

i. He/she moves out of the State of New Jersey.

ii. He/she becomes eligible for Medicaid or any other plan of assistance or insurance that wholly covers pharmaceutical services.

iii. His/her or their annual income increases to an amount which exceeds the legal limit.

[2.] 3. Repay the State of New Jersey, upon request, for the cost of benefits incorrectly paid on his/her behalf.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services

CN 712

Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-101.

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Adopted Amendments: N.J.A.C. 10:81-7.1 and 10:82-2.14

AFDC

New or Changed Earned Income

Effective Date: July 9, 1981

On June 17, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:81-7.1 and 10:82-2.14 concerning treatment of new or changed income in AFDC as proposed in the Notice published May 7, 1981, at 13 N.J.R. 300(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on June 19, 1981 as R.1981 d.262.

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Adopted Amendment: N.J.A.C. 10:82-5.3

Assistance Standards Handbook

Day Care Rates

Effective Date: July 9, 1981

On June 11, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 10:82-5.3 concerning day care rates as proposed in the Notice published March 5, 1981 at 13 N.J.R. 134(c), but with spelling, punctuation and other technical changes not in violation of N.J.A.C. 1:30-3.5, and with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

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

10:82-5.3(d)2. The maximum allowable rate for care in a

licensed (if required) day care center, regardless of the source or sources of payment, shall be the rate established by the Division of Youth and Family Services for that center for the class of service provided. If no such rate has been established, the CWA will notify the Division of Youth and Family Services of the need for an established rate. In this event, until a rate is established, the [CWA] maximum [per child] rate per child, regardless of the source or sources of payment, shall be the least of the following:

10:82-5.3(d)3. In addition, when transportation or payment for the cost of transportation is not available from any other source, the CWA may allow the actual cost up to \$8.00 per week maximum per child.

Note: N.J.A.C. 10:82-5.3(h), although part of the proposal, has not been adopted at this time but may be adopted at a later date without being repropoed, if adoption is within one year of the proposal's publication in the Register.

An order adopting the rule was filed with the Office of Administrative Law on June 17, 1981 as R.1981 d.243.

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Adopted Amendments: N.J.A.C. 10:85-3.3, 5.3, 6.6 and 8.2

General Assistance

Food Stamps and Medical Payments

Effective Date: July 9, 1981

On June 17, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.3, 5.3, 6.6, and 8.2 concerning food stamps and medical payments as proposed in the Notice published April 9, 1981, at 13 N.J.R. 225(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

The change noted above was the deletion of the word "family" and its replacement by the word "households" in N.J.A.C. 10:85-8.2(c)3.

An order adopting the rule was filed with the Office of Administrative Law on June 19, 1981 as R.1981 d.263.

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendment: N.J.A.C. 10:85-5.2

General Assistance Manual

Payments for Inpatient Hospital Care

Public Hearing: None

Timothy L. Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111d, proposes to

amend N.J.A.C. 10:85-5.2 of the General Assistance Manual concerning payments for inpatient hospital care.

Summary

This amendment to GAM is informative in nature and is intended to respond to 1980 census data which indicates that Hudson County is no longer a county of the first class pursuant to N.J.S.A. 40:17-2 having a population exceeding 600,000. Thus, it represents the factual reporting of a demographic development rather than a change in a rule within the jurisdiction of this Department. In accordance with N.J.S.A. 44:8-146, municipalities in counties of the first class have specific responsibilities as to payment of inpatient hospital costs incurred by the indigent. Since census figures now available show that Hudson County no longer meets the criteria which governs a county of the first class, this proposal deletes from regulations the statement which identifies Hudson County.

Social Impact

The social impact of the change is minimal. The Department knows of no area of the State in which the inpatient hospital bills of the indigent are not met from one source of funds or another. Even if the bills are not paid, the Department does not foresee any person being deprived of needed medical care for lack of ability to pay.

Economic Impact

There will be no economic impact on the indigent patients since they make no payment. The amendment, while noting that municipalities in Hudson County are relieved of the payment mandate, does not place payment responsibility upon the patients themselves. Nor can it, since by definition the indigent are unable to pay. If, as is expected, the municipalities choose to continue the payments, although without a mandate, the present 75 percent State matching formula will still operate and there will be no economic change whatever. If other payment methods are developed, the impact can only then be calculated.

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

10:85-5.2 Inpatient hospital care

(a) The Director of Welfare may authorize payment for inpatient care and services in an approved hospital if such has been prescribed by a fully licensed physician, dentist or podiatrist for medical, surgical or psychiatric treatment, diagnosis, and/or rehabilitation. When an eligible person is hospitalized in a county of the first class, the Director of Welfare of the municipality of residence, wherever in New Jersey that municipality may be located, must authorize the payment. Currently the counties of the first class are [Hudson,] Essex[,] and Bergen.

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

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-103.

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Amendments: N.J.A.C. 10:123-3.1, 3.2 and 3.3

Social Services Programs for Individual and Families

Personal Needs Allowances in Residential Health Care Facilities and Boarding Homes

Public Hearing: None

Timothy Carden, Commissioner of Human Services, pursuant to authority of Section 3 of P.L. 1973, c.256 as amended and supplemented by Section 34 of P.L. 1979, c.496 (N.J.S.A. 44:7-87b), proposes to amend N.J.A.C. 10:123-3.1 through 3.3 concerning personal needs allowances in residential health care facilities and boarding houses.

Summary

This amendment will increase the amount of the personal needs allowance for Supplemental Security Income Recipients living in residential health care facilities and boarding houses and for general public assistance recipients living in residential health care facilities to \$43.00 per month.

Social Impact

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

Economic Impact

Recipients of the increased personal needs allowance will have additional resources for use in purchasing personal incidentals. There will be no negative impact on the facility owners or operators because the personal needs allowance increase is proportionate to the total July 1, 1981 Supplemental Security Income increase.

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

10:123-3.1 Definitions

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

Supplemental Security Income/Social Security Income Disregard (SSI/SSA means in determining the income of an SSI/SSA eligible individual the exclusion of the first \$240.00 per year (or proportionately smaller amounts for shorter periods—\$20 per month) of income (whether earned or unearned) other than income which is paid on the basis of the need of the eligible individual. See 42 U.S.C. 1382a(b)(2) and N.J.S.A. 7-85 et seq.

10:123-3.2 Amount

[The owner or operator of each residential health care facility or boarding house shall reserve to each Supplemental Security Income recipient residing therein a per-

sonal needs allowance in an amount of at least \$40 until such time as this rule may be amended. No owner or operator or agent thereof shall interfere with the recipient's retention, use, or control of the personal needs allowance.]

The owner or operator of each residential health care facility or boarding house shall reserve to each Supplemental Security Income recipient residing therein, and the owner or operator of each residential health care facility shall reserve to each General Public Assistance recipient residing therein, a personal needs allowance in an amount of at least \$43.00 per month until such time as this rule shall be amended. No owner or operator or agent thereof shall interfere with the recipient's retention, use, or control of the personal needs allowance.

10:123-3.3 Supplemental Security Income/Social Security Income Disregard

The amount of the personal needs allowance is separate and distinct from any Supplemental Security Income/Social Security Income Disregard.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-123.

(b)

CORRECTIONS

THE COMMISSIONER

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

Public Hearing: None

The Department of Corrections, pursuant to authority of N.J.S.A. 30:8-44, proposes to adopt new rules to be cited as N.J.A.C. 10A:31-4 concerning the remission of time from the sentence of prisoners in county penal institutions during the period when the prisoners are engaged in productive occupations or are classified in minimum security status.

Summary

On May 4, 1981 the Governor signed Chapter 140 of the Public Laws of 1981, which authorized the remission of time at the rate of three days per month for every month that an inmate was classified as minimum security. The Act further required, in accordance with prior law, that all inmates employed in productive occupations while confined in county penal institutions should receive compensation for such employment in the form of cash or remission of time from sentence or both.

The regulations are intended simply to outline the purposes of Public Law 1981, Chapter 140, for the counties, and to require appropriate record keeping so that such

records may be audited by the state on an annual basis. Regulations further require the Warden or Chief Executive Officer of each county penal institution to submit an annual report to the New Jersey State Department of Corrections concerning the operation of the remission of time or cash payment program for inmates engaged in productive occupation or classified minimum security.

Social Impact

The social benefits of the program includes the benefit to the county of the work performed, as well as the facilitation of the operation of the county jail facility. Inmates who have no productive occupations and must spend their time idle are more difficult to manage and certainly provide greater problems of security than inmates who are otherwise engaged. The inmates themselves will receive benefits from these occupations and from the increased trust which minimum security classification brings. The ability to handle incrementally more responsibility should also ease the transition from institutional to non-institutional living. As a bi-product, the awarding of the additional credits for minimum security will accelerate to a small degree the release of some inmates from the county jails. At a time when the county jails, as well as the State prison system, are extremely overcrowded, this result will be beneficial to the entire system. The extreme overcrowding which presently prevails throughout the system, and the urgent need for relief, has led me to ask the Governor to allow these regulations to become effective on an emergency basis, so that the counties may immediately begin awarding these credits.

Economic Impact

The economic benefits of this Act will be twofold: inmates who are receiving cash payments for engaging in productive occupations will be able to earn some income which hopefully will be useful to them in easing their transition to life outside the institution, and the county will be receiving a substantial benefit from the work performed by these inmates. The costs of the implementation of the Act will be minimal, and primarily related to record keeping.

Full text of the proposed new rules follows.

CHAPTER 31 ADULT COUNTY CORRECTIONAL FACILITIES

SUBCHAPTER 4. REMISSION OF TIME FROM SENTENCE

10A:31-4.1 Authority

(a) Chapter 140, Public Laws of 1981, enacted May 4, 1981 mandates the State Department of Corrections to prepare and enforce regulations for the operation of the Act in accordance with the provisions thereof.

(b) Chapter 115, Public Laws of 1972, enacted August 4, 1972 is repealed and superseded by the aforementioned Chapter 140.

10A:31-4.2 Purpose

(a) This Act requires that all inmates employed in productive occupations while confined in a county penal institution shall receive compensation for such employment in the form of cash or remission of time from sentence or both, and that minimum security prisoners shall be awarded an additional remission of time in accordance with the provisions of the Act. For purposes of this Act, productive occupation, utilizing inmates, means any assignment exclusive of a work release assignment, which involves work carried on by the governing body or by any

board, commission, or institution that receives funding from the county.

(b) The effective date of the Act is May 4, 1981 and compensation to inmates in the form of cash or remission of time may be awarded beginning on that date in accordance with the procedures herein.

10A:31-4.3 Remission of time

(a) In counties electing to provide remission of time for employment in productive occupations, the schedule for such remissions shall be as follows:

1. An inmate employed under terms of this Act shall receive remission of time from sentence not in excess of one day for each five days of productive occupation. In addition, all county inmates classified as minimum security prisoners who are determined to be sufficiently trustworthy by the Warden to be employed in honor camps, farm details, or details of work at public buildings or property shall receive remission of time from sentence at the rate of three days per month for each month of such employment.

(b) Any remission shall in no way affect deduction for good behavior as otherwise provided by law (N.J.S.A. 2A:164-24). See Diminution of Sentence for Prisoners Employed under the County Work Release Program (N.J.S.A. 30:8-44 through 53).

(c) Prisoners in county penal institutions who are gainfully employed in the community under the county work release program are eligible for diminution of sentence while in that program as provided in N.J.S.A. 30:8-50.

(d) Inmates receiving diminution of sentence under N.J.S.A. 30:8-50 are not eligible to receive remission of time from sentence as contemplated by this Act except for those situations where the inmate, in addition to his participation in the county work release program, also works for one or more days per week in productive occupation as defined herein. In such cases, the prisoner shall receive remission of time from sentence not in excess of one day for each five days worked in productive occupation.

10A:31-4.4 Records and audits

The New Jersey State Department of Corrections shall periodically audit records pertinent to the remission of time or cash payments for periodic occupation or minimum security status of inmates. Such audits shall be conducted not less than annually. The records shall indicate the dates the inmate is placed upon and removed from productive occupation and/or minimum security status, the reason for removal from such occupation or status, time earned while in such occupation or status, and cash remuneration, if any, while in productive occupation. Individual records shall be maintained for each prisoner placed in productive occupation or classified in minimum security status which shall contain the information required above.

10A:31-4.5 Reports

The Warden or the Chief Executive Officer of the county penal institution shall submit an annual report to the New Jersey State Department of Corrections, Bureau of County Services, Whittlesey Road, P.O. Box 7387, Trenton, New Jersey 08628, giving information with respect to the operation of the remission of time for a productive occupation and minimum security status or the payment of cash for such productive occupation to inmates for employment in productive occupation. In counties electing to provide cash payments for employment in productive occupations, the schedule of payments shall be filed with the New Jersey State Department of Corrections, Bureau of County Services.

10A:31-4.6 Consultations

The New Jersey State Department of Corrections will provide consultative services by staff members with respect to questions, issues, or problems arising out of the interpretation of the statutes or from operational procedures.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

William H. Fauver, Commissioner
Department of Corrections
P.O. Box 7387, Whittlesey Road
Trenton, New Jersey 08628

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

This proposal is known as PRN 1981-127.

(a)

CORRECTIONS

STATE PAROLE BOARD

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

Proposed New Rules: N.J.A.C. 10A:71-3.5, 10A:71-8

Parole Board Rules

Public Hearing: None

Christopher Dietz, Chairman of the State Parole Board in the Department of Corrections, pursuant to authority of N.J.S.A. 30:4-123.48, proposes to amend various sections of N.J.A.C. 10A:71 concerning parole procedures.

Summary

1. The proposed amendment concerning definitions of county facilities deletes the Essex County Corrections Center in accord with recent action by the Essex County Freeholders.

2. The proposed amendments concerning the Division of Youth and Family Services deletes DYFS, in accord with a recent opinion of the Attorney General, from those sections dealing with parole supervision of juveniles.

3. The proposed amendments to N.J.A.C. 10A:71-3.2 eliminate the requirement that future eligibility terms set upon denial of parole be aggregated with prior eligibility term.

4. The proposed amendments to N.J.A.C. 10A-71-3.3(a) increase the presumptive eligibility dates for armed robbery and revises language to be consistent with the Code of Criminal Justice.

5. The proposed amendments to N.J.A.C. 10A:71-3.3(b) add a mitigating circumstance (no prior incarcerations) for consideration when time goals (eligibility terms) are set.

6. The proposed amendments to N.J.A.C. 10A:71-3.3(1), 3.3(m), 3.4(k), and 3.4(m), 3.19(g), 7.16(n) delete obsolete applicability statements and delete expiration dates, inconsistent with full chapter.

7. The proposed amendments to N.J.A.C. 10A:71-3.4(c) drop two infractions (assault, threats) to categories which require lower increases in eligibility dates.

8. The proposed new rule, N.J.A.C. 10A:71-3.5, specifies

criteria under which the Board with the court's consent may reduce parole eligibility terms due to exceptional institutional progress.

9. The proposed amendment to N.J.A.C. 10A:71-3.15 requires that a written case assessment be provided to the inmate at the time of an initial hearing in lieu of a written hearing determination and notice of decision.

10. The proposed amendment to N.J.A.C. 10A:71-3.19(a) lowers rehearing eligibility terms. This change balances the change in N.J.A.C. 10A:71-3.2.

11. The proposed amendment to N.J.A.C. 10A:71-3.21(a) increases the range of tentative release dates for juveniles committed for murder, increases the presumptive terms for aggravated sexual assault and armed robbery, and revises language to be consistent with the Code of Criminal Justice.

12. The proposed amendment to N.J.A.C. 10A:71-4.2(g) includes juvenile cases in the appeal process concerning the application of Board schedules.

13. The proposed amendment to N.J.A.C. 10A:71-5.8(a) is a technical grammar amendment.

14. The proposed amendment to N.J.A.C. 10A:71-6.6(a) provides for parole conditions to be modified by the certifying Board member.

15. The proposed amendments to N.J.A.C. 10A:71-7.15 eliminate certain time requirements concerning preparation of revocation hearing summaries.

16. The proposed amendments to N.J.A.C. 10A:71-7.16(b) increase the presumptive revocation term for adult indeterminate revoked for most non-criminal violations from six months to nine months.

17. The proposed new rules, N.J.A.C. 10A:71-8, specify procedures for the granting of Certificates of Good Conduct attesting to former or current parolee's conduct.

Social Impact

The proposal will affect the internal operations of the Parole Board, the Department of Corrections, and those inmates housed in State correctional facilities. Certain inmates sentenced or committed for armed robbery may serve longer periods of incarceration under the proposal, while inmates guilty of certain institutional infractions may serve slightly shorter periods of incarceration. Inmates making exceptional institutional progress may serve shorter periods of incarceration if the court concurs. Remaining amendments update Board regulations in accord with recent applicable legal changes.

Economic Impact

Overall, it is anticipated that the regulations' primary economic impact will be felt by the Department of Corrections, which will have to house certain inmates slightly longer than under current practice. Other provisions, however, may reduce the time served by certain inmates, notably those making exceptional progress. There will be no other economic impact since remaining amendments are merely revisions of the administrative manner in which the Board currently processes parole cases.

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

10A:71-1.1 Definitions

“County correctional facilities” shall mean [the Essex County Corrections Center,] the Hudson County Penitentiary, the Mercer County Workhouse and the Middlesex County Workhouse as well as all county workhouses, penitentiaries or correctional centers where inmates sentenced to those facilities and who are under the parole jurisdiction of the New Jersey State Parole Board may, from time to time, be housed. . . .

"District Parole Supervisor" shall mean any District Parole Supervisor in the Bureau of Parole of the New Jersey Department of Corrections and shall include the Chief of the Bureau of Interstate Services [and any District Supervisor of the Division of Youth and Family Services].

10A:71-3.2 Calculation of parole eligibility terms

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

(c) Flat parole eligibility terms on individual sentences to the State Prison or the Correctional Institution for Women shall be determined by the following:

1 - 4. (No change.)

5. Where the inmate has been [denied parole or where the inmate has been] required to serve an additional term due to institutional infractions, the flat parole eligibility term shall include any additional term of incarceration required to be served.

6. (No change.)

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

10A:71-3.3 Parole eligibility for young adult inmates

(a) Except as provided herein, an inmate sentenced to an indeterminate term of years as a young adult inmate shall be primarily eligible for parole consideration on a date established by a hearing officer or the young adult Board panel pursuant to the following schedule of presumptive primary eligibility dates:

PRESUMPTIVE PRIMARY ELIGIBILITY DATES (MONTHS)

LENGTH OF INDETERMINATE TERM (Years)

Crime Category	0-4	5-9	10-14	15-19	20-24	25-29	30-Life
Category A		40	56	74	90	106	120
Category B	16	32	40	48	56	56	56
Category C	16	24	32	40[32]	48		
Category D	14	16	24	32	40	40	40
Category E	12	12	16	19	19	19	19
Category F	10	10					
Category G	8						

Category A: Murder [(including attempts)].

Category B: Kidnapping, aggravated sexual assault, [rape, sodomy, abduction, (including attempts):] manslaughter, arson.

Category C: [Carnal abuse.] Armed robbery.

Category D: Robbery, aggravated assault [armed robbery, atrocious assault and battery], any second degree crime not otherwise categorized.

Category E: (No change.)

Category F: Burglary, theft, terroristic threats, [Riot, larceny,] possession of stolen property, receiving stolen property, [possession of burglary tools,] possession of a weapon, [embezzlement,] bribery, forgery, possession of narcotics, perjury, [breaking, entering and larceny,] any third degree crime not otherwise categorized.

Category G: [Vandalism,] Escape, non-support, [obtaining money by false pretenses,] death by auto, [contributing to the delinquency of a minor,] any fourth degree crime not otherwise categorized.

(b) The presumptive primary eligibility date established pursuant to (a) above may be reduced by up to 8 months if the young adult Board panel or the hearing officer establishing the date determines that one or more of the following mitigating factors is present:

1 - 4. (No change.)

5. The inmate has no prior incarcerations.

(c) - (k) (No change.)

[(1) This section shall immediately apply to all young adult inmates sentenced after April 21, 1980, and shall apply after October 21, 1980 to all young adult inmates sentenced prior to April 21, 1980; provided, however, that no time goal previously established shall be increased by operation of this section.

(m) This section shall expire no later than May 15, 1982.]

10A:71-3.4 Institutional [I]nfractions; adult inmates

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

(c) Institutional infractions specified and defined by the Department shall be assigned to categories on the following basis:

1 - 3. (No change.)

4. Infraction Category D shall consist of [.009. Assaulting any person;] .102. Attempting or planning escape (provided such attempt is from a minimum security location); .155. Adulteration of any food or drink; .203. Possession or introduction of any narcotic paraphernalia, drugs, or intoxicants not prescribed for the individual by the medical or dental staff; .204. Use of any narcotic paraphernalia, drugs, or intoxicants not prescribed for the individual by the medical or dental staff; .207. Possession of money or currency (in excess of \$50.00) unless specifically authorized; .253. Engaging in, or encouraging, a group demonstration; .255. Encouraging others to refuse to work or to participate in work stoppage; and .751. Giving or offering any official or staff member a bribe, or anything of value.

5. Infraction Category E shall consist of .009. Assaulting any person; [.005. Threatening another with bodily harm or with any offense against his person or his property;] .153. Stealing (theft); .352. Counterfeiting, forging or unauthorized reproduction or unauthorized use of any classification document, court document, psychiatric, psychological or medical report, money or any other official document; .704. Perpetrating frauds, deceptions, confidence games, riots or escape plots through the mail; and .708. Refusal to submit to a search.

6. Infraction Category F shall consist of .005. Threatening another with bodily harm or with any offense against his person or his property; .151. Setting a fire; and .205. Misuse of authorized medication.

7 - 8. (No change.)

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

[(k) This section shall become effective on September 1, 1980 for all prison inmates and for all young adult inmates sentenced after April 21, 1980. This section shall apply to all adult inmates after October 21, 1980.]

(k) [(l)] If a Board member, a Board panel or the Board has certified a parole release date for an inmate, then this section shall not be applied to such inmate until a rescission hearing is conducted pursuant to [subchapter 5.] N.J.A.C. 10A:71-5.

[(m) This section shall expire no later than May 15, 1982.]

10A:71-3.5 Parole eligibility term reductions (exceptional progress)

(a) The prison Board panel will consider requests for exceptional progress eligibility term reductions from inmates if the following requirements are met:

1. The inmate has demonstrated exceptional progress in appropriate institutional or community programs; and
 2. The inmate is not serving a mandatory minimum term; and

3. Unless otherwise authorized by the panel for good cause, the inmate has served at least two years in a State correctional facility, is within 2½ years of parole eligi-

bility, and has not received any institutional infractions within the last two years.

(b) Eligible inmates may apply for an exceptional progress eligibility reduction by submitting a written request to the Board panel which must include documentation to support the inmate's progress.

(c) Upon receipt of an application, if evidence indicates that the inmate may have achieved exceptional progress, the panel shall request the chief executive officer of the institution of incarceration to provide the panel with updated reports and recommendations concerning the inmate's conduct and progress.

(d) Upon receipt of the chief executive officer's report, a designated Board staff member shall interview the inmate and compile a written report to the panel.

(e) The panel shall review the application and reports to determine whether the inmate has achieved exceptional progress as evidenced by significant contributions to the institution, other inmates, and to society; initiative in developing institutional or community programs; and substantial alteration of those factors which lead to the inmate's incarceration.

(f) If the panel approves the application, the panel shall grant a specific parole eligibility term reduction or, in the case of an inmate who has not served the primary parole eligibility term established pursuant to N.J.A.C. 10A:71-3.2, recommend to the appropriate court that a specific parole eligibility term reduction be granted.

(g) Unless otherwise authorized by the panel for good cause, such reductions shall be between six months and two years.

(h) Upon final decision, the panel shall advise the inmate in writing of such decision.

(i) The panel may, after conducting a rescission hearing pursuant to N.J.A.C. 10A:71-5, rescind any reduction granted if the inmate fails to maintain acceptable conduct.

(j) The young adult and juvenile Board panels will consider exceptional progress cases at the time of reviews conducted pursuant to N.J.A.C. 10A:71-3.3(g), 3.23 and 3.28.

10A:71-3.15 Initial hearing notice of decision; adult inmates

(a) (No change.)

[(b) The hearing officer shall advise the inmate and the Department in writing at the time of the hearing as to the hearing officer's determination.]

Renumber (c) as (d).

[(b) [(d)] [Within 21 days of the hearing,] At the time of the hearing, the hearing officer shall issue a written [notice of decision] case assessment to the inmate, the Department and the Board panel.

[(c) [(e)] Such case assessment [notice of decision] shall consist of the hearing officer's determination and the reasons therefor, except information classified as confidential pursuant to N.J.A.C. 10A:71-2.1 or the rules and regulations of the Department.

10A:71-3.19 Board panel action; schedule of future parole eligibility dates for adult inmates

(a) Upon determining to deny parole to a prison inmate, the prison Board panel shall, based upon the following schedule, establish a future parole eligibility date upon which the inmate shall be primarily eligible for parole.

1. Except as provided herein, a prison inmate serving a sentence for murder, rape or kidnapping or serving any minimum-maximum or specific sentence in excess of 14 years for a crime not otherwise assigned pursuant to this section shall serve [30] 27 additional months.

2. Except as provided herein, a prison inmate serving a sentence for armed robbery or robbery or serving any

minimum-maximum or specific sentence between eight and 14 years for a crime not otherwise assigned pursuant to this section shall serve [24] 23 additional months.

3. Except as provided herein, a prison inmate serving a sentence for breaking and entering, narcotics law violations, theft, arson or assault and battery or serving any minimum-maximum or specific sentence of at least four but less than eight years for a crime not otherwise assigned pursuant to this section shall serve [21] 20 additional months.

4. Except as provided herein, a prison inmate serving a sentence for escape, bribery, conspiracy, gambling or possession of a dangerous weapon or serving any minimum-maximum or specific sentence less than four years for a crime not otherwise assigned pursuant to this section shall serve [18] 17 additional months.

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

[(g) This section shall expire no later than May 5, 1982.]

10A:71-3.21 Establishment of tentative parole release dates; juvenile inmates

(a) Except as provided herein, tentative parole release dates shall be established by a hearing officer, a juvenile Board panel member or the juvenile Board panel pursuant to the following schedule of presumptive tentative parole release terms and ranges for tentative parole release terms.

Act of Delinquency	Presumptive Term (months)	Range (months)
Murder, Manslaughter, Attempted Murder	[48]	[16-72] 24-120
Aggravated Sexual Assault[, Rape, Sodomy]	[18]20	16[14]-28
Arson	18	8-30
Aggravated Assault[, Assault with Intent (Kill, Rape, Rob)]	18	14-28
Armed Robbery	16	12-24
Robbery[, Armed Robbery]	14	12-20
Sexual Assault, Possession of Firearm	14	10-20
[Breaking and Entering,] Burglary, Sale or Distribution of Narcotics	10	8-14
[Obtaining Money Under False Pretenses,] Theft, Stolen Property, Unlawful Use of Motor Vehicle, Forgery, Possession of Burglary Tools, [False Alarms,] Terroristic Threats	8	6-12
Possession of a Weapon	8	6-12
Malicious Damage, Resisting Arrest	6	4-8
Escape	4	2-6

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

10A:71-3.25 Case review procedures; juvenile inmates

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

(e) Prior to the case review, it shall be the responsibility of the chief executive office to file with the juvenile Board panel a report concerning the inmate. Such report shall consist of the following information:

1. - 5. (No change.)
6. An investigative report by the Bureau of Parole [or the Division of Youth and Family Services] on the inmate's parole plans.
7. (No change.)

10A:71-3.29 Conditions for parole release

(a) Release on a parole release date certified by a Board member or members is conditioned upon:

1. The completion of a parole plan approved by the Board member or members certifying parole release and acceptable to the Bureau of Parole, or the Bureau of Interstate Services [or the Division of Youth and Family Services]; and

2. - 3. (No change.)

10A:71-4.2 Appeals by inmates

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

(g) The specific application of Board schedules pursuant to N.J.A.C. 10A:71-3.3, 3.4, 3.19, 3.21, 3.22 or 7.16 shall be appealable to the Board or the appropriate Board panel, provided one of the following criteria is met:

1. - 4. (No change.)

10A:71-5.8 Parole rescission hearing; notice of decision

(a) The Board panel or hearing officer shall record the rescission hearing by an electronic recording device.

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

10A:71-6.1 Administration

(a) Except as otherwise provided pursuant to the Interstate Parole Compact (N.J.S.A. 2A:168-14) or the Interstate Compact on Juveniles (N.J.S.A. 9:23-1), all parolees shall at all times be under the supervision of the Bureau of Parole [or, in the case of certain juvenile parolees, under the supervision of the Division of Youth and Family Services].

(b) (No change.)

10A:71-6.6 Modification of conditions

(a) The certifying Board member or appropriate Board panel may modify a parolee's conditions of parole at any time for cause.

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

10A:71-7.15 Record of the revocation hearing

(a) (No change.)

(b) The hearing officer shall prepare a written summary which shall summarize the revocation hearing and contain the hearing officer's opinion as to whether the alleged violation(s) have been substantiated and the reasons therefor.

1. Such hearing summary shall be forwarded to the appropriate Board panel [within seven days after the date of the revocation hearing].

2. A copy of the hearing summary shall be forwarded to the parolee's attorney, or directly to the parolee where he or she has appeared pro se, [within seven days after the date of the revocation hearing,] in order that the parolee or his or her attorney may object to or comment on the hearing summary by submitting written exceptions to such summary. Such exceptions shall be forwarded to the appropriate Board panel within seven days after receipt of the hearing officer's hearing summary.

(c) (No change.)

10A:71-7.16 Board panel action; schedule of future parole eligibility dates upon revocation of parole

(a) (No change.)

(b) Except as provided herein, upon revocation of parole, a prison inmate shall serve 12 months, [and] a young adult [or juvenile] inmate shall serve [six] nine

months and a juvenile inmate shall serve six months, if he or she has violated one of the following conditions of parole:

1. - 4. (No change.)

(c) - (m) (No change.)

[(n) This section shall expire not later than May 15, 1982.]

SUBCHAPTER. 8. CERTIFICATE OF GOOD CONDUCT

10A:71-8.1 Definition

(a) The Certificate of Good Conduct is a document issued by the Board to assist the rehabilitation of convicted offenders by removing impediments and restrictions upon their ability to obtain proposed employment.

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

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

10A:71-8.2 Eligibility

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

1. The applicant previously was paroled by the Board.

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

10A:71-8.3 Procedure

(a) The applicant shall apply to the Board for a Certificate of Good Conduct on forms prescribed and furnished by the Board.

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

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

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

10A:71-8.4 Criteria

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

10A:71-8.5 Notification

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

(b) A copy of the Certificate of Good Conduct, if granted, shall be filed with the Secretary of State.

10A:71-8.6 Revocation of Certificate of Good Conduct

The Board may revoke a Certificate of Good Conduct for good cause.

10A:71-8.7 Board action

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

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Christopher Dietz, Chairman
State Parole Board
Whittlesey Road
P.O. Box 7387
Trenton, N.J. 08028

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

This proposal is known as PRN 1981-108.

(a)

CORRECTIONS

STATE PAROLE BOARD

**Proposed Amendment: N.J.A.C. 10A:71-6.9
Parole Board Rules
Discharge from Parole Supervision**

Public Hearing: None

Christopher Dietz, Chairman of the State Parole Board in the Department of Corrections, pursuant to authority of N.J.S.A. 30:4-123.48, proposes to amend N.J.A.C. 10A:71-6.9 concerning discharge from parole supervision.

Summary

The proposed amendment would establish time limits under which discharge from parole would be considered by the Parole Board Panels, and would merely change the operation by which the Board reviews requests.

Social Impact

The proposal will affect only the operation of the Bureau of Parole and those parolees supervised by the Bureau. There will be no increase or decrease in the number of people eligible for discharge.

Economic Impact

There will be no economic impact since this is merely a revision of the administrative manner by which these matters are presently handled.

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

10A:71-6.9 Discharge from parole

(a) (No change.)

(b) The Board panel will consider requests for discharge after the following periods of parole supervision have been completed:

1. In the case of adult parolees serving life sentences, after a period of seven years provided the parolee has been under annual supervision status for the final two years.

2. Except as provided above, in the case of juvenile parolees committed for Murder and Manslaughter and in the case of adult parolees serving sentences for Murder, Kidnapping, Aggravated Sexual Assault (including attempts), Robbery, Arson, Aggravated Assault and Distribution or Sale of Narcotics, after a period of two years provided the parolee is under advanced supervision status.

3. In the case of juvenile and young adult parole absconders, after a period of three years from the date the parolee became an absconder, provided the parolee has no known arrests and provided the original maximum sentence has expired.

4. In the case of other parole absconders, after a period of 10 years from the date the parolee became an absconder or after a period of five years from the expiration of the original maximum sentence, provided the parolee has no known arrests.

5. In all other cases, after a period of one year.

(c) If the District Parole Supervisor determines that a parolee has made exceptional progress while on parole supervision, the Supervisor may request that a waiver of the time periods above be granted by the appropriate Board panel. Such waiver may be granted by the appropriate Board panel for good cause.

Renumber (b) and (c) as (d) and (e).

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-85.

(b)

INSURANCE

THE COMMISSIONER

**Notice of Recertification to Legislature:
N.J.A.C. 11:1-5.5**

**Property and Casualty Cancellation or
Nonrenewal Notice**

Take notice that James J. Sheeran, the Commissioner of Insurance, pursuant to N.J.S.A. 17:29C-3 and N.J.S.A. 39:6A-3, has recertified to the Legislature the need for the continuation of the Notice of Cancellation and Nonrenewal requirement applicable to property and casualty insurance policies, as set forth in N.J.A.C. 11:1-5.5, which regulation continues in full force and effect.

This notice is published as a matter of public information.

(c)

INSURANCE

REAL ESTATE COMMISSION

**Adopted Amendments: N.J.A.C. 11:5-1.2 and 1.3
Adopted New Rules: N.J.A.C. 11:5-1.33,
1.34 and 1.35**

Various Rules

Effective Date: July 9, 1981

On May 26, 1981, the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6 and N.J.S.A. 45:15-10, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:5-1.2 and 1.3 and new rules to be cited as N.J.A.C. 11:5-1.33,

1.34 and 1.35 concerning various rules of the Commission as proposed in the Notice published May 7, 1981, at 13 N.J.R. 306(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

Amendments to N.J.A.C. 11:5-1.4, 1.8, 1.9, 1.14, 1.18, 1.19 and the new rule cited on N.J.A.C. 11:5-1.37, proposed at 13 N.J.R. 302(b), have not been adopted. Agency action on these rules is pending, and they can be subsequently adopted within the purview of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

An order adopting the rule was filed with the Office of Administrative Law on June 18, 1981 as R.1981 d.261.

(a)

INSURANCE

REAL ESTATE COMMISSION

Adopted New Rule: N.J.A.C. 11:5-1.36
Real Estate Guaranty Fund

Effective Date: July 9, 1981

On June 17, 1981, the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6 and N.J.S.A. 45:15-10, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 11:5-1.36 concerning the Real Estate Guaranty Fund, as proposed in the Notice published May 7, 1981, at 13 N.J.R. 306(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

The change noted above will require broker-salespersons to pay \$10.00 instead of \$5.00 (as originally proposed). According to the Commission, broker-salespersons have paid the \$10.00 renewal fee since 1977, and the proposal inadvertently mis-stated this fact.

An order adopting the rule was filed with the Office of Administrative Law on June 17, 1981, as R.1981 d.252.

(b)

INSURANCE

THE COMMISSIONER

Public Notice: List of Municipalities Requiring Insurance Companies to Pay Unpaid Liens

On June 8, 1981, Herman W. Hanssler, Assistant Commissioner of Insurance, pursuant to authority of P.L. 1978, c.309, filed a list of municipalities that have passed an ordinance requiring insurance companies writing fire insurance on risks located in that municipality to pay unpaid liens out of any claimed payments in excess of \$2,500.

Full text of the additions to the prior list follows.

The Borough of Paulsboro (08066) May 7, 1981
(Gloucester County)

The Borough of Farmingdale (07727) May 18, 1981
(Monmouth County)

The Township of Millburn (07041) May 19, 1981
(Essex County)

The City of Egg Harbor (08215) May 21, 1981
(Atlantic County)

This list was filed on June 8, 1981 as R.1981 d.221. Such list is not subject to codification but will appear in Title 11 for informational purposes.

(c)

LABOR AND INDUSTRY

DIVISION OF WORKPLACE STANDARDS

Adopted Amendments: N.J.A.C. 12:57
Wage Orders for Minors
Payment of Statutory Minimum Wage Rate

Effective Date: July 9, 1981

On June 11, 1981, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:11-56a19 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 12:57 concerning wage orders for minors as proposed in the Notice published May 7, 1981 at 13 N.J.R. 307(a) but with spelling, punctuation and other technical changes not in violation of N.J.A.C. 1:30-3.5.

The adopted changes are summarized as follows:

1. N.J.A.C. 12:57-1.6 (violations and penalties) was added to the proposal and amended to comply with the New Jersey Criminal Justice Code, N.J.S.A. 2C:43-3 et seq.
2. N.J.A.C. 12:57 was editorially revised to conform with the Office of Administrative Law rulemaking guidelines.

An order adopting the rule was filed with the Office of Administrative Law on June 8, 1981 as R.1981 d.226.

(d)

LABOR AND INDUSTRY

DIVISION OF WORKPLACE STANDARDS

Proposed Amendments: N.J.A.C. 12:195-1.4,

1.5, 1.9, 2.1, 3.3, 3.8—3.10, 4.2, 4.4, 4.7,

4.10—4.12, 5.1, Foreword and Appendix

Proposed New Rules: N.J.A.C. 12:195-3.19—3.24

Carnival Amusement Rides

Improving Safety for the Public

Public Hearing: None

John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 5:3-36, proposes to amend N.J.A.C. 12:195-1.4, 1.5, 1.9, 2.1, 3.3, 3.8, 3.9, 3.10, 4.2, 4.4, 4.7, 4.10, 4.11, 4.12, 5.1, and the Foreword and Appendix, and to adopt new rules to be cited as N.J.A.C. 12:195-3.19 through 3.24 concerning carnival-amusement rides.

Purpose

The purpose of this proposed amendment is to mitigate safety and health hazards at carnival-amusement rides to provide for improved safety for the public. The amendment in part updates and reorganizes existing rules. These proposed rules were approved by the advisory board of carnival-amusement ride safety.

Social Impact

Implementation of the proposal will provide greater safety for the public at carnival-amusement rides.

Economic Impact

The proposed amendment presents no substantial hardship, and will require insubstantial cost increases to the carnival-amusement ride industry, and can provide economic advantage to the State by reducing expensive injuries at carnival-amusement rides.

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

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Clark, Assistant Commissioner
Labor Relations and Workplace Standards
Department of Labor and Industry
CN 054
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-89.

(a)

LAW AND PUBLIC SAFETY

BOARD OF DENTISTRY

Adopted Amendments: N.J.A.C. 13:30-2.5

Adopted New Rules: N.J.A.C. 13:30-2.10—2.17

Dental Hygienists and Dental Assistants

Expanded Functions

Effective Date: July 9, 1981

On May 27, 1981, the New Jersey Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-50(d), 45:6-52(a), 45:6-55(a), 45:6-63(a) and 45:6-67 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:30-2.5 and new rules to be cited as N.J.A.C. 13:2.10 through 2.17 concerning expanded functions for dental hygienists and dental assistants as proposed in the Notice published on September 4, 1980 at 12 N.J.R. 544(b), as superseded by the Notice published on April 9, 1981 at 13 N.J.R. 231(b), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

The changes made involve:

1. The insertion of the word "or" following N.J.A.C. 13:30-2.11(c)4(a) (recodified by Office of Administrative Law as 13:30-2.11(c)4 to indicate that proof of qualifications for registration as a dental assistant are intended to be either completion of an approved education program or the submission of a list of employers indicating work experience; and

2. The deletion of the word "only" from N.J.A.C. 13:30-2.13(a)10.

An order adopting the rule was filed with the Office of Administrative Law on June 19, 1981 as R.1981 d.264.

(b)

LAW AND PUBLIC SAFETY

BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Proposed Repeal: N.J.A.C. 13:31-2.1 Forms

Uniform Penalty Letter

Public Hearing: None

The State Board of Examiners of Electrical Contractors in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:5A-6, proposes to repeal N.J.A.C. 13:31-2.1 concerning the uniform penalty letter.

Summary

The proposed repeal will enable the Board of Examiners of Electrical Contractors to utilize revised forms of the uniform penalty letter. These revised forms give clearer notice of alleged violations and the rights of the alleged violators.

Social Impact

The repeal of the previous form of uniform penalty letter will have no significant social impact because the changes being made in the uniform penalty letter involve only the language and format and are not substantive.

Economic Impact

The repeal of the previous form of uniform penalty letter will have no significant economic impact because the changes being made in the uniform penalty letter involve only the language and format and are not substantive.

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

13:31-2.1 [Uniform penalty letter] **(Reserved)**

[This form letter appears in N.J.A.C. 13:27-5.1.]

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

John S. LeMaire, Executive Secretary
State Board of Examiners
of Electrical Contractors
1100 Raymond Boulevard, Room 503
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-116.

(a)

LAW AND PUBLIC SAFETY

BOARD OF MEDICAL EXAMINERS

**Adopted New Rules: N.J.A.C. 13:35-6.19 and 6.20
Administrative Regulations
Excessive Fees for Professional Services**

Effective Date: July 9, 1981

Operative Date: October 1, 1981

On May 13, 1981, the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 13:35-6.19 and 6.20 concerning excessive fees for professional services as proposed in the notice published April 9, 1981 at 13 N.J.R. 232(b), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting this rule was filed with the Office of Administrative Law on June 12, 1981 as R.1981 d.237.

(b)

LAW AND PUBLIC SAFETY

STATE BOARD OF MEDICAL EXAMINERS

**Proposed New Rule: N.J.A.C. 13:35-11
Standards for Out-of-State Medical School
Clinical Training**

Public Hearing: None

Edwin H. Albano, M.D., President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and 18A:68-12, proposes to adopt a new rule to be cited as N.J.A.C. 13:35-11 concerning standards for medical school clinical training programs conducted in New Jersey by out-of-state medical schools.

Summary

The proposed rule requires that any out-of-state medical school desiring to conduct clinical training programs within the State shall secure the prior approval of the State Board of Medical Examiners. The rule establishes a procedure for making application to the Board, for demonstrating satisfaction of minimum requirements of academic resources, personnel and eligibility of students, for fair review of each proposal, and for public access to program evaluations.

Social Impact

An essential portion of medical education is clinical training generally provided in hospitals during the final portion of the students' studies. The excellence of such training in American hospitals makes student placement therein highly competitive. Such places are sought after not only by students at American schools but also by students attending out-of-country medical schools. According to the Congressional General Accounting Office, some 10 to 11,000 Americans are presently studying medicine abroad. See "Policies on U.S. Citizens Studying Medicine Abroad Need Review and Reappraisal," Report to the

Congress, G.A.O., November 21, 1980. New Jersey residents are believed to comprise a substantial number of these students who, upon graduation, are desirous of returning to this state for licensure and establishment of practice. Indeed, out of 350 applicants for the New Jersey licensure examination in 1980, 94 percent were graduates of foreign medical schools. However, it appears that many, if not all, of the foreign medical schools most populated by American students lack adequate clinical facilities. The students therefore tend to leave the school campus after completion of the didactic course work and to seek out New Jersey hospitals for their clinical training, fully expecting that their distant schools will recognize the New Jersey activities and grant academic credit for it toward the diploma degree. The G.A.O. report and other information available to the Board suggests that the reliability of a medical degree founded upon what may have been unsupervised work in New Jersey is open to question, and may not satisfy the statutory requirement of four full years of medical course work. By establishing a rule regulating such clinical programs, the Board is facilitating all of the following: satisfying its mandate to regulate medical schools operating in the state; providing worthy students access to qualified New Jersey hospitals for superior training; promoting thorough medical education in those school years for which the student will be receiving academic credit; encouraging highly-trained graduates to remain in or settle in this state for subsequent service to our residents.

Economic Impact

The rule is formulated to be self-supporting, with costs of implementation being borne directly by the schools availing themselves of its benefits. The factors noted in the social impact statement have economic import as well. A recent survey of New Jersey hospitals by the Board demonstrates that at least seventeen have a strong interest in accepting students for training programs and would do so as soon as legal and appropriate mechanisms were approved. As the proposed programs would be self-supporting, more hospitals could undertake to become "teaching hospitals", which is generally regarded as a strong indicator of high quality care for patients. Medical students, including those with New Jersey roots, will be enabled to return here and to make their high skills available to our population. They may also be protected against possible abuses regarding large monetary demands made on American students by certain foreign schools for the privilege of returning "home" for part of their training, even though the school was providing few or no services to the students during such time away from campus. Based on the survey and on the number of inquiries made to the Board by individual foreign schools as well as students, several hundred medical students, at the least, would be expected to come to New Jersey for their clinical training, at no cost to the taxpayers and bringing with them the tangible and intangible benefits of a professionally educated population.

Full text of the proposed new rule follows.

CHAPTER 35

BOARD OF MEDICAL EXAMINERS

SUBCHAPTER 11. STANDARDS FOR OUT-OF-STATE MEDICAL SCHOOL CLINICAL TRAINING

13:35-11.1 General principles of responsibility

(a) An out-of-state medical school offering or conducting a clinical training program in the State of New Jersey shall secure the prior approval of such program by the

New Jersey State Board of Medical Examiners. Following receipt of approval for a specific program, the medical school (referred to hereinafter as the parent medical school) shall be responsible for the education, clinical training program and faculty performance at the affiliate institution in the State of New Jersey. The affiliate shall be a licensed hospital.

(b) The clinical programs as well as adequate supervision of the students assigned to such programs shall be planned and evaluated by the parent medical school and administered in close cooperation with representatives of the affiliate institution. Supervision shall include periodic on-site inspection by a member of the parent medical school's central administration.

13:35-11.2 Administration of the clinical training program

(a) A qualified director of the clinical medical education program at and acceptable to the affiliate hospital shall be appointed by and be responsible to the administrative head of the parent medical school. The position of program director shall be half-time or more, proportionate to the number of students approved by the Board and sufficient to assure comprehensive planning and supervision of the program.

(b) The clinical program of the affiliate institution with respect to instruction and faculty assignments shall be coordinated with the overall educational program of the parent medical school.

(c) The parent medical school shall file with the New Jersey State Board of Medical Examiners a certified copy of the written agreement between the parent and affiliate institution(s) establishing responsibility for the planning, financing, conduct and monitoring of the clinical program at the affiliate(s).

(d) Financial provision shall be made by the parent medical school to assure completion of each semester program at the affiliate hospital.

13:35-11.3 Faculty

(a) The director of the clinical program shall appoint, subject to the approval of the Board, clinical faculty at the affiliate institution who possess academic credentials and experience sufficient to assure competent performance of the instructional assignment.

(b) The program director shall be responsible for obtaining and keeping on file a syllabus from each member of the affiliate faculty.

13:35-11.4 Educational program

(a) Student eligibility:

1. The parent medical school shall establish academic eligibility criteria for student participation in the clinical training program. The criteria shall include minimum academic performance as demonstrated by maintenance of no less than a passing grade for all academic course work preceding entry into the clinical program, as shown on a certified copy of the transcript submitted directly by the medical school to the director of the clinical program at the affiliate institution.

2. Preparedness of each student applying for the clinical training program shall be demonstrated also by achievement of no less than a passing grade on any one of the following: the Medical Science Knowledge Profile Examination (MSKP) prepared by the National Board of Medical Examiners, or Part I of the National Board of Medical Examiners Examination, or similar examination acceptable to the New Jersey State Board of Medical Examiners.

(b) Education:

1. The clinical training program shall be limited to students entering a level of education equal to the final

eligibility criteria for student participation in the clinical experience of the medical school curriculum.

2. Clinical training programs may be established for a specified period of time, subject to approval of the Board, in any of the following subjects: medicine, surgery, obstetrics and gynecology, pediatrics, radiology, laboratory (pathology), psychiatry and neurology.

3. The student-faculty ratio of the program at each affiliate institution shall be consistent with that of similar programs in New Jersey medical colleges and shall bear a reasonable relationship to the availability of service of the program director, the budget proposed, faculty, and facilities available, all subject to final approval of the Board.

4. Satisfactory completion of the clinical training program by each enrolled student shall be demonstrated by a certificate issued to each student by the director of the program noting the dates, type and length of each service and the date issued.

13:35-11.5 Facilities

(a) The affiliate institution selected by the parent medical school shall provide, for the purpose of this program, at least the following:

1. A minimum of 150 beds;
2. Clinical and teaching units;
3. Laboratory;
4. Library;
5. Faculty and research space;
6. Conference room and study areas.

13:35-11.6 Request for approval

(a) Two copies of a detailed outline of the entire proposed program as indicated above, approved by the parent medical school and the affiliate institution and signed by the administrative head of each institution shall be submitted to the New Jersey State Board of Medical Examiners for approval at least nine months prior to the anticipated start of the program.

(b) The original application for Board approval and any request for renewal thereof shall be accompanied by an agreement signed by a school representative duly authorized to do so, consenting to financial responsibility for all reasonable costs incurred by the Board in performing the administrative review. The Board shall transmit to the school an estimate of the costs anticipated. The school shall promptly remit a deposit for 100 percent of the estimated costs, prior to the Board undertaking further processing of the application.

(c) At the sole discretion of the Board, an on-site inspection may be required at the affiliate institution during the review period. The parent medical school shall agree in advance to be responsible for all reasonable out-of-pocket expenses incurred by the Board and a three-person inspection team appointed by the Board.

(d) Following review of the program and on-site inspection visit, if any, the reviewing group shall submit a report to the Board, a copy of which shall be provided to the parent medical school and the proposed affiliate institution. The report shall evaluate program strengths and weaknesses, if any, suggestions for improvement, if any, and recommendations respecting approval.

(e) The parent medical school and/or affiliate shall have 30 days to comment in writing on the report, if desired.

(f) Following review of the report and written comments, if any, the Board shall issue notice of its decision no later than three months before the anticipated start of the program.

(g) Decision may provide for any of the following:

1. Approval for a period of two years;
2. Probationary approval for a specified period; with

status-reporting requirements;

3. Denial of approval, with reasons;
4. Revocation of prior approval, with reasons;
5. Reapproval of prior approved program following review of status report updating all the elements of prior application.

(h) Subsequent to notice of program approval and prior to the start of any clinical program in this State, the medical school shall provide to the Board a list identifying each student participating in the clinical program, the affiliate institution(s) to which such person is assigned, and dates for such program participation. The school shall bring such records up to date as necessary.

13:35-11.7 Public record

A list of currently approved schools and affiliates together with the final Board determination on the status of their programs shall be maintained at the office of the New Jersey State Board of Medical Examiners and shall be available on request.

13:35-11.8 Exception to requirement for Board review

A certified true copy of approval of the clinical program issued by the Liaison Committee on Graduate Medical Education or by the American Osteopathic Association or by another accrediting and evaluating group deemed equivalent by the Board may, at the discretion of the Board, be accepted in lieu of the Board review process set forth in this rule.

13:35-11.9 Termination of program approval

(a) A program approved by the Board shall be deemed to have continuing approval for the time set forth in the Board decision unless and until:

1. A notice of revocation is sent by the Board to the parent medical school which may then request hearing on the matter; or

2. Any substantial change is made by either the parent medical school or affiliate institution in the program respecting general subject matter of the program, length of course components or topics, credentials or number of faculty assigned to the instruction, number of students per program, financial security of the program, program facilities at the affiliate institution or management thereof.

3. A notice of termination is sent to the Board by either the parent medical school or the affiliate institution.

13:35-11.10 Violations

Violation of the above requirements for establishing a clinical education program in this State, or maintaining or participating in an unapproved program whether as student or faculty, may be regarded as engaging in the unlicensed practice of medicine or aiding and assisting the unlicensed practice, pursuant to the residual or other general powers of the Medical Practice Act, N.J.S.A. 45:9-1 et seq. and also, in particular, N.J.S.A. 18A:68-12 et seq., N.J.S.A. 45:9-6, 45:9-8, 45:9-18, 45:9-22, and 45:1-21(e) and 45:1-23. Violators shall be subject to the monetary penalties and/or other disciplinary sanctions authorized by law.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submission and responses, should be addressed to:

Edwin H. Albano, M.D.
President, Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08608

The Board of Medical Examiners thereafter may adopt

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

This proposal is known as PRN 1981-114.

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed New Rule: N.J.A.C. 13:39-9.17

Pharmacy

Advertising and Sale of Prescription Drugs

Public Hearing: None

Adam K. Levin, Director of the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 24:6E-2 (of the Prescription Drug Price and Quality Stabilization Act, P.L. 1977, c.240, sec. 1), proposes to adopt a new rule to be cited as N.J.A.C. 13:39-9.17 concerning the advertisement and sale of prescription drugs at retail.

Summary

The proposal requires prescription drugs appearing in any advertisement to stipulate the quantity required to be purchased for the offered cost and that a price quotation shall include the usual and customary prescription amounts. Additional services including delivery charges which will add additional cost to a quoted price in an advertisement must be affirmatively set forth in the advertisement. Additionally, the proposal prohibits any reference in an advertisement to the quality of a drug or its beneficial use in any form and that consumers upon a written request must be afforded price information on telephone inquiries to pharmacists. Such price quotations by telephone are not required for Controlled Dangerous Substances classified as Schedule I and II.

Social Impact

The proposal will allow consumers to more effectively receive price information regarding prescription drugs where such information is offered in advertisements. As such, the format required in the advertisement requiring price quotations to stipulate the quantity required to be purchased and affirmative disclosures of additional charges to the incurred will allow consumers to more properly evaluate a prescription drug and as such stimulate competition by affording a self-help remedy of required telephone disclosure of price information to be given by pharmacists.

Economic Impact

The proposal creates a limited economic impact on advertising pharmacists in that additional, limited disclosures as to the quantity required to be purchased for the advertised cost will have to be set forth. This impact plus the limited impact of having to render price information by telephone advice to inquiring consumers is also deemed to be minimal when contracted with the benefits of increased competition, consumer awareness for comparative shopping for prescription drugs plus the avoidance of possible "bait and switch" advertising techniques and other deceptive advertising formats dealing with such items.

Full text of the proposed new rule follows.

13:39-9.17 Advertising and sale of prescription drugs

(a) "Advertisement" means any attempt directly or

indirectly by publication, dissemination, or circulation in print or electronic media which directly or indirectly induces or attempts to induce any person or entity to purchase or enter into an agreement to purchase services or goods from a board licensee.

(b) Price quotations for prescription drugs appearing in any advertisement shall stipulate the quantity required to be purchased for the offered cost. Price quotations shall include the usual and customary prescription amounts. All services including but not limited to delivery charges rendered by the pharmacy which will add additional costs to the price quoted must be set forth in the advertisement.

(c) Any reference to the quality of a drug or its beneficial use in any form of advertisement is hereby prohibited.

(d) Upon request by any consumer, the pharmacist shall be required to give price information over the telephone with the exception of all controlled dangerous substances classified 1 and 2, and such controlled dangerous substances classified 3 as may be designated by the Board.

Interested persons may submit in writing, data, views, or arguments relative to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Adam K. Levin, Director
Department of Law and Public Safety
Division of Consumer Affairs
1100 Raymond Boulevard, Room 504
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-117.

(a)

LAW AND PUBLIC SAFETY

BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Proposed Amendment: N.J.A.C. 13:40-6.1 Examination Fees

Public Hearing: None

Sol Seid, President of the State Board of Professional Engineers and Land Surveyors in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:1-3.2, proposes to amend N.J.A.C. 13:40-6.1 concerning the charges for examinations leading to licensure.

Summary

The proposed increases in examination fees will defray increases in costs to the State of administering the examinations. The suppliers of the exams have increased their fees and postage costs have also risen. The Board has analyzed its expenses and concludes that the new fees will defray increased costs but not generate excess funds. Whenever fees of this nature increase, it creates some degree of economic hardship on the examination candidates. However, in comparison with the economic and social benefits of holding an engineer's or land surveyor's license, the examination fees are a minimal burden.

Social Impact

Little or no social impact is expected as the slight increase in exam fees should not deter candidates from taking the examination.

Economic Impact

Each candidate will pay from \$5.00 to \$15.00 more per examination. This is a one-time payment for many candidates and should have minimal impact on them.

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

13:40-6.1 Fee schedule

(a) The following fees shall be charged by the board:

1. (No change.)
 2. Examination fees are based upon the nature of the certificate or license for which the applicant has applied, and will be billed prior to the examination, as follows:
 - i. Engineer-in-training (fundamentals of engineering)[\$15.00] **\$30.00;**
 - ii. Professional engineer
 - (1) [One or more parts] Fundamentals ..[\$25.00] **\$30.00;**
 - (2) Specialized training [(practical; limited to those applicants required by law to take only this part)] [\$10.00] **\$15.00.**
 - iii. Land Surveyor [(one or more parts)] [\$10.00] **\$15.00.**
 3. Reexamination fees, each part:
 - i. Engineer-in-training or Fundamentals [\$10.00] **\$30.00;**
 - ii. Professional engineering specialized training[\$10.00] **\$15.00;**
 - iii. Land surveying[\$10.00] **\$15.00.**
- [Note: A reexamination consists of the taking of one or more parts of any examination previously scheduled and not passed, or one not taken by the applicant.]
4. - 8. (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

New Jersey Board of Professional Engineers and Land Surveyors
1100 Raymond Boulevard, Room 317
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-121.

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed New Rules: N.J.A.C. 13:48-12 Sales Solicitations for Charitable Purposes Commercial Co-venturers

Public Hearing: None

James R. Zazzali, Attorney General of New Jersey, pursuant to authority of N.J.S.A. 45:17A-15 and N.J.S.A. 56:8-4, proposes to adopt new rules to be cited as N.J.A.C. 13:48-12 concerning sales solicitations for charitable purposes and commercial co-venturers.

Summary

The Charitable Fund Raising Act of 1971, N.J.S.A. 45:17A-1 et seq., is intended to regulate the solicitation of funds for charitable purposes in this State "by any means whatsoever". N.J.S.A. 45:17A-4(a). A problem has arisen, however, with regard to the sale of goods by purely commercial enterprises through the use of charitable appeals. To the extent that such enterprises may reasonably be said to be in the business of soliciting charitable contributions due to their heavy involvement in fund raising drives for charities, they would be within the definition of "professional fund raiser" as set forth in N.J.S.A. 45:17A-3(c), and thus subject to oversight as such. Bona fide commercial enterprises, however, which only occasionally utilize sales methods involving a charitable appeal, do not fit readily within this section. Nevertheless, they obtain substantial sums from the public under the impression that at least some portion of those moneys benefit charitable organizations, and their activities should therefore be subject to scrutiny under the act to assure that public moneys reach their intended beneficiaries.

The need for such oversight becomes even more compelling in light of apparent false or misleading techniques utilized in some charity related sales solicitations. Specifically such solicitations have at times led consumers to believe that the solicitation is being carried out by the charity rather than the commercial enterprise and that purchase of the product benefits the charity more than a direct donation. On occasion there is also inadequate or unclear disclosure of the exact portion of the purchase price which actually goes to the charity, leading to the impression that there is a greater charitable benefit than is in fact the case. Such misleading sales tactics would appear to violate not only the Charitable Fund Raising Act but the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., as well, particularly N.J.S.A. 56:8-2.7, which expressly prohibits misleading solicitations utilizing a charitable appeal.

The proposed rules would attempt to deal with these problems by requiring bona fide businesses which intend to sell their products through a charitable appeal to register with the Attorney General as "commercial co-venturers" and to report on their receipts and charitable disbursements to assure that they in fact carry out their promises to the public. The rules would also require strict disclosures in solicitations and would prohibit those practices which in the past have been found to be misleading or deceptive.

Social Impact

The proposed rules are intended to assure the public that monies paid under the representation that a certain portion will benefit a given charity are in fact used as promised. The disclosure requirements will result in a clearer understanding on the part of the public as to exactly who is carrying on the solicitation and how moneys received will be used. The consumer will therefore be able to spend his or her charitable dollars more wisely.

Economic Impact

The costs of compliance with the proposed registration and reporting requirements by commercial co-venturers is expected to be minimal, since the information sought is limited and since an audited statement is not required. There should also be little or no cost involved in complying with the disclosure requirements. Enforcing the registration, reporting and disclosure requirements, however, will result in higher costs to the State.

There may also be an economic benefit to charitable organizations as consumers become more aware of the exact amount realized by the charity from a sales solicitation and intelligently decide whether to make a direct donation or to purchase the product and contribute in that way. The net result may therefore be less diversion of funds intended for charitable purposes to commercial enterprises.

Full text of the proposed new rules follows.

SUBCHAPTER 12. SALES SOLICITATION FOR CHARITABLE PURPOSES: COMMERCIAL CO-VENTURERS

13:48-12.1 Definitions

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

"Commercial co-venturer" means a person, who for profit or other commercial consideration, including good will, shall conduct, promote, underwrite, manage, arrange or sponsor any sales solicitation for charitable purposes.

"Sales solicitation for charitable purposes" means the sale of, offer to sell, or attempt to sell, by publication, advertising device, telephone solicitation, door to door contact, or any other means whatsoever, any advertisement, chance, merchandise, ticket of admission or any other thing or service to any person or persons in this State in connection with which:

1. Any appeal is made for charitable purposes; or
2. The name of any charitable organization required to register under the Act is used or referred to in any such appeal as an inducement for making any such sale; or
3. Any statement is made to the effect that the whole or any part of the proceeds from such sale will go to or be used for any charitable purpose or organization.

13:48-12.2 Commercial co-venturer and professional fund raiser distinguished

(a) A commercial co-venturer shall not be considered a professional fund raiser except as herein provided.

(b) A commercial co-venturer shall be deemed a professional fund raiser if it shall appear that it is in fact in the business of raising funds for charitable purposes rather than selling a product or offering a service to the public. The factors considered in reaching such a determination shall include but not be limited to the following:

1. The extent to which sales solicitations for charitable purposes exceed 25 percent of the total annual proceeds received by the enterprise in question from persons in this State from the sale of the same or similar items as those sold for charitable purposes.
2. The extent to which the price of the item sold or services offered pursuant to sales solicitations for charitable purposes exceeds the price charged by the enterprise when no charitable appeal is utilized and/or the fair market value of the item or service involved.
3. The extent to which the solicitation text and/or materials utilized to carry on the sales solicitation for charitable purposes relies upon the inherent worth or value of the item or service offered as compared with the charitable appeal.
4. The extent to which the product, tickets or admissions sold are actually accepted and utilized by the purchaser or some other person or persons receiving the product or tickets from a purchaser, and, in the case of a show or event, the extent to which actual attendance at the show or event in question by ticket holders is less than 75 percent of the total tickets sold.

5. The length of time during which the enterprise, or, if a corporation, any of its principals, has engaged in sales solicitations for charitable purposes, both in this State and elsewhere.

6. The total number of sales solicitations for charitable purposes which the enterprise or, if a corporation, any of its principals, has engaged in or engages in yearly, both in this State and elsewhere, and the total number of charitable organizations greater than two on behalf of which the solicitations are conducted in this State in any 12-month period.

13:48-12.3 Agreements required; submission to Charities Registration Section (C.R.S.)

(a) No person shall engage in any sales solicitation for charitable purposes which in any way utilizes the name of any charitable organization required to be registered in this State without a written agreement with the charitable organization, which agreement shall include all financial terms and the proposed solicitation text or materials to be used.

(b) No sales solicitation for charitable purposes shall be commenced unless a copy of the written agreement between the charitable organization and for-profit enterprise has been filed with the C.R.S. at least 14 days in advance and the C.R.S. has not disapproved the agreement. Such filing shall be the joint responsibility of the charitable organization and for-profit enterprise.

(c) The C.R.S. shall examine each agreement together with such other information as it may require in order to determine whether the for-profit enterprise is a professional fund raiser or commercial co-venturer and whether the agreement and solicitation text and materials comply with the Act and the rules. Should the C.R.S. determine that the for-profit enterprise is not appropriately registered it shall notify all parties and no solicitation shall take place until registration is accomplished.

(d) Should the C.R.S. determine that the for-profit enterprise is a professional fund raiser it shall then examine the agreement for compliance with N.J.S.A. 45:17A-10, and in the event that said agreement does not comply disapproval shall be issued in accordance with the Act.

(e) No party to a disapproved agreement shall carry out any portion or provision of that agreement.

(f) Any party to a disapproved agreement, or any party which the C.R.S. requires to register before an agreement may be carried out, shall, upon written request made within 30 days of C.R.S. action, be given a hearing before the Attorney General or as otherwise provided by law.

13:48-12.4 Commercial co-venturer registration and reporting

(a) No person shall act as a commercial co-venturer for a charitable organization required to register under the Act, nor shall any such organization enter into an agreement with a commercial co-venturer, until such commercial co-venturer has registered with the C.R.S. or after the expiration, withdrawal or cancellation of such registration. Application for registration or re-registration shall be in writing, under oath, in the form prescribed by the C.R.S. Registration or re-registration shall expire each year on June 30, and may be renewed upon written application, under oath, in the form prescribed by the C.R.S. for additional one year periods.

(b) Every commercial co-venturer shall file with the Attorney General on forms prescribed by him, within 20 days after the completion of any sales solicitation for charitable purposes undertaken by the co-venturer, or, in the case of solicitation lasting more than 12 months,

as set forth below, a statement setting forth the gross amount of income received by the commercial co-venturer attributable to the campaign, solicitation or venture undertaken and the amount of money or other property remitted to the charitable organization and/or such other information as the Attorney General or C.R.S. shall require, attested to by two officers or principals of the commercial co-venturer covering each event or portion of an extended solicitation or venture undertaken by a commercial co-venturer.

(c) In the event the commercial co-venturer is engaged in any solicitation or venture lasting more than 12 months, the commercial co-venturer shall file the reports required by (b) above by the 10th day of the month following any 12-month period in which any solicitation took place and a consolidated form within 30 days after the completion of the solicitation or venture.

(d) The Attorney General or C.R.S. shall cancel the registration of any commercial co-venturer who fails to submit required reports or such other information as the Attorney General or C.R.S. shall request within the time prescribed or such reasonable extension thereof granted by the Attorney General or C.R.S. Written notice of cancellation of registration shall be mailed to the registrant at least 15 days before the effective date of the cancellation.

13:48-12.5 Sales solicitations for charitable purposes; requirements

(a) All written materials utilized in connection with a sales solicitation for charitable purposes, and all telephone or verbal sales solicitations for charitable purposes, whether carried on by a commercial co-venturer, professional fund raiser, professional solicitor, charitable organization or any person or persons, shall fully disclose all information required by N.J.A.C. 13:48-9.6(b). A copy of any written material or verbal solicitation text, certified as true and correct by an officer of the charitable organization, shall be submitted to the C.R.S. prior to the commencing of any solicitation.

(b) No person engaged in a sales solicitation for charitable purposes shall in any manner dissuade or attempt to dissuade any person solicited or contacted from donating directly to the charitable organization rather than purchasing the item or service offered, nor shall any commercial co-venturer derive any financial benefit from any such direct donation.

(c) No commercial co-venturer shall receive or keep any portion of the purchase price of any item, ticket or admission where that item, ticket or admission has not been accepted by the purchaser and, in the case of a ticket or admission, actually used by the purchaser or some person to attend the show or event in question, and in such cases the entire purchase price shall be treated as a direct donation to the charitable organization.

(d) Every sales solicitation for charitable purposes conducted by or under the direction of a commercial co-venturer shall clearly disclose the identity of the commercial co-venturer and shall unambiguously and prominently state that the solicitation is being conducted by the commercial co-venturer and not by the charitable organization. Where the solicitation is carried on by oral means the disclosure of the identity of the commercial co-venturer and the disclosure that the solicitation is being made by or on behalf of the commercial co-venturer shall in all cases precede any other portion of the solicitation. No commercial co-venturer or any agent, employee or representative thereof shall in any manner state, represent or imply that solicitation is being carried out by a charitable organization.

13:48-12.6 Consequences of noncompliance

Any person who engages in any sales solicitation for charitable purposes which in any manner violates any of the provisions of this subchapter shall be subject to cancellation of registration and shall be deemed to be operating in violation of the provisions of the Act and to be employing a device, scheme or artifice to defraud or for obtaining money or property by means of a false pretense, representation or promise, within the meaning of N.J.S.A. 45:17A-14. Any person who violates any of the provisions of N.J.A.C. 13:48-12.5 shall in addition be deemed to be engaged in an unlawful practice contrary to the provisions of the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., and shall be subject to any and all of the remedies set forth therein.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Franklin N. Swenson, Chief
Charities Registration Section
100 Raymond Boulevard, Room 507
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-115.

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Notice of Bulk Commodities Application

Take notice that Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety pursuant to authority of N.J.S.A. c39:5-E.11, hereby lists the names and addresses of applicants who have filed an application for a common carrier's certificate of public convenience and necessity and/or a contract carrier permit to engage in the business of transporting bulk commodities in intrastate commerce.

COMMON CARRIER (NON-GRANDFATHER)

J. August Trucking
1931 Rt. 22
Bound Brook, N.J. 08805

DuBois Transport
3204 Windsor Ave.
Toms River, N.J. 08753

Chem-Truck, Inc.
960 U.S. 1 North
Edison, N.J. 08817

C. J. Chemical Co., Inc.
35 Delaware Ave.
Carteret, N.J. 07008

The Carrelha Corp.
59 Pavilion Ave.
Long Branch, N.J. 07740

Frank Walker & Son
RD 1, 1 Fernwood Ave.
Stockholm, N.J. 07460

John Heacock

75 Laurel Ave.
Kingston, N.J. 08528

Nittolo Brothers
16 Third Street
So. Orange, N.J. 07079

B & L Trucking
500 Linden Pl.
Orange, N.J. 07050

Tobar Const. Co., Inc.
P.O. Box 2011, 4 John St.
Morristown, N.J. 07960

F. Engleman Trucking
280 James St.
Morristown, N.J. 07960

Luongo Truck Leasing
704 Belleville Ave.
Belleville, N.J. 07109

Richard W. Pinto
185 Dunn Ave.
Piscataway, N.J. 08854

D. Overgaard Trucking
92 No. Fifth Street
Park Ridge, N.J. 07656

C E Z Transportation, Inc.
46 Forest Street
Montclair, N.J. 07042

Garden State Road Materials, Inc.
311 W. Main Street
Rockaway, N.J. 07866

CONTRACT CARRIER (NON-GRANDFATHER)

F. E. Rodda Trucking
Scenic Lake Road, P.O. Box 395
Hamburg, N.J. 07419

G. Lombardi, Inc.
50 Walnut Crescent
Montclair, N.J. 07042

Any or all the above applications may be inspected in full by interested parties at the office of the Division of Motor Vehicles, Bureau of Motor Carriers, 137 E. State Street, Trenton, New Jersey 08666, on business days between 9:00 A.M. and 4:00 P.M. 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.

This notice is published pursuant to the requirements of N.J.S.A. 39:5E-11a.

(b)

ENERGY

THE COMMISSIONER

Proposed Amendments: N.J.A.C. 14A:3-11.5 and 11.6

**Energy Conservation
Used Oil Recycling**

Public Hearing: None

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-11(q), proposes to amend N.J.A.C. 14A:3-11.5 and 11.6 concerning the recycling of used oil. This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. DOE 006-81-07.

Summary

The proposed amendment will allow any oil retailer (a person who sells to consumers more than 500 gallons of lubricating or other oil annually in containers for use off the retailer's premises) to satisfy its responsibility to accept used oil by entering into a written agreement with the operator of a used oil collection site in which the operator agrees to accept used oil on behalf of the oil retailer. The used oil recycling regulations presently require that all oil retailers accept without charge up to five gallons of used oil per day regardless of whether the retailers currently have used oil collection tanks on their premises. This requirement has been temporarily suspended, however, pending the outcome of this rule-making proceeding (see Administrative Order No. 8). The purpose of the proposed amendment is to give oil retailers the option of establishing facilities to accept used oil themselves or entering into an agreement with the operator of a used oil collection site to accept used oil for them. The Department believes that this amendment will achieve our objective of assuring that the persons who profit from the sale of motor oil bear some of the responsibility of recycling it by participating in a program to collect used oil, while providing oil retailers with the flexibility of accepting used oil themselves or contracting with someone to accept it for them.

The proposed amendment also deletes the requirement that the sign, which oil retailers must post, list at least one conveniently located used oil collection site. Oil retailers, however, are still required to post a sign at or near the point of sale pursuant to N.J.A.C. 14A:3-11.5(b).

Social Impact

The proposed amendment will have a beneficial social impact by providing the public with readily accessible locations so that they may properly dispose of their used oil. It will have a beneficial impact on the oil retailing industry because it will allow an oil retailer to satisfy its responsibility to accept used oil by entering into an agreement with the operator of a used oil collection site to accept used oil on behalf of the oil retailer, thereby avoiding the costs and possible sanitation and zoning problems associated with having used oil collection facilities on site.

Economic Impact

The proposed amendment will have little economic impact on the Department of Energy. Enforcement of the proposed amendment will not require any more personnel than are required to enforce the regulation in its present form.

The main economic impact will be on operators of stores that sell oil, but do not have used oil collection facilities on site. This group includes supermarkets, drug stores, automotive supply stores and department stores. These stores will have the following options: to establish facilities to accept used oil themselves; to enter into agreements with operators of used oil collection sites to have them accept used oil on their behalf; or to terminate sales of motor oil. If an oil retailer chooses the second option, the Department assumes that in most cases the oil retailer will have to pay the operator of the used oil collection site to accept used oil on behalf of the oil retailer. The Department invites interested parties to submit comments on how much such an arrangement would cost an oil retailer.

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

14A:3-11.5 Posting requirements

(a) All oil retailers shall post and maintain, at or near the point of sale, a durable and legible sign, not less than 11 x 15 inches in size, informing the public of the importance of the proper collection and disposal of used oil and how and where used oil may be properly disposed of [, and listing at least one conveniently located used oil collection site].

(b) (No change.)

14A:3-11.6 Used oil collection sites

(a) (No change.)

(b) An oil retailer may satisfy the requirement contained in (a) above that the oil retailer accept used oil by entering into a written agreement with the operator of a used oil collection site within the same municipality or an adjacent municipality, in which the operator agrees to accept used oil on behalf of the oil retailer.

Renumber original (b) and (c) as (c) and (d).

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gerard Burke, Administrator
Office of Regulatory and Governmental Affairs
Department of Energy
101 Commerce Street
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-107.

(a)

ENERGY

THE COMMISSIONER

Adopted Amendment: N.J.A.C. 14A:21-14.3

Home Energy Savings Program

Utility Supply and Installation of Energy

Conservation and Renewable Resource Measures

Effective Date: July 9, 1981

On June 17, 1981, Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-11(g) and 52:27F-11(q) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 14A:21-14.3 concerning utility supply and installation of energy conservation and renewable resource measures as proposed in the Notice published April 9, 1981 at 13 N.J.R. 238(c), but with spelling, punctuation, and other technical changes not in violation of N.J.A.C. 1:30-3.5, and with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

(b)

On March 4, 1981, the Department (NJDOE) submitted the proposed amendments to the United States Department of Energy (USDOE) for its approval pursuant to the National Energy Conservation Policy Act, Pub. L. No. 95-619, as amended by the Energy Security Act, Pub. L. No. 96-294, and 10 C.F.R. Part 456. The USDOE approved the amendments on March 25, 1981, subject to the following five conditions:

"(1) That NJDOE delete paragraph (b)(1)(iii) concerning the minimum number of suppliers and installers and renumber subsequent sections accordingly.

(2) That NJDOE amend the first full sentence of paragraph (b)(1)(v), beginning 'Such procedures shall . . .', to read as follows:

Such procedures shall provide, at a minimum, for individual notice about the selection of subcontractors to each supplier or installer (as appropriate) whose name appears on the RCS (HESP) lists distributed by the utility in the area to be served by the supply or installation program.

(3) That the hearings held under paragraph (b)(5) are held in accordance with Board of Public Utilities or NJDOE procedures and that the materials provided by the utility under paragraph 1 are available for public inspection when the hearing is announced.

(4) That NJDOE revise the introduction to paragraph (c) to read:

That the utility's procedures for selecting subcontractors (provided under paragraph (b)(1)) shall provide to small and minority-owned businesses a fair chance to participate in the subcontracting program."

(Letter to Charles A. Richman, Assistant Commissioner,

NJDOE, from Frank DeGeorge, Acting Assistant Secretary for Conservation and Renewable Energy, USDOE; dated March 25, 1981.)

The amendments have been revised accordingly in order to satisfy the USDOE's conditions for approval.

An order adopting the rule was filed with the Office of Administrative Law on June 18, 1981 as R.1981 d.254.

(a)

TRANSPORTATION

THE COMMISSIONER

Adopted Amendment: N.J.A.C. 16:28-1.17 Speed Limits for State Highways Route 147

Effective Date: July 9, 1981

On May 13, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and 39:4-98 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-1.17 concerning speed zones along Route 147 as proposed in the Notice published April 9, 1981 at 13 N.J.R. 239(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 18, 1981 as R.1981 d.196.

TRANSPORTATION

TRANSPORTATION OPERATIONS

Proposed Amendment: N.J.A.C. 16:28-1.49 Speed Limits for State Highways Route 35

Public Hearing: None

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-98, proposes to amend N.J.A.C. 16:28-1.49 concerning speed limits for State highway Route 35, Sayreville Borough, Perth Amboy, Middlesex County.

Summary

This proposed amendment will reduce the speed limit 10 mph along Route 35 in the Borough of Sayreville and the City of Perth Amboy, Middlesex County.

Social Impact

This rule will decrease the speed limit and thus, the number of accidents which have occurred and decrease the severity of those which may occur. Additionally, it will contribute to the health, safety and welfare of the residents residing in the area and the motoring public.

Economic Impact

The rule will involve direct and indirect costs for the replacement of signs by the workforce of the Department. Costs are dependent upon mileage, personnel and equipment requirements.

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

16:28-1.49 Route 35 including Higgins Avenue, Route U.S. 9 and 35, and Route 35 and 71

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

(d) The rate of speed designated for State highway Route 35 described [herein below] in (d) of this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat for both directions of traffic.

1. (No change.)

2. Zone two: [45] 35 mph in the Borough of Sayreville from the northernmost intersection of Route U.S. 9 in the City of Perth Amboy to Smith Street (milepost 51.0 to 52.3).

3. - 9. (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-86.

(a)

TRANSPORTATION

TRANSPORTATION OPERATIONS

Proposed Amendment: N.J.A.C. 16:28-1.111
Speed Limits for State Highways
Route 87

Public Hearing: None

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-98, proposes to amend N.J.A.C. 16:28-1.111 concerning speed limits for State highway Route 87, in the City of Atlantic City, Atlantic County.

Summary

The proposed amendment reduces the speed limit originally established along Route 87 in the City of Atlantic City, Atlantic County as was proposed in LS-74-18, adopted June 13, 1974 as N.J.A.C. 16:28-1.111. This reduction is based upon an engineering investigation conducted during August 1980.

Social Impact

This rule will decrease the speed limit and thus, the number of accidents which have occurred and decrease the severity of those which may occur. Additionally, it will contribute to the health, safety and welfare of the residents in the area and the motoring public.

Economic Impact

This rule will cause signs to be erected indicating the speed limits, plus direct and indirect costs involved by the Department workforce. Costs are dependent upon mileage, personnel and equipment requirements.

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

16:28-1.111 Route 87

(a) The rate of speed designated for the certain parts of State highway Route 87 in the City of Atlantic City, Atlantic County described [herein below] in this subsection shall be and hereby is established and adopted as the maximum legal rate of speed thereat.

1. (No change.)

i. Zone one: [50] 45 mph from Route U.S. 30 to the beginning of the center barrier approximately 1,250 feet north of Huron Avenue; thence

ii. Zone two: [55] 50 mph to the end of Route 87 at the northerly end of the bridge over Absecon Inlet.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-91.

(b)

TRANSPORTATION

THE COMMISSIONER

Adopted Amendments: N.J.A.C. 16:28A-1.2,
1.7 and 1.66

Restricted Parking
Routes 1 and 9, U.S. 9 and 18

Effective Date: July 9, 1981

On May 13, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.2, 1.7 and 1.66 concerning restricted parking along Route 1 and 9, Route U.S. 9 and Route 18, as proposed in the Notice published April 9, 1981 at 13 N.J.R. 239(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 18, 1981 as R.1981 d.195.

(c)

TRANSPORTATION

TRANSPORTATION OPERATIONS

Proposed Amendment: N.J.A.C. 16:28A-1.7

Restricted Parking and Stopping
Route U.S. 9

Public Hearing: None

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.7 concerning "no parking" zones along Route U.S. 9 in the Township of Manalapan, County of Monmouth.

Summary

This proposed amendment will establish "no parking" zones along Route U.S. 9 establishing bus stops and cause appropriate signs to be erected advising the motoring public.

Social Impact

This rule will restrict parking along the areas designated and generate greater confidence in State government by local municipalities in the expeditious implementation of ordinances. Additionally, it will enhance the safety factor.

Economic Impact

The rule involves direct and indirect costs for the placement of signs by the workforce of the Department. Costs are dependent upon mileage, personnel and equipment requirements.

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

16:28A-1.7 Route U.S. 9

(a) (No change.)

(b) The certain parts of State highway Route U.S. 9 described [herein below] in (b) 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. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops.

- 1. - 2. (No change.)
- 3. - 4. (Text proposed at 13 N.J.R. 240(a).)
- [3.] 5. (No change in text.)
- [4.] 6. Along the northbound side in Manalapan Township:
 - i. Far side bus stops:
 - [(1) Ryan Road (120 feet);]
 - [(2)] (1) (No change in text.)
 - [(3) Taylors Mills Road (120 feet);]
 - [(4)] (2) (No change in text.)
 - ii. Near side bus stops:
 - (1) Ryan Road (120 feet);
 - (2) Taylors Mills Road (120 feet);
- Renumber 5. - 7. as 7. - 9.
- 10. (Text proposed as 8. at 13 N.J.R. 157(b).)
- Renumber 8. - 9. as 11. - 12.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-87.

(a)

TRANSPORTATION

THE COMMISSIONER

Adopted Amendments: N.J.A.C. 16:28A-1.7, 1.19 and 1.26

Adopted New Rule: N.J.A.C. 16:28A-1.69

Restricted Parking

Route U.S. 9, Routes 28, 36, 124

Effective Date: July 9, 1981

On May 13, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.7, 1.19 and 1.26 and new rules to be cited as N.J.A.C. 16:28A-1.69 concerning restricted parking along Routes U.S. 9, 28, 36, and 124 as proposed in the Notice published April 9, 1981 at 13 N.J.R. 240(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 18, 1981 as R.1981 d.191.

(b)

TRANSPORTATION

TRANSPORTATION OPERATIONS

Proposed Amendments: N.J.A.C. 16:28A-1.14, 1.57
Restricted Parking and Stopping
Routes U.S. 202 Alternate and U.S. 206

Public Hearing: None

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.14 and 1.57 concerning restricted parking along Route U.S. 22 Alternate in Pahatcong Township, Warren County, and Route U.S. 206 in Byram Township, Sussex County.

Summary

The proposed amendments will establish "no parking" zones along Route U.S. 22 Alternate and U.S. 206, causing appropriate signs to be erected advising motorists.

Social Impact

These rules will restrict parking along the areas designated, and generate greater confidence in State government by local municipalities in the expeditious implementation of ordinances. Additionally, it will enhance the safety factor.

Economic Impact

These rules involve direct and indirect costs for the placement of signs by the workforce of the Department. Costs are dependent upon mileage, personnel and equipment requirements, etc.

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

16:28A-1.14 Route U.S. 22 Alternate

(a) The certain parts of State highway Route U.S. 22 Alternate described [herein below] in this subsection shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

- 1. No stopping or standing:
 - i. - ii. (No change.)
 - iii. Along the north side from a point 100 feet west of the westerly curb line of Shimer Avenue.

16:28A-1.57 Route U.S. 206

(a) (No change.)
(b) The certain parts of State highway Route 206 described [herein below] in (b) 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. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops.

- 1. - 6. (No change.)
- 7. Along the westerly (southbound) side in Byram Township, Sussex County:
 - i. Far side bus stop:
 - (1) Tamarack Road (100 feet);
 - ii. Midblock bus stop:
 - (1) Beginning 235 feet south of the southerly curb line of Hi-Glen Drive and extending 135 feet southerly therefrom;
 - (2) Beginning 430 feet south of the southerly curb line of Waterloo Road and extending 135 feet southerly therefrom.

8. Along the easterly (northbound) side in Byram Township, Sussex County:

i. Midblock bus stops:

(1) Beginning 440 feet south of the prolongation of the southerly curb line of Waterloo Road extended and extending 135 feet southerly therefrom.

ii. Far side bus stop:

(1) Lackawanna Road (150 feet);

iii. Near side bus stop:

(1) Tamarack Road (105 feet).

Renumber old 7. as 9.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-80.

(a)

TRANSPORTATION

TRANSPORTATION OPERATIONS

**Proposed Amendment: N.J.A.C. 16:28A-1.15
Restricted Parking and Stopping
Route 23**

Public Hearing: None

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.15 concerning "no parking" zones for bus stops designated along Route 23 in the Township of Wayne, County of Passaic.

Summary

The amendment establishes bus stops along Route 23 in the Township of Wayne, County of Passaic.

Social Impact

This rule will designate areas as bus stops for the safe and efficient on/off loading of passengers, thus, enhancing the safety and well being of the populace.

Economic Impact

This amendment will cause signs to be erected advising the motoring public. Additionally, it will involve direct and indirect costs for the Department's workforce, and is dependent upon mileage, personnel and equipment to be utilized.

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

16:28A-1.15 Route 23

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

(c) **The certain parts of the State highway Route 23 described in (c) of this section are hereby 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. 39:4-199 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:

i. Midblock bus stop—Black Oak Ridge Road:

(1) Beginning at a point 150 feet south of the southerly curb line of Black Oak Ridge Road and extending 135 feet southerly therefrom.

ii. Near side bus stop—Packanack Lake Road:

(1) Beginning at the northerly curb line of Packanack Lake Road and extending 125 feet northerly therefrom.

iii. Near side bus stop—Willow Place:

(1) Beginning at the northerly curb line of Willow Place and extending 105 feet northerly therefrom.

iv. Far side bus stop—Fairfield Road:

(1) Beginning at the southerly curb line of Fairfield Road and extending 100 feet southerly therefrom.

v. Far side bus stop—Greenwood Avenue:

(1) Beginning at the southerly curb line of Greenwood Avenue and extending 100 feet southerly therefrom.

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

i. Midblock bus stop—Packanack Lake Road:

(1) Beginning at a point 250 feet north of the northerly curb line of Packanack Lake Road and extending 135 feet northerly therefrom.

3. All bus stops to be the above specified length, measured from the curb line of the intersecting street or the prolongation of the curb line of the street which intersects.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-92.

(b)

TRANSPORTATION

THE COMMISSIONER

**Adopted Amendments: N.J.A.C. 16:28A-1.15
and 1.32**

**Restricted Parking
Routes 23 and U.S. 46**

Effective Date: July 9, 1981

On May 13, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.15 and 1.32 concerning restricted parking along Route 23 and Route U.S. 46 as proposed in the Notice published April 9, 1981 at 13 N.J.R. 241(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 13, 1981 as R.1981 d.192.

(a)

TRANSPORTATION

TRANSPORTATION OPERATIONS

Proposed Amendments: N.J.A.C. 16:28A-1.16 and 1.55

Restricted Parking and Stopping Route 24 and Route U.S. 202

Public Hearing: None

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.16 and 1.55 concerning restricted parking along State highway Route 24 and Route U.S. 202 in the Town of Morristown, Morris County.

Summary

These amendments will establish "no parking" zones along State highway Route 24 and Route U.S. 202 in the Town of Morristown, Morris County.

Social Impact

These rules will affect the motoring public and cause a systematic flow of traffic throughout Morristown. Additionally, it will enhance safety and confidence in State government by local municipalities in the expeditious handling of regulations.

Economic Impact

These amendments will cause signs to be erected advising the motoring public and involve direct and indirect cost by the Departments' workforce. Total expenditure is dependent upon personnel, mileage and equipment requirements.

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

16:28A-1.16 Route 24

(a) The certain parts of State highway Route 24 described [herein below] in (a) of this section are hereby 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 the town of Morristown:

i. - iii. (No change.)

iv. Along the north side of Route 24 (Washington Street):

(1) From the easterly curb line of Atno Avenue to the westerly curb line of High Street;

(2) From the easterly curb line of High Street easterly for 160 feet;

(3) From the westerly curb line of Mills Street westerly for 115 feet;

(4) From the easterly curb line of Mills Street easterly 325 feet.

v. Along the south side of Route 24 (Washington Street):

(1) From the westerly curb line of Hillcrest Avenue westerly from 240 feet;

(2) From the easterly curb line of Hillcrest Avenue easterly for 290 feet;

(3) From the westerly curb line of Bank Street westerly for 170 feet.

16:28A-1.55 Route U.S. 202

(a) The certain parts of State highway Route U.S. 202 described [herein below] in (a) of this section shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing in Morristown:
i. Along the west side of Route U.S. 202 (Speedwell Avenue):

(1)-(3) (No change.)

(4) From a point 100 feet north of the northerly curb line of Cutler Street to a point 100 feet south of the southerly curb line of Cutler Street.

ii. - x. (No change.)

2. - 4. (No change.)

(b) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-93.

(b)

TRANSPORTATION

THE COMMISSIONER

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

Effective Date: July 9, 1981

On May 13, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.19 concerning restricted parking along Route 28 as proposed in the Notice published April 9, 1981 at 13 N.J.R. 242(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 18, 1981 as R.1981 d.193.

(c)

TRANSPORTATION

THE COMMISSIONER

Adopted Amendments: N.J.A.C. 16:28A-1.32,
1.36 and 1.37
Restricted Parking
Routes U.S. 46, 57, and 70

Effective Date: July 9, 1981

On May 13, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.32, 1.36 and 1.37 concerning restricted parking along Routes U.S. 46, 57 and 70 as proposed in the Notice published April 9, 1981 at 13 N.J.R. 242(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 18, 1981 as R.1981 d.194.

(b)

(a)

TRANSPORTATION

TRANSPORTATION OPERATIONS

**Proposed Amendment: N.J.A.C. 16:28A-1.37
Restricted Parking and Stopping
Route 70**

Public Hearing: None

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.37 concerning restricted parking along Route 70 in the Township of Cherry Hill, County of Camden.

Summary

The proposed rule will establish "no parking" zones at bus stops along Route 70 in the Township of Cherry Hill, County of Camden and cause appropriate signs to be erected notifying motorists.

Social Impact

This rule will restrict parking in areas designated as "bus stops" allowing buses to receive and discharge passengers safely without obstructions; thus, the safety of passengers.

Economic Impact

This rule involves direct and indirect costs for the placement of signs by the workforce of the Department. Costs are dependent upon mileage, personnel and equipment requirements.

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

16:28A-1.37 Route 70

(a) (No change.)

(b) The certain parts of State highway Route 70 described in (b) 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. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops.

1. Along Route 70 westbound on the northerly side in the Township of Cherry Hill, County of Camden:

i. Beginning 130 feet west of the westerly curb line of Springdale Road and extending 135 feet westerly therefrom.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-83.

TRANSPORTATION

THE COMMISSIONER

Adopted Emergency Amendment:

N.J.A.C. 16:30-3.6

Proposed Amendment: N.J.A.C. 16:30-3.6

**High Occupancy Vehicles Lanes Along Route 444
(Garden State Parkway)**

Public Hearing: None

Emergency Amendment Effective Date:

June 5, 1981

Emergency Amendment Expiration Date:

August 4, 1981

On June 4, 1981, David Gwynn, Chief Engineer in the Department of Transportation, pursuant to authority of N.J.S.A. 27:1A-5, and 27:7-21a. and the applicable provisions of the Administrative Procedure Act, and upon certification by the Governor of the State of New Jersey that an imminent peril exists (see N.J.S.A. 52:14B-4(c)), adopted an emergency amendment to N.J.A.C. 16:30-3.6 concerning high occupancy vehicles along Route 444 (Garden State Parkway). Concurrently, the same rule is proposed for re-adoption on a non-emergent basis (see N.J.S.A. 52:14B-4(c) and N.J.A.C. 1:30-4.4(d)).

Summary

The proposed amendment to N.J.A.C. 16:30-3.6 maintains intact the entirety of that regulation except that it changes the number of persons in a vehicle, eligible to use the HOV lane from three or more persons to two or more persons. The intent of this amended regulation is the same as its parent provision—to encourage the growth of buses and High Occupancy Vehicles, to improve the person-carrying capacity of the Garden State Parkway and to reduce fuel consumption and related air pollution which will be caused due to the transportation of the same number of people in fewer vehicles. The HOV operation will provide a time savings to those people in buses and High Occupancy Vehicles and is intended to supplement the Department of Transportation's efforts to increase ride-sharing.

The amendment to N.J.A.C. 16:30-3.6 is designed to continue, in effect, the above philosophy and also immediately reduce the rush hour congestion that has not been relieved by the original implementation of the regulation.

Social Impact

The dependence of highway transportation on foreign petroleum has created a matter of serious concern to everyone. Not only high prices, but also the instability of the Mideast in providing a continuous supply of petroleum, has necessitated actions to reduce the consumption of petroleum-based fuel. As part of the New Jersey Department of Transportation's ride-sharing function, the institution of the High Occupancy Vehicle Lane on the Parkway will result in a savings of approximately 200,000 gallons of automobile fuel a year when a 25 percent increase in people travelling on the Parkway occurs. Beyond that, once the Garden State Parkway has achieved vehicular capacity conditions, a functioning High Occupancy Vehicle lane operation will result in 20 percent more people on the road, thereby providing increased mobility for the public. Until 25 percent of the people are being transported in the High Occupancy Vehicle lane, a temporary increase in fuel consumption and resulting air pollution may occur due to congestion in the mixed flow

lanes. However, the reduction from three or more persons per vehicle to two or more persons per vehicle is designed to minimize this problem. The long term benefit, once capacity conditions are achieved is great enough to overcome this temporary increase.

Economic Impact

Should the ride-sharing effort not occur, an additional lane of traffic in each direction would have to be constructed in order to provide these people with adequate capacity to move their lower occupancy vehicles. Because of inadequate existing right-of-way and inflation, it is estimated that those lanes would cause \$125 million to construct as an elevated roadway.

The benefit to motorists, assuming two dollars a gallon for gasoline in 1985, will be \$400,000 a year as a result of the fuel savings. Although not qualified in dollar terms, the air pollution improvements as a result of the 20 percent additional people being transported in the same number of vehicles will be of benefit to the region.

Enforcement of the proposed regulation will be by the Department of Law and Public Safety, division of State Police, pursuant to N.J.S.A. 39:3-81.

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

16:30-3.6 Route 444 (Garden State Parkway)

(a) (No change.)

1. (No change.)

2. For the purpose of this section a high occupancy vehicle (H.O.V.) is one that contains a minimum of [three] two persons.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

The Department of Transportation thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5).

The proposal concerning high occupancy vehicle lanes is known as PRN 1981-90.

The emergency rule concerning high occupancy vehicle lanes is known as R.1981 d.218.

(a)

TRANSPORTATION

TRANSPORTATION OPERATIONS

Proposed Amendment: N.J.A.C. 16:31-1.10

Miscellaneous Traffic Rules

Turns on Route U.S. 30

Public Hearing: None

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-183.6, proposes to amend N.J.A.C. 16:31-1.10 concerning left turns on Route U.S. 30, in the city of Absecon, Atlantic County.

Summary

This amendment adds no left turn on Route U.S. 30 in the City of Absecon, Atlantic County.

Social Impact

This rule will preclude left turns and thus reduce accidents in view of rerouting of traffic in the city.

Economic Impact

This rule will cause signs to be erected involving direct and indirect costs involved by the Department's workforce.

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

16:31-1.10 U.S. 30

(a) Turning movements of traffic on the certain parts of Route U.S. 30 described [herein below] in this subsection are regulated as follows:

[1. No left turn east on Route U.S. 30 to north on Station Avenue, Atlantic City.]

1. No left turns:

i. East on Route U.S. 30 to north on Station Avenue, City of Absecon, Atlantic County.

ii. Westerly on Route U.S. 30 to southerly on Illinois Avenue.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-94.

(b)

TRANSPORTATION

DIVISION OF AERONAUTICS

Proposed Repeal: N.J.A.C. 16:56-3.1

Aircraft Registration

Aircraft Registry Log

Public Hearing: None

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5, proposes to repeal N.J.A.C. 16:56-3.1 concerning Aircraft Registry Logs.

Summary

This rule repeals the requirement to maintain an Aircraft Registry Log.

Social Impact

The rule could be considered discriminatory against interstate aircraft operators and an administrative burden to the airport operator with little, if any, practical resulting benefit, since many New Jersey airports except the very large ones are usually unattended during the late night period.

Economic Impact

The rule is not enforceable because of the ramifications involved, and its deletion would result in substantial savings and improvement of operations. It is in keeping with Executive Order 66 (1978), regarding the reduction of unnecessary rules.

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

CHAPTER 56

AIRCRAFT REGISTRATION

[SUCCHAPTER 3. AIRCRAFT REGISTRY LOG]
(RESERVED)

[16:56-3.1 Requirements

(a) In the interest of public safety, for internal security and other reasons, it is hereby required that a log shall be maintained at each licensed airport, landing field or landing strip, other than private, in the State of New Jersey, showing the arrivals and departures of all aircraft. New Jersey Department of Transportation Form DA-10, "New Jersey Aircraft Flight Registration" will be provided for this purpose by the Division of Aeronautics.

(b) It is hereby provided that it shall be the responsibility of the pilot of each aircraft using the licensed aviation facilities in the State of New Jersey to present himself to the appropriate aeronautical facility management upon arrival at and departure from a duly licensed airport, landing field, or landing strip, to record such pertinent information as is required by the Division of Aeronautics.

(c) The provisions of this Section are deemed to be complied with in the case of the controlled airports such as Newark, New Jersey, and Teterboro, New Jersey, by virtue of the fact that Federal Aviation Administration Control Tower records of arrival and departure are maintained.]

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-95.

(a)

TREASURY

DIVISION OF PENSIONS

Adopted Amendment: N.J.A.C. 17:1-2.2
Alternate Benefit Program
Salary Reduction Agreements

Effective Date: July 9, 1981

On June 9, 1981, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-192 and Chapter 39, Laws of 1981, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 17:1-2.2 concerning salary reduction agreements in the Alternate Benefit Program as proposed in the Notice published May 7, 1981 at 13 N.J.R. 308(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 12, 1981 as R.1981 d.239.

(b)

TREASURY

DIVISION OF PENSIONS

Adopted Amendment: N.J.A.C. 17:1-2.18
Contributions, Alternate Benefit Program

Effective Date: July 9, 1981

On June 9, 1981, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-192 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 17:1-2.18 concerning contributions in the Alternate Benefit Program as proposed in the Notice published May 7, 1981 at 13 N.J.R. 309(a), without change.

An order adopting these amendments was filed with the Office of Administrative Law on June 12, 1981 as R.1981 d.240.

(c)

TREASURY

DIVISION OF PENSIONS

Adopted New Rule: N.J.A.C. 17:1-2.34
Alternate Benefit Program
Insurance Liability for Unenrolled Members

Effective Date: July 9, 1981

On May 12, 1981, the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-192 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule concerning insurance liability for unenrolled members in the Alternate Benefit Program as proposed in the Notice published April 9, 1981, at 13 N.J.R. 244(e), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 29, 1981, as R.1981 d.213.

(d)

TREASURY

DIVISION OF PENSIONS

Adopted New Rule: N.J.A.C. 17:1-2.35
Alternate Benefit Program
County Colleges Acting as Agents

Effective Date: July 9, 1981

On June 9, 1981, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-189, 18A:66-192 and 52:18A-96 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 17:1-2.35, concerning county colleges acting as agents for the Division of Pensions in certain instances, regarding the Alternate Benefit Program, as proposed in the Notice published May 7, 1981, at 13 N.J.R. 309(b).

An order adopting this rule was filed with the Office of Administrative Law on June 12, 1981, as R.1981 d.241.

(a)

TREASURY

DIVISION OF PENSIONS

Proposed Amendment: N.J.A.C. 17:1-4.11
General Administration
Purchase Terms and Employee Liability

Public Hearing: None

William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-96 and N.J.S.A. 43:15A-75.1, proposes to amend N.J.A.C. 17:1-4.11 concerning purchase terms and employee liability.

Summary

The purchase of this amendment is to conform to the provisions of the recently adopted Chapter 7, Laws of 1981. The proposed amendment outlines the calculation of the cost of purchase of service in such cases where the employee must assume the total liability for such purchase because the employer is not liable for any portion of the cost of such purchase.

Social Impact

Due to the unique provisions of Chapter 7, Laws of 1981, only a certain few employees within the PERS are exclusively affected by that law and these proposed rules. The eligible members in PERS who qualify for the purchase of the service mentioned in the statute are the only persons affected by this proposal.

Economic Impact

The statute specifically states that the member's employer shall not be liable for such costs. Neither the State nor the public are economically affected by this proposal.

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

17:1-4.11 Purchase terms; computation; employee pay-all
(a) - (b) (No change.)

(c) On occasion, the statute, such as Chapter 7, Laws of 1981, may require the member of the retirement system to pay the entire cost of a purchase of service, stipulating that the employer shall not be liable for the cost of any such purchase. In that event, the following shall apply:

1. At the time of purchase request, an estimated cost for purchase of service will be calculated based on factors supplied by the actuary, in which the estimate will be based on the employee initially paying twice the factor charge. This cost will be communicated to the member in a manner such that it is clearly understood that a final lump sum cost may be required at retirement to consummate the purchase.

2. Upon application by the member for retirement, the actual cost of the service purchased will be calculated. The difference between this actual cost and any monies accumulated based upon the estimated cost will have to be paid in a lump sum. If the actual cost is less than the monies accumulated, the difference will be refunded to the member.

3. The actual cost of the service purchased is equal to the reserve for the total retirement allowance to be received based upon all service including the purchase less the reserve for the retirement allowance earned to date based upon actual service credited under the System. The latter reserve would also reflect any deferral of payment required based upon actual service credited under

the System to meet minimum eligibility requirements for immediate payment of a retirement allowance.

4. If a required final payment is not made but the member is eligible to retire based on actual service, the purchase will be cancelled, the member will be retired with a benefit based on actual service, and any monies accumulated for the purchase will be refunded.

5. If a required final payment is not made and the member is not eligible to retire based on actual service, the application for retirement will not be approved pending completion of the purchase or of the minimum eligibility requirements for retirement.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph, Director
Division of Pensions
20 West Front Street
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-82.

(b)

TREASURY

DIVISION OF PENSIONS

Proposed Amendments: N.J.A.C. 17:5-1.1, 1.3,
1.4, 2.2, 4.1, 5.7, 5.10, 5.12, 5.13, 6.1
Proposed New Rule: N.J.A.C. 17:5-2.4
State Police Retirement System

Public Hearing: None

The Board of Trustees of the State Police Retirement System in the Division of Pensions in the Department of Treasury, pursuant to authority of N.J.S.A. 53:5A-30h, proposes to amend various rules of the State Police Retirement System, and to adopt a new rule to be cited as N.J.A.C. 17:5-2.4 concerning administration, insurance and death benefits, purchases, retirement and transfers.

Summary

The purpose of this proposal is to modify and update the rules of the State Police Retirement System so that they conform, where possible, to similar rules of the other public employees retirement systems. The proposal concerns grammatical changes, insurance liability for unenrolled members, transfers, certifying officers, service credit, compulsory retirement and contributions.

Social Impact

Members of the State Police Retirement System, as recipients of retirement allowances therein, the State, as the employer of the State Policemen, and the public, whose taxes support such retirement system, may be affected by this proposal.

Economic Impact

Depending on whether or not an individual State Policeman's retirement benefits are increased or decreased by this proposal, the individual member, the State and the public may be affected economically by this proposal for the reasons cited above.

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

17:5-1.1 Board meetings

The board of trustees shall meet at the call of the [chairman] chairperson or secretary[.], subject to the prescribed requirements and procedures of C. 231, P.L. 1975.

17:5-1.3 Officers and committees

(a) The [chairman] chairperson of the board will be elected by a majority vote of the members in attendance at the first meeting of each fiscal year, not less than three members to be present at such a meeting. The [chairman] chairperson of the board shall preside at all meetings he attends and in his absence another member selected by the majority of the members in attendance will preside for that single meeting.

(b) (No change.)

17:5-1.3(c) The [chairman] chairperson will appoint such committees from the board members as he deems necessary to facilitate the board's operations. Such committee appointments will be for a one-year period, commencing each July 1.

17:5-1.4 Certifying [agent] officer (employer)

(a) The official properly designated by the Division of State Police will serve as the certifying [agent] officer.

(b) The prime purpose of the certifying [agent] officer will be to certify facts of enrollment, retirement, withdrawal and to implement proper procedures for the reports and transmittal of employee deductions and to act as liaison for all dealings between the Division of State Police and the retirement system.

17:5-2.2 Survivor benefits

(a) Payment of pension benefits to eligible survivors shall become effective on the first of the month of the member's death and shall terminate as of the month in which the survivor no longer qualifies for such benefits.

(b) (No change.)

17:5-2.4 Insurance liability for unenrolled members

(a) In the event of the death of an individual prior to enrollment and on account of whom the Board of Trustees has determined that insurance benefits are payable:

1. The employer will be charged directly for the full amount of the insurance benefit when no application was completed by the employee and the employee was required to enroll.

2. The employer will not be charged directly if an application for enrollment was filed with the Retirement System prior to the employee's date of death.

3. The System may assume the liability when an application has been executed by the employee but not received by the System prior to his demise provided satisfactory evidence concerning the filing delay has been presented to the Board of Trustees.

17:5-4.1 Previous State service or former membership; interfund transfers

(a) The purchase of service credit will be based upon cost formulas supplied by the actuary of the System:

1. Service previously covered by another retirement system supported in whole or in part by the State or service previously rendered to the State of New Jersey, may be purchased by a member. Such credit shall be included in the computation of a retirement allowance at the rate of one percent of final compensation for each year of such service credit purchased. Such service credit cannot be used to satisfy the statutory requirements of sections 8 and 27 which refer to a minimum number of years credit accrued in the service of the State Police.

2. (No change.)

[(b) Service credit transferred to the State Police Retirement System from another State-operated retirement system will be made under reciprocal transfer arrangements with the other funds, but the service will result in a retirement benefit of one per cent of final compensation for each year transferred and such transfer cannot be utilized to meet the minimum requirements of 20 years' service and age 50 years applicable to members formerly enrolled in the State Police Retirement and Benevolent Fund.]

17:5-5.5 Outstanding loan

(a) Any outstanding loan against the Annuity Savings Fund must be repaid before any member may qualify for any type of retirement other than disability retirement. The Board may, however, consider cases of extreme hardship and permit an actuarial reduction of the retirement allowance to satisfy the loan.

(b) (No change.)

17:5-5.7 Disability determination

(a) A member for whom an application for accidental disability retirement allowance has been filed by the member, by his employer or by one acting in behalf of the member, will be retired on an ordinary disability retirement allowance if the Board finds that:

1. (No change.)

2. The member is physically or mentally incapacitated for the performance of duty and such incapacity is likely to be permanent.

3-4. (No change.)

17:5-5.10 Employer application; employee notice

(a) If an application for an accidental disability retirement benefit or for an ordinary disability retirement benefit is filed by an employer for one of his employees, the member will be promptly notified by letter that:

1. - 6. (No change.)

7. [In the event the board finds that he is not totally and permanently incapacitated for the performance of duty, the employer's application shall be disallowed and the employer shall be informed that the member should be returned to duty.]

In the event the Board finds that he is not totally and permanently disabled for the performance of duty, the employer shall be so advised that the application has been rejected.

17:5-5.12 Disability retiree; annual report

(a) The total earnings permitted without reduction of a disability retirement allowance is the difference between the retirement allowance and the salary [not] now attributable to the member's former position in the Division of State Police.

17:5-5.13 Compulsory retirement

Compulsory retirements will be effective on the first day of the month following the month in which the member attains the condition of compulsory retirement. The mandatory retirement age of 55 years can at the option of the member, be extended to the date he accumulates 25 years of creditable service from all sources. In such an instance, the compulsory retirement date will be the first day of the month following the completion of such service.

17:5-6.1 Interfund transfers; other State systems

(a) (No change.)

(b) [Membership credit so transferred to the State Police Retirement System of New Jersey will have the identical value as service purchased, that is, it shall be included in the computation of a retirement allowance

on the basis of one per cent of final compensation for each of such service credit so transferred. Such transfers involve the transfer of the employee's account and the reserve necessary to fund the credits in the system accepting the transfer.]

(b) Membership credit so transferred to the State Police Retirement System of New Jersey shall be included in the computation of a retirement allowance. Such credits cannot be used to satisfy the statutory requirements of those benefits which specifically require a minimum number of years creditable service as the State Police employee.

(c) Identical agreements between the Police and Firemen's Retirement System of New Jersey, the Public Employees' Retirement System of New Jersey, the Teachers' Pension and Annuity Fund and the State Police Retirement System of New Jersey call for the actuarial determination of the reserves accumulated in the former system and those required in the new system:

1. - 2. (No change.)

3. The employee will contribute at the rate appropriate to his original age in the former system or the flat rate of employee contribution if such is prescribed in the system to which he is transferring.

4. (No change.)

(d) - (e) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Anthony Ferrazza, Secretary
State Police Retirement System
Division of Pensions
20 West Front Street
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-84.

(a)

TREASURY

DIVISION OF PENSIONS

Proposed Amendments: N.J.A.C. 17:5-5.2, 5.6, 5.12

State Police Retirement System
Effective Dates, Retirement Credits,
Disability Retirants

Public Hearing: None

The Board of Trustees of the State Police Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 53:5A-30h, proposes to amend N.J.A.C. 17:5-5.2, 5.6 and 5.12 concerning effective dates, retirement credit and disability retirants in the State Police Retirement System.

Summary

N.J.A.C. 17:5-5.2 prohibits the receipt of retirement benefits and/or service credit if a member continues to receive salary for services rendered after his retirement has been approved.

N.J.A.C. 17:5-5.6 allows for pension service credit under

certain conditions where a member successfully defends a suspension and is awarded back pay.

N.J.A.C. 17:5-5.12 corrects a typing error (i.e., "not" is changed to "now" and clarifies or changes "annuity" to "earnings").

Social Impact

These proposed amendments may affect present and retired members of the State Police Retirement System as well as the State of New Jersey insofar as they are recipients and contributors to the State Police Retirement System. The public may also be affected by this proposal since its taxes support public pensions in all systems.

Economic Impact

The retirement allowances paid to present and retired members of the State Police Retirement System are affected by this proposal since the latter deals with retirement credits which are the bases for computation of a retirant's pension. If such pensions are increased or decreased, the State and indirectly the public are affected since, as contributors to the system, their liability can be increased or decreased.

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

17:5-5.2 Effective dates; changes

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

(f) Should the member continue to receive a salary for services rendered beyond the effective date of retirement after approval of the retirement by the Board of Trustees, no retirement benefits shall be paid for the period where the member received salary and no salary or service credit shall be provided for the service rendered after the approved, effective date of retirement.

17:5-5.6 Retirement credit

(a) A member shall receive credit toward retirement for any month or biweekly pay period in which a full normal deduction is received by the system.

(b) A member who appeals the suspension or termination of his employment and is awarded back pay for all or portion of the period of suspension or termination shall receive retirement credit for the period covered by award, regardless of the amount of the back pay award, provided a full normal pension contribution is received from the member or deducted from the value of the award. The pension contribution will be based on the salary the member was receiving for pension purposes prior to the suspension or termination of employment. In the event the amount of back payment is insufficient to deduct the value of the normal pension contributions due, such contributions shall be paid by the member.

17:5-5.12 Disability retirant; annual report

(a) Where applicable, the total earnings permitted without reduction of pension is the difference between the retirement allowance and the salary [not] 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 [annuity] 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) - (d) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Anthony P. Ferrazza, Chief
Police and Fire Bureau
Division of Pensions
20 West Front Street
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-77.

(a)

TREASURY

DIVISION OF PENSIONS

Adopted Amendments: N.J.A.C. 17:6-3.2, 3.6
Police and Firemen's Pension Fund
Effective Dates and Retirement Credits

Effective Date: July 9, 1981

On May 13, 1981, Anthony P. Ferrazza, Secretary of the Consolidated Police and Firemen's Pension Fund in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16-7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:6-3.2 and 3.6 concerning Fund effective dates and retirement credit as proposed in the Notice published April 9, 1981 at 13 N.J.R. 245(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 20, 1981 as R.1981 d.201.

(b)

TREASURY

STATE HOUSE COMMISSION

Adopted Amendment: N.J.A.C. 17:10-5.3
Judicial Retirement System
Suspension of Benefits While Receiving Salary

Effective Date: July 9, 1981

On June 11, 1981, the State House Commission, pursuant to authority of N.J.S.A. 43:6A-29d and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 17:10-5.3 concerning effective dates and changes and suspension of benefits while receiving salary in the Judicial Retirement System as proposed in the Notice published May 7, 1981 at 13 N.J.R. 331(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 17, 1981, as R.1981 d.244.

(c)

TREASURY

DIVISION OF TAXATION

Adopted Amendments: N.J.A.C. 18:12-9.2, 9.3,
9.5 and 9.6

Local Property Tax
Mobile Homes

Effective Date: July 9, 1981

On May 20, 1981, Sidney Glaser, Director of the Division of Taxation in the Department of Treasury, pursuant to authority of N.J.S.A. 54:50-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:12-9.2, 9.3, 9.5 and 9.6 concerning a mobile homes taxation moratorium (local property tax) as proposed in the Notice published March 5, 1981 at 13 N.J.R. 162(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 21, 1981 as R.1981 d.207.

(d)

TREASURY

DIVISION OF TAXATION

Proposed Amendments: N.J.A.C. 18:14-1.1, 2.2,
2.3, 2.4, 2.7, 2.8, 2.10, 3.4, 3.6, 3.9, 3.10

Local Property Tax
Senior Citizens' Deduction

Public Hearing: None

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-8.47, proposes to amend various sections in N.J.A.C. 18:14 concerning the senior citizens' deduction for the local property tax.

Summary

Pursuant to an amendment made to the New Jersey State Constitution, the Legislature enacted Chapters 85 and 86, P.L. 1981 which implemented the constitutional provisions. The director, using his rulemaking power, amended N.J.A.C. 18:14-1.1, 18:14-2.2, 18:14-2.3, 18:15-2.4, 18:14-2.7, 18:14-2.8, 18:14-2.10, 18:15-3.4, 18:15-3.6, 18:14-3.9 and 18:14-3.10 in order that the rules in effect before the amendment would now show the annual income limitations which would qualify a senior citizen, totally and permanently disabled citizen, or certain surviving spouse for a local property tax deduction, and also increase the amount of the deduction. The income limitations to qualify for the deduction were increased and the amounts of the senior citizen, totally and permanently disabled citizen or certain surviving spouse deductions were increased. The amount of the income limitation increased from \$5,000 to a maximum amount of \$10,000 for the year 1983 and thereafter. The amount of the deduction increased from \$160 to \$250 in 1983 and thereafter.

Social Impact

The social impact has been imposed upon New Jersey citizens at their request which led to the adoption of the constitutional amendment and the enabling legislation. Therefore, the present amendments bring the New Jersey Administrative Code provisions into conformance with the present statutory law. The amendments do not add to the

social impact in any appreciable degree when compared to the New Jersey Constitution and the provisions of the legislation. Perhaps they do give the public a better notice of the changes made.

Economic Impact

Similar to the discussion as to the social impact, the provisions of the New Jersey Constitution and the statutes are being updated in the New Jersey Administrative Code. The rules will not make any substantive changes but are made to conform to the constitutional and statutory provisions. The cost to the State will be minimal, involving printing costs, etc.

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

18:14-1.1 Words and phrases defined

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

"Annual income limitations" shall be: \$5,000.00 for any year prior to 1981; \$8,000.00 for the year 1981; \$9,000.00 for the year 1982; and \$10,000.00 for the year 1983 and each year thereafter.

"Property tax deduction amount" shall not exceed: in any year prior to 1981, \$160.00; in the year 1981, \$200.00; in the year 1982, \$225.00; and, in the year 1983 and in each year thereafter, \$250.00.

"Federal Internal Revenue Code income definition—when applicable" means that, except as herein otherwise indicated, the definition of income under the Federal Internal Revenue Code and the regulations issued pursuant thereto, shall constitute the basis for computing claimant's income for the purpose of determining whether a claimant meets the [\$5,000.] applicable annual income limitation.

"Income" means that the claimant, in applying for the tax deduction, must establish that his anticipated income from all sources for the tax year for which the deduction is claimed will not exceed [\$5,000.] the applicable annual income limitation, exclusive of social security benefits; benefits received under the Federal Railroad Retirement Act and other Federal pension, disability and retirement programs; or pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under the Federal Social Security Act, including, but not limited to, salaries, wages, bonuses, commissions, tips and other compensations before payroll deductions, all dividends, interest, realized capital gains, royalties, income from rents, business income and, in their entirety, pension, annuity and retirement benefits. Realized capital gains, except for capital gain resulting from the sale or exchange of real property owned and used by the taxpayer as his principal residence, and on which he received a deduction allowed by this act, and dividends, interest, pensions, annuities and retirement benefits must be included in full without deductions even though they may be wholly or partially exempt for Federal income tax purposes.

1. Example: The property owner sold his home on September 1 of the tax year on which he made a capital gain of \$10,000.00. None of this amount is includible in income for the purpose of determining the [\$5,000.] applicable annual income limitation;

5. In determining whether claimant's income during the applicable income period exceeds [\$5,000] the applicable

annual income limitation, the income of members of claimant's family, other than his or her spouse, shall not be combined with the income of the claimant.

18:14-2.2 Proof required to establish right to deduction for persons of the age of 65 or more years or less than 65 years of age who are permanently and totally disabled.

(a) (No change.)

1. - 2. (No change.)

3. The owner of a dwelling house which is a constituent part of the real property for which the deduction is claimed[; and] or the owner of a dwelling house which is assessed as real property but which is situated on land owned by another or others; and

4. (No change.)

(b) Where an application is made on or before December 31 of the pretax year, or during the tax year, a claimant is required to establish that the anticipated income of the claimant and his spouse for the tax year will not exceed [\$5,000.] the applicable annual income limitation.

(c) In addition, a claimant must file with the collector on or before February 1 of the post-tax year, a statement, under oath, that his income for the tax year and his anticipated income for the current tax year, as well as any other information deemed necessary to establish the right of such claimant of a deduction for the current tax year.

18:14-2.3 Proof required to establish right to deduction for a surviving spouse

(a) (No change.)

1. - 2. (No change.)

3. The owner of a dwelling house which is a constituent part of the real property of which the deduction is claimed [; and] or the owner of a dwelling house which is assessed as real property but which is situated on land owned by another or others; and

4. (No change.)

(b) Where an application is made on or before December 31 of the pretax year with the assessor, or during the tax year with the collector, a claimant is required to establish that the anticipated income of the claimant and his spouse for the tax year will not exceed [5,000.] the applicable annual income limitation.

Renumber Code misprint (b) as (c).

18:14-2.4 Proof of totally and permanently disabled

[(a)] Every claim for a deduction by a person who is permanently and totally disabled shall include a physician's certificate or Social Security award certificate, form SSA-30 [(1-74)], verifying the claimant's permanent and total disability and in the claim by a person who is blind, he may additionally submit a certificate from the New Jersey Commission of the Blind certifying to blindness as defined. (See N.J.A.C. 18:14-1.1 for a definition of "blindness".)

18:14-2.7 Legal domicile of claimant must be in New Jersey

(a) (No change.)

1. For example: An application for deduction for the tax year [1977] 1981 must establish that claimant was legally domiciled in New Jersey during the period October 1, [1975] 1979 to and including October 1, [1976] 1980.

18:14-2.8 Proof of ownership

(a) The act requires that the claimant be the owner of the dwelling house which is a constituent part of the real estate on which the deduction is claimed[.] or the owner of a dwelling house which is assessed as real property

but which is situated on land owned by another or others. See N.J.A.C. 18:14-1.1 for a definition of dwelling house. A claimant should be prepared to furnish, on request of the assessor or collector, proof of ownership of the property for which deduction is claimed. Deduction cannot be allowed on a dwelling house on which the claimant has only an estate for a term of years, a leasehold interest or an interest of any other nature less than an estate in fee. Deduction may be allowed where claimant's interest in the dwelling house is that of a tenant for life provided the tenant is responsible for the payment of taxes on the property on which the deduction is granted. Where the claimant asserts that his interest in the dwelling house on which deduction is claimed arises from a will or the intestate laws of this State, care should be exercised to make certain that he is the owner of the legal title to such property, individually or jointly or has a life estate in such dwelling house.

(b) [For purposes of this act, a claimant is deemed to own property who is under an executory contract for the sale of property.] The requirement of ownership shall be satisfied by the holding of a beneficial interest in the dwelling house where legal title thereto is held by another who retains a security interest in the dwelling house.

18:14-2.10 Proof of income; post-tax year statement

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

(c) The failure of any person to file the statement within time herein provided or to submit such proof as the collector deems necessary to verify a statement that has been filed, or if it is determined that the income of any such person exceeded [\$5,000] the applicable annual income limitation for said tax year, his tax deduction for said tax year will be disallowed and his taxes to the extent represented by the amount of said deduction will be payable on or before March 1 of the post-tax year.

(d) (No change.)

(e) For the purpose of determining the [\$5,000] applicable annual limitation on income, only that income earned between January 1 and December 31 of the tax year is considered.

18:14-3.4 Deduction in case of added assessment

(a) Where an added assessment is levied upon a dwelling house, the owner, if entitled to claim a tax deduction and timely application is made, may make claim for such a tax deduction and the assessor shall allow the same if all of the requirements of said law and this chapter have been complied with, provided, however, that the claimant held legal title, as of October 1 of the pretax year, to the property on which the improvement has been made and the aggregate amount of the tax deduction claimed against the total taxes on the entire property does not exceed [\$160.00.] The maximum deduction allowed for the applicable tax year pursuant to the provisions of the act.

(b) (No change.)

18:14-3.6 Limitation on deduction

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

(c) Where the title to the dwelling house is held by a senior citizen or a totally and permanently disabled citizen or a surviving spouse, and a veteran, either as tenants by the entirety, joint tenants or as tenants in common, each claimant shall be entitled to his full deduction even if the aggregated deduction so granted exceeds [\$160.00] the maximum deduction allowed for the applicable year, provided that the deductions so granted do not exceed each claimant's proportionate share of the total taxes assessed against the property.

(d) The sum deducted shall not exceed: in any year prior to 1981, \$160.00; in the year 1981, \$200.00; in the year 1982, \$225.00; and, in the year 1983 and in each year thereafter, \$250.00.

18:14-3.9 Pro rata or complete revocation of deduction

(a) (No change.)

(b) Upon the failure of any such person to file the statement within the time prescribed or to submit such proof as the collector deems necessary to verify a statement that has been filed, or if it is determined that the income of any such person exceeded [\$5,000] the maximum deduction allowed pursuant to the provisions of N.J.S.A. 54:4-8.40 et seq. for the tax year during which the transfer of title occurred, his tax deduction for said tax year shall be disallowed and his taxes to the extent represented by the amount of said deduction shall be payable on or before March 1 of the post-tax year or, where an extension of time for filing has been granted no later than 30 calendar days after the expiration of said extension, after which date if unpaid, said taxes shall be delinquent, constitute a lien on the property, and, in addition, the amount of said taxes shall be a personal debt of said person.

18:14-3.10 Disallowance of claim; notice

(a) If the application for deduction has been disapproved, a notice of disallowance form (PD 4, [January 1977]) April 1981) shall be forwarded to the claimant by regular mail and shall set forth the reason or reasons for disallowance of the claim and shall also set forth a statement notifying the taxpayer of his right to appeal to the county board of taxation on or before August 15 of the tax year.

1. By the assessor: where an initial application for deduction under N.J.S.A. 54:4-8.40 et seq. (form PD 1, 2 or 3) has been filed with the assessor on or after October 1 and no later than December 31 of the year preceding the tax year for which the deduction is claimed and it has been denied, notice of disallowance form (PD 4, [January 1977]) April 1981) shall be forwarded by the assessor to the claimant on or before June 1 of the tax year.

2. By the collector:

i. Where an initial application for deduction under N.J.S.A. 54:4.8.40 et seq. (form PD 1, 2 or 3) has been filed with the tax collector on or after January 1 and not later than December 31 of the tax year and it has been denied, notice of disallowance form (PD 4, [January 1977]) April 1981) shall be forwarded by the collector to the claimant within 30 days of receipt of the application;

ii. Where the deduction has been denied by the collector because the claimant failed to prove his entitlement to the deduction for the tax year or to the continuation of the deduction for ensuing tax year, as required by N.J.S.A. 54:4-8.44a, notice of disallowance form (PD 4, [January 1977]) April 1981) shall be forwarded to the claimant on or before February 10 of the post-tax year or, where an extension of time for filing has been granted, no later than 10 calendar days following the expiration of said extension;

iii. (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed amendments on or before August 10, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

J. Henry Ditmars, Superintendent
Local Property and Public Utility Tax
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

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

This proposal is known as PRN 1981-88.

(a)

TREASURY

DIVISION OF TAXATION

Adopted Amendment: N.J.A.C. 18:24-2.3
Sales and Use Tax Act
Retention of Records by Vendors

Effective Date: July 9, 1981

On May 20, 1981, Sidney Glaser, Director of the Division of Taxation in the Department of Treasury, pursuant to authority of N.J.S.A. 54:32B-24 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 18:24-2.3 concerning retention of records by vendors under the Sales and Use Tax Act as proposed in the Notice published March 5, 1981 at 13 N.J.R. 163(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 21, 1981 as R.1981 d.209.

(b)

TREASURY

DIVISION OF TAXATION

Adopted Amendments: N.J.A.C. 18:24-7.19
Sales and Use Tax Act
Mobile Homes

Effective Date: July 9, 1981

On May 20, 1981, Sidney Glaser, Director of the Division of Taxation in the Department of Treasury, pursuant to authority of N.J.S.A. 54:32B-24 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 18:24-7.19 concerning a moratorium on taxation of mobile homes under the Sales and Use Tax Act as proposed in the Notice published March 5, 1981 at 13 N.J.R. 163(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 21, 1981 as R.1981 d.206.

(c)

TREASURY

DIVISION OF TAXATION

Adopted New Rule: N.J.A.C. 18:24-12.4
Sales and Use Tax Act
Exemptions

Effective Date: July 9, 1981

On May 20, 1981, Sidney Glaser, Director of the Divi-

sion of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 18:24-12.4 concerning sales tax for food and drink provided in rest homes, nursing homes and boarding homes and residential health care facilities as proposed in the Notice published February 5, 1981 at 13 N.J.R. 111(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

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

18:24-12.4 Food and drink provided in rest homes, residential health care facilities, nursing homes and boarding homes [for senior citizens]

A rest home, residential health care facility, nursing home, and boarding [house for senior citizens, whether or not registered with the New Jersey] home licensed by the Department of Health, Department of Human Services[,] or the Department of Community Affairs [which accepts as residents only those persons who require special care because of age, illness or debility, and which provides special care by nurses, orderlies or aides,] is not required to collect sales tax for food and drink which are included in the total charges it makes to its residents for board, shelter and care.

An order adopting the rule was filed with the Office of Administrative Law on May 21, 1981 as R.1981 d.210.

(d)

TREASURY

DIVISION OF TAXATION

Adopted New Rules: N.J.A.C. 18:24-27.1 and 27.2
Sales and Use Tax Act
Transportation of Tangible Personal Property

Effective Date: July 9, 1981

On May 20, 1981, Sidney Glaser, Director of the Division of Taxation in the Department of Treasury, pursuant to authority of N.J.S.A. 54:32B-24 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 18:24-27.1 and 27.2 concerning transportation of tangible personal property under the Sales and Use Tax Act as proposed in the Notice published March 5, 1981 at 13 N.J.R. 164(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 21, 1981 as R.1981 d.208.

(e)

ECONOMIC DEVELOPMENT AUTHORITY

Adopted Amendments: N.J.A.C. 19:30-2.1,
2.2 and 2.3
Fees and Charges
Effective Date: July 9, 1981

On May 28, 1981, the New Jersey Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-5

and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:30-2.1, 2.2 and 2.3 concerning fees and charges as proposed in the Notice published April 9, 1981 at 13 N.J.R. 248(c), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on June 17, 1981 as R.1981 d.245.

(a)

**PORT AUTHORITY OF
NEW YORK AND NEW JERSEY**

**Adopted Amendment: Schedule of Charges
Newark International Airport**

Effective Date: May 1, 1981

On May 25, 1981, the Port Authority of New York and New Jersey amended the schedule of charges for the use of the Public Landing Area, Public Passenger Ramp Area, Public Cargo Ramp and Apron Area and Public Aircraft Parking and Storage Areas at Newark International Airport, by deleting the figure "\$500" from Section VI.A., and substituting the figure "\$750".

Pursuant to N.J.S.A. 52:14B-2(a) and 32:1-19, this order, which was filed with the Office of Administrative Law on May 20, 1981 as R.1981 d.204, is exempt from the notice, comment, and other rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(b)

**PORT AUTHORITY OF
NEW YORK AND NEW JERSEY**

**Adopted Amendments: Port Authority Rules
Revisions to Schedule of Charges**

Effective Date: As Noted Below

On April 29, 1981, the Port Authority of New York and New Jersey adopted amendments to the schedule of charges for heliports, for public vehicular parking fees at Kennedy, LaGuardia, and Newark International Airports, and for the observation deck admission fee at LaGuardia and Kennedy International Airports.

Full text of the adoption follows.

Heliports—Amendments to Schedule of Charges

Resolved, that the Schedule of Charges for the use of the Port Authority West 30th Street Heliport, adopted by the Committee on Operations, at its meeting on April 4, 1954, as amended, and the Schedule of Charges for the use of the Port Authority Downtown Heliport, adopted by the Committee on Operations, at its meeting on December 8, 1960, as amended, be and the same are hereby amended, effective July 1, 1981, as follows:

1. By amending the Section entitled "1 - Landing Charges" to read "Take-Off Charges".

2. By amending subparagraph 1 of said Section to read as follows:

"1 A. For each take-off of a helicopter having a maximum gross weight up to 4,000 pounds—\$15.00

B. For each take-off of a helicopter exceeding 4,000 pounds but not exceeding 8,000 pounds maximum gross weight—\$25.00

C. For each take-off of a helicopter exceeding 8,000 pounds but not exceeding 16,000 pounds maximum gross weight—\$35.00

D. For each take-off of a helicopter exceeding 16,000 pounds maximum gross weight—\$40.00

3. By amending Section II entitled "Helicopter Parking Charges" to change the rates as follows:

	First Quarter Hour	Next Hour	Each Additional Hour
Up to 8,000 lbs.	Free	\$12	\$ 6
8,001 to 16,000 lbs.	Free	30	15
Over 16,000 lbs.	Free	40	20

Kennedy International, LaGuardia and Newark International Airports—Amendment of Schedule of Charges—Public Vehicular Parking Fees

Resolved, that the resolution establishing fees for parking vehicles on Public Vehicular Parking Areas at Port Authority Air Terminals, adopted by the Board at its meeting on March 11, 1948, as subsequently amended, be and the same is hereby amended, effective June 28, 1981, as follows:

1. By revising the rates relative to LaGuardia Airport as follows:

Parking Garage

\$ 1.00 per hr. or part to 3 hrs.
1.00 per 2 hrs. or part thereafter
10.00 maximum for 24 hrs.
1.00 per 2 hrs. or part thereafter
10.00 maximum each 24 hrs.

All Other Lots except Premium Metered Area in Garage

\$ 1.00 per hr. or part to 3 hrs.
1.00 per 2 hrs. or part thereafter
7.00 maximum to 24 hrs.
1.00 per 3 hrs. or part thereafter
7.00 maximum each 24 hrs.

Premium Metered Area in Garage

\$.25 per ¼ hour (interim rate)
1.00 per hour or part (permanent rate)

2. By revising the rates relative to Kennedy International Airport as follows:

Premium Pan Am Rooftop (Lot No. 6)

\$ 1.00 per hour or part
16.00 maximum each 24 hrs.

Intermediate Central Terminal Area (except Lot No. 6)

\$ 1.00 per hr. or part to 3 hrs.
1.00 per 2 hrs. or part thereafter
8.00 maximum to 24 hrs.
1.00 per 2 hrs. or part thereafter
8.00 maximum each 24 hrs.

Remote Reduced Rate Long Term (Lots No. 8 & 9)

\$ 3.00 for 1st 24 hrs. or part
1.50 per 12 hrs. or part thereafter
3.00 maximum each 24 hrs.

3. By revising the rates relative to Newark International Airport as follows:

Premium "Hourly" Lots

\$ 1.00 per hour or part
16.00 maximum each 24 hrs.

Intermediate "Daily" Lots

- \$ 1.00 per hr. or part to 3 hrs.
- 1.00 per 2 hrs. or part thereafter
- 8.00 maximum to 24 hrs.
- 1.00 per 2 hrs. or part thereafter
- 8.00 maximum each 24 hrs.

Remote Reduced Rate Long Term Lots

(Lots D, 2, 3 & 4)

- \$ 1.00 per hour or part to 3 hrs.
- 3.00 maximum to 24 hrs.
- 1.50 per 12 hrs. or part thereafter
- 3.00 maximum each 24 hrs.

North Terminal "Daily" (Lot No. 1)

- \$ 1.00 per hr. or part to 3 hrs.
- 1.00 per 2 hrs. or part thereafter
- 6.00 maximum to 24 hrs.
- 1.00 per 4 hrs. or part thereafter
- 6.00 maximum each 24 hrs.

All rates include tax on parking.

LaGuardia and Kennedy International Airports—Amendment of Schedule of Charges—Observation Deck Admission Fee

Resolved, that effective June 15, 1981 the fee for admission to the Observation Decks at LaGuardia and Kennedy International Airports shall be twenty-five (\$.25) cents; provided, however, that there shall be no fee for such admission in the case of children under twelve (12) years of age accompanied by an adult and that such children shall not be admitted upon such Observation Decks unless so accompanied; and it is further

Resolved, that the Executive Director be and he hereby is authorized to revise the fee, from time to time, as he deems appropriate and as conditions warrant.

Pursuant to N.J.S.A. 52:14B-2(a) and 32:1-19, these rules, which were filed with the Office of Administrative Law on June 10, 1981, as R.1981 d.227, are exempt from the notice, comment, and other rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

LATE FILINGS AND NOTICES

(a)

CORRECTIONS

THE COMMISSIONER

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

**Emergency Rule Effective Date: June 23, 1981
Emergency Rule Expiration Date: August 24, 1981**

On June 23, 1981, William H. Fauver, Commissioner of Corrections, pursuant to authority of N.J.S.A. 30:8-44 and the applicable provisions of the Administrative Procedure Act, and upon certification by the Governor of the State of New Jersey that an imminent peril exists (see N.J.S.A. 52:14B-4(c)), adopted emergency new rules to be cited as N.J.A.C. 10A:31-4 concerning the remission of time from the sentence of prisoners in county penal institutions during the period when the prisoners are engaged in productive occupations or are classified in minimum security status.

These adopted emergency rules are the same as those proposed in this issue of the Register at 13 N.J.R. 434(b), which were filed with the Office of Administrative Law on June 19, 1981 as PRN 1981-127.

These emergency rules were filed with the Office of Administrative Law on June 23, 1981 as R.1981 d.270.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Correction: N.J.A.C. 10:65-2.1 Medical Day Care Change in Reimbursement Rate

Take notice that in the Notice appearing in the June 4, 1981 New Jersey Register at 13 N.J.R. 362(a), concerning reimbursement for Medical Day Care, the date for receipt of public comments was inadvertently and improperly given as August 10, 1981. Comments will be received instead through July 10, 1981.

This notice is published as a matter of public information.

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